

AGENDA
ZONING BOARD OF APPEALS

September 14, 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 August 10, 2016 ZBA Meeting Minutes

OLD BUSINESS

4. None

NEW BUSINESS

5. Concept Plan Review, Applicant: Todd & Candy Walburg, 614 S. Prospect Street, Galena, IL 61036. Request for concept plan review to provide non-binding feedback on proposal to operate 606 and 614 S. Prospect Street as a combined, Small Inn with 6 rooms.
6. 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.
7. Cal. No. 16A-03, 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.

COUNTY ZONING

8. None

WORKSESSION & OTHER

9. None

PUBLIC COMMENTS

10. Public Comments
11. 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 September 9, 2016
By Matt Oldenburg*

**MINUTES
ZONING BOARD OF APPEALS
AUGUST 10, 2016**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday August 10, 2016 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

Baranski	Absent
Bochniak	Present
Cook	Present
Holman	Present
Jansen	Present
Nybo	Present
Rosenthal	Present

A quorum was declared.

Zoning Administrator Matt Oldenburg, City Attorney Joe Nack and Zoning Secretary Deb Price were also present.

APPROVAL OF MINUTES

Bochniak moved, seconded by Cook to approve the July 2016 minutes.

Motion carried on voice vote.

OLD BUSINESS

Cal. No. 16V-01, Applicant and Owner: Alicia Buss, 2564 N. Windy Lane, Galena, IL 61036. Location: Parcel: 22-101-185-10, Located on Tract 2, Lot 9 and parts of Lots 6, 7 & 8 in Block 5 of the North Galena Addition, City of Galena, Jo Daviess County, Illinois. Request for a variance to allow a front facing garage to be located in front of the furthest projecting portion of the front façade of the dwelling.

MOTION: Bochniak moved, seconded by Cook to approve the Findings of Fact for Cal. No. 16V-01.

As Roll Call was:

Bochniak	Yes
Cook	Yes
Holman	Yes
Jansen	Yes
Nybo	Yes
Baranski	Absent
Rosenthal	Yes

Motion carried.

NEW BUSINESS

Cal. No. 16PD-02, Applicant: Adam Johnson, 211 Fourth Street, Galena, IL 61036 and Owner: Grace Episcopal Church, 107 S Prospect Street, Galena, IL 61036. Location: Parcel: 22-100-561-00, Lots 7, 9, 11 and South Half of Lot 5, Block 3 of the Original City of Galena, Jo Daviess County, Illinois. Common Address: 107 South Prospect Street, Galena, IL 61036. Request for approval of the Final Development Plan of the PUD.

MOTION: Nybo moved, seconded by Bochniak to open the Public Hearing on Cal. No. 16PD-02.

Motion carried on voice vote.

Nack swore in those persons who wished to testify at tonight's public hearing.

Adam Johnson 211 Fourth Street, Galena said he is representing the applicant. Nothing has changed in the Development Plan and the applicant is aware of and agrees to follow all directives issued by the City Council.

Rosenthal asked those in favor of the application to come forward.

No one did.

Rosenthal asked those opposed to the request to come forward and testify.

James Wirth 121 S High Street, Galena suggested the ZBA consider reducing the applicants request for a five-year time lapse before the studies are started. There could be a change in City staff, council or board members, church members or neighbors. He asked that if the ZBA was going to approve the finding that they consider his suggestions for language to be included in the motion. The intention of the studies is to make the applicant eligible to apply for a building permit. Studies may show particular conditions that need to be met or even that the project cannot go forward and as such it would be inappropriate for a building permit to be issued. Again - approval means the applicant would be eligible to apply for the building permit. If the Zoning Board has any doubt as to what the City Council's directives were they should send it back to them.

Rosenthal asked the applicant if they wished to rebut any of the testimony.

Johnson said they needed to indicate a time frame, but they are planning to proceed immediately. Stamped professional plans will be submitted. The studies are just the studies; they realize that having the studies done does not guarantee a building permit.

MOTION: Bochniak moved, seconded by Cook to close the Public Hearing on Cal. No. PD-02.

Motion carried on voice vote.

MOTION: Jansen moved, seconded by Holman to approve the Final Development Plan of the PUD request for Cal. No. 16A-02.

Discussion: Nybo asked if the language from Oldenburg's memo should be included in the motion.

Oldenburg said he outlined the specific conditions as motioned by the City Council.

Nack said Oldenburg's memo summarized the City Council's directives when they approved the request.

As Roll Call was:

Cook	Yes
Holman	Yes
Jansen	Yes
Nybo	Yes
Baranski	Absent
Bochniak	Yes
Rosenthal	Yes

Motion carried.

COUNTY ZONING

None

WORKSESSION/OTHER

None

PUBLIC COMMENTS

None.

MOTION: Jansen moved, seconded by Bochniak to adjourn the meeting at 6:50 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary

MEMO

To: The Zoning Board of Appeals
From: Matt Oldenburg, Zoning Administrator
Date: September 9, 2016

RE: Concept Plan Review, Applicant: Todd & Candy Walburg, 614 S. Prospect Street, Galena, IL 61036. Request for concept plan review to provide non-binding feedback on proposal to operate 606 and 614 S. Prospect Street as a combined, Small Inn with 6 rooms.

Summary:

The purpose of Concept Plan Review is an optional process that may provide an applicant with a general, non-binding direction from the Zoning Board of Appeals prior to submittal of a development application.

The applicant is interested in purchasing 606 S. Prospect Street, commonly known as the Avery Guesthouse, which currently operates as a 4-room B&B with on-street and off-street parking. The applicant also owns 614 S. Prospect Street, which currently has a Special Use Permit for a 2-room B&B. Both properties are within the Low Density Residential District.

The applicant proposes to operate both properties together as a Small Inn with 6 rooms; 5 rooms would be located in the Avery Guesthouse and 1 would be located in 614 S. Prospect along with the applicants' residence. This land use is allowable in the LDR District by Special Use Permit and also allows rooms to be located in detached units as long as they are within 150 feet of each other.

Two issues arise from this proposition: Off-street parking required by the Small Inn regulations and both properties are separated by another property that is 50 feet in width.

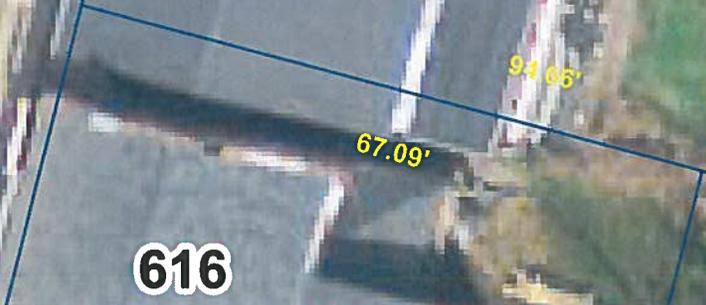
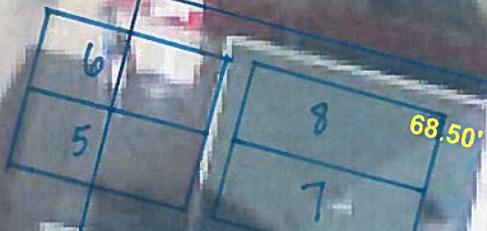
The definition of Common Ownership in §154.015 states that the properties must be contiguous or touching at a point, but can also be considered common if they are separated by a right-of-way or navigable stream. It is the interpretation of the Staff and City Attorney recently that this situation cannot be considered as Common Ownership if they were to purchase the Avery Guesthouse. Therefore, they must purchase some of the adjoining property to bridge the gap.

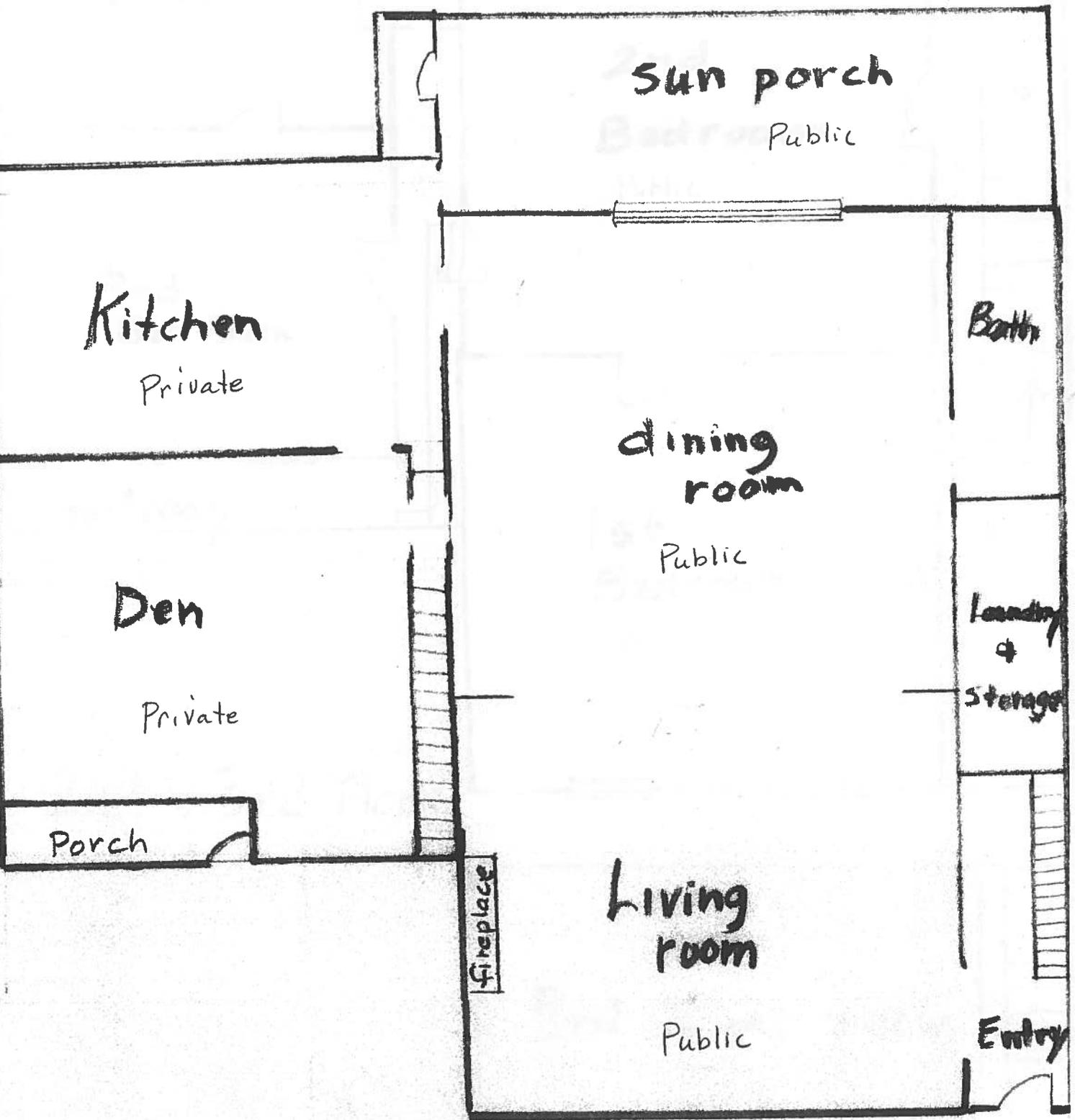
If the purchase is possible, the applicant wishes to proceed with a request for the Small Inn if the ZBA were to give them guidance on how to address the off-street parking requirement. Practically, with the exception of the two-car garage and driveway at the Avery, the lots of both properties are too small to accommodate any off-street parking. There is a physical hardship present by lack of lot size, established long-ago. The two properties currently have approval to operate as B&B's with on-street parking immediately adjacent to their lot frontages. If the Small Inn were approved, theoretically, the removal of the owners from the Avery would increase the off-street parking there and reduce the on-street parking. This notion may justify a variance for the parking requirements. Similarly, the Jail Hill Inn was granted a variance in 2015 due to a physical hardship of lot size and topography.

The applicants are seeking direction if a variance would be considered if they were to be able to purchase the connecting property.

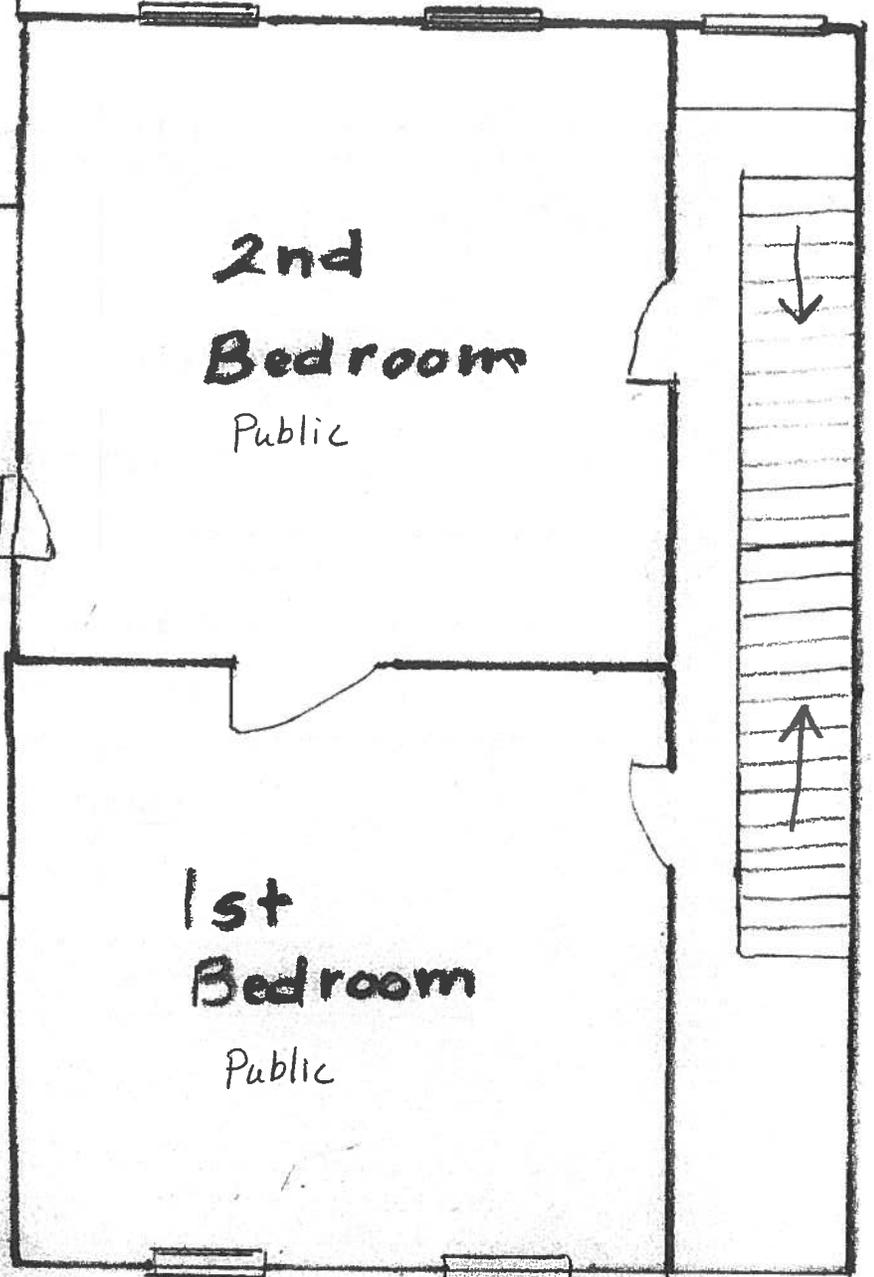
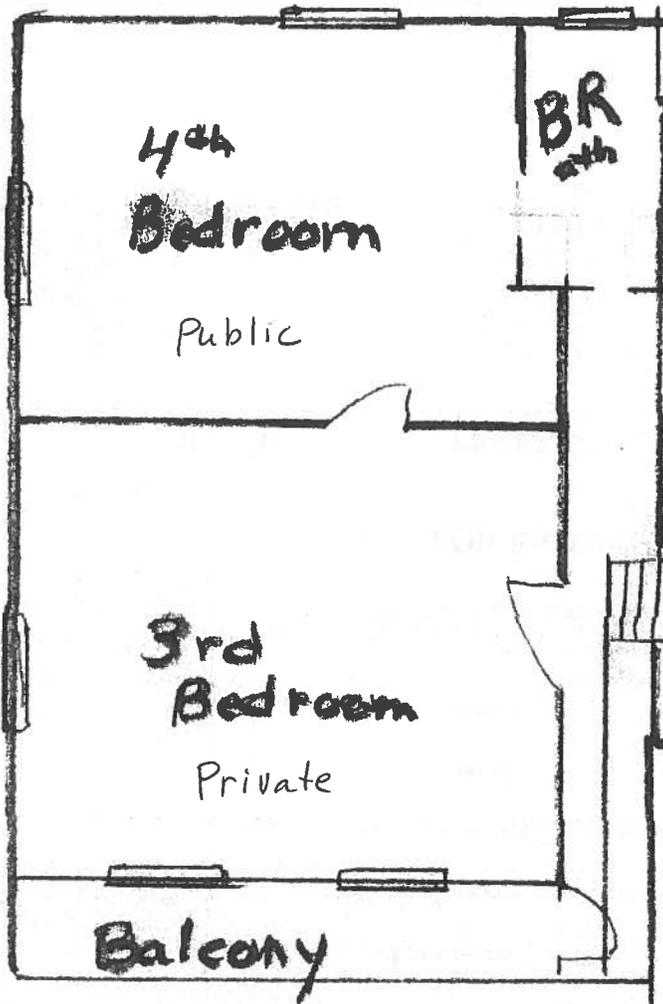
125.00'

SOUTH PROSPECT STREET

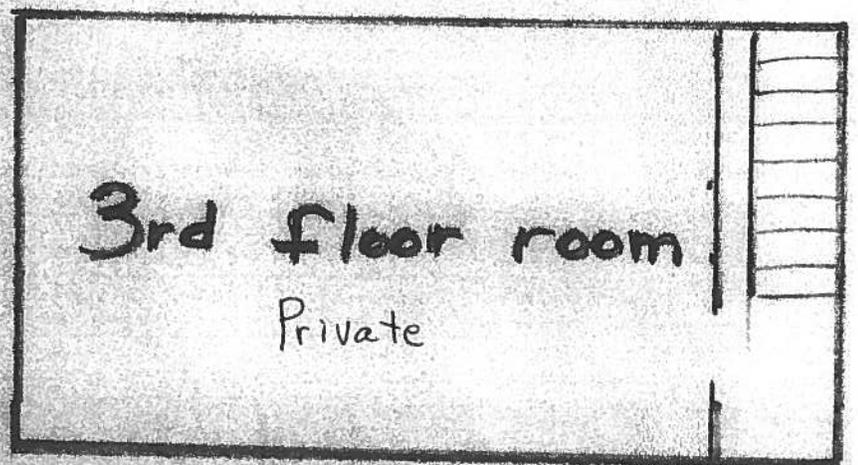




614 S Prospect st



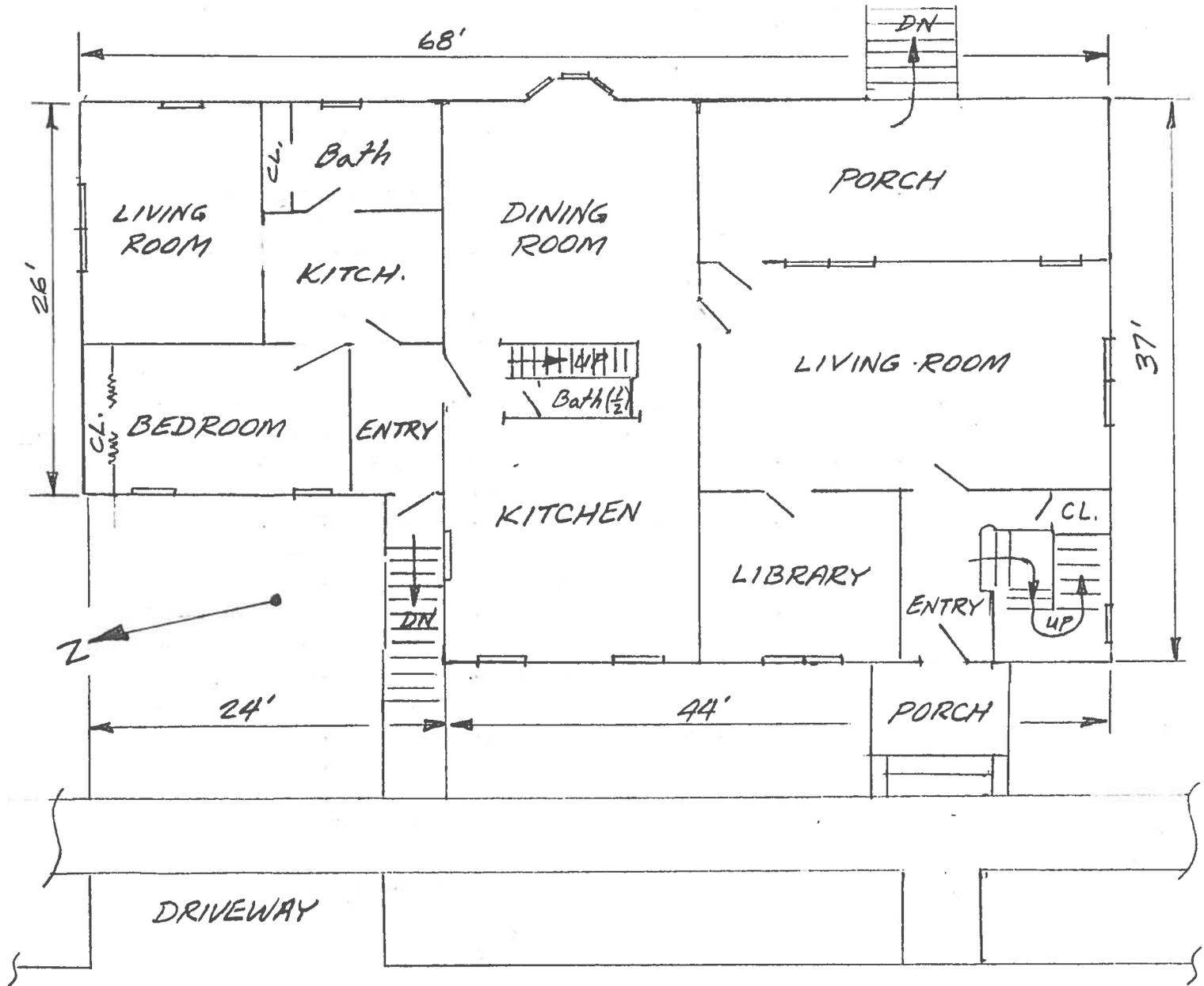
2nd + 3rd Floor



AVERY  GUEST HOUSE
 Flo & Roger Jensen
 606 So. Prospect Street
 Galena, Illinois 61036
 (815) 777-3883

Bed and
Breakfast

FIRST FLOOR



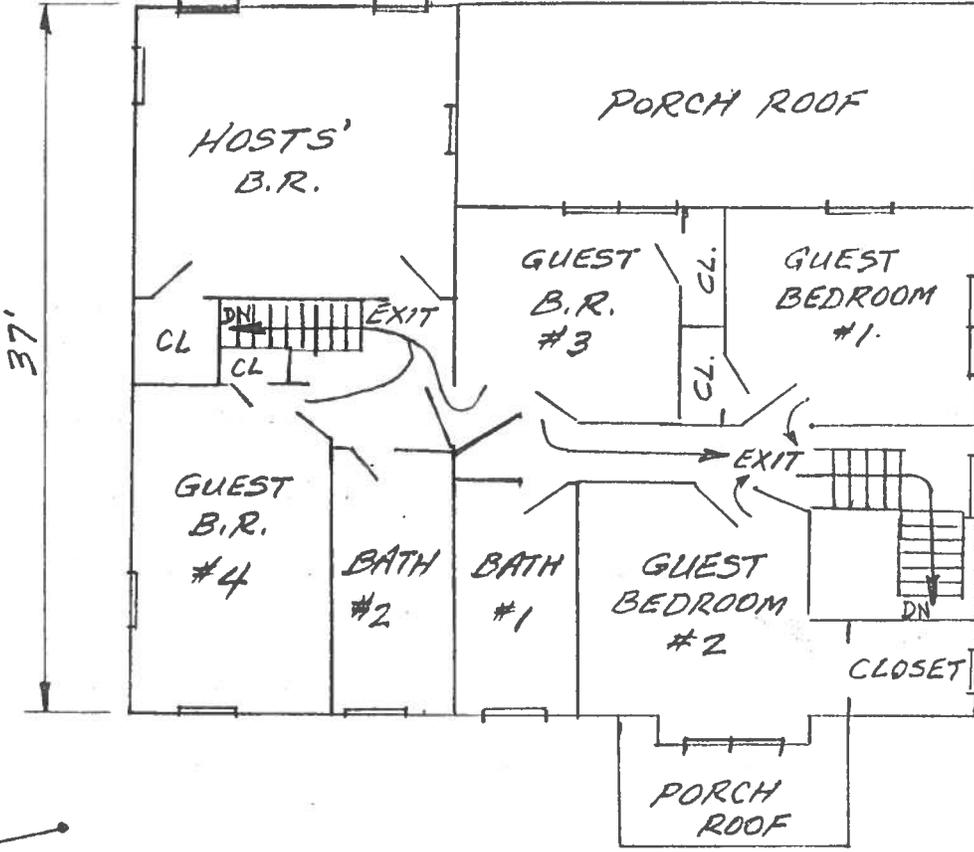
S. PROSPECT ST.

SCALE: 1" = 10'

AVERY  GUEST HOUSE
 Flo & Roger Jensen
 606 So. Prospect Street
 Galena, Illinois 61036
 (815) 777-3883

Bed and
 Breakfast

FIRE EXITS ~ 2ND FLOOR

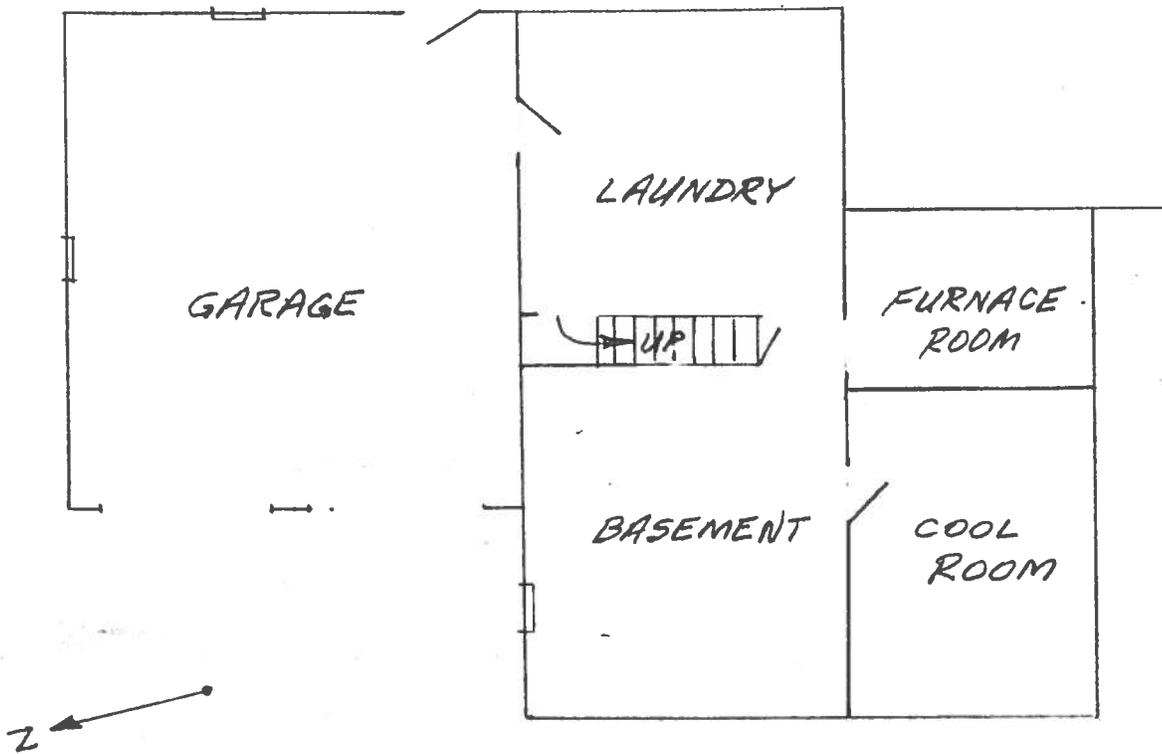


SCALE: 1" = 10'

AVERY ∞ GUEST HOUSE
Flo & Roger Jensen
606 So. Prospect Street
Galena, Illinois 61036
(815) 777-3883

Bed and
Breakfast

GROUND FLOOR



SCALE: 1" = 10'

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: September 9, 2016

RE: 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.

Summary:

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.

Approval Criteria & Recommendation:

The purpose of a special use review is to provide an opportunity to utilize property for an activity, which under usual circumstances, could be detrimental to other permitted uses and which normally is not permitted within the same district. A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special use is not a use by-right and one that is otherwise prohibited without approval of a special use permit.

The application shall demonstrate that the proposed development will comply with the following:

- (1) *Site plan review standards.* All applicable site plan review criteria in § 154.914.
- (2) *District standards.* The underlying zoning district standards established in § 154.201 through § 154.209 including the defining characteristics of the district;
- (3) *Specific standards.* The land use regulations established in § 154.406;
- (4) *Availability of complementary uses.* Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
- (5) *Compatibility with adjoining properties.* Compatibility with and protection of neighboring properties through measures such as:
 - (a) *Protection of privacy.* The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;
 - (b) *Protection of use and enjoyment.* All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
 - (c) *Compatible design and integration.* All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include: buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.

The Zoning Board of Appeals can grant, conditionally grant, or deny all applications for a Special Use Permit or an amendment thereof. If the Board would like to grant the request, a motion to draft Findings of Fact should be entertained. The Findings of Fact will then be presented for final consideration at the next Board meeting.

\$400.00 FEE

CITY OF GALENA, ILLINOIS



Request for Special Use Permit

Name: LAMBERSON GUEST HOUSE

Address of Applicant: 113 S. PROSPECT ST GALENA IL 61036
City State Zip

Phone #: 708 638-0271 Email: MRHEURU@GMAIL.COM

Name of Property Owner (if different from applicant): BRIAN & MICHELLE HEURUNG

Address of Interest: 113 S. PROSPECT ST, GALENA, IL 61036

Present Use of Property: B+B Proposed Use: B+B

Zoning District: _____ Within Historic District?: Yes No

Reason for Special Use

Please Note: The following questions must be answered completely. If additional space is needed, place attach extra pages to the application.

Please provide a written statement explaining the nature of the proposed special use: CURRENTLY LICENSED FOR 3 BEDROOMS WITH 2 BATHROOMS. WE PLAN ON ADDING A PRIVATE BATH TO THE 3RD BEDROOM & OPENING ANOTHER BEDROOM WITH A PRIVATE BATH. ALSO ADD A JANITORS CLOSET IN AN OTHER BATHROOM

Explain how the propose use or expansion is necessary or desirable to provide a service or facility which is in the interest of the public convenience: PRIVATE BATHS ARE NECESSARY IN A B+B. ALSO AN ADDITIONAL ROOM WILL INCREASE CAPACITY

Explain how the proposed use or expansion will contribute to the general welfare of the neighborhood or

community: ENHANCING A B+B WITH PRIVATE BATHROOMS
WILL INCREASE RENTAL OPTIONS. CAPACITY FOR GROWTH
IS GOOD FOR EVERYONE

Will the proposed use or expansion create noise, glare, vibration, odor, or in any other way be detrimental to the health, safety, morals, or general welfare of persons working or residing in the vicinity?

Yes No If yes, please explain: _____

Supplemental Data

1. Provide photographs showing various pertinent views of the existing site and buildings.
2. Provide a map that shows the location of the property in the broad context of the City or neighborhood.
3. Provide building, structure, and sign plans to such a scale that all pertinent features are legible, if applicable.
4. Identify the general land use, zoning, and any special characteristics of the adjacent properties to the north, south, east, and west.

North: _____

South: _____

East: _____

West: _____

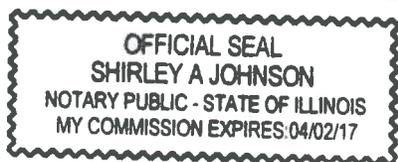
Names of Surrounding Property Owners

Following are the names and addresses of surrounding property owners from the property in question for a distance of two-hundred-fifty (250) feet in all directions, and the number of feet occupied by all public roads, streets, alleys, and public ways have been excluded in computing the 250 feet requirement. Said names are as recorded in the office of the County Recorder (or the Registrar of Titles of the County) and as appear from the authentic tax records of this County. If additional space is needed, please attach extra pages.

Name	Address
OWN FILE	

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted here with are true to the best of my (our) knowledge and belief.

I (we) consent to the entry in or upon the premises described in this application by any authorized official of the County of Jo Daviess for the purpose of posting, maintaining, and removing notices as may be required by law.

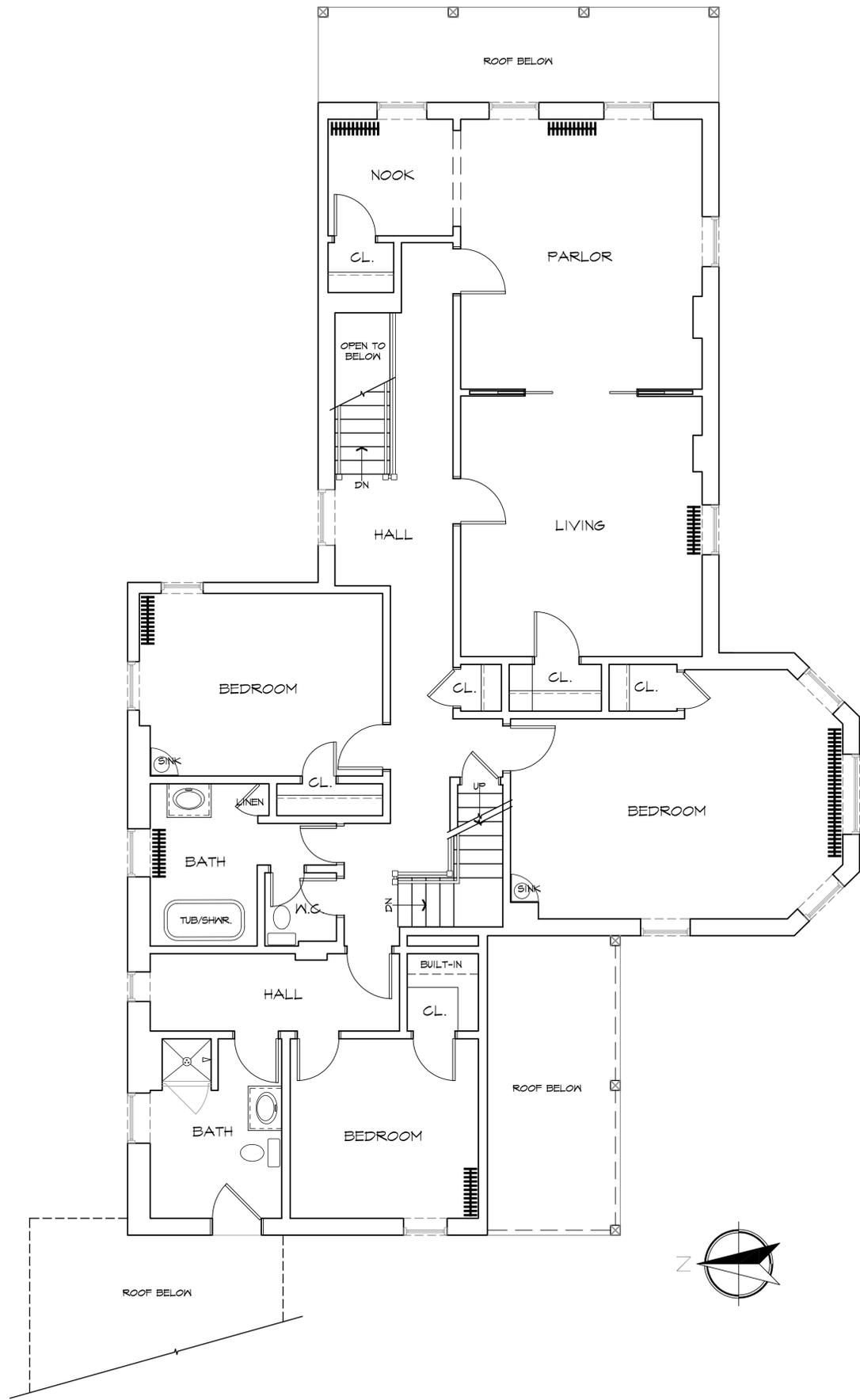
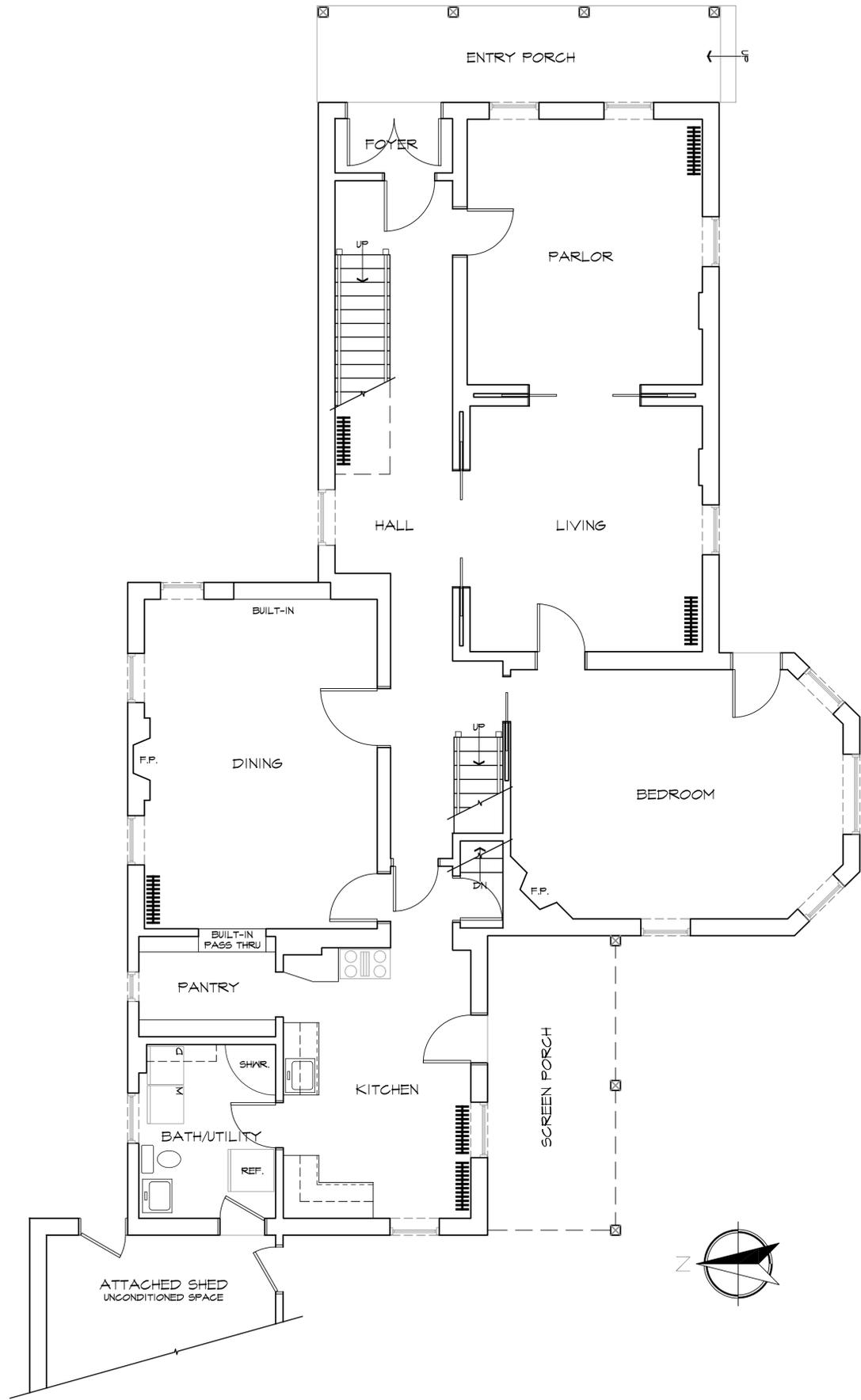


[Signature] 9-6-16
 Applicant's Signature Date

[Signature] 9-6-16
 Property Owner's Signature Date

[Signature] 9.6.16 4.2.17
 Notary's Signature Date Commission Expiration

Drawing Name: F:\PROJECTS\16\16032 - Grandview Guest House\Drawings\Base - Ex Floor Plan.dwg Last Modified: Aug 22, 2016 - 11:21am Plotted on: Aug 29, 2016 - 8:15am by laugesen

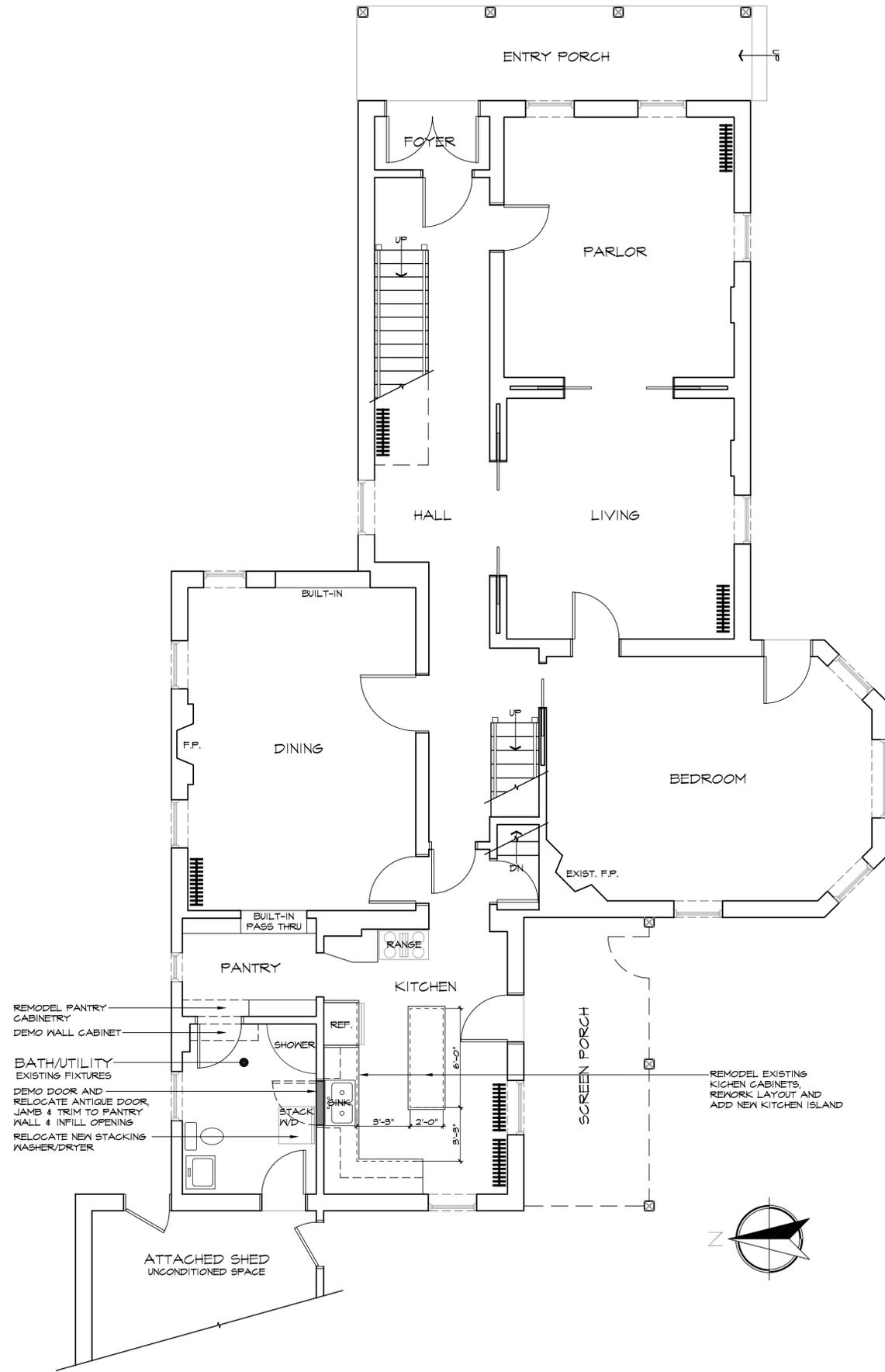


Straka Johnson Architects, P.C.
 3855 Digital Drive
 Duquaine, IL 62008
 Phone (662) 556-1877
 Fax (662) 556-0367

The use of these drawings shall be restricted to the original site for which they were prepared. Any other use without the express written consent of the architect is prohibited.
 Reproduction, publication or re-use of these drawings by any method in whole or in part, is prohibited.
 Title to these drawings remains with the architect without prejudice. Visual contact with these plans shall constitute prima facie evidence of the acceptance of these restrictions.

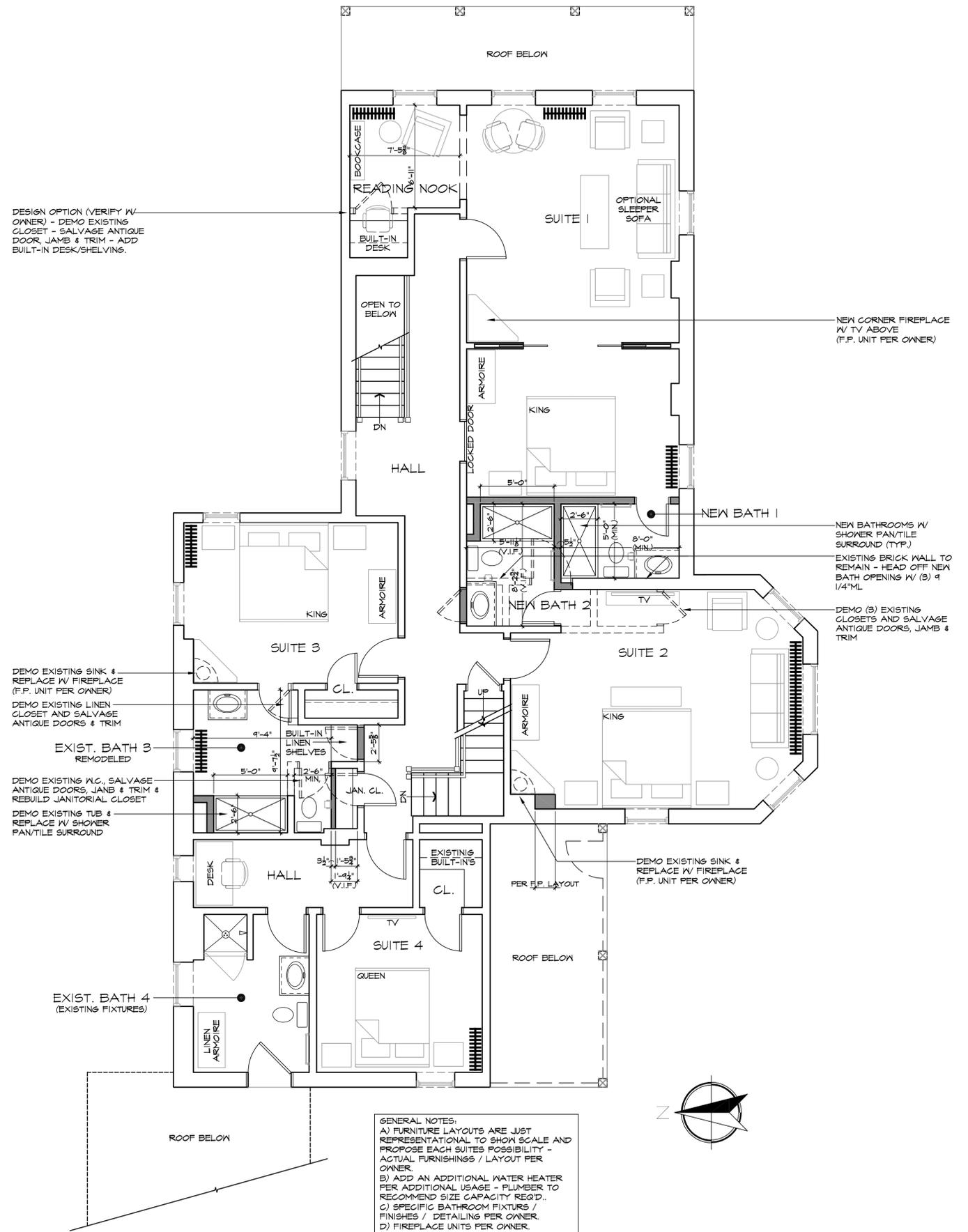
GRANDVIEW GUEST HOUSE RENOVATION
 GALENA, ILLINOIS

Revision	08/22/16
Date	08/12/16
Drawn By	LLL
Project Number	16032
Sheet Number	AI



UPPER LEVEL FLOOR PLAN - 4 SUITE OPTION

SCALE = 1/4" = 1'-0"



UPPER LEVEL FLOOR PLAN - 5 SUITE OPTION

SCALE = 1/4" = 1'-0"

GENERAL NOTES:
 A) FURNITURE LAYOUTS ARE JUST REPRESENTATIONAL TO SHOW SCALE AND PROPOSE EACH SUITES POSSIBILITY - ACTUAL FURNISHINGS / LAYOUT PER OWNER.
 B) ADD AN ADDITIONAL WATER HEATER PER ADDITIONAL USAGE - PLUMBER TO RECOMMEND SIZE CAPACITY REQ'D.
 C) SPECIFIC BATHROOM FIXTURES / FINISHES / DETAILING PER OWNER.
 D) FIREPLACE UNITS PER OWNER.

The use of these drawings shall be restricted to the original site for which they were prepared. No other use without the express written consent of the architect.
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GRANDVIEW GUEST HOUSE RENOVATION
 GALENA, ILLINOIS

Revision	08/22/16
Date	08/12/16
Drawn By	LLL
Project Number	16032
Sheet Number	A2
	2 2



WASHINGTON STREET VIEW



PROSPECT STREET VIEW



WASHINGTON STREET VIEW



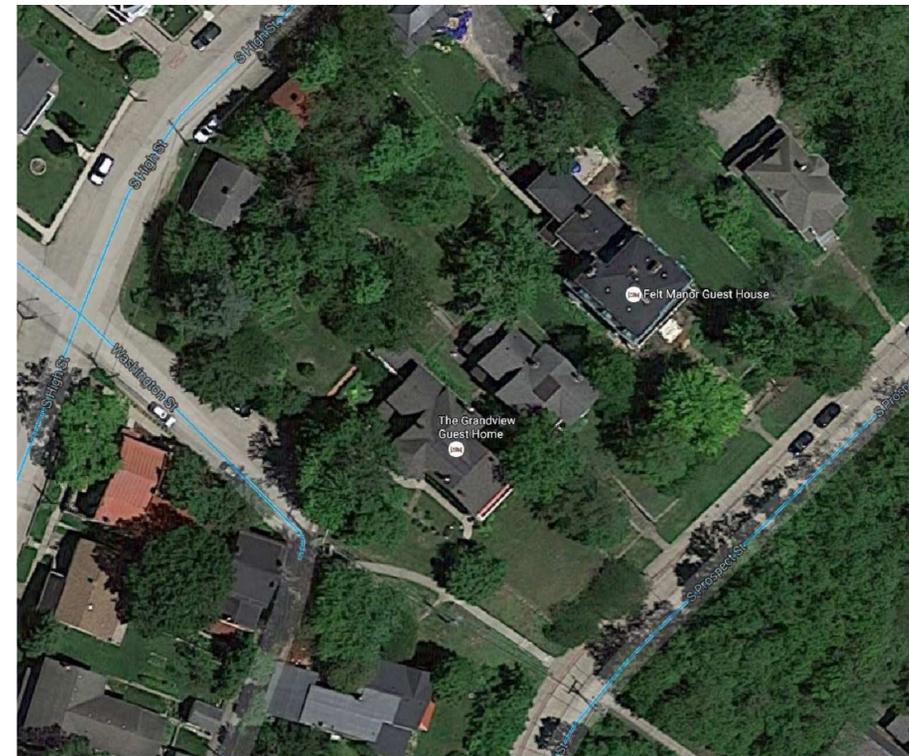
SIGNAGE



HIGH STREET VIEW

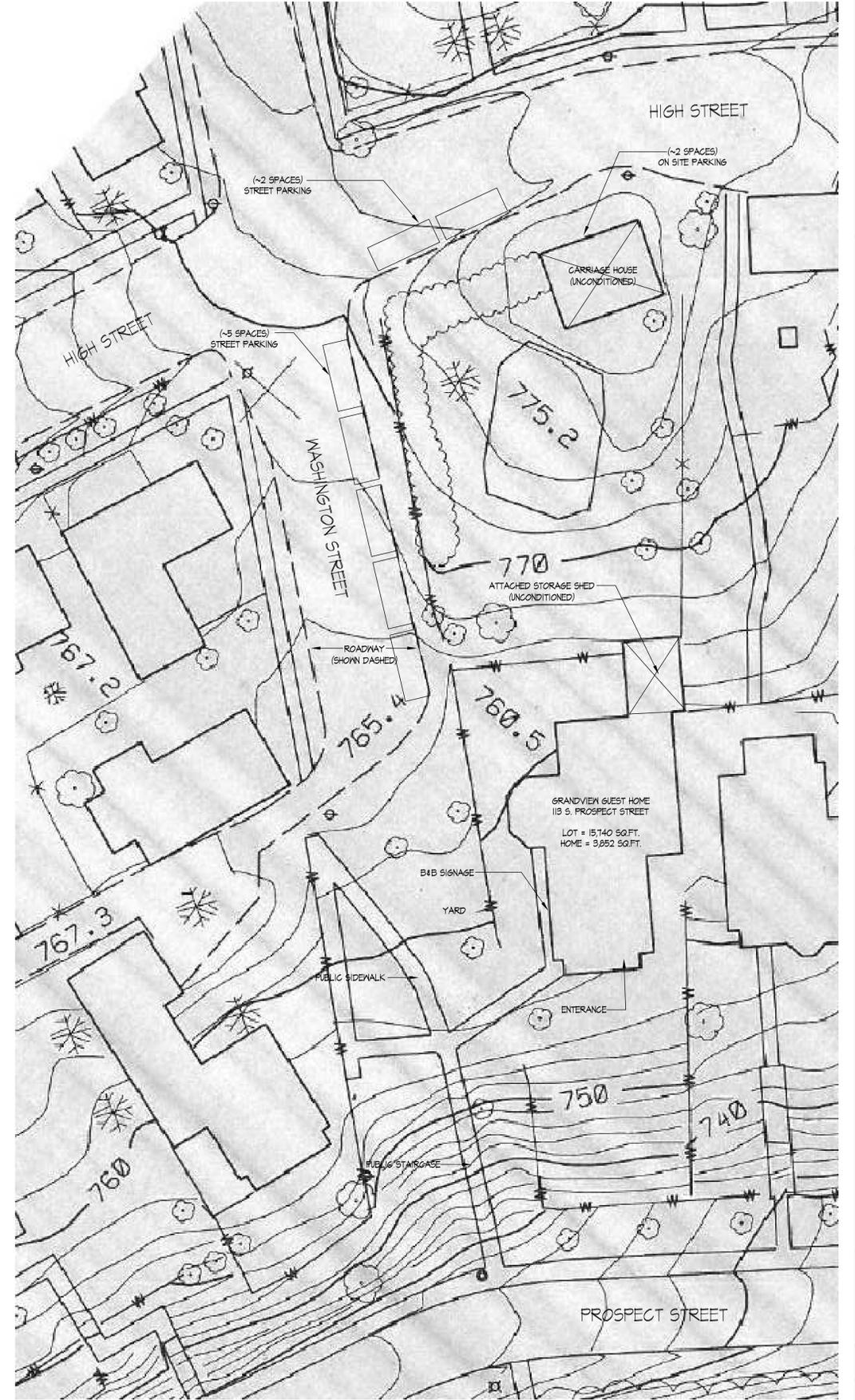


HIGH STREET VIEW



SITE OVERVIEW

NOT TO SCALE



SITE PLAN

SCALE = 1/16" = 1'-0"

Straka Johnson Architects, P.C.
 3855 Digital Drive
 Duquoin, IL 62821
 Phone: (662) 556-2877
 Fax: (662) 556-0367

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GRANDVIEW GUEST HOUSE RENOVATION
 GALENA, ILLINOIS

Revision
 08/22/16

Date
 08/12/16

Drawn By
 LLL

Project Number
 16032

Sheet Number



Legend

- 0.00' Measured Distance / Bearing
- (10.00') Platted Distance / Bearing
- Boundary of the Property Surveyed
- 3/4" 36" Iron Rebar Set
- Chiseled X on Top of Rock Wall



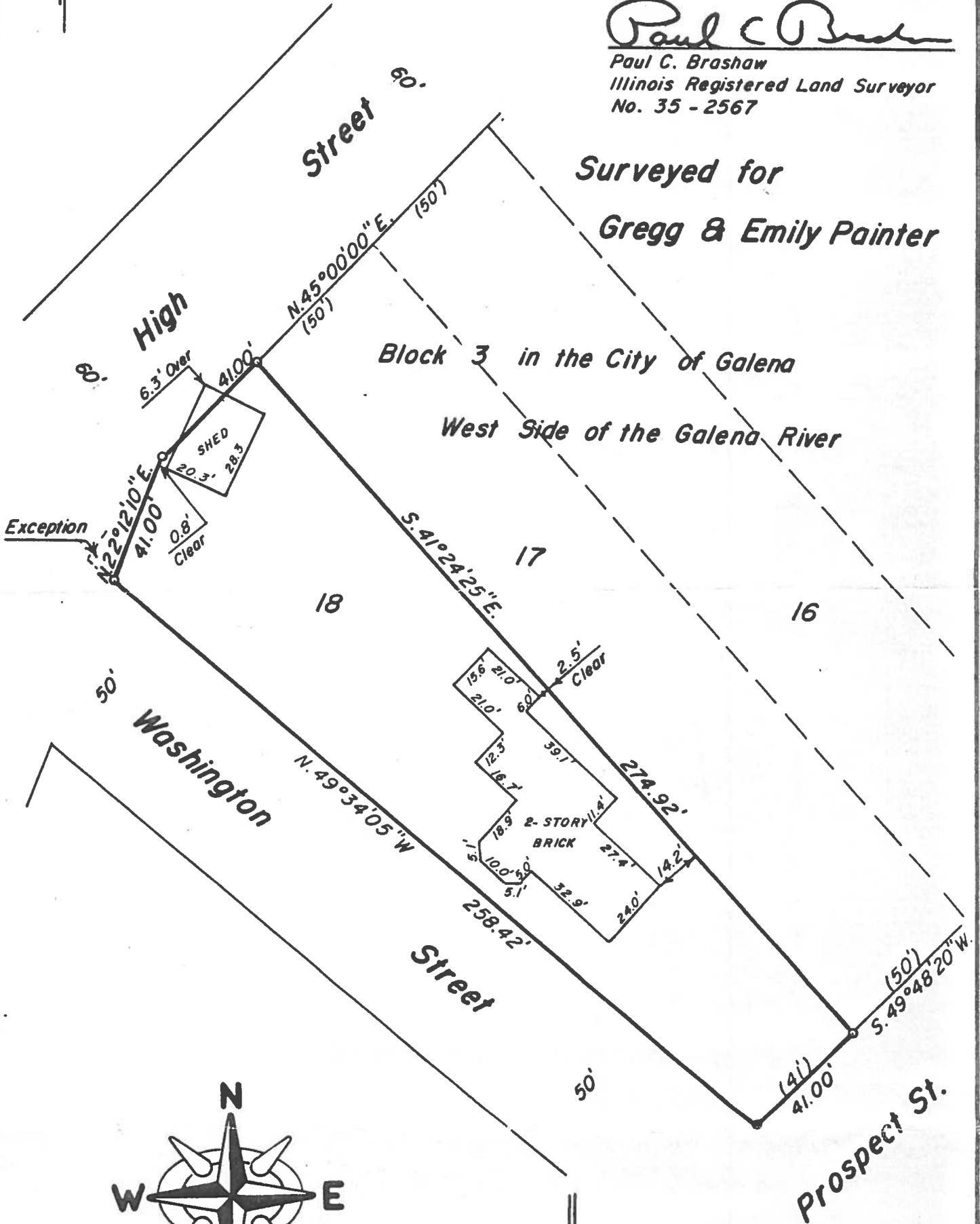
Paul C Brashaw

Paul C. Brashaw
 Illinois Registered Land Surveyor
 No. 35 - 2567

Surveyed for
Gregg & Emily Painter

Block 3 in the City of Galena

West Side of the Galena River



Scale: 1" = 40'



Paul C. Brashaw

4413 W. Stagecoach Tr.
 Galena, Illinois 61036
 Telephone (815) 777-1172
 Date: April-12, 1986
 Sheet 1 of 2

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: September 9, 2016

RE: Cal. No. 16A-03, 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