



City of Galena, Illinois

AGENDA

ZONING BOARD OF APPEALS

WEDNESDAY, SEPTEMBER 11, 2019
6:30 P.M. – CITY HALL 101 GREEN STREET

ITEM	DESCRIPTION
19Z-2001	Call to Order by Presiding Officer
19Z-2002	Roll Call
19Z-2003	Establishment of Quorum

APPROVAL OF MINUTES

ITEM	DESCRIPTION	PAGE
19Z-2004	Approval of the Minutes of the Regular Meeting of August 14, 2019.	3-10

UNFINISHED BUSINESS

ITEM	DESCRIPTION	PAGE
19S-11 & 19S-12	Alan Trebian – Request for Rezoning from Low Density Residential District to Neighborhood Commercial District; Special Use Permits to allow Accommodations, Vacation Rental and Removable Outdoor Display in the Neighborhood Commercial District at 624 Spring Street. Ratification of Findings of Fact.	11-15

NEW BUSINESS

ITEM	DESCRIPTION	PAGE
19A-04	City of Galena – Request for Text Amendment to Zoning Code of Ordinances to allow Adult-Use Cannabis Land Uses in select zoning districts.	16-28

OTHER BUSINESS

ITEM	DESCRIPTION	PAGE
19Z-2005	Public Comments Not to exceed 15 minutes as an agenda item Not more than 3 minutes per speaker	
19Z-2006	Adjournment	

CALENDAR INFORMATION

BOARD/COMMITTEE	DATE	TIME	PLACE
Zoning Board of Appeals	Wednesday, October 9, 2019	6:30 P.M.	City Hall, 101 Green Street

Posted: September 6, 2019 at 4:00 p.m. Posted By: Matt Oldenburg

**MINUTES
ZONING BOARD OF APPEALS
AUGUST 14, 2019**

CALL TO ORDER:

Chairperson Rosenthal called the regular meeting of the Zoning Board of Appeals to order at 6:30 PM on Wednesday, August 14, 2019 at City Hall, 101 Green Street, Galena, IL.

ROLL CALL AND DECLARATION OF QUORUM:

As Roll Call was:

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

A quorum was declared.

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

APPROVAL OF MINUTES

MOTION: Baranski moved, seconded by Cook to approve the July 10, 2019 minutes.

Motion carried.

UNFINISHED BUSINESS

Cal. No. 19S-08, Michael Garbo, 229 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-037-00, S 44' of N 52' of Lot 28, Lots Between Main & Bench Streets, Galena, Jo Daviess County, Illinois. Common Address is 229 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Jansen moved, seconded by Baranski to approve the Finding of Fact for Cal. No. 19S-08.

As Roll Call was:

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

Motion carried.

Cal. No. 19S-09, Diane Checchin, 421 South Main Street, Galena, IL 61036. Location: Parcel: 22-100-022-10, Part of Lot 18, West Side of Main Street, Galena, Jo Daviess County, Illinois. Common Address is 421 South Main Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Vacation Rental in the Downtown Commercial District.

MOTION: Baranski moved, seconded by Cook to approve the Finding of Fact for Cal. No. 19S-09.

As Roll Call was:

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

Motion carried.

Cal. No. 19S-10 & 19V-04, Kate & Doug Freeman, 603 South Bench Street, Galena, IL 61036. Location: Parcel: 22-100-179-00, Part of Lot 2, West Side of Bench Street, Galena, Jo Daviess County, Illinois. Common Address is 603 South Bench Street, Galena, IL 61036. Request for Special Use Permit to allow Accommodations, Bed & Breakfast with two guest rooms in the Low Density Residential District; Variance request to allow smaller minimum lot size.

MOTION: Calvert moved, seconded by Baranski to approve the Finding of Fact for Cal. No. 19S-10.

As Roll Call was:

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

Motion carried.

MOTION: Jansen moved, seconded by Cook to approve the Finding of Fact for Cal. No. 19V-04.

As Roll Call was:

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

NEW BUSINESS

Cal. No. 19A-03, 19S-11 & 19S-12, Applicant: Alan Trebian, 3379 S. Girot Road, Hanover, IL 61041 and Owner: Larry Aschebrook, 624 Spring Street, Galena, IL 61036. Location: Parcel: 22-101-016-00, N Part of E ½ of Lot 1, N Part of W 180' of Lot 2, Lots 1, 2 and N 17' of Lot 3 in the Subdivision of the West ½ of Lot 1, Block 59, Original Lots of Galena, Galena, Jo Daviess County, Illinois. Common Address is 624 Spring Street, Galena, IL 61036. Request for Rezoning from Low Density Residential District to Neighborhood Commercial District; Special Use Permit for Accommodations, Vacation Rental in Neighborhood Commercial District; Special Use Permit for Removable Outdoor Display in Neighborhood Commercial District.

MOTION: Cook moved, seconded by Baranski to open the Public Hearing for Cal. No. 19A-03.

Motion carried on voice vote.

Nack swore all those in wishing to testify at any of tonight's public hearings.

Adam Johnson, 211 Fourth Street Galena said the new owners are looking at a commercial use for the property and have an idea to use the barn for farm produce sales with some removable outdoor display. The house would be used for vacation rental and to accomplish all this they would like a zoning change to Neighborhood Commercial. This area is a mix of business and residential so Neighborhood Commercial would be compatible with the surrounding properties. The business would provide new opportunities for businesses and tourism and would be a good development for the city.

Baranski asked about the removable outdoor display.

Alan Trebian, 3379 South Girot Road Hanover said nothing has been decided but they would most likely have a farmer's market type business and would want something like a produce cart which could be wheeled out of the barn when they were open. At some point they would need some signage.

Oldenburg said any signage would have to be approved.

Baranski asked about the parking.

Oldenburg said there were three additional spaces shown.

Johnson said the three spaces on the east side of the barn and would be used for the vacation rental. Parking for the barn would be on the West side of the barn and will come after redevelopment of Highway 20. There will be about twelve spaces for the approximately 1400 square foot building.

Baranski said parking for the barn would have to be developed before they could use the space. How soon are they planning on opening?

Trebian said there really are no immediate plans to open – nothing this year. A lot of this will depend on the Highway 20 work.

Oldenburg said before they are given an occupancy permit for the business use, they would have to satisfy the parking requirements.

No persons spoke in favor of or in opposition to the request.

Nack asked the applicant if the testimony just given would be the same for the next two special use requests.

Johnson and Trebian said it would.

MOTION: Cook moved, seconded by Calvert to close the Public Hearing for Cal. No. 19A-03.

Motion carried on voice vote.

Rosenthal asked that the minutes reflect that the public hearing testimony for Cal. No 19S-11 and Cal. No. 19S-12 would be the same as it was for Cal. No. 19A-03.

MOTION: Baranski moved, seconded by Jansen to send a positive Finding of Fact to the City Council for Cal. No. 19A-03.

Discussion: Baranski said that generally Neighborhood Commercial is a perfect fit for this transitional corridor. This zoning comes with plenty of restrictions. Spot zoning is not necessarily desired in most cases but in this area it works well.

Baranski reviewed the approval criteria:

Approval Criteria & Recommendation for Map Amendment:

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; **Not applicable.**
 - (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.; **Yes. The character of this area has changed and evolved.**

- (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; **Yes it is compatible and the rezoning should not have any adverse impacts on the area.**

- (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; **Yes, it is.**

- (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; **Facilities are available.**

- (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; **There is an adequate supply of land.**

- (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. **There is a need and the community will benefit.**

- **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**

Jansen asked about the timing of the Highway 20 project.

Oldenburg said the earliest project proposals have bids going out November 2020 and the project starting Spring 2021.

As Roll Call was:

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

Motion carried.

MOTION: Baranski moved, seconded by Jansen to approve the request for Cal. No. 19S-11.

Discussion: Baranski reviewed the approval criteria:

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.

The request does meet the approval criteria.

Oldenburg said the motion should include conditional on City Council approval of the map amendment.

MOTION: Baranski moved, seconded by Jansen to amend the original motion to include subject to approval of Cal. No. 19A-03 by the City Council.

As Roll Call was:

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

Motion on the amendment carried.

As Roll Call was:

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

Motion on the original motion carried.

MOTION: Jansen moved, seconded by Baranski to approve the request for Cal. No. 19S-12 subject to City Council approval of Cal. No. 19A-03 and based on the approval criteria for Cal. No. 19S-11.

As Roll Call was:

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

Motion carried.

OTHER BUSINESS

None

PUBLIC COMMENTS

None

MOTION: Cook moved, seconded by Jansen to adjourn the meeting at 7:05 pm.

Motion carried on voice vote.

Respectfully submitted by

Deb Price
Zoning Board Secretary

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 19S-11 & 19S-12

APPLICATION BY: Alan Trebian & Larry Aschebrook, 624 South Prospect Street, Galena, IL 61036.

FOR: A Special Use Permit to allow Accommodations, Vacation Rental in a Low Density Residential District and Variance request for off-street parking requirement.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on August 14, 2019. 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 map amendment and Special Use Permits to rezone from Low Density Residential to Neighborhood Commercial to facilitate the use of the existing barn as a produce / farmer market, including Indoor Sales & Service and Removable Outdoor Display land uses and to operate the house as a one-dwelling unit vacation rental in a Neighborhood Commercial District, contingent upon approval of rezoning.

The applicant is employed by the property owner as caretaker. The single-family dwelling on the property recently underwent a full rehabilitation and addition and is suitable for a vacation rental when the owner is not using it personally. The owner also has a farm near Galena and wishes to sell some of their produce out of the barn, along with some removable outdoor display racks against the barn structure.

The vacation rental and removable outdoor display uses require a Special Use Permit in the Neighborhood Commercial district. The Indoor Sales & Service land use is allowed by right in the NC district.

The applicant proposes to operate the produce market only during daytime hours. There is adequate parking space available adjacent to the barn area on the North side, which the owner will construct a parking area suitable for the market use when they are ready to proceed. Adequate parking for the vacation rental currently exists for three vehicles on the driveway and slab between the house and barn.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. Aside from the barn parking area, all exterior development is existing and no further development is needed.

Number of Guests: **Vacation Rental:** Maximum occupancy load for this dwelling unit is nine (9) guests. This is determined by the International Fire Code, International Building Code and NFPA on the basis of minimum 200 square feet per person gross (IFC Table 1004.1.2), with an additional requirement for two means of fire-protected egress for each sleeping area (NFPA 24.2.2.1.1).

Lot Capacity: The lot size is 38,445 square feet, or 0.88 acres. The structure is situated along Spring Street and the unimproved South Division Street ROW. The site is already properly landscaped with well-established vegetation and lighting. The lot can absorb the impact of this land use with minimal impact on surrounding properties.

Availability and impact of parking: The proposed off-street parking can accommodate up to three vehicles. The parking regulations require one (1) off-street space per four (4) guests for a vacation rental use, a total of three (3) spaces are needed. The market use requires three (3) additional spaces, which are available to the North of the Barn, yet to be installed.

Emergency measures: Staff will ensure that emergency lighting, exits, posted floor plans and emergency telephone are in place before license is issued for the vacation rental.

Staff recommends approval of this request. Land uses surrounding the property include other Neighborhood Commercial, office and residential.

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:

SPECIAL USE PERMIT – Vacation Rental

- **Adam Johnson, 211 Fourth Street, Galena** said the new owners are looking at a commercial use for the property and have an idea to use the barn for farm produce sales with some removable outdoor display. The house would be used for vacation rental and to accomplish all this they would like a zoning change to Neighborhood Commercial. This area is a mix of business and residential so Neighborhood Commercial would be compatible with the surrounding properties. The business would provide new opportunities for businesses and tourism and would be a good development for the city.

Baranski asked about the removable outdoor display. Johnson asked Alan Trebian to answer.

- **Alan Trebian, 3379 South Girot Road, Hanover** said nothing has been decided but they would most likely have a farmer's market-type business and would want something like a produce cart which could be wheeled out of the barn when they were open. At some point they would need some signage.

Oldenburg said any signage would have to be approved.

Baranski asked about the parking.

Oldenburg said there were three additional spaces shown.

Johnson said the three spaces on the east side of the barn and would be used for the vacation rental. Parking for the barn would be on the West side of the barn and will come after redevelopment of Highway 20. There will be about twelve spaces for the approximately 1400 square foot building.

Baranski said parking for the barn would have to be developed before they could use the space. How soon are they planning on opening?

Trebian said there really are no immediate plans to open – nothing this year. A lot of this will depend on the Highway 20 work.

Oldenburg said before they are given an occupancy permit for the business use, they would have to satisfy the parking requirements.

SPECIAL USE PERMIT – Vacation Rental

- Nack asked the applicant if the testimony just given would be the same for the next special use request.

Johnson and Trebian said it would.

Testimony Presented in Opposition to the Proposal:

- There was no testimony in opposition to either request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines Accommodations, Vacation Rental.
- Section 154.201 (C) (3) provides a definition and description of the Neighborhood Commercial 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) (18) defines and outlines the regulations for Accommodations, Vacation Rental as a principal commercial land use.
- Section 154.406 (K) (8) defines and outlines the regulations for Outdoor Display, Removable as an accessory commercial land use.
- 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 and concurrently requesting rezoning to Neighborhood Commercial District.
2. The Zoning Ordinance provides for Accommodations, Vacation Rental as follows:
 - a. Accommodations, Vacation Rental is permitted only by Special Use Permit as a principal commercial land use in a Neighborhood Commercial District.
3. The Zoning Ordinance provides for Outdoor Display, Removable as follows:
 - a. Outdoor Display, Removable is permitted only by Special Use Permit as an accessory commercial land use in a Neighborhood Commercial District.
4. The Neighborhood Commercial (NC) District is intended to permit small-scale commercial development which is compatible with the desired overall neighborhood community character of the area in general, and with adjacent residential development in particular. The desired neighborhood community character of the development is attained through landscape surface area ratio (LSR) requirements, and by restricting the maximum building size

(MBS). Significant areas of landscaping are required in this district to ensure that this effect is achieved.

5. The applicant seeks a Special Use Permit to allow a one-unit Vacation Rental as a principal commercial land use in a Neighborhood Commercial District.
6. The applicant seeks a Special Use Permit to allow Outdoor Display, Removable as an accessory commercial land use in a Neighborhood Commercial District.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Alan Trebian & Larry Aschebrook for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use and Outdoor Display, Removable as an accessory commercial land use in a Neighborhood Commercial 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 Neighborhood Commercial District and is appropriate to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for Accommodations, Vacation Rental and Outdoor Display, Removable land uses.
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 Alan Trebian & Larry Aschebrook for a Special Use Permit to allow Accommodations, Vacation Rental as a principal commercial land use and Outdoor Display, Removable as an accessory commercial land use in a Neighborhood Commercial District should be approved.

SPECIAL USE PERMIT: PASSED AND APPROVED this 14th day of August, A.D. 2019, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 2 absent, 0 abstain, 0 recused.

SPECIAL USE PERMIT: PASSED AND APPROVED this 14th day of August, A.D. 2019, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 2 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson

CITY OF GALENA, ILLINOIS

101 Green Street • P.O. Box 310 • Galena, Illinois 61036



MEMORANDUM

TO: The Zoning Board of Appeals

FROM: Matt Oldenburg, Zoning Administrator *MATT*

DATE: September 6, 2019

RE: Cal. No. 19A-04, Applicant: City of Galena, 101 Green Street, Galena, IL 61036.
Request for Text Amendment to Zoning Code of Ordinances to allow Adult-Use Cannabis Land Uses in select zoning districts.

Summary:

The imminent legalization of Adult-Use Cannabis by the State requires action by the City to create provisions for the various cannabis-related activities and business types. The City Council, after two discussions, directed me to initiate a text amendment to roll-out the ordinances for Adult-Use Cannabis Businesses under the Zoning Code of Ordinances as provided by the State.

In a nutshell, the Illinois Cannabis Regulation and Tax Act is 471 pages long with very explicit and deliberate language to regulate the administration and operations of Adult-Use Cannabis businesses. The Act will sequentially allow these businesses in multiple phases over the next few years. Essentially, existing Medical Cannabis companies will claim State licenses in the initial phase; followed-by Conditional Adult-Use Cannabis licenses with preference going to candidates under a Social Equity program; and then lastly licenses open to everyone else who qualify.

The City must not create ordinances more restrictive than the Statute; but, may regulate through the Zoning Ordinance with regard to land use regulations, distance requirements from areas such as residential districts and schools / day care facilities. I've included the local ordinance provisions below from the Act for your reference.

The proposed ordinance is drafted from a recommended model ordinance provided by the Illinois Municipal League.

A map of the areas prohibited by the proposed ordinance is included for your visual reference.

I will be available for any questions.

(410 ILCS 705/55-25)

Sec. 55-25. Local ordinances. Unless otherwise provided under this Act or otherwise in accordance with State law:

(1) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact reasonable zoning ordinances or resolutions, not in conflict with this Act or rules adopted pursuant to this Act, regulating cannabis business establishments. No unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county,

may prohibit home cultivation or unreasonably prohibit use of cannabis authorized by this Act.

(2) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances or rules not in conflict with this Act or with rules adopted pursuant to this Act governing the time, place, manner, and number of cannabis business establishment operations, including minimum distance limitations between cannabis business establishments and locations it deems sensitive, including colleges and universities, through the use of conditional use permits. A unit of local government, including a home rule unit, may establish civil penalties for violation of an ordinance or rules governing the time, place, and manner of operation of a cannabis business establishment or a conditional use permit in the jurisdiction of the unit of local government. No unit of local government, including a home rule unit or non-home rule county within an unincorporated territory of the county, may unreasonably restrict the time, place, manner, and number of cannabis business establishment operations authorized by this Act.

(3) A unit of local government, including a home rule unit, or any non-home rule county within the unincorporated territory of the county may regulate the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with this Act. A cannabis business establishment or other entity authorized or permitted by a unit of local government to allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act.

(4) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may not regulate the activities described in paragraph (1), (2), or (3) in a manner more restrictive than the regulation of those activities by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(5) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances to prohibit or significantly limit a cannabis business establishment's location.

(Source: P.A. 101-27, eff. 6-25-19.)

Approval Criteria & Recommendation for Text Amendment:

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 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, Jo Daviess 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

Adult-Use Cannabis Business Establishment:

An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

Adult-Use Cannabis Craft Grower:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Cultivation Center:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Dispensing Organization:

A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Infuser Organization Or Infuser:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Processing Organization Or Processor:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation

and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Adult-Use Cannabis Transporting Organization Or Transporter:

An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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 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 Agricultural Land Uses (154.406 (B))
P	P	P	P	P	P	P	P	P	P	P				(1) Cultivation
P	P	P	P	P	P	P	P	P	P	P				(2) Husbandry
S	S	S	S	S	S	S	S	S	S	S				(3) Agricultural Services
P	P	P	P	P	P	P	P	P	P	P				(4) On-Site Agricultural Retail
											S	S	S	(5) Selective Cutting
														(6) Clear Cutting
<u>S</u>											<u>S</u>	<u>S</u>	<u>S</u>	<u>(7) Adult-Use Cannabis Cultivation</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 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
S	S	S	S				S		S	S				(18) Accommodations, Vacation Rental
										<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>(19) Adult-Use Cannabis Dispensing Organization</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 Principal Industrial Uses (154.406 (G))
P	P	P	P	P	P	P	P	P	P	P				(1) Light Industrial
P	P	P	P	P	P	P	P	P	P	P				(2) Heavy Industrial
S	S	S	S	S	S	S	S	S	S	S				(3) Communication Tower
P	P	P	P	P	P	P	P	P	P	P				(4) Extraction Use
											<u>S</u>	<u>S</u>	<u>S</u>	<u>(5) Adult-Use Cannabis Industrial</u>
P = Permitted by Right (See section 154.402(A)) S = Permitted by a Special Use (See section 154.402 (B))														

LA Limited Agricultural	HDR High Density Residential	PC Planned Commercial	LI Light Industrial
CSR Countryside Residential	NO Neighborhood Office	GC General Commercial	HI Heavy Industrial
LDR Low Density Residential	PO Planned Office	DC Downtown Commercial	
MDR Medium Density Residential	NC Neighborhood Commercial	PI Planned Industrial	

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

- *(Additions are shown as underlined)*

(B) Principal Agricultural Land Uses.

(7) Adult-Use Cannabis Cultivation. The following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

(a) Additional requirements to be designated in Special Use Permit:

1. Hours of operation and anticipated number of customers/employees.
2. Anticipated parking demand based on Table 154.601.3 and available private parking supply.
3. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
4. Proposed signage plan.
5. Compliance with all requirements provided in Section §154.406(B)(7)(b)(1) (Adult-Use Cannabis Craft Grower); §154.406(B)(7)(b)(2) (Adult-Use Cannabis Cultivation Center), as applicable.

(b) Allowable uses and detailed regulations under §154.406(B)(7) of this Title:

1. **Adult-Use Cannabis Craft Grower:** In those zoning districts in which an Adult-Use Cannabis Cultivation may be located, the proposed Adult-Use Cannabis Craft Grower facility must comply with the following:
 - a. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or day care center. Learning centers and

vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

- b. Facility may not be located within 250 feet of the property line of a pre-existing property zoned for residential purposes.
 - c. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - d. For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as “Adult-Use Cannabis Cultivation” per Table 154.601.3 (Minimum Required Parking Spaces: Principal Agricultural Uses), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through §154.924 Special Use Permits herein.
 - e. Petitioner shall file an affidavit with the City affirming compliance with §154.406(B)(7)(b)(1) as provided herein and all other requirements of the Act.
 - f. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.
2. **Adult-Use Cannabis Cultivation Center:** In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:
- a. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or day care center. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - b. Facility may not be located within 250 feet of the property line of a pre-existing property zoned for residential purposes.
 - c. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - d. For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as “Adult-Use Cannabis Cultivation” per Table 154.601.3 (Minimum Required Parking Spaces: Principal Agricultural Uses), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through §154.924 Special Use Permits herein.
 - e. Petitioner shall file an affidavit with the City affirming compliance with §154.406(B)(7)(b)(2) as provided herein and all other requirements of the Act.
 - f. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

SECTION IV: 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.

(19) Adult-Use Cannabis Dispensing Organization. The following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

(a) Additional requirements to be designated in Special Use Permit:

1. Hours of operation and anticipated number of customers/employees.
2. Anticipated parking demand based on Table 154.601.3 and available private parking supply.
3. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
4. Proposed signage plan.
5. Compliance with all requirements provided in Section §154.406(D)(19)(b)(1) (Adult-Use Cannabis Dispensing Organization), as applicable.

(b) Allowable uses and detailed regulations under §154.406(D)(19) of this Title:

1. **Adult-Use Cannabis Dispensing Organization:** In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:
 - a. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or day care center. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - b. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned for residential purposes.
 - c. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in §154.406(D)(19)(b)(1)(e) below in the same tenant space.
 - d. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - e. Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required by §154.406(D)(19)(b)(1)(i) (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided in §154.919(O) of the City of Galena Zoning Code.
 - f. For purposes of determining required parking, said facilities shall be classified as “Adult-Use Cannabis Commercial” per Table 154.601.3 (Minimum Required Parking Spaces: Principal

Commercial Uses), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through §154.924 Special Use Permits herein.

- g. Petitioner shall file an affidavit with the City affirming compliance with §154.406(D)(19)(b)(1) as provided herein and all other requirements of the Act.
- h. Co-Location of Cannabis Business Establishments. The City may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Conditional Use criteria within the City of Galena Zoning Code. In a co-location, the floor space requirements of §154.406(D)(19)(b)(1)(c) and §154.406(G)(5)(b)(1)(c) shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- i. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

SECTION V: Section §154.406 (G) – Principal Industrial Land Uses of the City of Galena Zoning Code, is hereby amended as follows:

- *(Additions are shown as underlined)*

(G) Principal Industrial Land Uses.

(5) Adult-Use Cannabis Industrial. The following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

(a) Additional requirements to be designated in Special Use Permit:

- 1. Hours of operation and anticipated number of customers/employees.
- 2. Anticipated parking demand based on Table 154.601.3 and available private parking supply.
- 3. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- 4. Proposed signage plan.
- 5. Compliance with all requirements provided in §154.406(G)(5)(b)(1) (Adult-Use Cannabis Infuser Organization); §154.406(G)(5)(b)(2) (Adult-Use Cannabis Processing Organization); and §154.406(G)(5)(b)(3) (Adult-Use Cannabis Transporting Organization), as applicable.

(b) Allowable uses and detailed regulations under §154.406(G)(5) of this Title:

- 1. **Adult-Use Cannabis Infuser Organization:** In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:
 - a. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or day care center. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

- b. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned for residential purposes.
 - c. At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - d. For purposes of determining required parking, said facilities shall be classified as “Adult-Use Cannabis Industrial” per Table 154.601.3 (Minimum Required Parking Spaces: Storage, Wholesaling & Industrial Uses), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through §154.924 Special Use Permits herein.
 - e. Petitioner shall file an affidavit with the City affirming compliance with §154.406(G)(5)(b)(1) as provided herein and all other requirements of the Act.
 - f. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.
2. **Adult-Use Cannabis Processing Organization:** In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:
- a. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or day care center. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - b. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned for residential purposes.
 - c. At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - d. For purposes of determining required parking, said facilities shall be classified as “Adult-Use Cannabis Industrial” per Table 154.601.3 (Minimum Required Parking Spaces: Storage, Wholesaling & Industrial Uses), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through §154.924 Special Use Permits herein.
 - e. Petitioner shall file an affidavit with the City affirming compliance with §154.406(G)(5)(b)(2) as provided herein and all other requirements of the Act.
 - f. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.
3. **Adult-Use Cannabis Transporting Organization:** In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

- a. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or day care center. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- b. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned for residential purposes.
- c. The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- d. For purposes of determining required parking, said facilities shall be classified as “Adult-Use Cannabis Industrial” per Table 154.601.3 (Minimum Required Parking Spaces: Storage, Wholesaling & Industrial Uses), provided, however, that the City may require that additional parking be provided as a result of the analysis completed through §154.924 Special Use Permits herein.
- e. Petitioner shall file an affidavit with the City affirming compliance with §154.406(G)(5)(b)(2) as provided herein and all other requirements of the Act.
- f. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

SECTION VI: 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)

TABLE 154.601.3 MINIMUM REQUIRED PARKING SPACES	
LAND USE	REQUIRED NUMBER OF PARKING STALLS
AGRICULTURAL	
...On-Site Agricultural Retail	1 per every 200 sq. ft. of product display area
<u>Adult-Use Cannabis Agriculture</u>	<u>1 per employee on the largest work shift</u>
COMMERCIAL	
...Accommodations, Vacation Rental – Single Room	See § 154.406(H)(9)
<u>Adult-Use Cannabis Commercial</u>	<u>1 per 300 sq. ft. of gross floor area</u>
STORAGE, WHOLESALING & INDUSTRIAL	
...Extraction Use	1 per employee on the largest work shift
<u>Adult-Use Cannabis Industrial</u>	<u>1 per employee on the largest work shift</u>

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

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

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

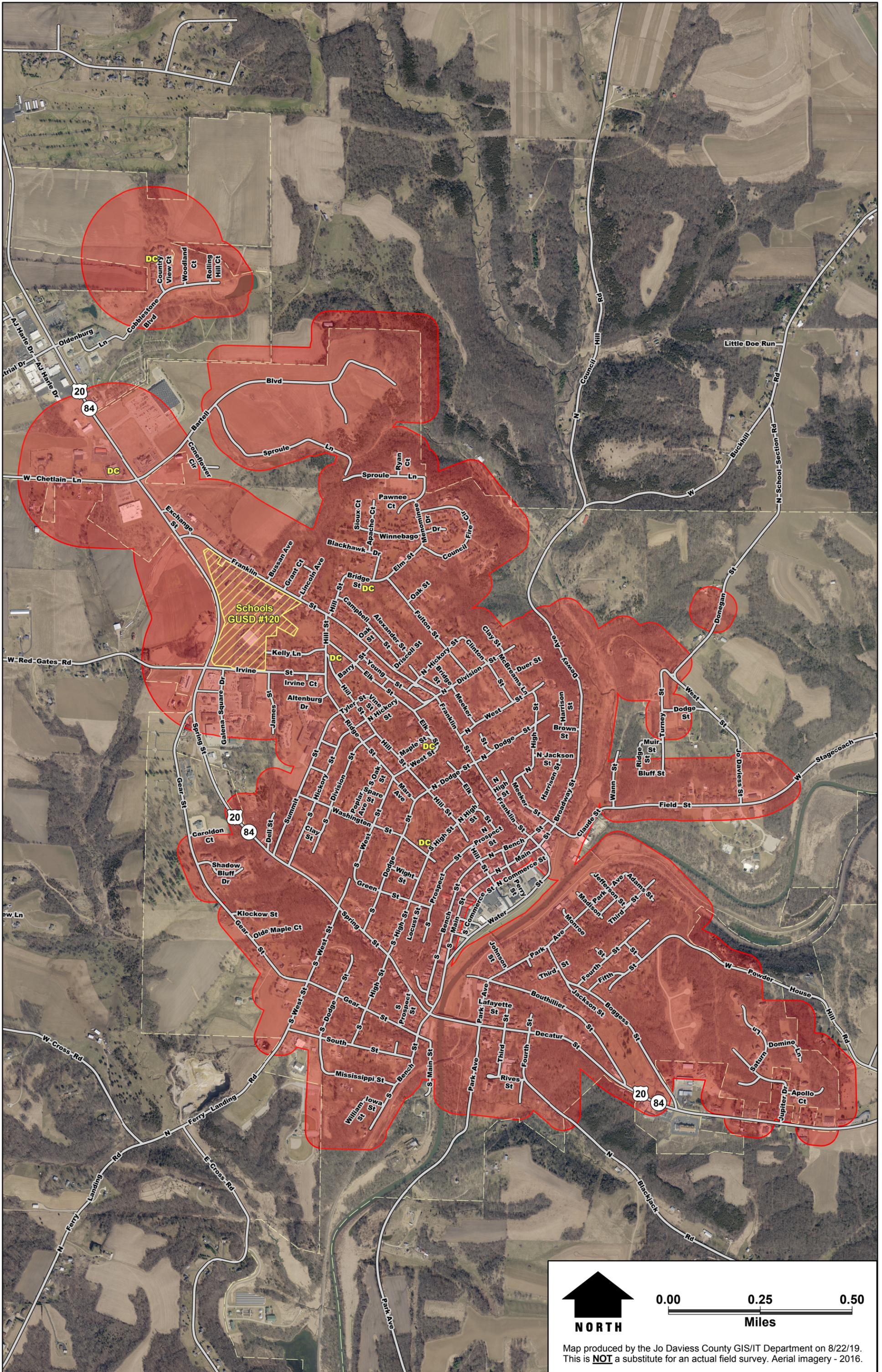
AYES:

NAYS:

ATTEST:

TERRY RENNER, MAYOR

MARY BETH HYDE, CITY CLERK



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Miles

Map produced by the Jo Daviess County GIS/IT Department on 8/22/19.
This is **NOT** a substitute for an actual field survey. Aerial imagery - 2016.