

Ordinance #O.19.15

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.**

Adopted by the City Council of the City of Galena this 15th Day of October 2019.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 15th Day of October 2019.

STATE OF ILLINOIS)
)
COUNTY OF JO DAVIESS) City of Galena

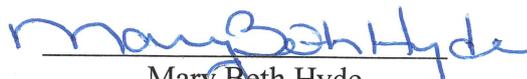
CERTIFICATE

I, Mary Beth Hyde, certify that I am the duly elected municipal clerk of the City of Galena, JoDaviess County, Illinois.

I further certify that on the 15th Day of October 2019, the Corporate Authorities of said municipality passed and approved Ordinance No. O.19.15 entitled **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**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.19.15 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 16th Day of October 2019 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 16th October 2019.



Mary Beth Hyde
City Clerk

(Seal)

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 in a residential zoning district.
 - 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 in a residential zoning district.
 - 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 in a residential zoning district.
 - 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 in a residential zoning district.
 - 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 in a residential zoning district.
 - 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 in a residential zoning district.
- 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 15th day of October, A.D., 2019, in open Council.

AYES:

McCoy, Westemeier, Allendorf,
Bernstein, Hahn, Kieffer

NAYS:

Renner

ATTEST:



TERRY RENNER, MAYOR



MARY BETH HYDE, CITY CLERK