

Ordinance #O.16.19

**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 14<sup>th</sup> Day of November 2016.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 14<sup>th</sup> Day of November 2016.

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

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 14<sup>th</sup> Day of November 2016, the Corporate Authorities of said municipality passed and approved Ordinance No. O.16.19 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.16.19 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 14<sup>th</sup> Day of November 2016 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 15<sup>th</sup> Day November 2016.

  
\_\_\_\_\_  
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**

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**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

**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
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
<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>				<u>S</u>			<u>S</u>				(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><b>P = Permitted by Right (See section 154.402(A)) S = Permitted by a Special Use (See section 154.402 (B))</b></p>														

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**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)*

<b>TABLE 154.601.3 MINIMUM REQUIRED PARKING SPACES</b>	
<b>LAND USE</b>	<b>REQUIRED NUMBER OF PARKING STALLS</b>
<b>COMMERCIAL</b>	
... 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 14<sup>th</sup> day of November, A.D., 2016, in open Council.

**AYES:**

Kieffer, Lincoln, Westemeier,  
Bernstein, Fach, Hahn, Renner

**NAYS:**

None

**ATTEST:**

  
TERRY RENNER, MAYOR

  
MARY BETH HYDE, CITY CLERK