R.25.05

Passed and Approved this 27th Day of May 2025 by the City Council.

AYES:	NAYS:	ABSENT:
Westemeier, Wienen, Gates, Johnson, Kieffer, Tegtmeyer Renner	None	None

Terry Renner
Mayor

ATTEST:

Mary Beth Hyde
City Clerk

CITY OF GALENA, ILLINOIS

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

Resolution No. R.25.05

ZONING BOARD OF APPEALS

DETERMINATION & RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER:	Cal. No. 25A-03
APPLICATION BY:	City of Galena, 101 Green St., Galena, IL 61036.
FOR:	Request for a Text Amendment to the Zoning Code of Ordinances to amend Table 154.403.1 (B)&(G), Permitted Land Uses.

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on May 14, 2025. The hearing was advertised in an edition of the Galena Gazette, in a quarter-page sized ad that was available to the general public between 15 and 30 days prior to the hearing. 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 City of Galena is requesting a text amendment to the Code of Ordinances to correct discrepancies identified in the Permitted Land Use Tables within the Zoning Code of Ordinances. These discrepancies were discovered by staff and members of the Zoning Board of Appeals (ZBA) after noticing that the versions of the tables published online and by American Legal did not align with the intended land uses recorded in physical and digital copies utilized by staff and board members.

Upon further investigation, staff identified inconsistencies in sections B and G of the Permitted Land Use Tables (Table 154.403.1). These discrepancies stemmed from unintended modifications made during the adoption of the Cannabis Ordinances in 2019. Along with other alterations, for example, sections B and G were altered in a way that unintentionally permitted Heavy Industrial land uses in all residential districts while removing them from industrial districts. These clerical

errors, introduced alongside the Cannabis land use additions, was clearly unintended and requires correction through the text amendment process.

Because the online codified ordinances cannot be administratively changed with American Legal without a formal ZBA text amendment process, this amendment is necessary to restore the Permitted Land Use Tables to their originally intended designations. To our knowledge, there have been no developments reflecting the unintended changes.

Below are the proposed amendments to sections B and G of the Permitted Land Use Tables, ensuring they accurately reflect the intended land use designations within the appropriate districts.

The Zoning Board recommends approval of the text amendment.

Revise Table 154.403.1, Permitted Land Uses with Additions and ~~Deletions~~ as shown below:

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	P	P	P	(1) Cultivation
P	S	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~				(2) Husbandry
S	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~	~~S~~			P	(3) Agricultural Services
P	S	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	P	~~P~~				(4) On-Site Agricultural Retail
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(5) Selective Cutting
S	S	S	S	S	S	S	S	S	S	S	S	S	S	(6) Clear Cutting
S											S	S	S	(7) Adult-Use Cannabis Cultivation
P = Permitted by Right (See section 154.402(A)) **S** = Permitted by a Special Use (See section 154.402 (B))														

LA Limited Agricultural
LI Light Industrial
CSR Countryside Residential
HI Heavy Industrial
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

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~~	P	P	P	(1) Light Industrial
~~P~~	~~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~~	S	S	S	(3) Communication Tower
S	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~			~~S~~	(4) Extraction Use
											S	S	S	(5) Adult-Use Cannabis Industrial
P = Permitted by Right (See section 154.402(A)) **S** = Permitted by a Special Use (See section 154.402 (B))														

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PC Planned Commercial
GC General Commercial
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PI Planned Industri

Testimony Presented on Behalf of the Applicant:

Jonathan Miller, Zoning Administrator for the City of Galena. Miller explained to the Zoning Board that inconsistencies were discovered in sections B and G of the Permitted Land Use tables in the Zoning Code of Ordinances. These unintentional alterations were made in 2019 during the adoption of the Cannabis Ordinances. These proposed changes will correct those inconsistencies.

No further testimony was presented in support of, or in opposition to, the proposal.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Article 0, Section 154.005 through 154.008 sets forth the Purpose, Separability and Non-Liability, Abrogation and Rules of Interpretation of the Zoning Ordinance.
- Article 9, Table 154.403 sets forth the Permitted Land Uses.
- Article 9, Section 154.920 sets forth the purpose, applicability, approval criteria, decision-maker, and application and review procedures for Zoning code amendments.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by The City of Galena to amend the Zoning Code of Ordinances Table 154.403.1 (B)&(G), Permitted Land Uses should be approved for the following reasons:

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; *Yes, the changes were made in error.*

(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.; *N/A*

(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; *The changes will protect all of the potential impacts of the amendment.*

(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; *This amendment will bring the ordinance back in to conformance.*

(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; *N/A*

(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 *N/A*

(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. *Yes, it will be back in to conformance.*

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

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

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

RECOMMENDATION

NOW, THEREFORE BE IT RESOLVED, that this Zoning Board of Appeals does recommend to the City Council of the City of Galena that this request by the City of Galena for a text amendment to the Zoning Code of Ordinances to amend Table 154.403.1 (B)&(G), permitted land uses should be approved.

PASSED AND APPROVED this 14th day of May, A.D. 2025, by the Galena Zoning Board of Appeals by a vote of 6 ayes, 0 nays, 1 absent, 0 abstain, 0 recused.

John Rosenthal, Chairperson