



COMMUNITY DEVELOPMENT DEPARTMENT

CHANGE OF NONCONFORMING USE (Requires Public Hearing)

INTRODUCTION

This informal material provides a basic outline of the City’s requirements. Interested parties should refer to the City’s municipal code for specific provisions regarding Zoning, Subdivision Regulations, Parking, Landscape, Sign, Stormwater Drainage, Site Plan Review and other regulations. A copy of the municipal code is available at the City Clerk’s office in the Galesburg City Hall or on our website at www.ci.galesburg.il.us. This information is not to be considered as a substitute for any Federal, State, County or City law or ordinance. It is merely a guiding tool for the review process.

A Change of Nonconforming Use may be initiated by the City Council, by application of all the fee owners of the subject property or by the owner’s authorized agent.

If you have any questions on the procedures or requirements of the City, the following may be contacted to provide further assistance:

<u>COMMUNITY DEVELOPMENT</u>	(Planning, Zoning and Building Inspections)	309/345-3619
<u>FIRE DEPARTMENT</u>	(Fire Prevention)	309/345-3757
<u>PUBLIC WORKS</u>		309/345-3623

WHAT IS A NONCONFORMING USE

The Development Ordinance (DO) defines a Nonconforming Use as “Any building or land lawfully occupied by a use at the time of passage of this DO or amendment thereto which does not conform after the passage of this DO or amendment thereto with the use regulations of the district in which it is situated.”

Section 152.020 of the DO contains provisions for nonconforming uses and structures in regards to continuance, expansion, intermittent use, discontinuance or abandonment, repairs or alterations, additions, restoration and change of nonconforming use.

A nonconforming use shall not be changed to another nonconforming use, except where the proposed use is located in the same or a more restrictive zoning district than where the existing nonconforming use is first allowed and an application for such a change has been submitted to and approved by the Planning and Zoning Commission.

KEY DATES

APPLICATION DEADLINE	PUBLICATION DATE (LOCAL NEWSPAPER)	PLANNING AND ZONING COMMISSION PUBLIC HEARING
12/17/2025	12/26/25	1/13
1/21	1/30	2/17
2/25	3/6	3/24
3/25	4/2 THURS	4/21
4/22	5/1	5/19
5/27	6/5	6/23
6/24	7/2 THURS	7/21
7/22	7/31	8/18
8/26	9/4	9/22
9/23	10/2	10/20
10/21	10/30	11/17
11/25	12/4	12/22
12/16	12/23 WED	1/12/27

CHANGE OF NONCONFORMING USE APPROVAL GUIDELINES

The Development Review Committee and Planning and Zoning Commission shall use the following guidelines when reviewing change of nonconforming use requests:

- The parking requirements and parking spaces provided in reference to the new use;
- The appearance of the buildings and site on which the use is located;
- The use, type, area and appearance of signs;
- The hours of operation for the new use;
- The lighting provisions for the new use;
- The landscaping provisions for the new use;
- The potential increase in vehicular traffic in the neighborhood;
- The compatibility with existing uses and zoning of nearby property;
- The City and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development;
- The proposed change will not result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, wildlife and natural resources; and
- The City may decide upon conditions for approval but may also deny such uses as incompatible with existing uses or the surrounding area.

APPLICATION PROCESS

The City has created this step-by-step process to help ensure that all reviews are performed fairly and consistently. While there may be variations on each of the following steps, all applications shall be submitted to the City on forms provided by the Community Development Department.

1. Contact the Community Development Department as soon as possible to discuss your situation and obtain an application form.

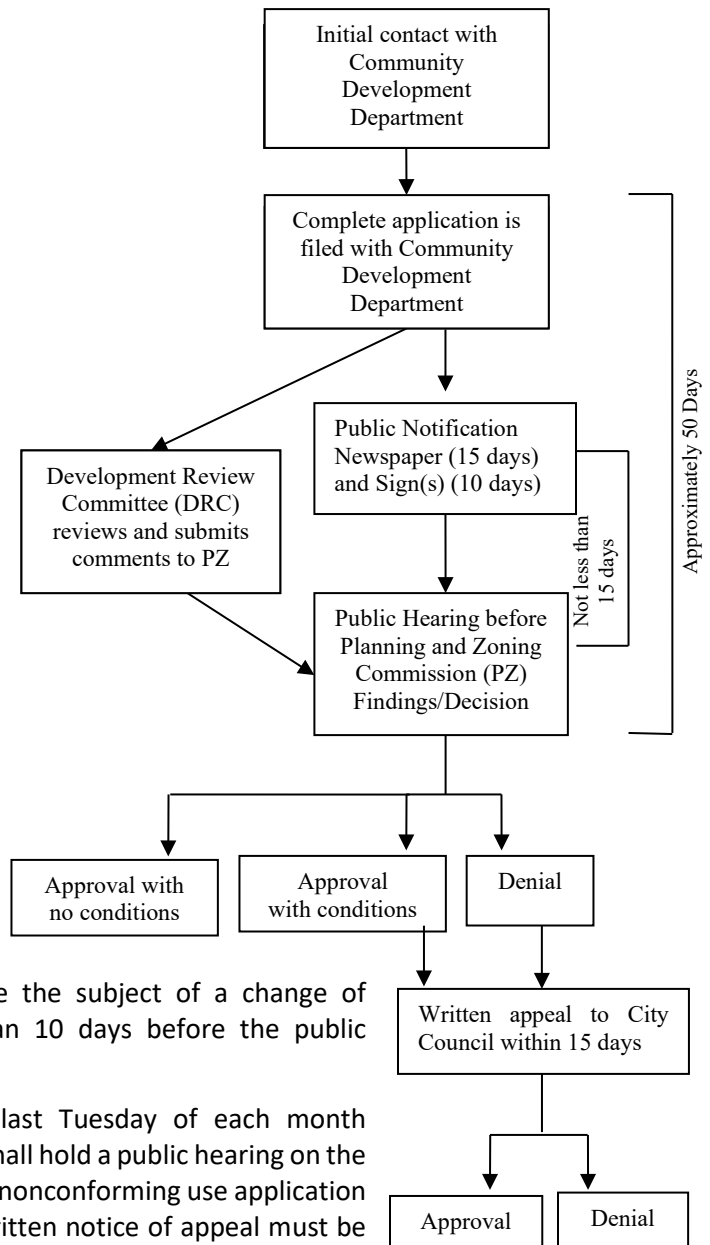
2. Applicant completes and submits the application, all required attachments and the \$150 non-refundable filing fee to the Director of the Community Development Department. *Failure to do so will constitute an incomplete submittal and may result in a delay in processing the application. In lieu of*

3. Community Development staff shall compile the documents and schedule a meeting with the Development Review Committee (DRC).

4. The DRC is made up of City staff charged with reviewing applications for completeness and compliance with City codes and regulations. City staff shall document all suggestions and forward those comments to the Planning and Zoning Commission (PZ) and the applicant.

5. City staff shall publish a legal notice in the newspaper not less than 15 days and shall post a sign on any premises which are the subject of a change of nonconforming use request not less than 10 days before the public hearing as required by law.

6. The PZ typically meets the second to last Tuesday of each month (recognized holidays may affect this) and shall hold a public hearing on the request. Any decision made by the PZ on a nonconforming use application may be appealed to the City Council. A written notice of appeal must be filed with the Community Development Department within fifteen (15) days from the date of the PZ's action. Any request for appeal will be forwarded to the City Council for their review and decision. The City Council may uphold, overturn or amend the action taken by the PZ. If the applicant fails to submit a written notice of appeal within the fifteen day appeal period, the PZ's decision shall be final.



CHANGE OF NONCONFORMING USE APPLICATION

DEVELOPMENT NAME (if applicable):

APPLICANT INFORMATION:

Primary contact name	Mailing address	City, State, Zip
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Phone	Fax	Email
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OTHER APPLICANTS AND INTERESTED PARTIES:

Relationship	Name	Company	Mailing Address	Phone #
Applicant				
Owner(s)				
Developer(s)				

SITE INFORMATION:

Acres	Site address or location	Property Identification Number (PIN)
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Legal Description

Current Zoning

Comprehensive Plan – Future Land Use Map Category

CURRENT NONCONFORMING USE INFORMATION:

Provide documentation that the existing use is a legal nonconforming use. To be a legal nonconforming use, it must be demonstrated that the property has been in the same continuous use since prior to the adoption of the current zoning at the proposed location (please give specific dates if possible).

PROPOSED NONCONFORMING USE INFORMATION:

Provide a detailed description of the type of nonconforming use proposed. Describe exactly what will be involved. (Include number of individuals that will live or work at the site, number of vehicle trips generated per day, hours of operation, special equipment used, waste materials, proposed signage, etc).

Are any structural alterations, planned maintenance work, repairs or improvements to the structure(s) and/or site proposed? If so, please describe. Do you expect that the proposed project will be expanded in the future?

Describe in detail why the alterations of the structure(s) and/or physical improvements, and/or the changes in the use will not create additional adverse impacts upon the surrounding neighborhood. In doing so, address topics such as: Noise, Odor, Traffic, Off-street parking, Exterior lighting (glare), etc. Describe any measures planned to mitigate the potential adverse impacts of the changes (e.g. screening, buffering, pollution control equipment, acoustical insulation, traffic management plan, etc.).

**Attach additional sheets as necessary*

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. The Authorized Signer invites City representatives to make all reasonable inspections, investigations and pictures of the subject property during the processing period of the application. I agree to pay all fees consistent with the City payment policies and comply with City codes. I understand these fees will include publication and processing expenses and are non-refundable.

I understand that all correspondence from the City staff will be directed to the Primary Contact. It will be the Primary Contact's responsibility to inform all other interested parties of any correspondence and the status of the application.

Signature of owner or authorized agent

Date

CHECKLIST OF REQUIRED APPLICATION ITEMS:

- ☐ One original completed Change of Nonconforming Use application form.
- ☐ Payment of a \$150 non-refundable filing fee. Checks should be made payable to "City of Galesburg".
- ☐ Authorized Signature Acknowledgement. If the owner(s) of the property in question will not be the primary contact or is not the applicant, then an acknowledgement must be signed by the property owner(s) designating an authorized agent for the application. It shall state the authorized agent has the authority to deal with the property in all aspects with regards to the application.
- ☐ Attachments such as sketches, site plans, building layouts or elevations are recommended. Any sketch submitted should accurately reflect the dimensions of the property, location of all existing and proposed buildings and their setbacks, adjoining roads and easements, access to the property and driveways, off-street parking areas, fencing, existing and proposed landscaping, unique topographical features or conditions and other information that will illustrate your proposal. The site plan or sketch may be 11" x 17" or smaller and be reproducible on a photocopy machine. Site plans/sketches must be drawn to scale.
- ☐ If you have spoken to property owners adjacent to or across the right of way from the subject property, please provide a list of the names of those you have contacted, their respective address and whether they support the change or not.
- ☐ The applicant or authorized agent must be present at the public hearing held before the Planning and Zoning Commission.