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# NONCONFORMING USE PERMIT

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Enlargement of a Nonconforming Use

City of Saint Paul

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## ENLARGEMENT OF NONCONFORMING USE

### Section 62.109(d)

A nonconforming use is a lawful use that existed at the time of adoption of the zoning code (October 24, 1975) or amendment, and is not currently permitted in the zoning district in which it is located.

The Planning Commission, following a public hearing, may permit the enlargement of a nonconforming use. They must make the following required findings:

1. The enlargement will not increase the number of dwelling units;
2. For enlargements of a structure, the enlargement will meet the yard, height, and percentage of lot coverage requirements of the district;
3. The appearance of the enlargement will be compatible with the adjacent property and neighborhood;
4. Off-street parking is provided for the enlargement that meets the requirements of section 63.200 for new structures;
5. Rezoning the property would result in Aspot@ zoning or a zoning inappropriate to the surrounding land uses;
6. After the enlargement, the use will not result in an increase in noise, vibration, glare, dust or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare;
7. The use is consistent with the comprehensive plan; and
8. A notarized petition of two-thirds of the property owners within 100 feet of the property has been obtained stating support for the use.

The Planning Commission may attach other conditions to insure the public welfare.

### Applicant's Role

1. The applicant (or representative) obtains the required nonconforming use permit application forms from the City of Saint Paul at the address provided at the end of this document. The forms include the following:
  - a. Application for Nonconforming Use Permit;
  - b. Copies of the "Consent of Adjoining Property Owners" form;
  - c. Affidavit for individual circulating the petition.
2. Complete the application form. Include evidence that all of the conditions listed in the code (1-8 above) are met. This would include floor plans, site plans, and other information to substantiate your case.
3. Complete the top portion of the consent form. Obtain the consent signatures of two-thirds of the property owners within 100 feet of the property.
4. A private title company or Saint Paul Zoning staff can provide names and addresses of the fee owners of property within 100 feet of the site, using Ramsey County Property records. There will be a fee for this service.
5. Have the forms notarized and bring them to the Zoning Office along with the completed application and attachments to be filed with the appropriate fee.
6. Be available to provide additional information to Zoning staff as needed.
7. Attend Zoning Committee public hearing to explain your application and answer questions.

## **Process**

1. If the petition is found to be sufficient, Zoning staff opens the file, notifies representatives of the district council of the pending application, and sets up a public hearing before the Zoning Committee of the Planning Commission. The hearing is approximately 21 days from the date the application is received. The committee meets at 3:30 p.m. in City Council Chambers on alternate Thursdays.
2. Notice of the hearing is sent at least 10 days in advance of the public hearing to property owners within 350 feet of the site and also to planning district representatives.
3. At the public hearing, the Zoning Committee:
  - a. Hears the staff recommendation based on a review of zoning code requirements;
  - b. Hears public testimony in support and opposition; and
  - c. Recommends approval or denial of the request, and indicates when the recommendation will be made to the Planning Commission.
4. The Planning Commission receives the recommendation of the Zoning Committee and makes a decision at its scheduled meeting at 8:30 a.m. the Friday of the week following the Zoning Committee meeting. This is not a public hearing, and no public testimony is heard. However, this meeting is open to the public, and you may attend.
5. The Planning Commission will either approve or deny the application. The applicant or any persons affected by this decision may appeal the Planning Commission decision to the City Council within 10 days of the Planning Commission decision. There is an additional fee for the appeal.

If you have any questions, contact the general zoning information number at 651-266-9008 or

Zoning Office  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, Minnesota 55102  
(651) 266-6589

The information is also available online at <http://www.stpaul.gov/index.aspx?NID=1899>