
NONCONFORMING USE PERMIT

Establishment of Legal Nonconforming Use

City of Saint Paul

ESTABLISHMENT OF LEGAL NONCONFORMING USE STATUS

Section 62.109(a)

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

The Planning Commission, following a public hearing at the Zoning Committee, may grant legal nonconforming status to a use that does not meet the requirements for administrative determination but has been in existence for at least 10 years. They must make the following required findings.

1. The use occurs entirely within an existing structure;
2. The use or use of similar intensity permitted in the same clause of the zoning code or in a more restrictive zoning district has been in existence continuously for a period of at least ten (10) years prior to the date of the application.
3. The off-street parking is adequate to serve the use;
4. Hardship would result if the use were discontinued;
5. Rezoning the property would result in spot zoning or a zoning inappropriate to the surrounding land uses;
6. The use will not 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) receives a nonconforming use permit application form from the Zoning Section, 1400 City Hall Annex, 25 West Fourth St., Saint Paul, Minnesota 55102 or online at <http://www.stpaul.gov/depts/liep/zoning/deternonconform.html>. The forms include the following:
 - a. Application for Nonconforming Use Permit;
 - b. Consent of Adjoining Property Owners form;
 - c. Affidavit of Petitioner form 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 evidence that the use has been in existence for ten years, evidence of hardship, floor plans, site plans, and other information to substantiate your case. If the application is for a permit to grant legal nonconforming status for a duplex or triplex, the application shall also include responses to the duplex/triplex conversion guidelines. These guidelines are available from the Zoning Section.
3. Complete the top portion of the consent petition form, including a clear description of the use you are proposing to establish as the legal nonconforming use. On the consent petition 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. Complete the Affidavit of Petitioner form and have it notarized. Bring the completed forms, consent petition, and supporting information to the Zoning Office along 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, held 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.

If you have any questions, contact

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