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# NONCONFORMING USE PERMIT

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Change of a Nonconforming Use

City of Saint Paul

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## CHANGE OF NONCONFORMING USE

### Section 62.109(c)

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 allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or to a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed. They must make the following required findings.

1. The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use;
2. The traffic generated by the proposed use is similar to that generated by the existing nonconforming use;
3. 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; and
4. The use is consistent with the Comprehensive Plan.

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 Saint Paul Planning Commission, c/o Zoning Section, 1400 City Hall Annex, 25 West Fourth Street, Saint Paul, Minnesota 55102.
2. Complete the application form. Include evidence that all of the conditions listed in the code (1-4 above) are met. This would include floor plans, site plans, and other information to substantiate your case.
3. Be available to provide additional information to zoning staff as needed.
4. Attend Zoning Committee public hearing to explain your application and answer questions.

### Process

1. The 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