

NONCONFORMING USE PERMIT

Re-establishment of a Nonconforming Use

City of Saint Paul

RE-ESTABLISHMENT OF A NONCONFORMING USE

Section 62.109(e)

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.

When a nonconforming use of a structure, or structure and land in combination, ceases to exist for one year, the Planning Commission, following a public hearing, may allow the re-establishment of a nonconforming use. They must make the following required findings:

1. The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose;
2. The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use;
3. The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;
4. The use is consistent with the comprehensive plan; and
5. 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 ensure 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. The forms include the following:
 - a. Application for Nonconforming Use Permit;
 - b. Copies of the AConsent of adjoining property owners form;
 - c. Affidavit for individual circulating the petition.
2. Request a list of properties and owners within 100 ft. of the site from zoning section staff.
3. Complete the application form. Include evidence that all of the conditions listed in the code (1-5 above) are met. This would include floor plans, site plans, and other information to substantiate your case.
4. Complete the top portion of the consent form. Obtain the consent signatures of the owners of two-thirds of the property within 100 feet of the subject property .
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, 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 the review of the requirements of the zoning code;
 - 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 taken. 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 person 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