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City of Saint Paul
Department of Planning & Economic Development
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Saint Paul, MN 55102
651-266-6583

ZONING APPLICATION, PETITIONS AND AFFIDAVITS PACKET

Zoning in the City of Saint Paul regulates the use of the land, density of population, coverage of lots, and bulk of structures, and provides a means to implement the City's Comprehensive Plan. The overall objective of zoning is to promote compatibility between various land uses and to provide for an attractive and efficient community.

The procedure for changing the zoning of a property is regulated by Minnesota Statutes section 462.357, and by the Saint Paul Zoning Code. The following information is provided only as a general guide to the process. Please consult with staff to discuss your particular situation. The information provided to you should not be considered as support for your zoning request.

Section 61.801(b) of the Saint Paul Zoning Code describes the procedure to apply for a rezoning if the property owner desires a change in use or density from that permitted in the existing zone. For rezonings from residential to commercial or industrial zoning, state law requires a consent petition signed by two-thirds of the property owners within 100 feet of the parcel being rezoned.

After the application is received, Planning staff reviews the request. Some of the issues that are evaluated by the city with respect to rezoning proposals include:

- Compatibility with land use and zoning of property within the general area.
- Suitability of the property for the uses permitted under the existing zoning classification.
- The trend of development in the area of the property in question.
- Consistency with the Comprehensive Plan and the plans for the area that have been adopted by the City Council

Public hearings on rezoning requests are conducted by the Planning Commission's Zoning Committee and the City Council. The Planning Commission reviews the proposal and makes a recommendation to the City Council. The City Council makes the final decision on zone change requests.

PRE-APPLICATION CONFERENCE

If you are considering a rezoning application, you should call to schedule a pre-application conference with Department of Planning and Economic Development (PED) zoning section staff (651-266-6589). The PED zoning section is located on the 14th floor of the City Hall Annex at 25 West Fourth Street. Staff assistance is available from 8:00 a.m. to 4:30 p.m. each weekday.

Attention: If you want help translating this information, call - **Hmong** - Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, Tchu Yajh 651-266-6592; **Spanish** - Atención. Si desea recibir asistencia gratuita para traducir esta información, llame a Laura Carroll al 651-266-6563; **Somali** - Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac, Amy Filice 651-266-6568.

At the pre-application conference, staff will discuss your plans to determine the most appropriate request, determine if any other zoning actions will be required (e.g., site plan review, conditional use permit), and explain the consent petition requirements if required. If a consent petition is required, staff can prepare a parcel map identifying all parcels within 100 feet of the property to be rezoned and generate a corresponding ownership list from Ramsey County Property Taxation records.

APPLICATION PROCESS

To apply for rezoning, submit the application form and fee, along with a consent petition if required, maps and plans, and any additional required material to:

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102
(651) 266 - 6589

If a consent petition is required, it will be held for seven working days, during which time any signature may be withdrawn by written request, and after which staff will check the petition to determine if it is valid. If the petition is found to be insufficient, it will be returned with a letter stating the reasons. If it is valid, the application will be processed.

The appropriate [District Council](#) will be notified of your request as required by the city's Administrative Code. You should contact the Community Organizer of the district to discuss your application. They may ask you to attend one of their meetings to explain your request. The district councils often make recommendations to the Planning Commission and to the City Council on rezonings.

- (1) Complete the Petition to Amend the Zoning Code [application form](#), and provide any supporting documentation, including maps, plans, or other information to substantiate the case.
- (2) If the applicant is not the owner of the property to be rezoned, an affidavit must be submitted by the property owner(s) authorizing the applicant to seek the rezoning. This affidavit must be notarized. A signed and notarized purchase agreement or contract for deed for a sale that is not yet complete is also sufficient.
- (3) If the applicant is proposing to change zoning from a residential zoning district to a commercial or industrial zoning district the applicant must seek the consent of owners of the real estate located within 100 feet of the subject site and any property contiguous to the property to be rezoned that is currently owned, or that has been sold within the past year, by the same ownership as the subject site. Streets break contiguity, alleys do not. See Table 1 for further details.
- (4) The applicant takes the consent petition to the property owners on the list for their signatures. The rezoning cannot proceed and no public hearing on the rezoning petition may be held, unless the owners of 2/3rds of the descriptions of real estate within the 100-foot boundary consent to the rezoning by signing the petition. The consent of the owners of the property for which rezoning is sought counts towards fulfilling the 2/3rds consent provision.
- (5) Consent for property owned by more than one individual (for example, property held in joint tenancy) is only valid if the signatures of ALL owners of that property are obtained.
- (6) When properties are owned by corporations, government agencies, cooperatives, schools, churches

or other types of entities, an affidavit will be required that indicates that the person signing the consent petition is authorized to do so on behalf of the owner entity. This affidavit must be notarized.

- (7) Affidavits will also be required any time the person signing the consent petition is not the person listed as the owner on the Ramsey Co. list of property owners. This affidavit must be notarized.
- (8) After obtaining the signatures, the applicant schedules an appointment to return the consent petition and all application materials, to the Department of Planning and Economic Development – Zoning Section office. Zoning staff determine the validity of the signatures and whether a sufficient number of consents have been obtained.

Please be aware that obtaining the consent of your neighbors is only one of the requirements for rezoning. Once you file a complete application, the Zoning Committee of the Planning Commission will receive a staff report and recommendation, hold a public hearing on your application and make a recommendation to the City Planning Commission which will evaluate your application based on the factors found in Section 61.800 of the Zoning Code and make a recommendation to the City Council. The City Council will make the final decision regarding all zoning amendments.

PUBLIC HEARING PROCEDURES

On the date and time stated on the public notice, the Zoning Committee will conduct a public hearing on your request and any other items scheduled for the same meeting. These meetings are held in the City Council Chambers located on the third floor of the City Hall every other Thursday at 3:30 p.m.

The Zoning Committee is an eight member subcommittee of the Planning Commission that makes recommendations to the Commission on all zoning applications. The Planning Commission is composed of 21 members appointed by the Mayor and serves as an advisory body to the Mayor and City Council on planning and zoning issues. Normally the Zoning Committee and the full Planning Commission meet twice a month on alternating weeks.

You or your representative must attend the Zoning Committee hearing and be available to explain the request. Owners of property within 350 feet of the subject property and other interested persons will be allowed to testify and ask questions. After all who wish to speak have been heard, the Zoning Committee will close the public hearing and make a recommendation to the Planning Commission. Normally the Planning Commission meets the following week on Friday at 8:30 a.m. in Room 40 of the City Hall and makes a recommendation to the City Council. Although this meeting is not a public hearing, the meeting is open to the public. You are welcome but not required to attend.

Approximately one month after the first public hearing, the request is heard before the City Council. The City Council public hearing is similar in procedure to that of the Zoning Committee hearing. The Council makes the final decision at the conclusion of the public hearing, which is memorialized through final adoption of a rezoning ordinance at the Council's meeting one week later. After signature of the Mayor, the rezoning becomes effective 30 days after its publication in the Legal Ledger.

If the City Council denies the rezoning, the same request cannot be made within one year from the date of the denial.

Table 1 - STATUTORY REQUIREMENTS FOR AMENDMENT TO ZONING DISTRICT CLASSIFICATIONS IN SAINT PAUL

Minn. Stat. § 462.357, effective May 30, 2001

Statutory consent requirement for rezoning in cities of the first class: Minn. Stat. §462.357, subd. 5, requires that written consent of the owners of two-thirds of the properties within 100 feet of the property to be rezoned be obtained when the proposed amendment to the zoning ordinance would change “all or part of the existing classification of a zoning district from residential to either commercial or industrial,” *unless* the amendment is based on a survey by the City of not less than 40 acres.

If the owner of the property to be rezoned currently owns or sold within the past year property that is contiguous to that to be rezoned, the consent area is all property within 100 feet of the property to be rezoned *and* such contiguous property.

Voting requirement for rezoning: Pursuant to the provisions of Minn. Stat. §462.357, subs. 2 and 5, in the City of Saint Paul amendments to the zoning district classification of a property may be made by a majority vote of the City Council.

Current Zoning Classification	Proposed Zoning Classification	Does Consent Requirement Apply?	Voting Requirement
Residential	Another Residential district	No, consent signatures are <i>not</i> required.	majority
Residential	Commercial or Industrial	1. Yes, consent signatures are required. 2. Consent signatures are <i>not</i> required.	1. majority 2. majority
Any Commercial or Industrial district	Any other zoning district	No, consent signatures are <i>not</i> required.	majority

Residential, Commercial and Industrial zoning district classifications. For purposes of applying the provisions of Minn. Stat. §462.357 to changes, the primary and overlay zoning districts in the Saint Paul Zoning Code fall into the statutory zoning categories as outlined below.

- “Residential” includes: All Residential Districts (RL – RM3);
- “Commercial or Industrial” includes: All Traditional Neighborhood Districts (T1 – T4); All Business Districts (OS – B5); Industrial Districts (IT – I3)
- Overlay districts in the Zoning Code do not implicate a change in the residential or non-residential nature of the zoning district and will be assessed based on the current and proposed primary (underlying) zoning classification alone.