



NONCONFORMING USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

Zoning Office Use Only	
File #:	_____
Fee:	_____
Tentative Hearing Date:	_____

APPLICANT

Name	_____
Address	_____
City	_____ St. _____ Zip _____ Daytime Phone _____
Name of Owner (if different)	_____
Contact Person (if different)	_____ Phone _____

PROPERTY LOCATION

Address/Location	_____
Legal Description	_____
Current Zoning	_____
(attach additional sheet if necessary)	

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for:
- Change from one nonconforming use to another (para. c)
 - Re-establishment of a nonconforming use vacant for more than one year (para. e)
 - Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 - Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use _____

Proposed Use _____

Attach additional sheets if necessary

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature _____ Date _____ City Agent _____

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 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. 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 (1-5 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.

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.

4. 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.
5. Be available to provide additional information to Zoning staff as needed.
6. 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 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

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