



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

SAINT PAUL CITY COUNCIL
NOTICE OF PUBLIC HEARING
UPDATED 9-24-12

Nonconforming Use Text Amendments

The Saint Paul City Council will hold a public hearing on proposed amendments to Chapter 62, Nonconforming Lots, Uses and Structures, and Chapter 64, Signs, of the Zoning Code in order to:

1. Bring the City's zoning regulations into compliance with changes to Minnesota Statutes, Section 462.357.
2. Correct minor errors, clarify language, and incorporate zoning administrator interpretations and court decisions into the text of the code.
3. Lessen the burden on applicants by reducing the number of required signatures on consent petitions for nonconforming use permits.
4. Amend Chapter 64 to reflect the new state statutes and court decisions and to eliminate repetitive language.

The entire set of proposed amendments, with a question specific to the consent petition requirement, has been posted on Open Saint Paul, <http://www.peakdemocracy.com/1009>, if you wish to join that conversation. Comments will be shared with the City Council.

The public hearing will be held before the City Council on:

Wednesday, October 17, 2012
5:30 p.m.
City Council Chambers, Room 300
15 West Kellogg Boulevard, Saint Paul

Comments submitted in writing should be addressed to:

Office of the City Council
310 City Hall
15 Kellogg Blvd. West
Saint Paul, MN 55102

Or can be sent via e-mail to patricia.james@ci.stpaul.mn.us or faxed to 651-228-3220
Copies of the proposed amendments are available online through [Open Saint Paul](#) or by contacting Patricia James, Principal City Planner, at 651-266-6639, or the e-mail address above.

SUMMARY OF AMENDMENTS

Amendments to achieve statutory compliance

Throughout Chapter 62 and 64, language regarding the conditions for repairing or replacing nonconforming uses or structures is changed to comply with Minnesota Statutes. Specific sections amended to include these changes are summarized below and affect Sections 62.101, 62.102, 62.104, 62.105, 62.106(a), (i), (n), 64.301(b), and 64.600.

1. A nonconforming use may be reinstated or replaced and any nonconforming structure may be repaired, replaced, restored, maintained, and improved unless the nonconformity is discontinued for more than one year.
2. Nonconforming structures (including signs) that are destroyed to the extent of greater than 50% of their estimated market value may be replaced as long as a building permit has been applied for within 180 days of the damage or destruction.
3. Language in Chapter 64 regarding nonconforming signs in special sign districts that is inconsistent with the statute has been deleted.

Amendments to clarify and update language

Sections that include these amendments are §§ 60.215, 62.102, 62.104(f), 62.105(b), 62.106(b), (d), (e), (f), (j), (l), (m), and (n), 62.109, and 64.301. Some of the key changes are:

1. Definitions of *nonconforming building* and *nonconforming use* have been moved to Chapter 62.
2. Dates for establishing legal nonconforming status have been simplified and corrected.
3. Language for regulating changes of nonconforming use has been clarified and updated to reflect the most recent zoning code format.
4. Regulations for accessory buildings for nonconforming uses have been clarified to reflect how they have been administered.
5. The sign regulations in Chapter 64 have been updated to reflect the decision of the Eighth Circuit Court of Appeals regarding billboard extensions.

Amendments to simplify or modify existing regulation

Sections that include these amendments are §§ 62.102, 62.104(b), (c), and (g), 62.106(c), (h), (k), and (l), 62.106(a), (c), (d), and (e), 64.301, and 64.600. Key changes do the following:

1. The Planning Commission is given more flexibility to address nonconforming uses of land.
2. A residential building vacant for longer than one year may be reestablished at the number of units for which it was originally constructed without going through the permit process to reestablish a nonconforming use.

Amendments to change the consent petition requirements

Sections 62.109(a), (b), (d) and (e) would be amended to alter the existing consent petition requirement.

The existing consent petition requirement for nonconforming use permits, that the owners of two-thirds of the properties within 100 ft. sign a consent petition before a hearing can be held, is becoming more burdensome on applicants. Many properties are owned by financial institutions in other states or countries. Language and cultural barriers also exist in some neighborhoods that make explaining the request more difficult. Since a sufficient petition is a prerequisite for an application to be accepted, those wishing to rehabilitate properties are prevented from making their case at a public hearing if they are not able to obtain a sufficient number of signatures. The commission is recommending reducing the number of signatures from two-thirds to a majority (51%) (to a maximum of 20 signatures) as part of the proposed amendments.