

CHAPTER 2400
CAPITOL AREA ARCHITECTURAL AND PLANNING
BOARD

CAPITOL AREA ZONING AND DESIGN

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GENERAL

2400.0001 TITLE.

This chapter shall be known and may be cited as the "Capitol Area Zoning and Design Rules."

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0005 PURPOSES.

This chapter is adopted by the Capitol Area Architectural and Planning Board to further the statutory purposes of the board as stated in Minnesota Statutes, section 15B.01:

A. to preserve and enhance the dignity, beauty, and architectural integrity of the Capitol, the buildings immediately adjacent to it, the Capitol grounds, and the Capitol area;

B. to protect, enhance, and increase the open spaces within the Capitol area when deemed necessary and desirable for the improvement of the public enjoyment;

C. to develop proper approaches to the Capitol area for pedestrian movement, the highway system, and mass transit system so that the area achieves its maximum importance and accessibility; and

D. to establish a flexible framework for growth of the Capitol buildings which will be in keeping with the spirit of the original design.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940; L 2003 c 17 s 2*

2400.0010 Subpart 1. [Renumbered 2400.0011, subpart 1]

Subp. 2. [Renumbered 2400.0011, subp. 2]

Subp. 2a. [Renumbered 2400.0011, subp. 3]

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Subp. 3c. [Renumbered 2400.0011, subp. 7]

Subp. 3d. [Renumbered 2400.0011, subp. 8]

Subp. 4. [Renumbered 2400.0011, subp. 9]

Subp. 5. [Renumbered 2400.0011, subp. 10]

Subp. 5a. [Renumbered 2400.0011, subp. 11]

Subp. 6. [Renumbered 2400.0011, subp. 12]

Subp. 7. [Renumbered 2400.0011, subp. 13]

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Subp. 9. [Renumbered 2400.0011, subp. 15]

Subp. 10. [Renumbered 2400.0011, subp. 16]

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- Subp. 11. [Repealed, 24 SR 940]
- Subp. 12. [Repealed, 24 SR 940]
- Subp. 13. [Renumbered 2400.0011, subp. 17]
- Subp. 13a. [Renumbered 2400.0011, subp. 18]
- Subp. 14. [Renumbered 2400.0011, subp. 19]
- Subp. 14a. [Renumbered 2400.0011, subp. 20]
- Subp. 15. [Repealed, 24 SR 940]
- Subp. 15a. [Renumbered 2400.0011, subp. 22]
- Subp. 16. [Renumbered 2400.0011, subp. 23]
- Subp. 17. [Renumbered 2400.0011, subp. 48]
- Subp. 18. [Renumbered 2400.0011, subp. 55]
- Subp. 19. [Renumbered 2400.0011, subp. 74]
- Subp. 20. [Renumbered 2400.0011, subp. 76]
- Subp. 21. [Renumbered 2400.0011, subp. 25]
- Subp. 22. [Renumbered 2400.0011, subp. 26]
- Subp. 22a. [Renumbered 2400.0011, subp. 27]
- Subp. 23. [Renumbered 2400.0011, subp. 28]
- Subp. 24. [Renumbered 2400.0011, subp. 29]
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- Subp. 29a. [Renumbered 2400.0011, subp. 35]
- Subp. 30. [Renumbered 2400.0011, subp. 37]
- Subp. 31. [Renumbered 2400.0011, subp. 38]
- Subp. 32. [Renumbered 2400.0011, subp. 40]
- Subp. 33. [Renumbered 2400.0011, subp. 41]
- Subp. 34. [Renumbered 2400.0011, subp. 42]
- Subp. 35. [Renumbered 2400.0011, subp. 21]
- Subp. 36. [Renumbered 2400.0011, subp. 39]
- Subp. 37. [Renumbered 2400.0011, subp. 73]
- Subp. 38. [Renumbered 2400.0011, subp. 83]
- Subp. 39. [Renumbered 2400.0011, subp. 43]
- Subp. 40. [Renumbered 2400.0011, subp. 44]
- Subp. 41. [Repealed, 24 SR 940]
- Subp. 42. [Renumbered 2400.0011, subp. 45]
- Subp. 43. [Renumbered 2400.0011, subp. 46]
- Subp. 44. [Renumbered 2400.0011, subp. 47]
- Subp. 45. [Repealed, 24 SR 940]
- Subp. 46. [Renumbered 2400.0011, subp. 49]
- Subp. 47. [Renumbered 2400.0011, subp. 50]

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- Subp. 57. [Renumbered 2400.0011, subp. 30]
- Subp. 58. [Renumbered 2400.0011, subp. 63]
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- Subp. 59. [Renumbered 2400.0011, subp. 65]
- Subp. 60. [Renumbered 2400.0011, subp. 66]
- Subp. 61. [Renumbered 2400.0011, subp. 67]
- Subp. 62. [Renumbered 2400.0011, subp. 36]
- Subp. 63. [Renumbered 2400.0011, subp. 68]
- Subp. 63a. [Renumbered 2400.0011, subp. 70]
- Subp. 63b. [Renumbered 2400.0011, subp. 71]
- Subp. 64. [Renumbered 2400.0011, subp. 69]
- Subp. 65. [Renumbered 2400.0011, subp. 72]
- Subp. 65a. [Renumbered 2400.0011, subp. 75]
- Subp. 66. [Renumbered 2400.0011, subp. 77]
- Subp. 67. [Renumbered 2400.0011, subp. 79]
- Subp. 67a. [Renumbered 2400.0011, subp. 80]
- Subp. 68. [Renumbered 2400.0011, subp. 81]
- Subp. 69. [Renumbered 2400.0011, subp. 82]

2400.0011 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part shall have the meanings given to them.

Subp. 2. **Accessory use.** "Accessory use" means a use which is incidental to, customarily found in connection with, and, except in the case of off-street parking spaces and loading, located on the same zoning lot as the principal use to which it is related. Generally, an accessory use occupies less square footage than the principal use.

Among those specific uses that meet the definition of accessory use are:

- A. residential accommodations for servants or caretakers;
- B. a newsstand primarily for the convenience of the occupants of a building which is located wholly within the building and has no exterior signs or displays;
- C. domestic storage in a shed, tool room, or similar accessory building no larger than 35 percent of the rear yard;

D. storage within a fully enclosed building of merchandise normally carried in stock in connection with a business or industrial use, unless storage is excluded for the appropriate districts;

E. off-street parking spaces, open or enclosed, subject to the off-street parking rules for the district in which the zoning lot is located;

F. air conditioning condensers; and

G. accessory apartments or additional dwelling units in or added to an existing one-family detached dwelling for use as a complete, independent living facility with provisions for cooking, eating, and sleeping.

Subp. 3. **Adult uses.** "Adult uses" means those uses that are not open to the general public but exclude members of the public by means of age and in which there is an emphasis on the presentation, display, depiction, or description of specific sexual activities or specific anatomical areas. Among adult uses are adult bookstores, adult motion or mini-motion picture theaters, adult massage parlors, adult saunas, adult health clubs, cabarets, and other similar uses.

Subp. 4. **Alleys.** "Alleys" means a dedicated public way not more than 30 feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.

Subp. 5. **Amusement arcade.** "Amusement arcade" means a building or part of a building in which five or more pinball machines, video games, or other similar player-oriented amusement devices are maintained.

Subp. 6. **Antenna.** "Antenna" means any system of wires, poles, rods, towers, reflecting disks, dishes, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building, or freestanding elsewhere on the property.

Subp. 7. **Auto body shop or repair center.** "Auto body shop" or "repair center" means a shop in the business of making either minor or major repairs to any automobile.

Subp. 8. **Auto convenience market.** "Auto convenience market" means a place where gas, oil, lubricants, or minor accessories are sold directly to the public on the premises in combination with everyday items normally found in a convenience store or supermarket.

Subp. 9. **Automobile service center.** "Automobile service center" means an establishment where automotive fuel, tires, batteries, accessories, and parts for passenger automobiles are sold or installed.

Subp. 10. **Basement.** "Basement" means that portion of a building, partly or wholly below grade, so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Subp. 11. **Bed and breakfast residence.** "Bed and breakfast residence" means a dwelling in which four or fewer guest rooms are rented within the principal structure on a nightly basis for less than one week and where at least one meal per day is provided in connection with the sleeping accommodations. The operator of the residence lives on the premises or in an adjacent premise.

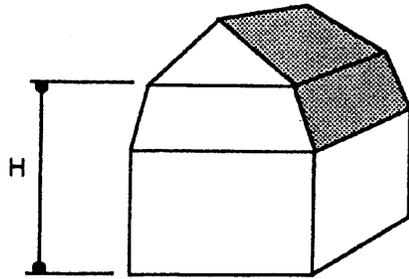
Subp. 12. **Block.** "Block" means the property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating; or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Subp. 13. **Board.** "Board" means the Capitol Area Architectural and Planning Board as created by Minnesota Statutes, section 15B.03, subdivision 1.

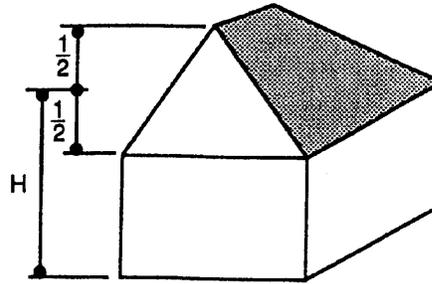
Subp. 14. **Boarding or rooming house.** "Boarding or rooming house" means a building designed for or used as a one-family or two-family dwelling and containing guest rooms

where lodging, with or without meals, is provided for compensation on a daily, weekly, or monthly basis.

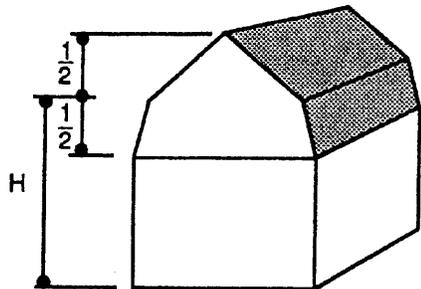
Subp. 15. **Building height.** The height of a building is the distance measured from the mean grade of the sidewalk or a given grade elevation to the highest point of parapet coping for flat roofs, to the deck line of mansard roofs, to the average height between eaves and ridge of the highest gable for pitched or hipped roofs, or to the highest point of any equipment mounted on the building, with the exception of antennas, towers, and flagpoles.



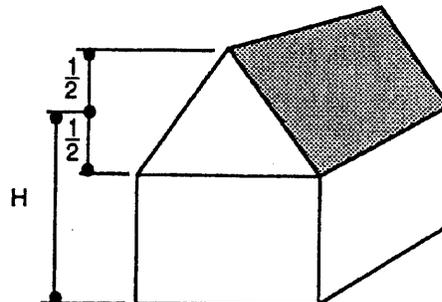
MANSARD ROOF



HIP ROOF



GAMBREL ROOF



GABLE ROOF

H = HEIGHT OF BUILDING

Subp. 16. **Capitol area.** "Capitol area," has the meaning given in Minnesota Statutes, section 15B.02.

Subp. 17. **Comprehensive plan.** "Comprehensive plan" means the plan adopted by the board pursuant to Minnesota Statutes, section 15B.05, including any unit or part of the plan and any amendment to or parts of the plan.

Subp. 18. **Conditional use.** "Conditional use" means a land use or development as defined by this chapter that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in this chapter exist, and (2) the use or development conforms to the comprehensive land use plan of the board, and is compatible with the existing neighborhood.

Subp. 19. **Consumer goods.** "Consumer goods" means goods used or bought for use primarily for personal, family, or household purposes, and not for commercial, business, or agricultural purposes.

Subp. 20. **Convenience store.** "Convenience store" means a retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with them, with a gross floor area of less than 7,500 square feet.

Subp. 21. **Corner lot.** "Corner lot" means a lot abutting two intersecting streets where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of these rules if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than 135 degrees.

Subp. 22. **Day care.** "Day care" means the care of one or more children on a regular basis, for periods of less than 24 hours per day, in places including but not limited to nursery schools, day nurseries, and child care centers.

Subp. 23. **Development.** "Development" means the construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Subp. 24. **Drive-in restaurant.** "Drive-in restaurant" means a business establishment whose principal business is the selling of food, frozen desserts, or beverages to the customer in a ready-to-consume state, in individual servings, and where the customer consumes these foods, frozen desserts, or beverages in an automobile parked on the premises.

Subp. 25. **Dwelling unit.** "Dwelling unit" means a building or portion of a building, designed for occupancy by one family for residential purposes and having cooking facilities.

Subp. 26. **Elevation.** "Elevation" means the height of a point expressed in feet above mean sea level (sea level datum of 1929 adjusted).

Subp. 27. **Emergency housing facilities.** "Emergency housing facilities" means a building where persons receive overnight shelter but are not expected to remain on a 24-hour per day basis.

Subp. 28. **Essential services.** "Essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection to those services, but not including buildings, which are necessary for the furnishing of adequate service by the utilities or municipal departments for the general health, safety, or welfare.

Subp. 29. **Family.** "Family" means one or more persons, but not more than four if unrelated, living as a single housekeeping unit in a dwelling.

Subp. 30. **Fast food restaurant.** "Fast food restaurant" means a business establishment whose principal business is the selling of standardized, preprepared, quick-order, and packaged foods in a ready-to-consume state, packaged in nonreturnable, disposable containers or wrappings, where the customer may consume these foods while seated at fixed tables or counters located within a building or in a vehicle after being served at a drive-through window. All restaurants with drive-through windows are considered fast food restaurants.

Subp. 31. **Floor area.** "Floor area" means the sum of the horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and

unenclosed porches, elevator, stair, mechanical or other utility shafts, and accessory structures as well as enclosed and inaccessible spaces.

Subp. 32. **Floor area ratio (FAR).** "Floor area ratio (FAR)" means the total floor area of all buildings or structures on a zoning lot divided by the area of that lot.

Subp. 33. **Front setback line.** "Front setback line" means a line parallel to the front lot line that establishes the minimum front yard depth of a zoning lot.

Subp. 34. **Grade.** "Grade" means the elevation established for the purpose of regulating the number of stories and the height of buildings. For buildings having a wall or walls on or within 15 feet of a street line, grade is curb level, or its equivalent, opposite the wall or walls. When a building has frontage on more than one street, the lowest curb level applies. For buildings having all walls more than 15 feet from a street line, grade is the mean level of the finished surface of the ground adjacent to the exterior walls of the buildings.

Subp. 35. **Gross leasable floor area.** "Gross leasable floor area" means the total floor area of a building or structure designed for the tenants' occupancy and exclusive use, including basements, mezzanines, and upper floors, expressed in square feet and measured from the outside face of the exterior walls and from the centerline of common walls or joint partitions. It includes sales and integral stock areas, but excludes stairwells, elevator shafts, mechanical rooms, space related to the operation and maintenance of the building, and lobbies and bathrooms located for common or public use rather than for tenant or internal use.

Subp. 36. **Half story.** "Half story" means an uppermost story lying under a sloping roof having an area of at least 200 square feet, with a clear height of seven feet six inches. For the purpose of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling or a legally useable floor level which is half exposed aboveground.

Subp. 37. **Home occupation.** "Home occupation" means an occupation or business carried on in a dwelling by the resident, not involving retail or manufacturing business, and employing no persons other than members of the immediate family residing on the premises, except one or two ancillary employees; provided that the use is limited in extent and incidental or secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling.

Subp. 38. **Housing for the elderly.** "Housing for the elderly" means a multiple-family structure controlled by either a public body, institutional body, or a nonprofit corporation, 80 percent of whose occupants shall be 65 years of age or over.

Subp. 39. **Interior lot.** "Interior lot" means any lot other than a corner lot.

Subp. 40. **Loading space.** "Loading space" means an off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Subp. 41. **Lot.** "Lot" means a parcel of land occupied and used, or intended to be occupied and used, by a building or a group of buildings, together with yards and open spaces as are required under this chapter, whether or not specifically designed as such on public records.

Subp. 42. **Lot area.** "Lot area" means the total horizontal area within the lot lines of the lot.

Subp. 43. **Lot coverage.** "Lot coverage" means the part of the lot occupied by buildings, including accessory buildings.

Subp. 44. **Lot depth.** "Lot depth" means the median horizontal distance between the front and rear lot lines.

Subp. 45. **Lot of record.** "Lot of record" means a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by state, municipal, or county officials, and which actually exists as shown.

Subp. 46. **Lot width.** "Lot width" means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines.

Subp. 47. **Major thoroughfare.** "Major thoroughfare" means an arterial street designated as a major artery or freeway in the comprehensive plan.

Subp. 48. **Multiple-family dwelling.** "Multiple-family dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other.

Subp. 49. **Nonconforming building or sign.** "Nonconforming building or sign" means a building or portion of a building or a sign that lawfully existed prior to the effective date of the applicable rule or amendment, whichever is later, and that, on or after the effective date of the applicable rule or amendment, no longer conforms to the provisions of this chapter pertaining to the district in which it is located.

Subp. 50. **Nonconforming use.** "Nonconforming use" means a use of land or a building which lawfully existed prior to the effective date of the applicable rule or amendment, whichever is later, and that, on or after the effective date of the applicable rule or amendment, does not conform to the use rules of the district in which it is located.

Subp. 51. **Nuisance.** "Nuisance" means an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, passenger traffic, invasion of nonabutting street frontage by traffic, or noise or congregation of people, particularly at night.

Subp. 52. **Nursing home.** "Nursing home" means a building or structure where aged or infirm persons reside on a 24-hour basis in order to receive nursing and related services.

Subp. 53. **Obscuring fence.** "Obscuring fence" is a fence which is 80 percent or more opaque.

Subp. 54. **Off-street parking lot.** "Off-street parking lot" means a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles. This includes adequate driveways, access ways, parking bays, garages, or combinations thereof, but does not include public roads, alleys, and streets.

Subp. 55. **One-family dwelling.** "One-family dwelling" means a building designed exclusively for and occupied by one family.

Subp. 56. **Parking space.** "Parking space" means an area of definite length and width, exclusive of drives, aisles, or entrances giving access, that is fully accessible for the parking of permitted vehicles.

Subp. 57. **Pawn shop.** "Pawn shop" means a place where a broker or other personnel loans money on deposit or pledge of personal property or other valuable thing.

Subp. 58. **Person.** "Person" means any individual, corporation, partnership, limited partnership, limited liability company, or association or unit of state, local, or federal government.

Subp. 59. **Principal building.** "Principal building" means a building in which is conducted the principal use of the zoning lot upon which it is situated.

Subp. 60. **Principal use.** "Principal use" has the meaning given in part 2400.0160.

Subp. 61. **Public utility.** "Public utility" means a person, duly authorized under federal, state, or municipal laws and rules to furnish to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Subp. 62. **Restaurant.** "Restaurant" means a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within a building.

Subp. 63. **Room.** "Room," for the purposes of determining lot area, requirements, and density in a multiple-family residential district, means a living room, dining room, and bedroom equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one-, two-, or three-bedroom units and including a den, library, or other extra room shall count such extra room as a bedroom for the purposes of computing density.

Subp. 64. **Setback.** "Setback" means the distance required to obtain front, side, and rear yard open space provisions of this chapter, measured from the lot line to the above-grade faces of the building.

Subp. 65. **Shopping center.** "Shopping center" means a building, or related or connected buildings, which have been planned and constructed to provide a variety of commercial establishments at a single location.

Subp. 66. **Sign.** "Sign" means the use of words, numerals, figures, devices, designs, or trademarks which purpose is to show or advertise a person, firm, profession, business, service, product, message, or provide information, warnings, or directions, including the kinds of signs described in items A to X.

A. "Accessory sign" means a sign which pertains to the principal use of the premises.

B. "Advertising sign" means a nonaccessory sign related to an activity, service, or business not carried out on the premises upon which the sign is placed.

C. "Announcement sign" means a business sign which provides an announcement of church services or other religious activities, or a directory of offices or activities within a building or group of buildings.

D. "Billboard" means an advertising sign over 16 square feet in area.

E. "Bus shelter/bench sign" means an advertising sign affixed to the side or length of a bus shelter or bus bench that is unrelated to the transit purpose of the shelter or bench.

F. "Business sign" means an accessory sign relating to the activity, service, or business conducted on the premises upon which the sign is placed.

G. "Canopy sign" means a sign painted, stamped, perforated, stitched, or otherwise applied either on an awning or canopy or its valance.

H. "Directional sign" means a sign which conveys information or requirements about orientation and direction.

I. "Flashing, animated, or moving sign" means a sign that intermittently reflects lights from either an artificial source or from the sun; or a sign which has movement of any illumination, such as intermittent flashing, scintillating, or varying intensity; or a sign that has any visible portions in motion, either constantly or at intervals, which motion may be caused either by artificial or natural sources.

J. "Ground sign" means a sign not attached to any building and not supported by uprights or braces, but built on a base on the ground.

K. "Identification and name plate" means a business sign stating the name of a person, firm, institution, or name or description of a certain permitted use.

L. "Illuminated sign" means a sign upon which artificial light is directed or which has internal lighting.

M. "Marquee sign" means a permanent roofed structure attached to and supported by the building and projecting over public right-of-way.

N. "Nonaccessory sign" means a sign which does not pertain to the principal use of the premises.

O. "Political sign" means a temporary sign which displays information pertaining to an upcoming governmental district, city, county, state, or national election, or an issue pending before the legislature.

P. "Projecting sign" means a sign attached to a building or other structure and extending in whole or in part more than 12 inches beyond the surface of the portion of the building line or extending over public property.

Q. "Pylon sign" means a sign supported by one or more poles with a clear space of not less than ten feet between the bottom of the face of the sign and the ground.

R. "Real estate sign" means a business sign placed upon a property advertising that particular property for sale, for rent, or for lease.

S. "Real estate development sign" means a business sign placed on the premises of a subdivision or other real estate development.

T. "Roof sign" means a sign, any part of which is erected upon, over, or above a roof of a building.

U. "Temporary sign" means any type of sign, flag, banner, or similar object other than a political sign intended to be displayed for a short time for special events except as otherwise regulated in this chapter. A vehicle/portable sign shall not be deemed a temporary sign.

V. "Vehicle/portable sign" means a portable business sign painted on or attached to a vehicle or a chassis with wheels, skids, or other frame which is not permanently mounted in the ground or attached to a building and which is used for temporary messages or announcements.

W. "Wall sign" means a sign erected against a wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall and not extending more than 12 inches beyond the surface of the portion of the building wall on which erected. Wall signs include murals, whether painted or applied upon the walls with a commercial message or content. In the case of murals, any lettering or symbols that relate directly to the nature of business on the premises shall be considered in the allocation of signage for that property.

X. "Window sign" means a permanent or temporary sign posted inside a storefront or window that provides or advertises information concerning certain products, prices, or other messages directly related to the conduct of business on the premises. "Window sign" does not include the temporary posting of flyers or promotions for timely events of a religious, civic, or neighborhood nature.

Subp. 67. **Story.** "Story" means the part of a building included between the surface of one floor and the surface of the next floor or, if the topmost floor, then the ceiling or roof next above. A basement is not counted as a story.

Subp. 68. **Street.** "Street" means a public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Subp. 69. **Street line.** "Street line" means the property line separating private or public property from a designated street.

Subp. 70. **Supervised living facility licensed by the Department of Human Services.** "Supervised living facility licensed by the Department of Human Services" means one main building or portion thereof on one zoning lot where children or persons with developmental or physical disabilities or who have a chemical dependency reside on a 24-hour basis under the auspices of a program licensed by the Minnesota Department of Human Services to provide lodging, care, training, education, supervision, habilitation, rehabilitation, or treatment they need but which for any reason cannot be furnished in their own home.

Supervised living facilities specifically do not include hospitals, prisons, juvenile detention centers, reformatories, residential facilities for programs licensed by the Minnesota Department of Corrections, foster homes, or treatment centers operated by the commissioner of human services.

Subp. 71. **Supervised living facility licensed by the Department of Health.** "Supervised living facility licensed by the Department of Health" means one building or portion thereof on one zoning lot which is licensed by the commissioner of health as a rooming or boarding house and receives 50 percent or more of its residents under a contract with state or local government human service agencies to provide lodging for people with developmental disabilities or chemical dependency.

Subp. 72. **Temporary use or temporary building.** "Temporary use" or "temporary building" means a use or building permitted to exist under the specific stipulations of this chapter during periods of construction of the main building or use, or for special events.

Subp. 73. **Through lot.** "Through lot" means any interior lot having frontage on two streets.

Subp. 74. **Townhouse dwelling.** "Townhouse dwelling" means a one-family dwelling unit, with private entrances, which is part of a multiple-family dwelling whose dwelling units are attached.

Subp. 75. **Transitional housing facility.** "Transitional housing facility" means a building or portion of a building on one zoning lot where persons who may or may not have access to traditional or permanent housing, but who are capable of living independently within a reasonable period of time, reside on a 24-hour-per-day basis for approximately 30 days, and participate in program activities to facilitate their independent living.

Subp. 76. **Two-family dwelling.** "Two-family dwelling" means a building designed exclusively for occupancy by two families living independently of each other.

Subp. 77. **Underground structure.** "Underground structure" means any completed building designed to be built partially or wholly below grade that was not intended to serve as a substructure or foundation of a building.

Subp. 78. **Usable floor area.** "Usable floor area" means the floor area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers, and all that area devoted to employee workspace, but excluding floor area which is used or intended to be used principally for the storage of merchandise, hallways, elevator or stair bulkheads, or for utilities or sanitary facilities.

Subp. 79. **Use.** "Use" means the principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

Subp. 80. **Variance.** "Variance" means the process described in parts 2400.1500 to 2400.1530.

Subp. 81. **Yard.** "Yard" means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter and in items A to C.

A. "Front yard" means an open space extending the full width of the front lot line, the depth of which is the minimum horizontal distance between the front lot lines and the nearest point of the main building.

B. "Rear yard" means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

C. "Side yard" means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

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Subp. 82. **Zoning administrator.** "Zoning administrator" means an employee of the board designated by the board upon the recommendation of the executive secretary. The executive secretary shall serve as the zoning administrator in the designee's absence.

Subp. 83. **Zoning lot.** "Zoning lot" means a single tract of land, comprised of one or more lots located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot must be in one zoning district and satisfy this chapter with respect to area, size, dimension, and frontage as required in the district in which the zoning lot is located.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940; L 2003 c 17 s 2*

2400.0020 [Repealed, 24 SR 940]

2400.0110 [Renumbered 2400.0001]

2400.0120 [Renumbered 2400.0005]

ZONING DISTRICTS**2400.0130 ZONING DISTRICTS ESTABLISHED.**

The following zoning districts for the Capitol area are established:

- A. governmental district (G-1);
- B. governmental district (G-2);
- C. medium-density, multiple-family residential district (RM-2); and
- D. mixed use district (MX).

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

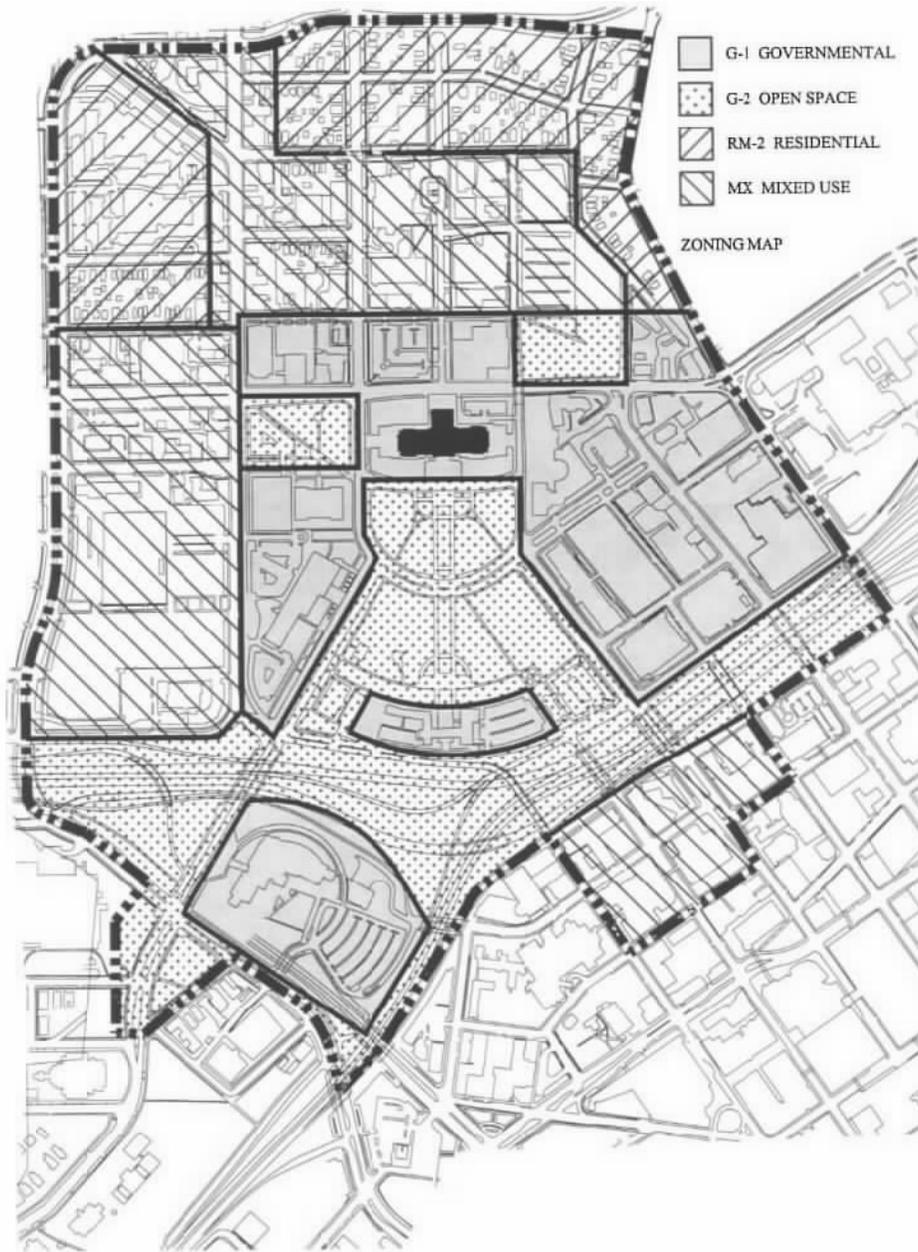
2400.0140 ZONING MAP.

Subpart 1. **Establishment of zones.** The Capitol area is divided into zoning districts as shown on the official zoning map entitled "Zoning districts for the Capitol area," subpart 2b. The map and any amendments with all explanatory matter, are made a part of this chapter.

Subp. 2. [Repealed, 11 SR 2165]

Subp. 2a. [Repealed, 24 SR 940]

Subp. 2b. Zoning districts for Capitol area.



Statutory Authority: *MS s 15B.03; 15B.06*

History: *11 SR 2165; 24 SR 940*

2400.0150 BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the districts established in this chapter as shown on the official Capitol area zoning district map, items A to D govern.

A. Where district boundaries are indicated as approximately following the center line of streets or highways, street lines, or highway right-of-way lines, the center lines are the boundaries.

B. Where district boundaries are indicated as approximately following the lot lines, the lot lines are the boundaries.

C. Where district boundaries are indicated as being approximately parallel to the center lines of street or the center lines of right-of-way lines of highways or railroads, the district boundaries shall be construed as being parallel to the center lines and at the distances from them indicated on the Capitol area zoning district map.

D. Where unzoned property exists, or where, due to the scale, lack of detail, or illegibility of the zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown on the map, the exact location of district boundary lines shall be determined by the board upon the written application of a property owner or upon its own motion.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

PERMITTED USES**2400.0160 PERMITTED USES.**

Subpart 1. **In general.** Except as otherwise provided by this chapter, no building or tract of land may be devoted to any use other than a principal use or a conditional use permitted in the zoning district in which the building or tract of land is located. Accessory uses, as described in part 2400.0011, subpart 2, are permitted in all districts.

Subp. 2. **Principal use.** A principal use is permitted upon the finding by the board that the proposed use is:

- A. specifically enumerated as a principal use in the zoning district in question; or
- B. wholly consistent with the purpose of the district and with the general character of the enumerated principal uses of the district.

Subp. 3. **Conditional use.** A conditional use is permitted upon a finding by the board that the use is specifically enumerated as a conditional use for the district and that, if established, the use:

- A. will not materially adversely affect the general character of existing principal uses;
- B. will not adversely affect the beauty, dignity, and architectural integrity of the Capitol area; and
- C. will be established under the conditions and requirements for the uses enumerated in this chapter and additional conditions and requirements as the board may impose to ensure compliance with items A and B.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0170 GOVERNMENTAL DISTRICT (G-1); PRINCIPAL USES.

Only those uses which are consistent with the orderly growth of the facilities of state government, the preservation and enhancement of existing structures, especially the state

Capitol, and the creation and preservation of open space within the Capitol area are permitted as principal uses in the governmental district. Among the uses that are principal uses in the governmental district are:

- A. the Capitol of the state of Minnesota, including but not limited to executive, judicial, and legislative uses;
- B. state of Minnesota offices, including but not limited to executive, judicial, legislative, and administrative offices;
- C. state of Minnesota museums and historical centers;
- D. state of Minnesota boiler and maintenance facilities;
- E. state-owned parking facilities;
- F. pedestrian, transit, and service circulation systems, and related facilities;
- G. public open space; and
- H. accessory buildings, structures, and uses. Outside storage is a conditional use that must be approved under the standards of parts 2400.0160, subpart 3, and 2400.0180, item F.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0180 GOVERNMENTAL DISTRICT (G-1); CONDITIONAL USES.

The following conditional uses are permitted in the governmental district pursuant to part 2400.0160, subpart 3, and subject to the conditions imposed for each use:

- A. retail and service establishments;
- B. exhibition space;
- C. museums;
- D. historical and cultural centers;
- E. tourist information facilities; and
- F. outside storage of materials or equipment on a short-term basis if contained within a fully enclosed and/or landscaped area;
- G. antennas and amateur radio towers provided that:
 - (1) radio towers for licensed amateur radio stations which exceed the allowable height of structures in residentially zoned districts do not exceed 75 feet above established grade;
 - (2) radio towers are located only in the rear yard portion of the lot and are provided setbacks from side lot line equal to at least the greater of the two side yards required in this chapter; and
 - (3) satellite dishes are five feet in diameter or less and located in the least visible location as viewed from the public right-of-way;
- H. other uses reasonably necessary and convenient for the satisfactory and efficient operation of the facilities of state government and to provide adequate public access to them.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0190 GOVERNMENTAL DISTRICT (G-2); PRINCIPAL USES.

Permanent open spaces that preserve and enhance the Capitol area are permitted as principal uses in the governmental district (G-2). The uses include, but are not limited to, lawns, gardens, landscaped areas, and plazas.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

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2400.0200 GOVERNMENTAL DISTRICT (G-2); CONDITIONAL USES.

A. Underground structures containing uses, as regulated in G-1 zone, are permitted provided that the following criteria are met:

- (1) location and type of landscaping will preserve and enhance the Capitol area;
- (2) safeguards for erosion control are provided that include, but are not limited to, landscaping and seeding of topsoil;
- (3) reasonable documentation satisfactory to the board that soil conditions will not cause damage to adjacent property is provided;
- (4) vistas of the Capitol will remain intact; and
- (5) only aboveground uses which are essential to the operation of underground structures shall be permitted; these may include ventilation shafts. These aboveground accessory uses shall in no way detract from the Capitol area.

B. Other permitted uses in G-1 zone include commemorative works, monuments, or memorials that have been approved for placement under Minnesota Statutes, section 15B.05, subdivision 3.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940; L 2003 c 17 s 2*

2400.0210 MEDIUM-DENSITY, MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM-2); PRINCIPAL USES.

Only those uses providing one- and multiple-family residential structures resulting in moderate population density, and as provided in the area, bulk, and setback requirements in part 2400.0410, are permitted as principal uses in a medium density multiple family residential district. Principal uses include, but are not limited to:

- A. one-family detached dwellings;
- B. two-family detached dwellings;
- C. townhouse dwellings;
- D. multiple-family dwellings;
- E. publicly owned and operated libraries, parks, and recreation facilities;
- F. public, parochial, and other private elementary schools offering courses in general education, and not operated for profit;
- G. public buildings and uses, without outdoor storage;
- H. accessory buildings, structures, and uses; and
- I. churches, chapels, synagogues, temples, and other similar houses of worship.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0220 MEDIUM-DENSITY, MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM-2); CONDITIONAL USES.

The conditional uses in items A to Q are permitted pursuant to part 2400.0160, subpart 3, and subject to the conditions imposed for their use.

A. Multiple-family residential structures resulting in moderate to high population density, and subject to the area, bulk, and setback requirements in part 2400.0410, provided that:

- (1) the automobile traffic generated by the use will not exceed the capacity of adjacent streets; and
- (2) the use is consistent with adjacent uses.

B. Residential uses such as convents, monasteries, or rectories and parsonages that are commonly associated with religious houses of worship, schools, or church-sponsored retreat centers.

C. Recreation uses, including but not limited to, swimming pools, tennis courts, putting greens, cabanas, and similar recreational uses which are accessory to a particular dwelling structure or structures, provided that:

(1) all recreational uses will be restricted to the specific use of the residents and will not be operated as public business uses; and

(2) the location on the zoning lot of the recreation use is approved by the board.

D. Private residential pools, provided that:

(1) all the pools are located in the rear yard;

(2) there is a distance of not less than ten feet between the adjoining property line and outside of the pool wall;

(3) there is a distance of not less than four feet between the outside pool wall and any building located on the same lot;

(4) the pool is not located less than the distance required for a side yard by this chapter, or ten feet, whichever is greater, from the right-of-way of any side street or alley;

(5) the pool is not located in a public easement; and

(6) all yards containing swimming pools are completely enclosed by a fence not less than six feet in height containing a gate of a self-closing and latching type, with the latch on the inside of the gate, not readily available for children to open, that is capable of being securely locked when the pool is not in use.

E. Private noncommercial recreational uses, including but not limited to institutional or community recreation centers, nonprofit swimming, tennis, or other recreational clubs, provided that:

(1) the proposed site for any of the uses permitted has at least one property line abutting a major thoroughfare, as designated in the comprehensive plan, and the site is planned to provide principal access directly to the major thoroughfare;

(2) front, side, and rear yards are at least 40 feet wide, and are landscaped in trees, shrubs, and grass maintained in a healthy condition;

(3) there is no parking or structures within 40 feet of any lot line, except required entrance drives and those walls used to obscure the use from abutting residential districts; and

(4) sufficient off-street parking is provided to accommodate not less than one-fourth of the membership and provided that, prior to the issuance of a zoning permit, bylaws and official membership roll of the organization are supplied to the zoning administrator in order to determine the membership involved for computing the off-street parking requirements.

F. Utility and public service uses which are completely enclosed within a building, when operating requirements necessitate locating the building within the district in order to serve the immediate vicinity, but not including storage yards accessory to those uses.

G. Home occupations that consist of occupations or businesses carried on in dwellings by at least one of the residents of the dwellings and with written approval by the property owners provided that:

(1) the uses do not adversely affect the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other annoyance;

(2) the uses do not involve the conduct of a manufacturing business, a commercial food service requiring a license, auto service, or repair for vehicles other than those registered to the residents or owner of the property;

(3) the uses are carried on wholly within the main buildings, detached accessory buildings, or garages;

(4) only one business vehicle no larger than a pickup truck or van may be parked;

(5) the home occupation has an identification sign no larger than seven square feet located within the required yard; and

(6) there is no exterior storage of products or materials.

H. Nursery schools, day nurseries, and child care centers, not including dormitories, provided that for each child cared for there is provided and maintained an outdoor play area of adequate size to meet licensing requirements that is fenced and screened from any adjoining land with planting.

I. Nursing homes and boarding care homes, provided the yard requirements for multiple-family use in the district are applied.

J. Retail service and office uses, provided that:

(1) any retail service or office use on the zoning lot is incidental to the principal use and designed to service only the residents or users of the principal use;

(2) the uses are provided totally within the walls of the principal structure and are obscured from any exterior view; and

(3) the uses do not exceed 25 percent of the floor area of a subgrade level and are not engaged in above the first floor or grade level.

K. Accessory buildings, structures, and uses customarily incidental to any of the permitted uses in this part.

L. Antennas and amateur radio station towers, provided that:

(1) radio towers for licensed amateur radio stations which exceed the allowable height of structures in residentially zoned districts do not exceed 75 feet above established grade;

(2) radio towers are located only in the rear yard portion of the lot and are provided setbacks from side lot line equal to at least the greater of the two side yards required in this chapter; and

(3) satellite dishes are five feet or less in diameter and located in the least visible location as viewed from the public right-of-way.

M. Bed and breakfast residences.

N. Rooming houses and boarding houses, transitional housing facilities, emergency housing facilities, shelters for battered persons, and supervised living facilities licensed by the Department of Human Services or the Department of Health for 12 or fewer persons, that are located at least 1,320 radial feet from any other such facility provided that:

(1) a minimum lot area of 5,000 square feet is provided for the first two guest rooms and 1,000 square feet for each additional guest room;

(2) one off-street parking space is provided for every dwelling unit;

(3) no more than one percent of the Capitol area's population already lives in any of these facilities;

(4) permission for conditional use applies only as long as the number of residents is not increased and its licensing, purpose, or location do not change and other conditions of the permit are met; and

(5) a facility is not located in a two-family or multifamily dwelling unless the facility occupies the entire structure.

O. Foster homes.

P. Hospices serving eight or fewer facility residents.

Q. Outside storage of materials or equipment on a short-term basis if contained within a fully enclosed and/or landscaped area.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0230 [Repealed, 24 SR 940]

2400.0235 MIXED USE DISTRICT (MX); PRINCIPAL USES.

Those uses which primarily serve the individual shopping, office, or service needs of area residents, visitors, or employees, and those uses permitted as principal uses in the medium-density, multiple-family residential district (RM-2), and the governmental district (G-1) are permitted as principal uses in a mixed use district. Among the uses that are principal uses in the mixed use district are the following:

A. the retail sale of consumer goods, with the exception of merchandise limited to adult use due to its sexual nature, alcohol for off-site consumption, guns, or other uses addressed as a conditional use under part 2400.0245, provided that no establishment is allowed which requires or utilizes extensive outdoor display or sales areas;

B. the processing or manufacturing of consumer goods, provided, however, that all goods are sold at retail on the premises where processed or manufactured;

C. personal service establishments which perform services on the premises, such as repair of watches, radios, and televisions; tailor shops, beauty parlors, or barbershops; photographic studios; but excluding tattoo shops and pawn shops;

D. drycleaners or laundries including self-service laundries and drycleaners, provided, however, that laundry or drycleaning plants serving more than one retail outlet are prohibited;

E. business, financial, and professional offices and services;

F. restaurants and lounges, except drive-ins and fast-food restaurants;

G. food catering establishments;

H. medical offices and other facilities for human care, including clinics and nursing homes;

I. banks and similar financial institutions, except for check cashing facilities not a part of an established bank or other financial institution;

J. educational research and technical training institutions; and

K. accessory buildings, structures, and uses customarily incidental to the permitted uses in items A to J.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0240 [Repealed, 24 SR 940]

2400.0245 MIXED USE DISTRICT (MX); CONDITIONAL USES.

Those uses which serve the secondary needs of residents, visitors, or employees, as well as those uses which are permitted as conditional uses in the medium-density, multiple-family residential district (RM-2) and one governmental district (G-1), subject to the conditions imposed as a conditional use in the RM-2 and G-1 districts, are allowed. Among permitted conditional uses are those listed in items A to Q permitted pursuant to part 2400.0160, subpart 3, and subject to conditions imposed for each use.

A. Public utility buildings and telephone exchange buildings, but without storage yards that do not comply with the standards found in item P.

B. Theaters, assembly halls, concert halls, or similar places of assembly when completely enclosed.

C. Business schools, nonacademic colleges, or trade schools operated for profit.

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- D. Public transportation facilities.
- E. Fast food restaurants without a drive-through facility and when incorporated into a multiuse retail center.
- F. Outdoor business such as: retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment, and garden supplies; provided that no use shall lessen or impinge upon the off-street parking area or the off-street loading area, or impair the system of pedestrian access or flow.
- G. Bowling alley, billiard hall, amusement arcade, indoor archery range, indoor tennis court, indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear, or side yard of any residential lot in an adjacent residential district.
- H. Fully enclosed automobile sales or service centers, when located in a shopping center.
- I. Auto body shops or repair centers and auto or regular convenience stores.
- J. Motels, hotels, or other similar establishments, subject to the following conditions:
 - (1) access must not conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare; and
 - (2) no guest may establish permanent residence at a motel.
- K. Any combination of permitted and conditional uses when the uses are combined in a single structure or in connected or closely related structures and are located near a parking lot or lots specifically intended to provide parking for the customers and patrons of said uses.
- L. Post offices and other similar governmental uses.
- M. Bars where sale of alcohol is for on-site consumption only.
- N. Freestanding foster homes or hospices serving 16 or fewer facility residents, provided they meet the requirements in part 2400.0220, multiple-family residential conditional uses.
- O. Shelters for battered persons or transitional housing serving 16 or fewer residents, provided they meet the requirements in part 2400.0220, multiple-family residential conditional uses.
- P. Outside storage of material or equipment on a short-term basis if contained within a fully enclosed and/or landscaped area.
- Q. Accessory buildings, structures, and uses customarily incidental to the permitted uses in items A to P.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0250 [Repealed, 24 SR 940]

2400.0260 [Repealed, 24 SR 940]

2400.0270 [Repealed, 24 SR 940]

2400.0280 [Repealed, 24 SR 940]

2400.0290 [Repealed, 24 SR 940]

2400.0300 [Repealed, 24 SR 940]

2400.0310 [Repealed, 24 SR 940]

2400.0320 [Renumbered 2400.0235]

2400.0330 [Renumbered 2400.0245]

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AREA, HEIGHT, BULK, AND SETBACKS

2400.0400 SCOPE.

No building or structure may be erected or constructed, and no existing building or structure may be reconstructed, enlarged, moved, or altered, unless in conformity with this chapter limiting lot coverage, height, yard setback, and size of lots in each zoning district.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0410 BASIC LOT REQUIREMENTS.

Subpart 1. Chart of basic lot requirements.

A. Schedule of regulations limiting height, bulk, density, and area by zoning districts.

| | Governmental District (G-1) | One-family Detached Dwelling (RM-2) | Two-family Dwelling (RM-2) | Multiple family Dwelling (RM-2) | Mixed Use District (MX) |
|--------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------|----------------------------|--------------------------------------------------------------|-------------------------|
| Maximum percent of buildable lot coverage permitted (area of all structures and required off-street parking) | 100% | 30% | 30% | 30% | 100% |
| Minimum yard setback for (lot in feet) | | | | | |
| Front | 5 feet | 25 feet | 25 feet | 25 feet | 5 feet |
| Side (least one) | 0 feet | 4 feet (see also item B) | 9 feet (see also item B) | 1/2 height or 15 feet whichever is greater (see also item B) | 0 feet |
| Side (total of two) | 0 feet | 8 feet (see also item B) | 18 feet (see also item B) | 30 feet (see also item B) | 0 feet |
| Rear | 0 feet | 35 feet | 25 feet | 25 feet | 0 feet |
| Minimum size lot per unit in square feet | None | 5,000 | 3,500 | See item B | None |
| Minimum size lot per unit in linear feet (width) | None | 40 feet | 30 feet | See item B | None |

Except as provided in part 2400.0420, the maximum height of a building or structure is 944 feet above sea level. Specific heights will vary with the ground elevation of each site.

For setbacks in visual corridors, see part 2400.1180.

B. (1) In an RM-2 multiple-family district, height district #1, the total number of rooms (not including kitchen, dining, and sanitary facilities) shall not exceed the quotient of the area of the parcel, expressed in square feet, divided by 600.

(2) In an RM-2 multiple-family district, height district #2, the total number of rooms (not including kitchen, dining, and sanitary facilities) shall not exceed the quotient of the area of the parcel, expressed in square feet, divided by 300.

(3) Where at least 50 percent of the front footage of any block is occupied by principal structures so placed as to be nearer to or farther from the street than the required front yard depth, the front yard required of the new structures in the balance of the block shall be equal to the average of the front yards of existing principal structures.

(4) For those uses permitted in residential districts (RM-2) as principal uses and conditional uses, other than residential uses, the front yards shall be equal to the front yard required for residential use, and the side and rear yards shall be equal to one-half the height of the building, but in no instance less than the minimum requirements of the district in which said use is located.

(5) The side yard next to a street shall not be less than the greater of the side yards required for the district in which located when there is a common rear yard relationship in the block and a common side yard relationship with the block directly across the common separating street. In the case of a new yard adjoining a side yard, or when a side yard is abutting a front yard across a common separating street, the side yards next to a street shall not be less than the greater of the side yards required for the district in which located for all principal buildings and shall be equal to the front yard required for the district in which located for all accessory structures. No accessory structure shall be nearer to any adjoining side yard than the least side yard required for the district in which located.

(6) Two-family dwellings shall have a minimum lot width per unit of 25 feet.

(7) Side yards, for townhouse structures, are required only for end units. If townhouses are developed on one lot, the minimum size lot per unit shall be applied to the entire parcel.

(8) In an RM-2 district, for the purpose of computing the permitted number of dwelling units, the following room assignments control: one bedroom equals two rooms, two bedrooms equals three rooms, etc. Plans presented that show units that include a den, library, or other extra rooms shall count extra rooms as bedrooms, provided the extra rooms meet the legal requirements of the city of St. Paul for computing densities. An efficiency unit must be counted as a one-bedroom unit.

If townhouses are developed on individually described lots, the minimum size lot per unit shall be applied to each individually described lot.

If townhouses are developed on parcels where only the land immediately beneath each dwelling unit constitutes an individually described lot and all other land required for yards, other open space, parking, and other necessary land as required by this chapter constitutes common properties, jointly owned by the owners of the described lots beneath each dwelling unit, the minimum size lot per unit shall be applied to the entire parcel. In addition, principal structures shall not cover more than 30 percent of the parcel, including the individually described lots and the common properties. On each individually described lot, there shall be provided a minimum of 300 square feet of open space, unobstructed except for trees, shrubs, fences, yard furniture, or similar facilities for the private use of the residents of the dwelling unit occupying that lot.

C. For the setback in G-1 district in the east Capitol area, a special requirement of a ten-foot front yard setback shall be applied to both sides of Robert Street.

Subp. 2. [Repealed, 24 SR 940]

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0420 HEIGHT DISTRICTS.

Subpart 1. **Requirement.** In order to preserve the state Capitol building as the dominant structure in the Capitol area, no building shall be constructed to a height greater than the maximum height permitted in the height district, as shown on the map in subpart 2a. The maximum height is stated as elevation above sea level, in contrast to Saint Paul datum. Conversion is accomplished by adding 694.1 feet to the Saint Paul datum in order to determine elevation above sea level. The maximum heights are as described in items A to D.

A. Height district #1: No building shall be constructed to a height greater than 944.0 feet above sea level. This elevation corresponds to the height of the Capitol building exclusive of the dome; generally, this would allow a building height of four to six stories in the Capitol area.

Within height district #1 in the east Capitol area, further height restrictions shall be applied. The meeting line of the roof and side walls or the top of parapets and the crowning cornices of any building shall not exceed the following heights stated for subdistricts 1a, 1b, 1c, and 1d:

(1) subdistrict 1a: An area between Robert Street and East Central Park Street (and its geometric extension) from the southeast side of Aurora Avenue to a line extending from the southeast side of Fourteenth Street (built to a maximum height of 900.1 feet above sea level, 206 feet Saint Paul datum);

(2) subdistrict 1b: An area between Jackson Street and East Central Park Street (and its geometric extension) from the northwest side of Thirteenth Street (and its geometric extension) to a line 250' north of University Avenue, drawn east to west between Jackson Street and Robert Street, then turning south along Robert Street to its intersection with University Avenue, then west on University Avenue for 350', and again south to meet the line extending from East Central Park Street. Subdistrict 1a is excluded from the area so described (built to a maximum height of 888.1 feet above sea level, 194 feet Saint Paul datum);

(3) subdistrict 1c: An area between Jackson Street and East Central Park Street from the northwest side of Thirteenth Street (and its geometric extension) to the southeast side of Columbus Avenue (and its geometric extension) (built to a maximum height of 876.1 feet above sea level, 182 feet Saint Paul datum); and

(4) subdistrict 1d: An area between Jackson Street and Cedar Street from the southeast side of Columbus Avenue (and its geometric extension) to the southeast side of Twelfth Street. Should the part of Minnesota Street in this subdistrict be vacated, the building height restriction in its right-of-way shall be an elevation of 831.1 feet, 137 feet Saint Paul datum (built to a maximum height of 864.1 feet above sea level, 170 feet Saint Paul datum).

B. Height district #2: No building shall be constructed to a height greater than 966.0 feet above sea level. Boundaries are described in the map in subpart 2a.

C. Height district #3a: No building shall be constructed:

(1) to a height greater than 944.0 feet above sea level; and

(2) with a floor area ratio greater than 5.0.

Boundaries for this district are described in the map in subpart 2a.

D. Height district #3b: No building shall be constructed with a floor area ratio greater than 5.0. Boundaries for this district are described in the map in subpart 2a.

Subp. 2. [Repealed, 24 SR 940]

Subp. 2a. Map of height districts in Capitol area.



Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

PARKING

2400.0450 PARKING SPACES REQUIRED.

Automobile off-street parking space with adequate access to all spaces must be provided in all zoning districts, at the time of erection or enlargement of any principal building

or structure. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided as prescribed in parts 2400.0460 to 2400.0540.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0460 LOCATION OF OFF-STREET PARKING SPACES.

Off-street parking for other than residential use shall be either on the same lot or within the same district and within 1,000 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. In state owned lots, parking not directly related to a government office need in the Capitol area or downtown Saint Paul shall not be permitted.

Off-street parking for residential use must not be within the required front yard setback.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0470 RESIDENTIAL OFF-STREET PARKING.

Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve subject to parts 2400.0650 to 2400.0680.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0480 ELIMINATION OR REDUCTION OF OFF-STREET PARKING PROHIBITED.

No area used or designated as required off-street parking shall be changed to any other use unless and until equal facilities are provided elsewhere subject to approval of the board.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.0490 JOINT OFF-STREET PARKING FACILITIES.

Two or more buildings or uses may jointly provide the required off-street parking, in which case the required number of parking spaces may not be less than the sum of the requirements for the several individual uses computed separately. Where the operating hours of the buildings or uses providing such joint parking facilities do not overlap, the board may, upon written application for a variance, reduce the number of parking spaces otherwise required. Whenever the hours of use change and do overlap, however, the number of required parking spaces shall revert to not less than the sum of the requirements for the several individual uses computed separately.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0500 STORAGE PROHIBITED.

The open storage of merchandise, motor vehicles for sale, trucks, refuse or other debris, or the repair of vehicles in areas designated for parking areas is prohibited.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0510 ACCESSIBILITY PARKING.

The number of accessibility parking spaces, each of which shall be designated by the international symbol of accessibility, shall comply with the Minnesota State Building Code.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0520 MIXED USES.

In cases of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and off-street parking for one use shall not be considered as providing the required off-street parking for any other use, except as provided in part 2400.0490.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.0530 MINIMUM REQUIRED OFF-STREET PARKING SPACES.

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space. For that part of the Capitol area south of Interstate Highway 94, there shall be no off-street parking requirements.

| Use | Number of Required Off-Street Parking Spaces Per Unit of Measure |
|---------------------------|---------------------------------------------------------------------------------------------------------------|
| A. Governmental | 3.0 spaces per 1,000 square feet of gross leasable floor area. |
| B. Residential | |
| Residential, one-family | 1.5 spaces for each dwelling unit. |
| Two-family and townhouse | 1.5 spaces for each dwelling unit. |
| Multiple family | 1.0 space for each dwelling unit. |
| Bed and breakfast | 2.0 spaces per two units. |
| Housing for the elderly | 1.0 space for each four units. Should units revert to general occupancy, then one per unit shall be provided. |
| Boarding house | 1.0 space per each dwelling unit. |
| C. Institutional | |
| Auditoriums | 1.0 space for each three seats. |
| Churches or temples | 1.0 space for every five seats or ten feet of pews in the main unit or worship unit of worship. |
| Hospitals | 1.0 space for each one bed. |
| Elementary schools | One for each one teacher, employee, or administrator, in addition to the requirements of the auditorium. |
| Private athletic facility | 1.0 space per 200 square feet of gross leasable floor area. |
| Day care | 1.0 space per ten children. |
| Post office | 1.0 space per 500 square feet of gross leasable floor area. |

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D. Commercial

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Theater | 1.0 space for each four seats. |
| Planned commercial or shopping areas | 1.0 space for each 250 square feet of gross leasable floor area. |
| Beauty parlor or barber shop | 1.0 space per 500 square feet of gross leasable floor area. |
| Bowling alleys | 2.5 spaces for each bowling lane plus 1.5 per table. |
| Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, and assembly halls without fixed seats | 1.5 spaces per 500 square feet of gross leasable floor area. |
| Establishments for the sale and consumption on the premises of beverages, food, or refreshments | 1.5 spaces for each 250 square feet of gross leasable floor area. |
| Establishments for the sale and consumption on the premises of beverages, food, and refreshments with a license for alcoholic beverage and a provision for entertainment | 3.0 spaces per 500 square feet of gross leasable floor area. |
| Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator electrician, or similar trade, shoe repair, and other similar uses | 1.0 space for each 1,000 square feet of gross leasable floor area. |
| Automobile service center | 1.0 space for each lubrication stall, rack, or pit, and one for each gasoline pump. |
| Laundromats and coin-operated drycleaners | 1.0 space for each two machines. |
| Mortuary establishment | 1.0 space for each 100 square feet of assembly room usable floor space, parlors, and slumber rooms. |
| Motel, hotel, or other lodging establishment | 1.0 space for each one commercial occupancy unit. |
| Convenience market | 1.0 space per 250 square feet of gross leasable floor area. |
| Motor vehicle sales and service establishments | 1.0 space for each 400 square feet of usable floor space of sales room and one for each one auto service stall in the service room. |
| Retail stores except as otherwise specified herein | 1.5 spaces for each 500 gross leasable square feet of floor area. |

E. Offices

| | |
|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Banks, savings and loan associations, credit unions, and similarly regulated financial institutions | 1.0 space for each 250 square feet of gross leasable floor area. |
|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------|

| | |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Business offices or professional offices except as indicated in the following item | 1.5 spaces for each 500 square feet of gross leasable floor area. |
| Professional offices of doctors, dentists, or similar medical professions | 1.0 space for each 250 square feet of gross leasable floor area. |

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0540 CONSTRUCTION OF OFF-STREET PARKING SPACES.

Subpart 1. **Requirements.** Wherever the off-street parking requirements require the building of an off-street parking facility, such off-street parking lots must be laid out, constructed, and maintained in accordance with items A to O.

A. No parking lot may be constructed unless and until a zoning permit is issued by the board and a building permit is obtained from the city. Applications for a zoning permit must be submitted in a form determined by the board and accompanied by two sets of plans for the development and construction of the parking lot demonstrating that the provisions of this chapter will be complied with fully.

B. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

| Parking Pattern | Maneuvering Lane Width | Parking Space Width | Parking Space Length | Total Width Of One Tier Of Space Plus Maneuvering Lane | Total Width Of Two Tiers of Spaces Plus Maneuvering Lane |
|-----------------------|------------------------|---------------------|----------------------|--------------------------------------------------------|----------------------------------------------------------|
| 0° (Parallel parking) | 12 ft. | 8 ft. | 21 ft. | 20 ft. | 28 ft. |
| 30° to 53° | 12 ft. | 8 ft. 6 in. | 18 ft. | 30 ft. 6 in. | 49 ft. |
| 54° to 74° | 15 ft. | 8 ft. 6 in. | 18 ft. | 35 ft. | 55 ft. |
| 75° to 90° | 20 ft. | 9 ft. | 18 ft. | 38 ft. | 56 ft. |

C. Parking areas may designate up to 50 percent of their area for compact cars only; in which case, the minimum layout dimensions for each compact car space then may be reduced to eight feet width and 16 feet length.

D. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

E. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

F. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-pattern may permit two-way movement.

G. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than residential use shall be at least 25 feet distant from any adjacent property located in any residential district.

H. The off-street parking area shall be provided with a continuous and obscuring wall or visual screen as required in part 2400.0710.

I. Wheel stops are required for each parking space located next to walkways, doors, slopes, or other places where pedestrians may need an extra measure of safety in lots of three or more car capacity.

J. The entire parking area, including parking spaces and maneuvering lanes, required under this part shall be provided with a durable, dustless surfacing in accordance with specifications approved by the board. The parking area shall be surfaced within one year of the date the permit is issued.

K. Off-street parking areas shall be drained so as to dispose of all accumulated surface water without drainage of water onto adjacent property or toward buildings.

L. All lighting used to illuminate any off-street parking area shall be directed onto the parking area only.

M. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it is permissible to end the wall not more than ten feet from the alley line in order to permit a wider means of access to the parking area.

N. The board, upon application for a variance by the property owner of the off-street parking area, may modify the yard or wall requirements where compliance with the requirements of this part will cause undue hardship or otherwise impose an unreasonable burden on use of the property.

O. Bicycle parking bonus:

(1) a nonresidential use with land dedicated to parking may substitute bicycle parking for an amount up to ten percent of its off-street parking requirement;

(2) for the purpose of calculating a permitted substitution, two completely enclosed and secure bike lockers are the equivalent of one parking space and five spaces in a bike rack are also the equivalent of one parking space; and

(3) the bike parking facilities shall be at least as close to the main entrance of the primary use as the most convenient third of the automobile parking, and they should be anchored to prevent easy removal.

Subp. 2. [Repealed, 24 SR 940]

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

LOADING

2400.0600 LOADING SPACE REQUIRED.

On the same premises with every building or structure involving the receipt and distribution of vehicles or materials or merchandise, there must be provided and maintained on the zoning lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Off-street loading space must not be located in any yard adjoining any residential use. Off-street loading areas with more than two spaces must be screened from the public right-of-way with landscape material, an obscuring fence, walls, or a combination of these.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0610 MINIMUM SIZE OF LOADING SPACE.

Each loading space shall be at least ten feet by 50 feet, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or portland cement binder so as to provide a permanent, durable, and dustless surface.

Statutory Authority: *MS s 15B.03; 15B.06*

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2400.0620 MINIMUM NUMBER OF LOADING SPACES.

Every building for which adequate loading space is required must provide spaces in the following numbers:

| Usable Floor Area (Square Feet) | Number of Loading Spaces Required |
|---------------------------------|-----------------------------------------------------------|
| 0 to 1,400 | None |
| 1,401 to 20,000 | One space |
| 20,001 to 100,000 | One space for each 20,000 square feet or fraction thereof |
| 100,001 and over | Five spaces |

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

ACCESSORY BUILDINGS

2400.0650 IN GENERAL.

Accessory buildings in all zoning districts except as otherwise provided in this chapter are subject to parts 2400.0660 to 2400.0680.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0660 ATTACHED ACCESSORY BUILDINGS.

When an accessory building is attached to a principal building, it shall be subject to, and must conform to, all rules applicable to the principal building.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.0670 YARD LIMITATIONS.

Accessory buildings shall not be erected in any required yard, except a rear yard. All accessory buildings shall be set back at least three feet from all interior lot lines.

An accessory building shall occupy not more than 25 percent of a required rear yard, plus 40 percent of any nonrequired rear yard, provided that in no instance shall the area of the accessory building exceed the ground floor area of the principal building.

In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such a rear lot line. In no instance shall an accessory building be located within a dedicated public right-of-way.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.0680 HEIGHT LIMITATIONS.

Accessory buildings in any residential area shall not exceed one story or 14 feet in height. In height district #2, as described in part 2400.0420, accessory buildings or structures used for the parking of motor vehicles shall not exceed three stories or 30 feet in height.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

VISUAL SCREENS

2400.0700 VISUAL SCREENS REQUIRED.

For those uses in items A to C, there must be provided and maintained on those sides of a zoning lot abutting or adjacent to a residential district an obscuring wall or obscuring

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fence, or other visual screen having a minimum height as required below. For purposes of this part a wall or obscuring fence is considered a visual screen.

| Use | Requirement (height in feet) |
|-------------------------------------------------|---------------------------------|
| A. Any commercial or office use | 4 ft. 6 in. |
| B. Hospital (ambulance and delivery areas) | 6 ft. 0 in. |
| C. Utility building, station, and/or substation | 6 ft. 0 in. |

Where plant materials are used to provide a visual screen they shall meet the height requirements in items A to C when mature and must be of sufficient density to visually separate the zoning lot from the adjacent residential district.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0710 VISUAL SCREENS FOR OFF-STREET PARKING.

For all off-street parking areas of more than four parking spaces there shall be provided and maintained a visual screen of sufficient height and density to visually separate the parking area from adjacent property. Visual screens shall be three to four feet in height, when constructed or, in the case of plant materials, when mature. The minimum height shall be dependent on unique site conditions or program requirements.

Visual screens, whether constructed or planted, shall screen the lower half of vehicles parked along the outer edge of off-street parking areas except where such screening would obstruct visibility into the lot in general.

A minimum of 60 percent of front setback areas along streets or rights-of-way shall consist of planted materials including turfgrass, and a minimum of 40 percent of these planted areas shall consist of shrubs or trees. Planting areas shall be separated from vehicular surfaces by either curbing or by wheel stops.

In approving the construction of off-street parking, the zoning administrator shall apply the standards in this chapter and, to the extent feasible, applicable standards contained in the board documents Parking Area Design Framework (July 1991) and On Grade Parking in the Capitol Area: Parking Area Design Framework (January 1993), which are incorporated by reference. Copies of these documents are available at the board's office and at the State Law Library. The documents are not subject to frequent change.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0720 LOCATION OF VISUAL SCREENS.

Required visual screens must be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts, in which cases the board shall establish the location of the visual screen. When a yard is required, all land between the wall and property line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material, and ornamental trees. The ground must be planted and kept in lawn. Landscaping and planting must be maintained in a healthy, growing condition, neat and orderly in appearance.

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Required visual screens may, upon approval of the board, be located on the opposite side of an alley right-of-way from a nonresidential zone when mutually agreeable to affected property owners. The uniformity of the required visual screen in a given block must be considered by the board in reviewing the request.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0730 OPENINGS.

No visual screen required by this chapter shall have openings for pedestrians, vehicular traffic, or other purposes, except as provided in this chapter and as may be approved by the board.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0740 CONSTRUCTION OF VISUAL SCREENS.

Subpart 1. **Materials.** The visual screens required by this part shall consist either of various fence materials, earth berms, plant materials, or a combination of these materials.

Walls and fences required by this part must be constructed of materials which are durable, weather resistant, rustproof, obscuring, and easily maintained.

Subp. 2. **Visual screens.** Visual screens or other landscape devices that are constructed must be erected on a concrete or cement block foundation which must have a foundation depth that meets the State Building Code, and must not be of less width than the width of the wall, and must be placed in an area at least four feet in width.

Subp. 3. [Repealed, 24 SR 940]

Subp. 4. **Plants.** The species, size, location, and spacing of plant materials must be appropriate for the purpose intended, and must be planted within 180 days from the date of issuance of a certificate of occupancy and must thereafter be maintained to provide a visual screen to abutting properties.

At the time of planting minimum plant sizes are as follows: medium and large trees must be balled and burlapped stock, 2-1/2 inch caliper; small trees must be six to eight feet overall height; and shrubs intended to accomplish the actual screening must be 15 to 18 inches overall height.

Wherever plant materials are used to satisfy a visual screen requirement, planting must be sufficiently dense to provide an unbroken visual barrier within a maximum of two growing seasons after the time of planting.

Wherever plant materials are used to satisfy a visual screen requirement on the periphery of the lots, planting areas must be at least six feet in width.

The genus and species of all plant materials must be identified on all plans submitted for permit approval.

The owners are responsible for maintaining all landscaping in a healthy and growing condition and keeping it free from refuse and debris. Dead plant materials must be removed within a reasonable time and replaced during the normal planting seasons.

For parking lots larger than 150 spaces, front yard setback with landscaping must be ten feet. For every parking lot of 50 or more spaces, there must be one or more landscaped islands. For each additional 25 spaces over 50, there must be 150 square feet of landscape islands. No single landscaped island can be less than 300 square feet in area.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0750 VARIANCES.

In consideration of a request to vary visual screen requirements between nonresidential and residential districts, the board shall make a determination on the following matters:

A. A determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the near future. In such cases as it determines the residential district to be a future nonresidential area, the board may temporarily waive visual screen requirements for an initial period not to exceed 12 months. Granting of subsequent waivers shall be permitted, provided that the board shall make a determination as hereinbefore described.

B. A determination as to whether or not any governmental action in the area will change the physical condition so as to make a visual screen unnecessary.

In consideration of a request to vary visual screen requirements for off-street parking, the provisions of parts 2400.1500 to 2400.1530 shall apply.

Statutory Authority: *MS s 15B.03; 15B.06*

EXTERIOR LIGHTING AND STRUCTURES**2400.0800 EXTERIOR LIGHTING.**

In approving the construction of exterior lighting, the zoning administrator shall apply the standards in this chapter and, to the extent feasible, applicable standards contained in the board's Lighting Design Framework (August 1991) which is incorporated by reference. Copies of this document are available at the board's office and at the State Law Library. The document is not subject to frequent change.

Outdoor lighting used to light the general area of a specific site must be shielded to reduce glare and must be arranged to reflect lights away from all adjacent residential districts or adjacent residences.

Lighting in nonresidential districts used for the external illumination of buildings must be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

Illumination of signs must be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

Illumination of signs and any other outdoor feature must not be of a flashing, moving, or intermittent type. Artificial light must be maintained stationary and constant in intensity and color at all times when in use.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0810 ENTRANCEWAYS.

In residential districts, so-called entranceway structures, including, but not limited to, walls, columns, and gates, marking entrances to one-family subdivisions or multiple housing projects are permitted and may be located in a required yard, except as provided in part 2400.0820.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0820 CORNER CLEARANCE.

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two feet from the established street grades is permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-

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way lines at a distance along each line equal to the minimum setback lines from their point of intersection.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0830 STREET AND LANDSCAPE ELEMENTS.

Exterior structural elements such as benches, transit shelters, vending equipment, and similar elements in the public right-of-way or in the G-2 zone, must be approved by the board for both design and location.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

SIGNS**2400.0850 PURPOSE AND INTENT.**

The purpose of parts 2400.0850 to 2400.0930 is to regulate outdoor advertising and outdoor signs of all types in the Capitol area. The intent is to control signs, to reduce hazards and traffic accidents, to relieve pedestrian and traffic congestion, to protect and provide more open space, to preserve and enhance the dignity, beauty, and architectural integrity of the Capitol area, and to ensure that all signs are suitably integrated with the architectural design of any structure in the Capitol area on which they are mounted or to which they relate.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.0860 SIGNS; REQUIRED CONDITIONS.

No sign is permitted in the Capitol area except as provided in part 2400.0870 and without first obtaining the requisite permit for the sign. Signs permitted by part 2400.0870 must satisfy the conditions in items A to M.

A. All signs must conform to all applicable provisions of the building code of the city of Saint Paul as well as the structural design standards of the State Building Code in chapters 1300 to 1370.

B. No sign, unless specifically permitted in a zoning district and except those projecting business signs permitted in business districts that do not violate Minnesota Statutes, section 160.27, and those established by the city of Saint Paul, Ramsey County, the state of Minnesota, or the United States, may be located in, project into, or overhang a public right-of-way or dedicated public easement in any district.

C. Signs of the city of Saint Paul, Ramsey County, state, and federal governments and subdivisions and agencies thereof which give orientation, direction, or traffic control information are permitted in all zoning districts.

D. No ground signs may be higher than 15 feet in any district. Revolving free-standing signs are permitted but may not be illuminated with flashing lights or exceed six revolutions per minute.

E. No signs shall be placed on the exterior facade on or above the floor level of the third floor of any structure that is three floors or higher in any district. In the case of structures less than three floors high, no signs shall project above the highest point used to measure the building height of that structure.

F. No signs mounted on buildings or structures in any district shall project more than 24 inches horizontally beyond the wall or face of that building or structure.

G. No sign or sign structure shall be erected or maintained at any location where by reason of its position, size, shape, content, color, or illumination, it may interfere with the view of, or be confused with, any traffic control sign, signal, or device, or where it may interfere with, mislead, or confuse traffic.

H. Signs which are unsafe or unsightly must be repaired or removed. Unsafe signs must be repaired or removed within 24 hours after notification. Unsightly signs must be repaired or removed within 15 days after notification. The term "unsightly" means a condition in which the sign has deteriorated to the point where at least one-fourth of the surface area of the name, identification, description, display, illustration, or other symbol is no longer clearly recognizable at a distance of 20 feet; where paint is peeling, chipping, or flaking from the structure surface; where the sign has developed significant rust, corrosion, rotting, or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of 20 feet; or where an illuminated electrical sign is no longer in proper working order.

Removal, in the case of painted wall signs, means a complete repainting of the background on which the sign was painted, or a sandblasting of the surface to reveal an exterior finish compatible with surrounding surfaces, so that no part of the sign is any longer visible.

I. No sign shall be painted directly on or affixed to any tree, rock, or utility pole.

J. Lots on which signs are located shall be kept neat, orderly, and free of debris by the owner.

K. When specifically permitted in a zoning district, signs projecting over a public right-of-way may project up to four feet from the property line, but in no case shall come closer than two feet from the curb line, or be less than ten feet above ground level. Such signs shall not violate Minnesota Statutes, section 160.27.

L. For parking lot areas, one identification sign not to exceed a total of 15 square feet in area is permitted per parking lot entrance. An identification sign up to 25 square feet in area, however, is permitted if the sign incorporates the following uniform parking symbol: 50 percent of the total sign area of the parking identification sign must bear a blue rectangle or circle with a white letter "P" with the letter "P" being not less than 40 percent of the area of the blue rectangle or circle.

The remaining portion of the sign incorporating the parking symbol may be used for other pertinent information. In addition to the one identification sign per parking lot entrance, however, one directional sign not to exceed a total of four square feet is permitted per entrance or exit. Directional signs may be up to ten square feet in area if they also incorporate the parking symbol "P". These parking identification and directional signs are in addition to other signs permitted in each zoning district.

M. Temporary signs are allowed so long as the sign meets the criteria of one of the following categories:

(1) for all uses, one sign not exceeding 40 square feet in area identifying an engineer, architect, or contractors engaged in the construction of a building;

(2) for religious, civic, or other centers, portable and/or temporary signs directly related to events on the premises are permitted so long as the face of the sign is not flashing, and the sign is not in the public right-of-way, not obstructing vision at an intersection, or used more than three times per calendar year per organization; and

(3) for balloons and other inflatables with a commercial message of any kind provided they are not in the public right-of-way, not obstructing vision at an intersection, not used more than three events per calendar year per organization, and not used more than five consecutive days at any one event.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0870 CHART OF PERMITTED SIGNS.

In addition to the signs described in part 2400.0860, the following signs are permitted in the districts indicated on the following chart.

| Regulated Signs by District | Use District | | |
|----------------------------------|------------------------------|----------------------------|-----------------|
| | G-1/G-2 Govern- mental | RM-2 Multiple Family | MX Mixed Use |
| 1. Nonaccessory signs | | | |
| a. Advertising sign | 0 | 0 | 0 |
| b. Billboard | 0 | 0 | 0 |
| c. Bus shelter/bench sign | 0 | 0 | 0 |
| d. Political sign | 0 | X | X |
| 2. Accessory signs | | | |
| a. Announcement | 20 | 0 | 20 |
| b. Business signs | 0 | 0 | 100 |
| c. Canopy | 0 | 0 | 100 |
| d. Directional | 25 | 0 | 15 |
| e. Identification & name plate | 21 | 7 | 50 |
| f. Marquee | 0 | 0 | 100 |
| g. Real estate | 0 | 12 | 25 |
| h. Real estate development | 0 | 50 | 50 |
| i. Temporary | X | 0 | 12 |
| j. Window | 0 | 6 | 20 |
| 3. Structure types | | | |
| a. Flashing, animated, or moving | 0 | 0 | 0 |
| b. Freestanding | X | X | X |
| c. Ground | X | X | X |
| d. Illuminated | X | X | X |
| e. Projecting | 0 | 0 | X |
| f. Pylon | 0 | 0 | X |
| g. Roof | 0 | 0 | 0 |
| h. Vehicle or portable sign | 0 | X | X |
| i. Wall | X | X | X |

A number represents the total surface square footage permitted.

"X" means permitted.

"0" means not permitted.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0880 NONCONFORMING SIGNS.

When a lawful sign exists on the effective date of these rules or amendments thereto and which is made nonconforming by reason of these rules, such sign may continue until January 1, 1986, as long as they remain otherwise safe, not unsightly as defined in part 2400.0860, item H, or not abandoned as defined in part 2400.0920, subject to the provisions in items A to F.

A. No sign may be enlarged or altered in a way which increases its nonconformity.

B. If a sign or sign structure is destroyed by any means to any extent of more than 51 percent of its replacement cost, it must not be reconstructed except in conformity with this chapter.

C. If a sign or sign structure is moved for any reason for any distance whatsoever, it must conform to the rules for the zoning district in which it is located after it is moved.

D. No existing sign devoted to a use not permitted by this chapter in the zoning district in which it is located shall be enlarged, extended, or moved except in changing the sign to a sign permitted in the zoning district in which it is located.

E. When a structure loses its nonconforming status, under parts 2400.1050 to 2400.1110, all signs devoted to the structure must be removed and all signs painted directly on the structure must be repainted in a neutral color or a color which will harmonize with the structure.

F. Signs may be repainted, reposted, or replaced when there is a change of tenancy, ownership, or management of any nonconforming use.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0890 ADMINISTRATION AND ENFORCEMENT.

In the administration and enforcement of the sign rules contained in this chapter the board shall designate a zoning administrator who is authorized and directed to enforce all the provisions of parts 2400.0850 to 2400.0930.

The zoning administrator shall enforce parts 2400.0850 to 2400.0930 and shall have the power to certify compliance and issue sign permits, and to make inspections of buildings or premises necessary to carry out duties in the enforcement of parts 2400.0850 to 2400.0930.

No permit may be issued by the zoning administrator until the administrator has reviewed all plans in detail and found them to conform to parts 2400.0850 to 2400.0930.

The zoning administrator may not grant any variances with respect to these rules in carrying out the duties of zoning administrator. Variances shall be granted by the board. The zoning administrator shall grant a permit upon a finding of compliance with the conditions imposed by this chapter.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *17 SR 1279; 24 SR 940*

2400.0900 SIGN PERMIT; APPLICATION.

Applications for sign permits shall be submitted in writing to the zoning administrator. Each application shall contain the following information:

A. the name and addresses of the display structure and property;

B. the address at which any signs are to be erected;

C. the lot, block, and addition at which signs are to be erected and the street on which they are to front; and

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D. a complete set of plans showing the necessary elevations, distances, size, and other details to fully and clearly represent the construction and placing of the display structure.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.0910 EXEMPTIONS.

The signs in items A to D do not require a permit. These exemptions must not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter or any other law or ordinance regulating the sign.

A. Signs six square feet or less in size.

B. Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign.

C. Political signs.

D. The changing of the display surface on a painted or printed sign only, except this exemption applies only to on-site changes involving sign repainting and/or poster replacement.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0920 ABANDONED SIGNS.

Any sign which advertises, identifies, or pertains to an activity no longer in existence shall be removed by the owner of the property within 30 days from the time the activity ceases existence. This part does not apply to seasonal activities during the regular periods in which they are closed.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.0930 VARIANCES.

The board may grant variances from the strict applications of this chapter for unique signs or unusual conditions pertaining to sign needs for a specific building or lot pursuant to parts 2400.1500 to 2400.1530.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

EXCEPTIONS**2400.0950 SCOPE.**

Except as provided in parts 2400.0850 to 2400.0930, the rules for all zoning districts, except the governmental district, are subject to the interpretations and exceptions in parts 2400.0960 to 2400.1020.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0960 ESSENTIAL SERVICES.

Essential services are permitted as authorized and regulated by law and rule. Essential services are exempt from the application of this chapter.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0970 VOTING PLACES.

The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a public election.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0980 EXISTING LOTS.

A lot existing and of record on the effective date of the applicable rule or amendment, whichever is later, may be used for any principal use permitted in the district in which the lot is located, other than conditional uses for which special lot area requirements are specified in this chapter, whether or not the lot complies with the lot area requirements of this chapter, provided that all other requirements prescribed in this chapter are complied with and provided that not more than one dwelling unit occupies any lot except in conformance with the provisions of this chapter for required lot area for each additional dwelling unit.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.0990 AREA OF LOTS ABUTTING STREETS AND ALLEYS.

In calculating the area of a lot that adjoins a dedicated public alley or lane, for the purpose of applying lot area requirements of this chapter, one-half the width of an alley or lane abutting the lot shall be considered as part of the lot.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1000 MULTIPLE DWELLINGS.

For the purpose of side yard rules, a two-family house or a multiple dwelling shall be considered as one building occupying one lot.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.1010 PORCHES.

An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten feet, but this shall not be interpreted to include or permit fixed canopies.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.1020 ARCHITECTURAL FEATURES.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet.

Statutory Authority: *MS s 15B.03; 15B.06*

NONCONFORMITIES**2400.1050 IN GENERAL.**

Nonconforming buildings, structures, including signs, and uses incompatible with permitted uses in the districts in which they are located must not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid hardship, nothing in this chapter may be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of the applicable rule or amendment, whichever is later, and upon which actual building construction has been diligently carried on. "Actual construction" includes placing construction materials in permanent position and fastening

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them in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, the demolition or removal shall be considered to be actual construction, provided that work is diligently carried on until completion of the building involved.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1060 NONCONFORMING LOTS.

In a district in which one-family dwellings are permitted, notwithstanding limitations imposed by this chapter, a one-family dwelling and customary accessory buildings may be erected on any single lot of record prior to the effective date of the applicable rule or amendment, whichever is later. This provision applies even though the lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the rules for the district in which such lot is located. Yard requirement variances may be obtained through approval of the board.

If three or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record prior to the effective date of the applicable rule or amendment, whichever is later, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of the parcel may be used or occupied which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1070 NONCONFORMING USE OF LAND WITHOUT STRUCTURES, OF STRUCTURES, OR OF STRUCTURES AND LAND.

Where, prior to the effective date of the applicable rule or amendment, whichever is later, lawful use of land or of structure and land in combination existed that is made no longer permissible under the terms of this chapter the use may be continued, so long as it remains otherwise lawful, subject to the provisions in items A to D.

A. If nonconforming use of land ceases for any reason for a period of three months or more, any subsequent use of such land shall conform to the parts of this chapter that apply for the district in which the land is located.

B. If a nonconforming use of structure and land in combination is discontinued or ceases to exist for 12 consecutive months or for 18 months during a three-year period, the structure or structure and land in combination shall thereafter be used in conformance with the rules of the district in which it is located. Structures occupied by seasonal uses are exempted from this item.

C. If a nonconforming structure is destroyed by any means to an extent of more than 60 percent of its replacement cost, exclusive of the foundation at the time of destruction, it may not be reconstructed except in conformity with this chapter.

D. If a structure is moved for any reason, for any distance whatever, it shall conform to the rules for the district in which it is located after it is moved.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1080 [Repealed, 24 SR 940]

2400.1090 [Repealed, 24 SR 940]

2400.1100 REPAIR AND MAINTENANCE.

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50 percent of the current market value of the building, provided that the cubic content of the building as it existed at the time of the effective date of this chapter or amendments is not increased.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part of a building declared to be unsafe by any official charged with protecting the public safety upon order of the official.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1110 CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises, provided there is no change in the nature or character of nonconforming uses.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

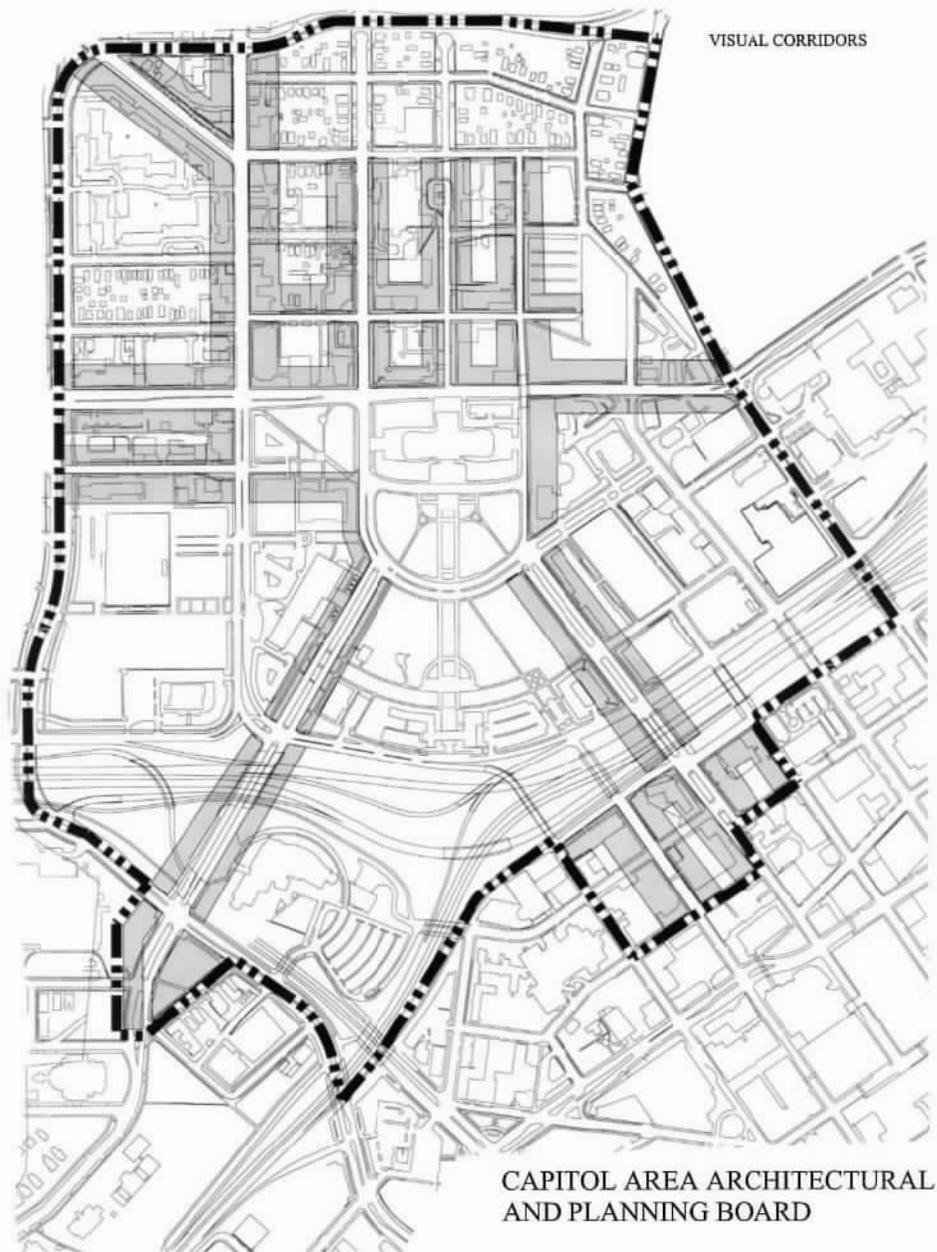
VISUAL CORRIDORS

2400.1150 VISUAL CORRIDORS.

Subpart 1. **Designation.** That part of University Avenue and adjacent land, Aurora Street and vacated Aurora from Rice Street to Rev. Dr. Martin Luther King Jr. Boulevard and adjacent land, Cedar Street and adjacent land, John Ireland Boulevard and adjacent land, Park Street and adjacent land, Rev. Dr. Martin Luther King Jr. Boulevard and adjacent land, Sherburne Avenue and adjacent land, Rice Street and adjacent land, and corridors as identified on the map in subpart 2a are designated as visual corridors in the Capitol area.

Subp. 2. [Repealed, 24 SR 940]

Subp. 2a. Map.



Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1160 SCOPE.

Parts 2400.1150 to 2400.1250 shall apply to the following activities if they are undertaken within the visual corridors designated in part 2400.1150:

- A. the construction of a new building or structure;
- B. the moving or reconstruction of an existing building or structure; and

C. the repair or alteration of an existing building or structure if the cost of the repairs or alterations exceeds 60 percent of the replacement value of the building or structure, exclusive of its foundation.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.1170 BUILDING HEIGHT.

Buildings other than those in the G-2 zone shall be of a minimum height of two stories above grade, and a maximum height of elevation 944 feet as defined in part 2400.0420, unless otherwise restricted.

Land in the G-2 zone adjacent to visual corridors shall remain landscaped open space. Underground construction, as defined in part 2400.0200, is permitted as a conditional use provided it does not interrupt views and vistas from street level.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1180 SETBACK.

Buildings in the visual corridors must be sited close to the street. Specifically facades facing the corridor shall be located in a setback zone, defined by lines six feet and 15 feet from the front property line, except as described in items A to C.

A. Where a new building is adjacent to existing buildings, these buildings shall maintain the average setback alignment of existing buildings on the same block.

B. State buildings along Cedar Street and John Ireland Boulevard shall be set back a distance no more than 40 feet from the front property line in order to maintain and reinforce the critically important visual corridor to the Capitol.

C. Residential buildings in the RM-2 zone must conform to the setbacks for that zone, as found in part 2400.0410.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1190 OFF-STREET PARKING.

Off-street parking will not be permitted between the building and streets designated visual corridors.

Off-street parking shall be behind buildings on the interior of the block.

Off-street parking shall be adequately lighted with cutoff type fixtures that will not allow excessive light intrusion onto adjacent property.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.1200 LANDSCAPING.

Required setbacks and parking areas shall be landscaped.

A six feet minimum planting area shall be provided between parking and adjacent properties. Off-street and unenclosed parking areas of more than 50 spaces shall be divided by planting islands.

Plant material shall conform to high-quality nursery standards and the following minimum sizes at planting: shade trees, 2-1/2 inches caliper BB; small trees, eight to ten feet overall height; shrubs, 15 to 18 inches overall height.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.1210 ACCESS AND EGRESS.

Vehicular access from streets designated important visual corridors is prohibited. Access and egress shall be from streets other than the designated visual corridor street.

Statutory Authority: *MS s 15B.03; 15B.06*

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2400.1220 SIGNS.

In addition to the sign provisions of part 2400.0870, freestanding signs are prohibited in the area designated in part 2400.1150.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.1230 MECHANICAL AND ELECTRICAL EQUIPMENT.

All mechanical and electrical equipment, such as transformers, air conditioning and heating units, television and other antennae, and similar exposed mechanical and electrical elements must not be visible from any point within the visual corridor at ground level to an elevation equal to the roof level.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1240 ADDITIONAL DESIGN CRITERIA.

Subpart 1. **In general.** In order to further achieve harmony of design, visual compatibility, and protect and enhance the dignity, beauty, and architectural integrity of the Capitol area, the requirements in subparts 2 to 12 must be applied to construction, reconstruction, repair, or alteration activities subject to this chapter. In the event that any of the requirements conflict or are inconsistent with the design requirements in parts 2400.1170 to 2400.1230, those contained in parts 2400.1170 to 2400.1230 supersede and govern in all cases.

Subp. 2. **Continuity of walls.** Appurtenances of a building such as building facades, fences, and landscape masses, must visually contribute to the spatial definition of the visual corridor and form cohesive walls of enclosure along those streets designated visual corridors to ensure visual continuity of the building with those buildings, squares, and places that conform to this chapter and to which the building is visually related.

Subp. 3. **Proportion and dimension of building's front facade.** The relationship of the width of building to height of the front elevation must be visually compatible to those buildings, squares, and places that conform to this chapter and to which the building is visually related.

Subp. 4. **Proportion of openings within the facility.** The relationship of the width of the windows to height of windows in a building must be visually compatible with those buildings, squares, and places that conform to this chapter and to which the building is visually related.

Subp. 5. **Rhythm of solids to voids in front facades.** The relationship of solids to voids in the front facade of a building must be visually compatible with those buildings, squares, and places that conform to this chapter and to which the building is visually related.

Subp. 6. **Rhythm of spacing of buildings on streets.** The relationship of a building to the open space between it and adjoining buildings must be visually compatible to those buildings, squares, and places that conform to this chapter and to which the building is visually related.

Subp. 7. **Rhythm of entrance and porch projection.** The relationship of entrances and porch projections to sidewalks of a building must be visually compatible to those buildings, squares, and places that conform to this chapter and to which the building is visually related.

Subp. 8. **Relationship of materials, texture, and color.** The relationship of the materials, texture, and color of the facade of a building must be visually compatible with the predominant materials used in those buildings that conform to this chapter and to which the building is visually related. Masonry, concrete, and glass materials are generally appropriate.

Subp. 9. **Roof shapes.** The roof shape of a building must be visually compatible with those buildings that conform to this chapter and to which the building is visually related.

Subp. 10. **Scale of building.** The size of a building, the building mass of a building in relation to open spaces, the windows, door openings, porches, and balconies must be visually compatible with those buildings, squares, and places that conform to this chapter and to which the building is visually related.

Subp. 11. **Front elevation.** The place and orientation of the front elevation of a building, including the shape and composition of its architectural elements must be visually compatible with those buildings, squares, and places that conform to this chapter and to which the building is visually related.

Subp. 12. **Landscape design.** All the elements of the landscape design of a building, such as planted areas, plant materials, grading, and pedestrian walks and areas, must be visually compatible with the corresponding elements of those buildings, squares, and places that conform to this chapter and to which the building is visually related.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1250 VARIANCES.

The board shall grant variances from the strict application of parts 2400.1150 to 2400.1240 pursuant to part 2400.1530, subpart 2.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

ADMINISTRATION

2400.1300 DUTIES OF BOARD.

The board shall accept applications for, and issue, any certificate or permit which is required by this chapter, keep and maintain all plans, files, and records pertaining to them, and perform all other functions necessary for the orderly administration of this chapter. The board may delegate any or all of these duties with the exception of approval for either variances or conditional use permits.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1310 ZONING PERMIT REQUIREMENT.

Except as otherwise provided in parts 2400.0850 to 2400.0930, no land, building, or structure in any district may be changed to a different use, and no building, structure, or any part may be erected, constructed, reconstructed, altered, enlarged, or moved until the board has issued a zoning permit certifying that the plans and intended use including any conditional use of land, buildings, and structures are in conformity with all provisions of this chapter.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1320 ZONING PERMIT; APPLICATION.

Subpart 1. **Information in application.** Except as otherwise provided in parts 2400.0850 to 2400.0930, all applications for zoning permits must be submitted in writing to the zoning administrator and contain the following information:

- A. the legal description of the property in question;
- B. the fee owner of such property; and, in all cases where the applicant is not the fee owner of the property, the application shall state the nature of the applicant's interest in the property;
- C. a concise description of the proposed use, including accessory and conditional uses, if any;

- D. three copies of a site plan which clearly illustrates the following:
 - (1) the lot lines;
 - (2) the location, size, and height of all buildings and structures, including walls, fences, and the like;
 - (3) the location of off-street parking or loading areas;
 - (4) adjacent streets, alleys, and driveways; and
 - (5) the location of driveways, sidewalks, and the like; and
- E. elevations and landscape plans to complement the site plans referenced in item D, all of which are developed by design professionals; and
- F. other information as may be reasonably necessary to permit the board to determine whether the proposed use, including accessory and conditional uses, satisfies the requirements of this chapter.

Nothing in this part shall be construed to prohibit an applicant from presenting such additional information, in such form as the board may permit, which is relevant to the nature of the proposed use and its relation to and effect upon adjacent uses and the beauty, dignity, and architectural integrity of the Capitol area.

Subp. 2. **Finding of similar use.** When a specific use is not listed in a district, the zoning administrator shall make the determination of whether a use is similar to other uses permitted in each district. The decision shall be based on the following findings:

- A. that the use is similar in character to one or more of the principal uses permitted;
- B. that the traffic generated on such use is similar to one or more of the principal uses permitted; and
- C. that the use is not first permitted in a less restrictive zoning district.

Subp. 3. **Determination of legal conformation.** The zoning administrator shall determine whether lots, structures, or uses are legally conforming.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1330 CONSIDERATION OF SITE PLAN.

In reviewing the site plan the board shall consider:

- A. the location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic subject to final approval by the city of Saint Paul;
- B. the traffic circulation features within the site and location of automobile parking areas, and may make the requirements with respect to any matters as will ensure:
 - (1) safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets; and
 - (2) satisfactory and harmonious relations between the development on the site and the existing and prospective development of abutting land and adjacent neighborhoods;
- C. the arrangement of buildings, uses, and facilities of the proposed development in order to ensure abutting property and/or its occupants will not be reasonably affected; and
- D. the extent, location, and the level of increased activity anticipated for the use will be compatible with the Capitol area comprehensive plan and any applicable subarea plans which were approved by the board.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1340 ADDITIONAL SITE REQUIREMENTS.

In conjunction with approving the site plan, the board may require that:

A. landscaping, fences, and walls in accordance with this chapter must be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant; and

B. marginal access drives be provided where they are necessary for safety.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1350 CERTIFICATE OF DESIGN COMPLIANCE.

Subject to the provisions of parts 2400.1150 to 2400.1250 no building, structure, or any part thereof shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved until it has been issued, in addition to a zoning permit issued by the board and a building permit by the city of Saint Paul, a certificate of design compliance by the board certifying that the plans of the building or structure are in conformity with all provisions of the design rules as provided in parts 2400.1160 to 2400.1240.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.1360 CERTIFICATE OF DESIGN COMPLIANCE; APPLICATION.

In addition to the requirements for a zoning permit, all applications for a certificate of design compliance shall be submitted in writing and shall include three copies of the following:

A. plans, sections, and all elevations of the proposed structure drawn to scale, showing the overall dimensions of the exterior faces of the structure, the proposed type and location of any sign or other appurtenances such as overhangs, housing for utilities, and television or radio antennas, and also showing in outline form other adjacent buildings and structures, and landscape features within a reasonable distance that will be seen when looking at any of the elevations of the structure;

B. the final construction drawings as approved by the city including changes to the design, if any, since the zoning permit was issued;

C. landscape plans and site plans prepared by a design professional, including any landscaping required for off-street parking; and

D. such other information as may be reasonably necessary to permit the board to determine whether the proposed construction or reconstruction satisfies the requirements of these rules.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1370 CONSIDERATION OF APPLICATIONS.

Subpart 1. **Submittal of application.** Applications in the form prescribed in part 2400.1320 and 2400.1360 must be submitted to the zoning administrator. The zoning administrator shall determine whether all the information required by these rules has been provided. The zoning administrator shall notify the applicant in writing within ten days of receipt of the application if the application is incomplete and state what information is missing.

Subp. 2. **Timing.** Once the application is complete, the application must be approved or denied within 60 days of receipt of the complete application, except as described in items A to C.

A. If the zoning administrator extends the consideration period, the zoning administrator shall provide written notice to the applicant that the time is being extended, the anticipated length of the extension, and the reasons for the extension. The extension may not exceed 60 days unless approved by the applicant.

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B. If the application is for a certificate of design compliance under part 2400.1360, the time limit is automatically extended by 60 days to provide additional time to study the effect of the proposal on the beauty, dignity, and architectural integrity of the Capitol area.

C. If the application is for a variance under part 2400.1510, the time limit is automatically extended by 60 days to provide additional time to solicit the necessary public input on the proposal.

Subp. 3. **Approval or denial.** Applications must be approved if they meet all applicable requirements of this chapter. If the application is denied, reasons for the denial must be stated in writing as required by Minnesota Statutes, section 15.99.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1380 BUILDING PERMITS REQUIRED.

No building structure, or part of a building structure, may be erected, constructed, reconstructed, altered, enlarged, or moved until it also has been issued, in addition to a zoning permit and certificate of design compliance issued by the board or the zoning administrator, a building permit by the city of Saint Paul, certifying that the plans of the building or structure are in conformity with all provisions of the Minnesota State Building Code.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1390 [Repealed, 24 SR 940]**2400.1400 SAINT PAUL CERTIFICATE OF OCCUPANCY.**

No building, structure, or part thereof in any district which is erected, constructed, reconstructed, altered, enlarged, or moved may be occupied or used unless it has been issued a certificate of occupancy, if appropriate and applicable, by the city of Saint Paul certifying that the building or structure is in conformity with the provisions of the applicable building code.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1410 [Repealed, 24 SR 940]**2400.1420 PERMIT EXPIRATION.**

No zoning permit or certificate of design compliance permitting the erection or alteration of a building shall be valid for a period longer than one year, unless a building permitted for erection or alteration is started and is proceeding with the terms of its permit or certificate.

Statutory Authority: *MS s 15B.03; 15B.06*

2400.1430 FEES.

Fees for inspection and the issuance of permits, certificates, copies, required or issued under this chapter, shall be collected by the zoning administrator in advance of issuance. The amount of the fees shall be established by resolution of the board and shall cover the cost of notification, inspection, and supervision resulting from enforcement of this chapter. The fee schedule is available on request at the board offices.

When any fees are not paid within six months of authorization of any permit or certificate, the authorization is null and void.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1440 CHANGES AND AMENDMENTS.

Any person or entity wanting to petition for rezoning must follow the procedures for petition for adoption of a rule in the Administrative Procedure Act, Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1460 COMMEMORATIVE WORKS.

All commemorative works for the Capitol area must meet the following objectives: to preserve the integrity of the Capitol area; to ensure that such works are appropriately designed, constructed, and located; to maintain the dignity of existing memorials; to ensure that the subject is of lasting significance to the people of the state; to reflect the diversity of the state's people and culture yet not be partisan in nature; and to provide an enriching experience that illuminates underlying values and broadens understanding of the state's heritage and culture.

The commemorative work must be consistent with and meet the conditions of the following board documents: Comprehensive Plan for the State Capitol Area and Specific Actions for Implementation of the Comprehensive Plan for the State Capitol Area (February 1998), Summit Park Area Design Framework Study (February 16, 1990), East Capitol Area Design Framework Study for Urban Development (November 1990), and Commemorative Works in the Capitol Area: A framework for Initiation, Evaluation and Implementations of Commemorative Works in the Capitol Area (May 1993). In addition, the commemorative work must also be consistent with the Administration Department's Strategic Plan for Locating State Agencies (1993 and 1995 supplement). These documents are incorporated by reference and all of which are available at both the board office and the State Law Library. They are not subject to frequent change.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1470 ENFORCEMENT.

The zoning administrator shall enforce this chapter and has the power to certify zoning compliance and to make inspections of premises necessary to carry out duties as outlined in this chapter.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

VARIANCES**2400.1500 VARIANCES; PURPOSE.**

The procedures and standards in parts 2400.1500 to 2400.1530 govern the consideration and disposition of variance requests.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1510 REQUEST FOR VARIANCE.

A person desirous of obtaining a variance from the application of one or more parts of this chapter shall initiate the variance process by submitting to the zoning administrator four copies of the following information and documents:

A. a statement setting forth the precise nature and extent of the proposed variance and the reasons the variance is being requested;

B. supporting documentation necessary to provide a complete description of the proposal including, but not limited to, architectural plans and drawings, topographical information, and project cost data; and

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C. a detailed statement addressing each of the applicable variance criteria contained in this chapter and the reasons as to why the variance request is in conformance with these criteria.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1520 DISPOSITION OF VARIANCE REQUESTS.

The board shall grant or deny a variance request pursuant to the procedures in items A to E and the standards in part 2400.1530.

A. Upon receipt of a variance request or the determination by the zoning administrator in review of an application for a zoning permit that a variance is needed, the zoning administrator shall send written notice to all persons who have registered their names with the board for the purpose of being notified of rulemaking proceedings or variance requests as well as all parties who may be affected by the decision. The notice must be sent to all owners and possessors of record of property within 100 feet of the premises in question for minor variances, and 350 feet for major variances. The board may not act upon the variance request until after the comment period.

The notice shall contain a brief description of the variance request, a statement that any person wishing to comment on the request may do so in writing, and a statement that the board will not act on the variance request until interested persons have been afforded at least 30 calendar days after the issuance of the notice to submit their comments.

B. If, after receiving the variance request, the board determines that additional information must be submitted by the requesting person, it may direct the person seeking the variance to submit additional data regarding the variance request to the board or the zoning administrator, or appear before the board or the zoning administrator to provide additional information.

C. To facilitate full consideration of a variance request the board may, in its discretion, request that the person seeking the variance and other persons who have submitted written comments regarding the variance appear before the board and make arguments to the board. In this event, the board shall provide these persons notice of the request appearance at least seven days before the board meeting at which the variance request is to be considered. This procedure shall not constitute a contested case as defined in Minnesota Statutes, section 14.02, subdivision 3.

D. If a person requesting a variance fails to follow the variance procedures specified in parts 2400.1500 to 2400.1530, the variance shall be denied.

E. The board shall set forth in writing and submit to the person requesting the variance and other persons who have submitted written comments thereon the reasons why it has granted or denied the variance request within 30 days after its disposition of the request.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*

2400.1530 STANDARDS FOR GRANTING AND DENYING VARIANCE REQUESTS.

Subpart 1. **In general.** The board shall grant a variance to the application of any of its rules, excepting its design standards and sign rules, only if it determines that all of the following criteria have been met:

A. strict application of the rule to which a variance is being requested would cause undue and substantial hardship to the owner of the property by reason of the unusual topography or other exceptional aspect of the property in question;

B. the granting of the variance does not confer a benefit on the person requesting the variance which is not enjoyed by other persons similarly situated;

C. the granting of the variance does not substantially impair the intent and purposes of this chapter;

D. the variance may be granted without substantial detriment to another person or the public good;

E. the proposed variance is in keeping with the spirit and intent of the code and is consistent with the health, safety, comfort, morals, and welfare of the inhabitants of the Capitol area and the city of Saint Paul;

F. the variance request, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property; and

G. the request for variance is not based solely on the desire to increase the value or income potential of the land parcel.

Subp. 2. **Design standards.** The board shall grant a variance to the application of its design rules if it determines that:

A. strict application of the design rules would prevent implementation of a design which, in terms of meeting the intent of the rules, is equal to or superior to the design alternatives authorized by the rules; and

B. the criteria in subpart 1, items B, C, and D, have been met.

Subp. 3. **Sign rules.** The board shall grant a variance to application of its sign rules if it determines that:

A. unusual conditions exist with respect to a specific building or lot which require the installation of a unique sign;

B. the granting of the variance does not result in the installation of a sign in a zoning district in which such a sign is not permitted by this chapter; and

C. the criteria in subpart 1, items B, C, and D, have been met.

Statutory Authority: *MS s 15B.03; 15B.06*

History: *24 SR 940*