

CHAPTER 2400

CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

LAND USE IN CAPITOL AREA

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2400.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of these rules, the terms defined below shall have the meanings ascribed 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.

Accessory uses include, but are not limited to the following:

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 such building and has no exterior signs or displays;

C. domestic storage in a shed, tool room, or similar accessory building;

D. storage within a fully enclosed building of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district rules; and

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.

Subp. 3. **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. 4. **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. 5. **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. 6. **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. 7. **Board.** "Board" means the Capitol Area Architectural and Planning Board as created by Minnesota Statutes, section 15.50, subdivision 1.

Subp. 8. **Boarding or lodging house.** "Boarding or lodging 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. 9. **Building height.** The height of a building shall be the distance measured from the mean grade of the sidewalk or a given grade elevation to the highest point of the building or equipment mounted thereon.

Subp. 10. Capitol area. "Capitol area," as defined in Minnesota Statutes, section 15.50, consists of that area of the city of Saint Paul within the following boundaries: Beginning at the point of intersection of the centerline of the Arch-Pennsylvania freeway and the centerline of Marion Street, thence southerly along the centerline of Marion Street to the north line of the right-of-way of Interstate Highway 94, thence easterly along the said north line to the centerline of Cedar Avenue, thence southeasterly along the centerline of Cedar Avenue to the centerline of Tenth Street, thence northeasterly along the centerline of Tenth Street to the centerline of Minnesota Street, thence northwesterly along the centerline of Minnesota Street to the centerline of Eleventh Street, thence northeasterly along the centerline of Eleventh Street to the centerline of Jackson Street, thence northwesterly along the centerline of Jackson Street to the centerline of the Arch-Pennsylvania freeway extended, thence westerly along the centerline of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin.

Subp. 11. Clinic. "Clinic" means an establishment where human patients who are not lodged overnight are admitted for examination and/or treatment by a group of physicians, dentists, or similar professionals.

Subp. 12. Club or lodge. "Club or lodge" means a building or premises used for associations of an educational, fraternal, or social character, not operated or maintained for profit. This term shall not include churches, synagogues, or other houses of worship.

Subp. 13. Comprehensive plan. "Comprehensive plan" means the plan adopted by the Capitol Area Architectural and Planning Board pursuant to Minnesota Statutes, section 15.50, subdivision 2 including any unit or part of that plan and any amendment to that plan or parts thereof.

Subp. 14. 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. 15. Curb level. "Curb level" means the mean level of a curb adjoining a zoning lot. On corner lots, curb level is the average of the mean levels of the adjoining curbs on the intersecting streets. Where no curb level has been established, the Department of Public Works of the city of Saint Paul shall establish such curb level or its equivalent.

Subp. 16. 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. 17. Dwelling, multiple-family. "Dwelling, multiple-family" means a building designed exclusively for occupancy by three or more families living independently of each other.

Subp. 18. Dwelling, one-family. "Dwelling, one-family" means a building designed exclusively for and occupied by one family.

Subp. 19. Dwelling, townhouse. "Dwelling, townhouse" means a one-family dwelling unit, with private front and rear entrances, which is part of a multiple-family dwelling whose dwelling units are attached horizontally in a linear arrangement.

Subp. 20. Dwelling, two-family. "Dwelling, two-family" means a building designed exclusively for occupancy by two families living independently of each other.

Subp. 21. Dwelling unit. "Dwelling unit" means a building or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

Subp. 22. Elevation. "Elevation" means the height of a point expressed in feet above mean sea level (sea level datum of 1929 adjusted).

Subp. 23. 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 herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Subp. 24. Family. "Family" means one or more persons living as a single housekeeping unit in a dwelling.

Subp. 25. 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 measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevator or stair bulkheads, and accessory structures.

Subp. 26. Floor area, usable. "Floor area, usable" 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 such 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. 27. 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 said lot.

Subp. 28. Front setback line. "Front setback line" means a line parallel to the front lot line and which establishes the minimum front yard depth of a zoning lot.

Subp. 29. 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 shall be curb level, or its equivalent, opposite such wall or walls. When a building has frontage on more than one street, the lowest curb level shall apply. For buildings having all walls more than 15 feet from a street line, grade shall be the mean level of the finished surface of the ground adjacent to the exterior walls of the buildings.

Subp. 30. Home occupation. "Home occupation" means an occupation or business carried on in a dwelling by the resident thereof, not involving retail or manufacturing business, and employing no persons other than members of the immediate family residing on the premises, except one ancillary employee; including but not limited to the businesses and occupations of doctors, ministers, architects, lawyers, dentists, authors, artists, musicians, and other similar occupations.

Subp. 31. 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. 32. 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. 33. 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 such yards and open spaces as are required under the provisions of these rules, whether or not specifically designed as such on public records.

Subp. 34. Lot, area. "Lot, area" means the total horizontal area within the lot lines of the lot.

Subp. 35. Lot, corner. "Lot, corner" 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. 36. **Lot, interior.** "Lot, interior" means any lot other than a corner lot.

Subp. 37. **Lot, through.** "Lot, through" means any interior lot having frontage on two streets.

Subp. 38. **Lot, zoning.** "Lot, zoning" 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.

Subp. 39. **Lot coverage.** "Lot coverage" means the part of percent of the lot occupied by buildings, including accessory buildings.

Subp. 40. **Lot depth.** "Lot depth" means the median horizontal distance between the front and rear lot lines.

Subp. 41. **Lot lines.** "Lot lines" means the lines bounding a lot as defined herein:

A. **Front lot line:** in the case of an interior lot, that line separating said lot from street. In the case of a "through" or "corner" lot, that line separating said lot from either street.

B. **Rear lot line:** that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front line and wholly within the lot.

C. **Side lot line:** any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Subp. 42. **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 or municipal or county officials, and which actually exists as so shown.

Subp. 43. **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. 44. **Major thoroughfare.** "Major thoroughfare" means an arterial street designated as a major artery or freeway in the comprehensive plan.

Subp. 45. **Mezzanine.** "Mezzanine" means an intermediate or fractional story between two main stories that projects in the form of a balcony over the story below and whose floor area does not exceed 33-1/3 percent of the floor area of the floor below.

Subp. 46. **Nonconforming building or sign.** "Nonconforming building or sign" means a building or portion thereof or a sign lawfully existing at the effective date of these rules, or amendments thereto, and that does not conform to the provisions of these rules pertaining to the district in which it is located.

Subp. 47. **Nonconforming use.** "Nonconforming use" means a use which lawfully occupied a building or land at the effective date of these rules, or amendments thereto, and that does not conform to the use rules of the district in which it is located.

Subp. 48. **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. 49. 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.

Subp. 50. Parking space. "Parking space" means an area of definite length and width, exclusive of drives, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

Subp. 51. Person. "Person" means any individual, corporation, partnership, limited partnership, association, unincorporated, or unit of state, local, or federal government.

Subp. 52. Principal building. "Principal building" means a building in which is conducted the principal use of the zoning lot upon which it is situated.

Subp. 53. Principal use. "Principal use" means the main use to which the premises are devoted and the principal purpose for which the premise exists.

Subp. 54. 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. 55. 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. 56. Restaurant, drive-in. "Restaurant, drive-in" 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. 57. Restaurant, fast food. "Restaurant, fast food" means a business establishment whose principal business is the selling of preprepared, quick-order, and packaged foods in a ready-to-consume state, packaged in nonreturnable, disposable containers or wrappings, and where the customer may consume these foods while seated at tables or counters located within a building.

Subp. 58. 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. 59. 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. 60. 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 following kinds of signs:

A. accessory sign: a sign which pertains to the principal use of the premises;

B. advertising sign: 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: 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: an advertising sign over 16 square feet in area;

E. business sign: an accessory sign relating to the activity, service, or business conducted on the premises upon which the sign is placed;

F. directional sign: a sign which conveys information or requirements about orientation and direction;

G. festoon sign: a business sign where lights are hung or strung overhead and not on a building or structure;

H. flashing, animated, or moving sign: 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;

I. ground sign: a sign not attached to any building, and supported by uprights or braces or by some object on the ground;

J. identification and name plate: a business sign stating the name of a person, firm, institution, or name or description of a certain permitted use;

K. marquee: a permanent roofed structure attached to and supported by the building and projecting over public right-of-way;

L. nonaccessory sign: a sign which does not pertain to the principal use of the premises;

M. political sign: a temporary sign which displays information pertaining to an upcoming governmental district, city, county, state, or national election;

N. projecting sign: 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;

O. pylon sign: 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;

P. real estate sign: a business sign placed upon a property advertising that particular property for sale, or for rent, or for lease;

Q. real estate development sign: a business sign placed on the premises of a subdivision or other real estate development;

R. roof sign: a sign, any part of which is erected upon, over, or above a roof of a building;

S. temporary sign: a sign other than a political sign intended to be displayed for a short time for special events;

T. vehicle business sign: a business sign painted on or attached to a vehicle; and

U. wall sign: 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 such wall and not extending more than 12 inches beyond the surface of the portion of the building wall on which erected.

Subp. 61. **Story.** "Story" means the part of a building, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Subp. 62. **Story, half.** "Story, half" 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 these rules, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

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Subp. 63. **Street.** "Street" means a public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Subp. 64. **Street line.** "Street line" means the property line separating private or public property from a designated street.

Subp. 65. **Temporary use or building.** "Temporary use or building" means a use or building permitted to exist under the specific stipulations of these rules during periods of construction of the main building or use, or for special events.

Subp. 66. **Underground structure.** "Underground structure" means any completed building designed to be built partially or wholly below grade; a completed structure which was not intended to serve as a substructure or foundation of a building.

Subp. 67. **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. 68. **Yards.** "Yards" means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in these rules and as defined herein:

A. **front yard:** 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:** 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:** 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.

Statutory Authority: *MS s 15.50 subd 2*

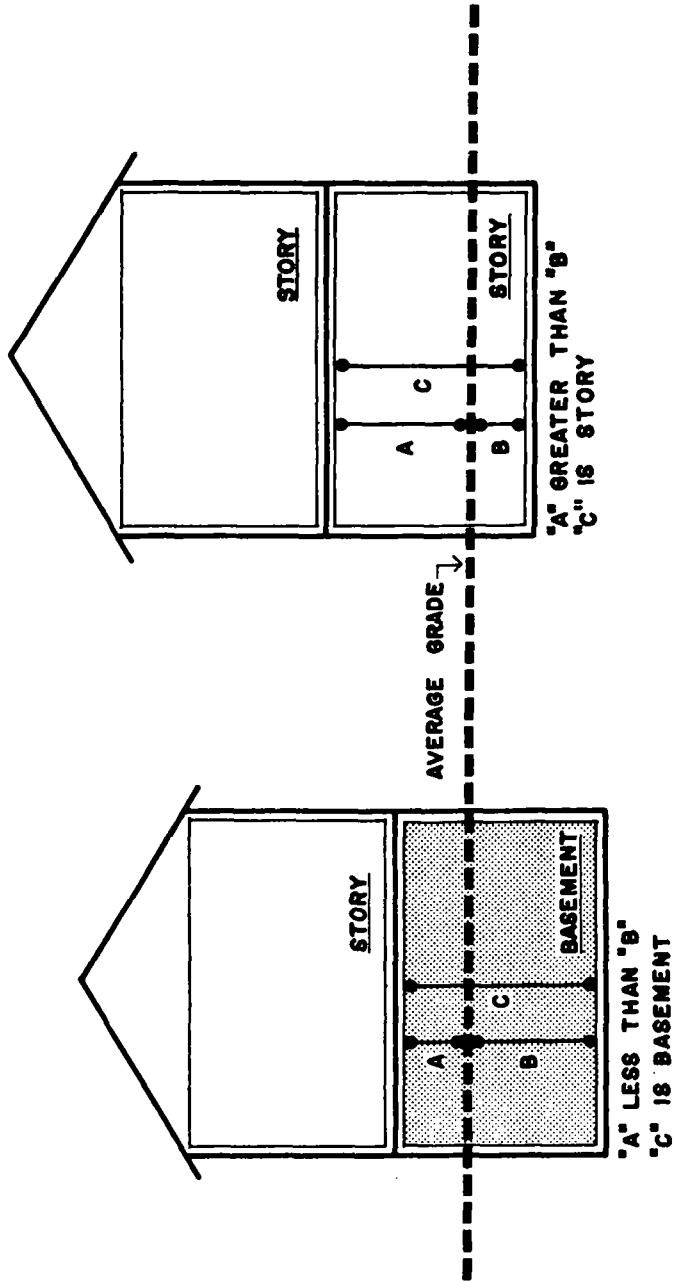
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2400.0020 DIAGRAMS.

Subpart 1. Basement and story.

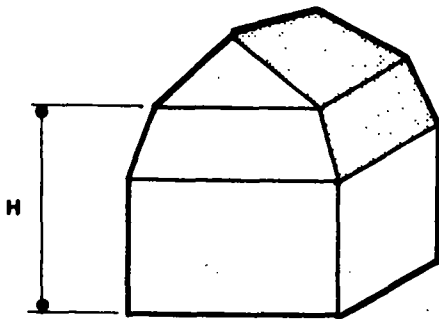


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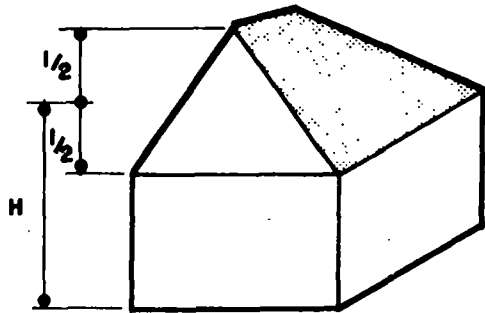
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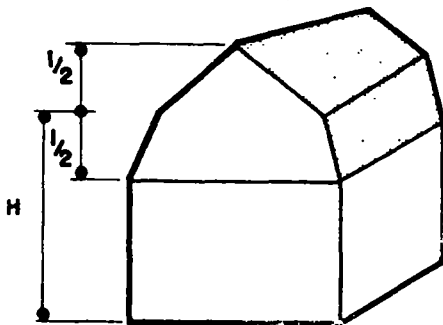
Subp. 2. Building height.



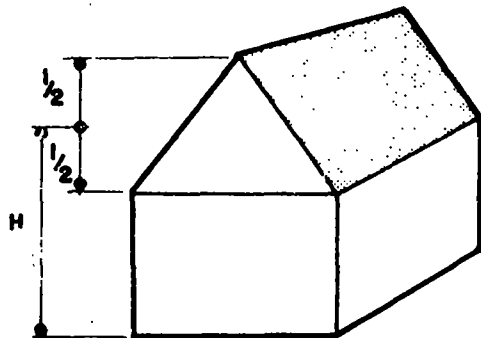
MANSARD ROOF



HIP ROOF



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GABLE ROOF

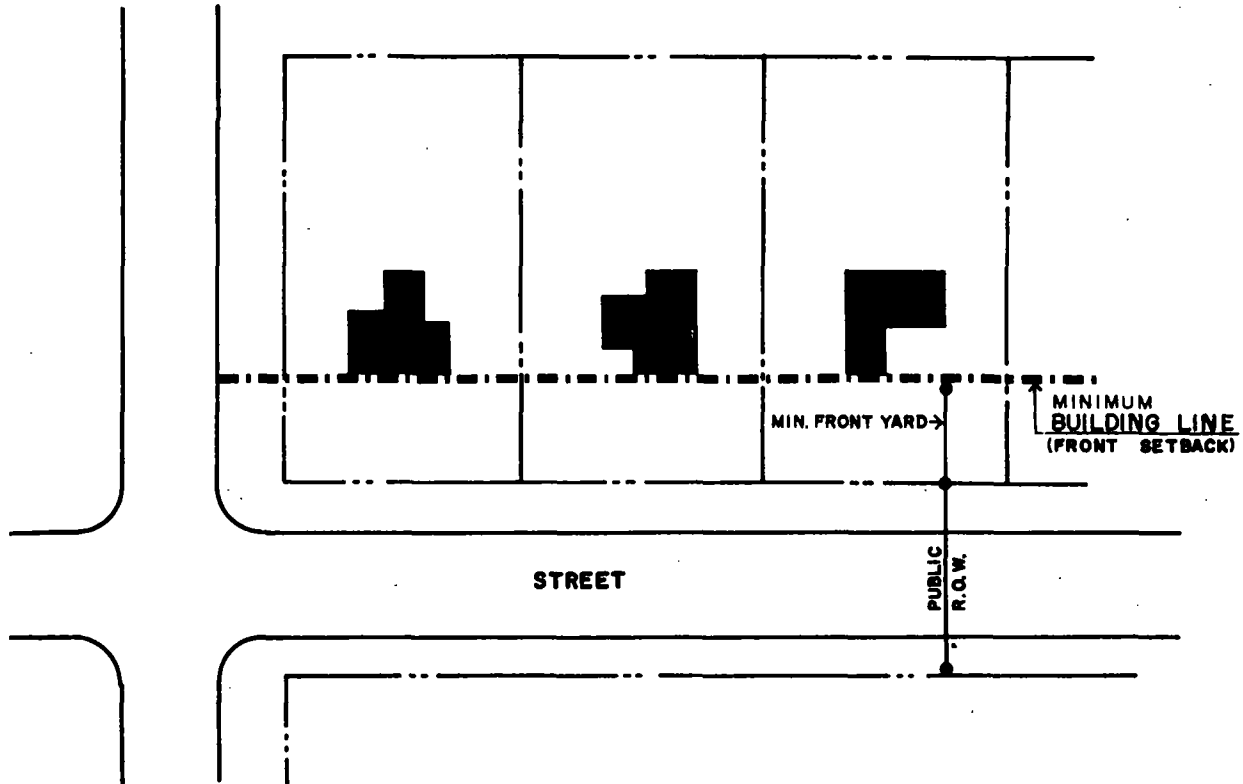
H = HEIGHT OF BUILDING

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Subp. 3. Building line.

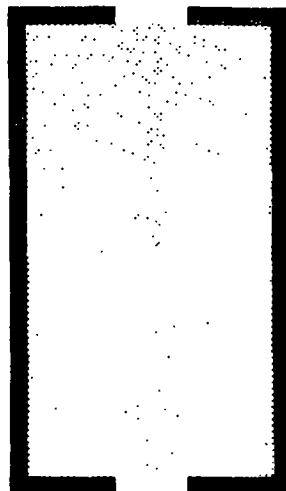
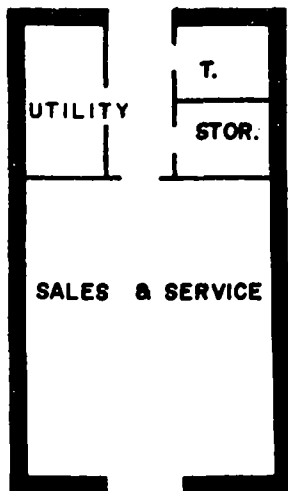


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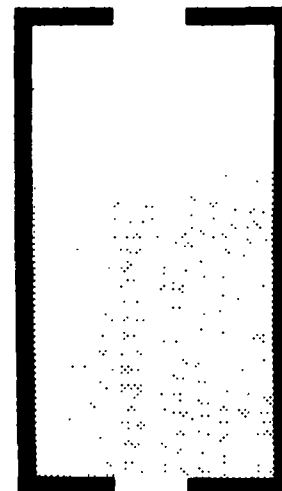
1677

Subp. 4. Floor area.

LAND USE IN CAPITOL AREA 2400.0020

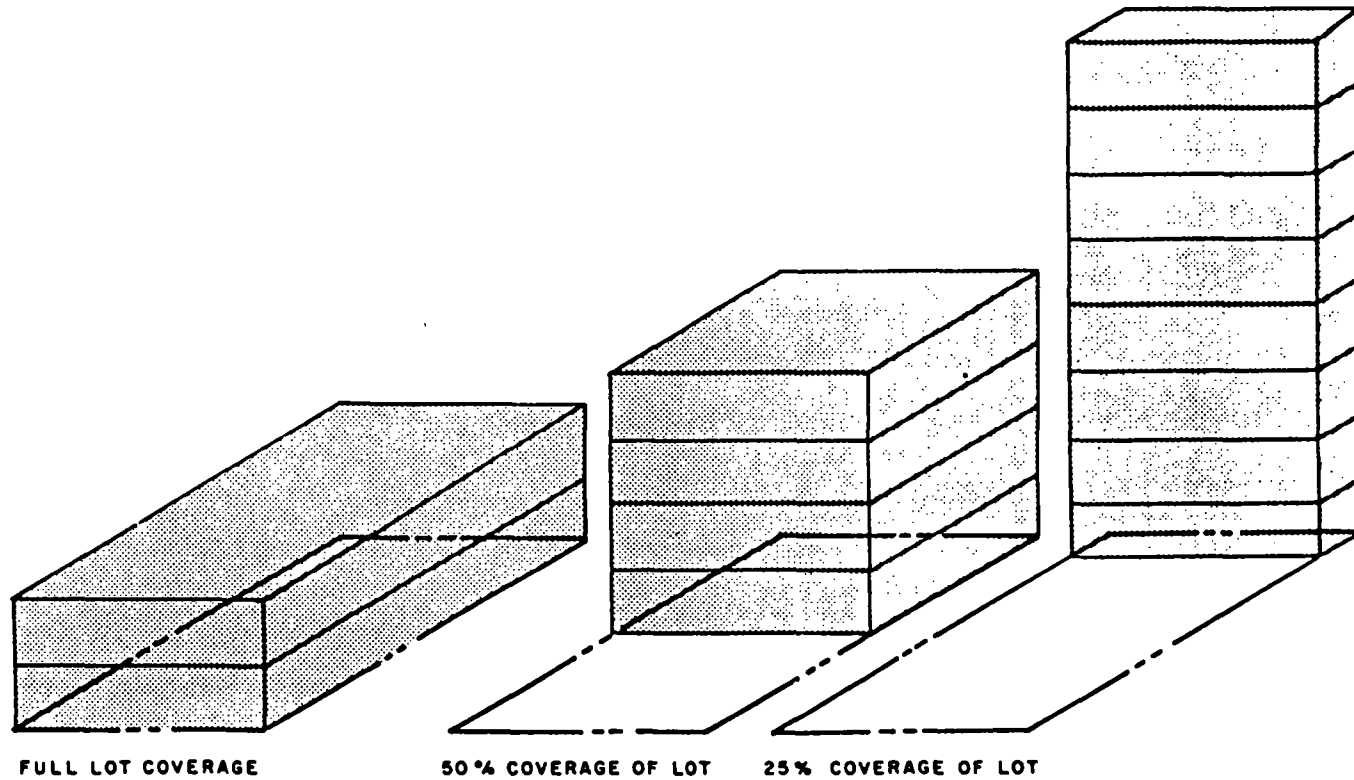


TOTAL FLOOR AREA



USABLE FLOOR AREA
(FOR PURPOSES OF COMPUTING PARKING)

MINNESOTA RULES 1989



EXAMPLES USING F.A.R. 2:1

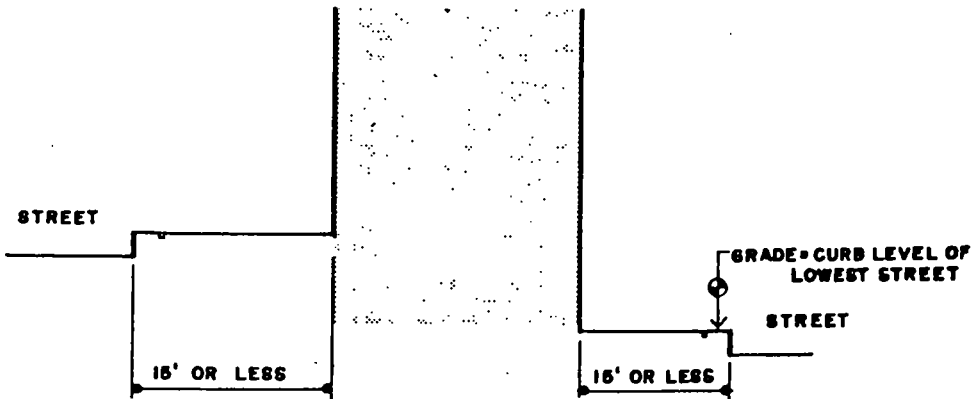
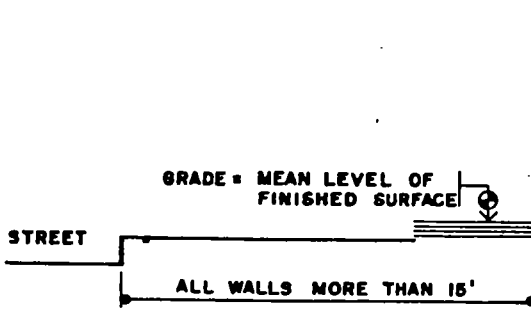
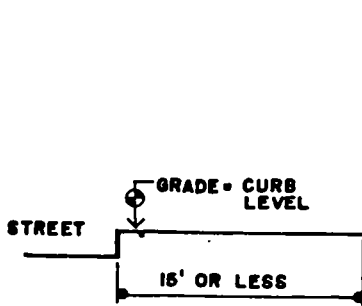
2400.0020 LAND USE IN CAPITOL AREA
Subp. 5. Floor area ratio.

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LAND USE IN CAPITOL AREA 2400.0020

Subp. 6. Grade.

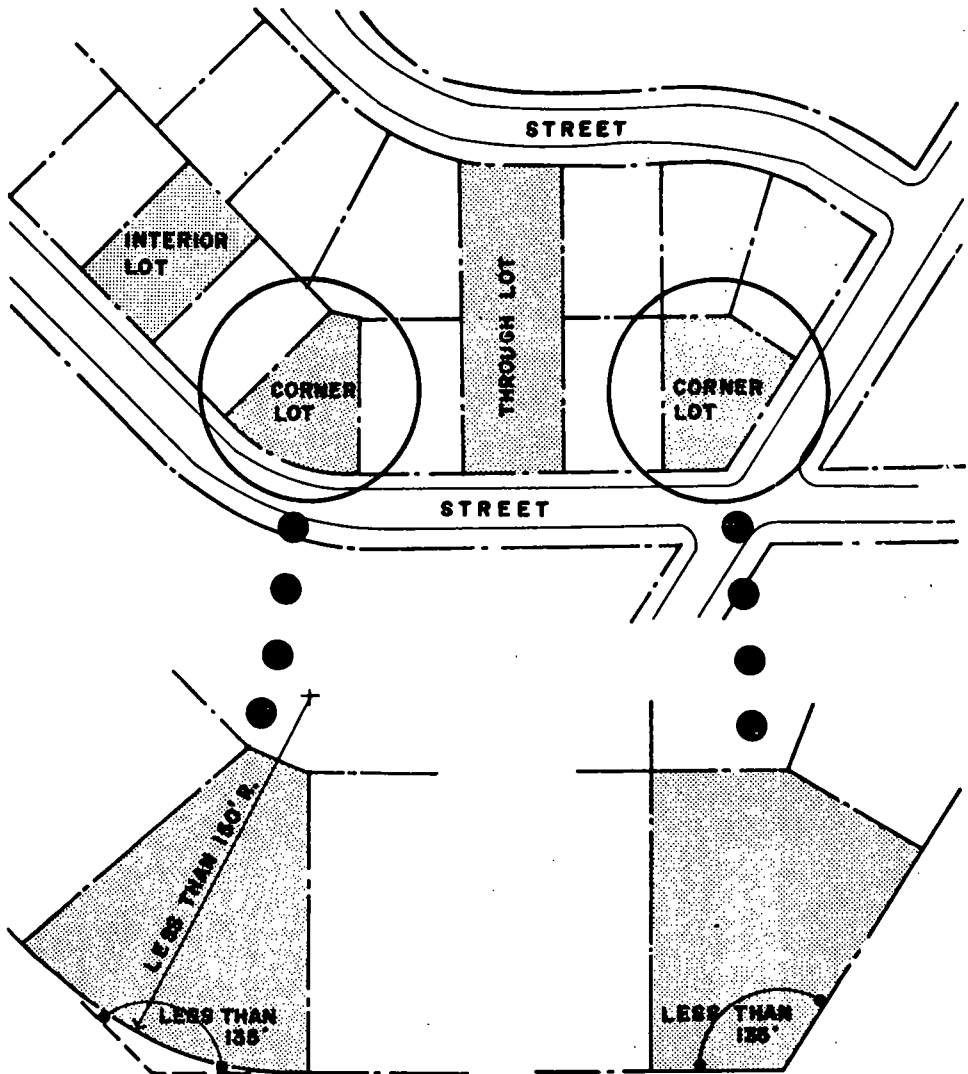


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2400.0020 LAND USE IN CAPITOL AREA

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Subp. 7. Lot; interior, through, and corner.

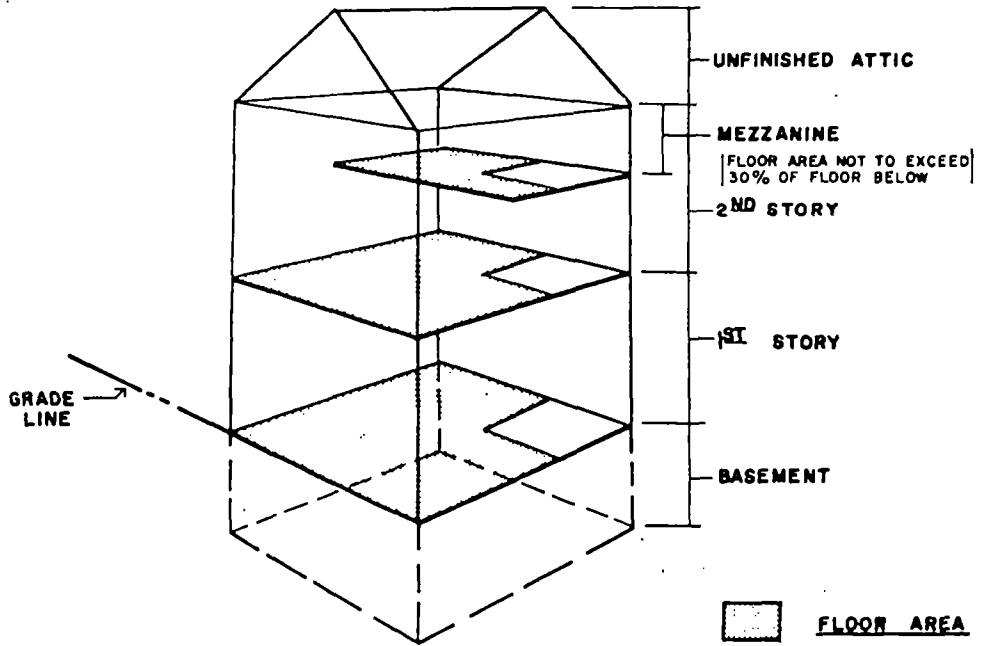


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Subp. 8. Basic structural terms.

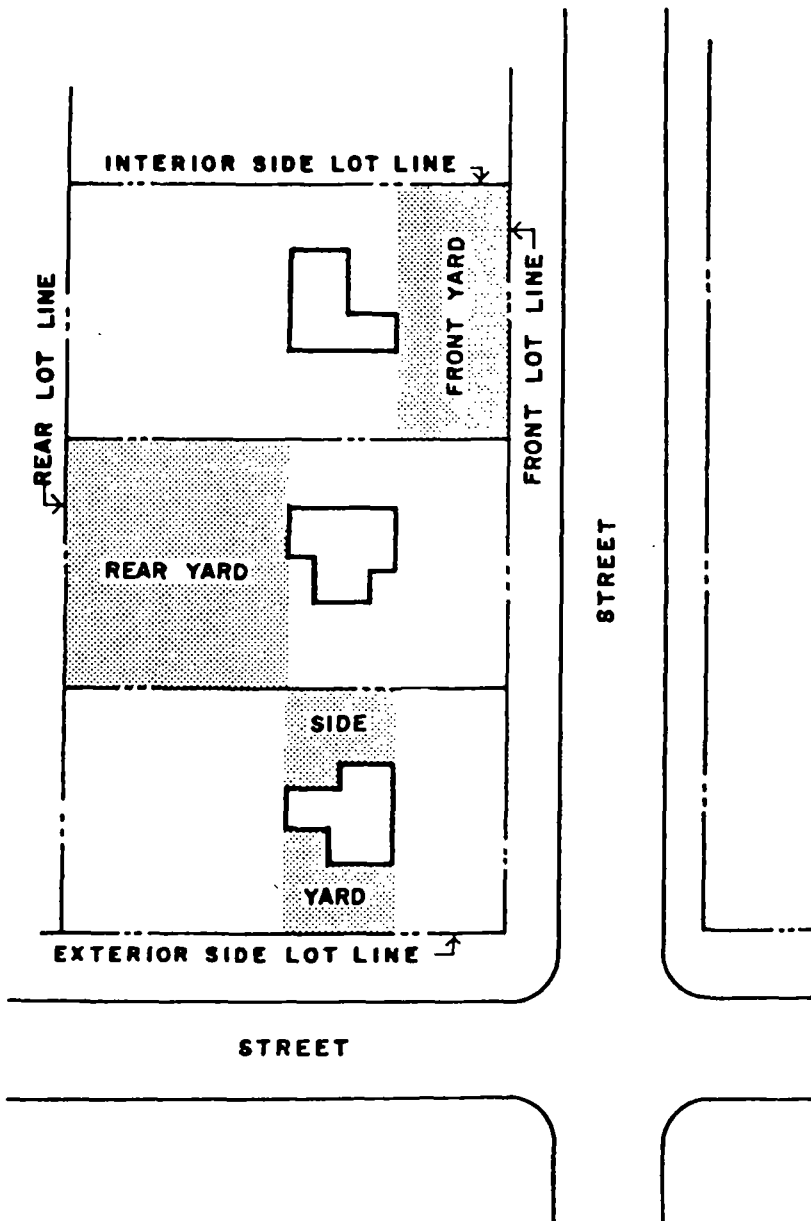


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Subp. 9. Yards.



Statutory Authority: *MS s 15.50 subd 2*

2400.0110 TITLE.

These rules shall be known and may be cited as the "Capitol Area Zoning and Design Rules."

Statutory Authority: *MS s 15.50 subd 2*

2400.0120 PURPOSES.

These rules are adopted by the Capitol Area Architectural and Planning Board to further the statutory purposes of the board as stated in Minnesota Statutes, section 15.50:

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 thereof;

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 15.50 subd 2*

ZONING DISTRICTS

2400.0130 ZONING DISTRICTS ESTABLISHED.

The following zoning districts for the capitol area are hereby established:

A. governmental district (G-1);

B. governmental district (G-2);

C. medium-density, multiple-family residential district (RM-2);

D. community business district (B-2);

E. office-service district (OS-1);

F. planned unit development district (PD); and

G. mixed use district (MX).

Statutory Authority: *MS s 15.50 subd 2*

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 2a. The map and any amendments with all explanatory matter, are made a part of these rules.

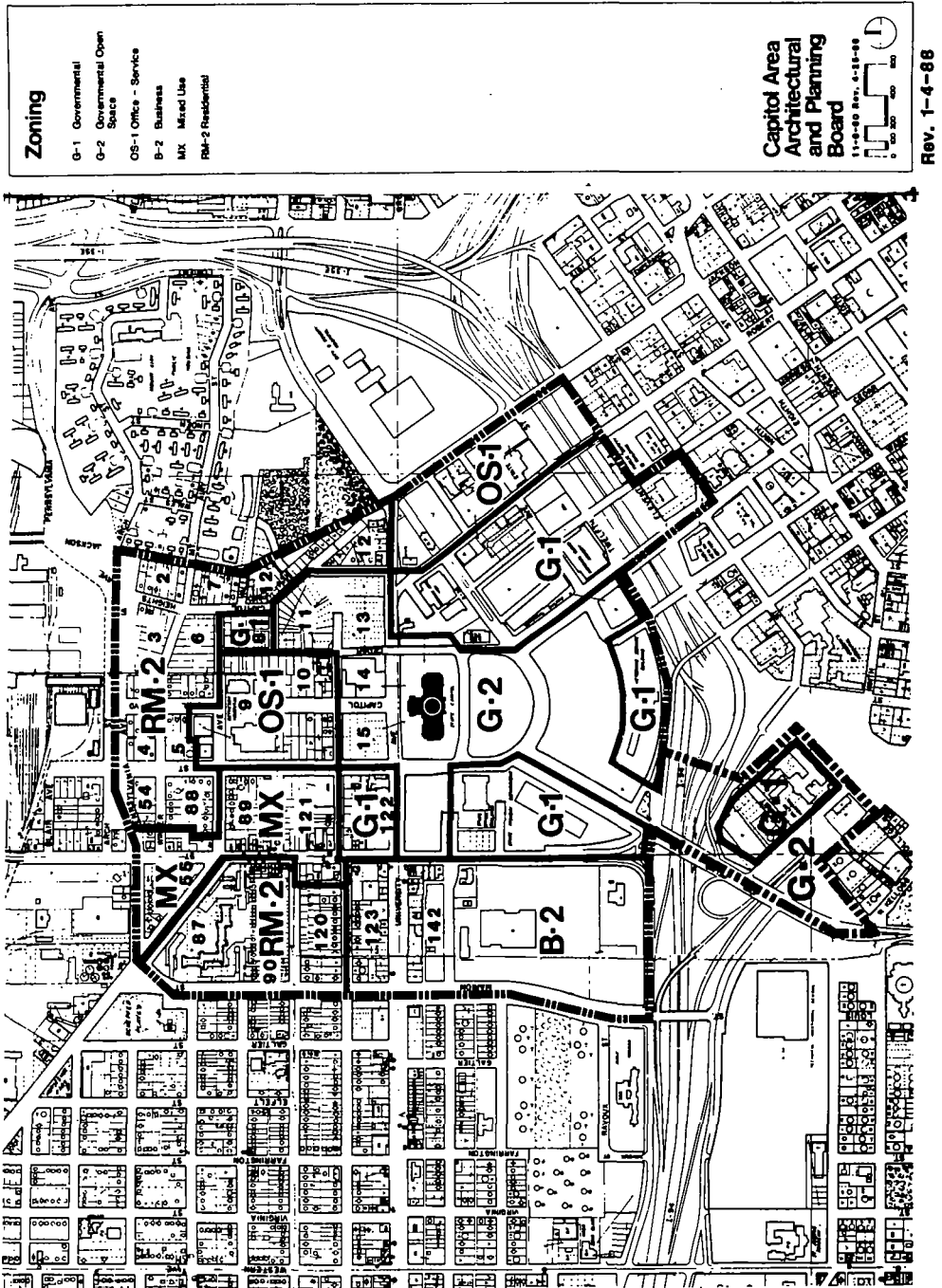
Subp. 2. [Repealed, 11 SR 2165]

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2400.0140 LAND USE IN CAPITOL AREA

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Subp. 2a. Zoning districts for the capitol area.



Statutory Authority: MS s 15.50 subd 2 para (a)

History: 11 SR 2165

2400.0150 BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the districts established in these rules as shown on the official capitol area zoning district map, the following shall 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, such center lines shall be construed to be said boundaries.

B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the center lines of street or the center lines of right-of-way lines of highways or railroads, such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the capitol area zoning district map.

D. Where unzoned property may exist, 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 thereon, 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 15.50 subd 2

PERMITTED USES**2400.0160 USES PERMITTED.**

Subpart 1. **In general.** Except as otherwise provided by these rules, no building or tract of land shall be devoted to any use other than a principal use or a conditional use permitted in the zoning district in which such building or tract of land is located.

Subp. 2. **Principal use.** A principal use shall be 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 such district and with the general character of the enumerated principal uses of such district.

Subp. 3. **Conditional use.** Any use which is not a principal use may be permitted as a conditional use upon the finding by the board that such use is specifically enumerated as a conditional use for such district and that, if established, such 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 pursuant to the conditions and requirements for such uses enumerated in these rules and such additional conditions and requirements as the board may impose to ensure compliance with items A and B.

Statutory Authority: MS s 15.50 subd 2

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 shall be as principal uses permitted in the governmental district. Such principal uses include, but are not limited to, the following:

A. the capitol of the state of Minnesota, including but not limited to executive, judicial, and legislative uses;

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- 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 prohibited.

Statutory Authority: *MS s 15.50 subd 2*

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

The following conditional uses shall be permitted in the governmental district pursuant to the provisions of part 2400.0160, subpart 3 and subject to the conditions hereinafter 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. other uses reasonably necessary and convenient for the satisfactory and efficient operation of the facilities of state government and to provide adequate public access thereto.

Statutory Authority: *MS s 15.50 subd 2*

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

Permanent open spaces which preserve and enhance the capitol area shall be permitted in the governmental district (G-2). Such uses shall include but not be limited to lawns, gardens, landscaped areas, and plazas.

Statutory Authority: *MS s 15.50 subd 2*

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

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

- A. location and type of landscaping will preserve and enhance the capitol area;
- B. safeguards for erosion control are provided; these shall include, but not be limited to landscaping and seeding of topsoil;
- C. reasonable documentation satisfactory to the board that soil conditions will not cause damage to adjacent property shall be provided;
- D. at least 75 percent of surface areas shall be devoted to G-2 uses;
- E. vistas of the capitol shall remain intact; and
- F. only above ground uses which are essential to the operation of underground structures shall be permitted; these may include ventilation shafts. Said above ground accessory uses shall in no way detract from the capitol area.

Statutory Authority: *MS s 15.50 subd 2*

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

Only those uses providing single- and multiple-family residential structures resulting in moderate population density (see the area, bulk, and setback rules contained in part 2400.0410) shall be permitted as principal uses in a medium

density multiple family residential district. Such principal uses include but are not limited to:

- A. single-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, junior high, or high 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 15.50 subd 2*

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

The following conditional uses shall be permitted pursuant to the provisions of part 2400.0160, subpart 3 and subject to the conditions hereinafter imposed for such use:

A. Multiple-family residential structures resulting in moderate to high population density (see area, bulk, and setback rules in part 2400.0410), provided that:

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

B. Rectories, parsonages, and parish houses which are accessory to a church, chapel, synagogue, temple, or other similar house of worship.

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, and which are subject to the following conditions:

(1) All recreation uses shall be restricted to the specific use of the residents and shall not be operated as public business uses.

(2) The location on the zoning lot of the recreation use shall be approved by the board.

D. Private residential pools shall be subject to the following additional conditions:

- (1) All such pools shall be located in the rear yard.
- (2) There shall be a distance of not less than ten feet between the adjoining property line and outside of the pool wall.
- (3) There shall be a distance of not less than four feet between the outside pool wall and any building located on the same lot.
- (4) No swimming pool shall be located less than the distance required for side yard by these rules, or ten feet, whichever is greater, from the right-of-way of any side-street or alley.
- (5) No swimming pool shall be located in a public easement.
- (6) All yards containing swimming pools shall be completely enclosed by a fence not less than six feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be 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, subject to the following conditions:

(1) The proposed site for any of the uses permitted herein shall have at least one property line abutting a major thoroughfare, as designated in the comprehensive plan, and the site shall be so planned as to provide principal access directly to said major thoroughfare.

(2) Front, side, and rear yards shall be at least 40 feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted within 40 feet of any lot line, except required entrance drives and those walls used to obscure the use from abutting residential districts.

(3) Sufficient off-street parking shall be provided to accommodate not less than one-fourth of the membership. Prior to the issuance of a zoning permit, bylaws and official membership roll of the organization shall be 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 said building within the district in order to serve the immediate vicinity. Storage yards accessory to such uses shall be prohibited.

G. Home occupations.

H. Nursery schools, day nurseries, and child care centers, not including dormitories, provided that for each child cared for there is provided and maintained a minimum of 150 square feet of outdoor play area. Such play area shall have a total minimum area of at least 2,000 square feet, and shall be fenced and screened from any adjoining land with planting. Any use permitted herein shall not be permitted in an interior of any residential lot.

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

J. Retail service and office uses, subject to the following conditions:

(1) Any retail service or office use on the zoning lot shall be incidental to the principal use and designed to service only the residents or users of the principal use.

(2) Such uses shall be provided totally within the walls of the principal structure and shall be obscured from any exterior view.

(3) Such uses shall not exceed 25 percent of the floor area of a subgrade level, and shall be prohibited on all floors above the first floor or grade level.

K. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

L. Amateur radio station towers, subject to the following conditions:

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

(2) Said towers shall be located only in the rear yard portion of the lot and shall be provided setbacks from side lot line equal to at least the greater of the two side yards required in these rules.

Statutory Authority: *MS s 15.50 subd 2*

2400.0230 COMMUNITY BUSINESS DISTRICT (B-2); PRINCIPAL USES.

Only those uses which primarily serve the individual shopping and service needs of residents and employees within the capitol area and persons residing in nearby residential areas and which provide limited facilities for automobile

access and parking shall be permitted as principal uses in a community business district. Such principal uses include but are not limited to the following:

A. the retail sale of consumer goods, provided that no such establishment shall be allowed which requires or utilizes extensive outdoor display or sales areas;

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

C. personal service establishments which perform such services on the premises, including but not limited to: minor repair of watches, radios, televisions, and the like; tailor shops, beauty parlors, or barbershops; photographic studios; laundries and dry cleaners;

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

E. business and professional offices and services;

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

or

G. accessory buildings, structures, and uses customarily incidental to the above permitted uses.

Statutory Authority: *MS s 15.50 subd 2*

2400.0240 COMMUNITY BUSINESS DISTRICT (B-2); CONDITIONAL USES.

The following conditional uses shall be permitted pursuant to the provisions of 2400.0160, subpart 3 and subject to the conditions hereinafter imposed for each use:

A. Public utility buildings, telephone exchange buildings, electric transformer stations, and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.

B. Private clubs, fraternal organizations, and lodge halls.

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

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

E. Office buildings.

F. Financial institutions.

G. Post offices.

H. Medical offices, including clinics.

I. Public transportation facilities.

J. Bars, drive-ins, fast-food restaurants, and similar establishments.

K. Outdoor business uses as follows:

(1) Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment, and garden supplies.

(2) Recreational space providing children's amusement park and other similar recreation when part of a planned shopping center development, but not at the intersection of two major thoroughfares. Such recreation space shall be fenced on all sides with a four-foot enclosure.

(3) No such use shall lessen or impinge upon the off-street parking area or the off-street loading area, nor impair the system of pedestrian access or flow.

L. Bowling alley, billiard hall, 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.

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M. Fully enclosed automobile sales or service centers, when located in a shopping center.

N. Motels, hotels, or other similar establishments, subject to the following conditions:

(1) Access shall not conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.

(2) No guest shall establish permanent residence at a motel.

O. Any combination of permitted and conditional uses for community business district when such 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.

P. All principal uses permitted in the office-service district (OS-1), excluding G-1 uses, when located on the second floor or above.

Q. Accessory buildings, structures, and uses customarily incidental to the above permitted uses.

Statutory Authority: *MS s 15.50 subd 2*

2400.0250 OFFICE-SERVICE DISTRICT (OS-1); PRINCIPAL USES.

Only those uses which provide facilities for administrative, professional, and health care services shall be permitted as principal uses in an office service district (OS-1). Such principal uses include, but are not limited to the following:

A. executive, administrative, and professional offices;

B. medical offices, including clinics and medical laboratories, and other facilities for human care, such as hospitals, sanitariums, and convalescent and nursing homes;

C. banks and similar financial institutions;

D. educational research and technical training institutions;

E. public transportation facilities; and

F. all principal uses permitted in the governmental district (G-1), as governed by part 2400.0170.

Statutory Authority: *MS s 15.50 subd 2*

2400.0260 OFFICE-SERVICE DISTRICT (OS-1); CONDITIONAL USES.

The following conditional uses shall be permitted pursuant to the provisions of part 2400.0160, subpart 3 and subject to the conditions hereinafter imposed for each use:

A. personal service establishments which perform services on the premises, such as beauty parlors, barber shops, and photographic studios;

B. post offices and other similar governmental uses, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations; and

C. those uses permitted as conditional uses in the governmental district (G-1), part 2400.0180, subject to the conditions therein imposed for each use and pursuant to the provisions of part 2400.0160, subpart 3.

Statutory Authority: *MS s 15.50 subd 2*

2400.0270 PLANNED UNIT DEVELOPMENT DISTRICT (PD); INTENT, ESTABLISHMENT, AND PRINCIPAL USES.

Upon application made to the board, a planned unit development district may be established by the board upon final approval of a plan of development in the manner provided in these rules. Such planned unit development district may include all or part of one or more zoning districts and shall be the zoning district for the lot or lots included in the plan. Only those uses specified in the plan of development as finally approved by the board shall be permitted in the

planned unit development district. The planned development district is intended to permit the private and/or public development or redevelopment of areas throughout the capitol area which shall be substantially in accord with the goals and objectives of the comprehensive plan. The use patterns of the areas involved shall provide a desirable environment and shall be harmonious to the general surrounding uses permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience, and general welfare.

Statutory Authority: *MS s 15.50 subd 2*

2400.0280 PLANNED UNIT DEVELOPMENT DISTRICT (PD); CRITERIA AND CONDITIONS OF APPROVAL.

The board may establish a planned unit development district if, upon application and hearing, it finds that a proposed plan of development is consistent with the comprehensive plan for the capitol area, that the proposed plan provides a desirable environment that is harmonious with the surrounding uses and the beauty and dignity of the capitol area, and that the plan is financially feasible.

Statutory Authority: *MS s 15.50 subd 2*

2400.0290 PLANNED UNIT DEVELOPMENT DISTRICT (PD); PRELIMINARY APPLICATION AND APPROVAL.

Preliminary application for the establishment of a planned unit development district shall be made in writing to the board and shall include the following:

A. a survey of the area proposed as a planned unit development district (scale 1" = 50');

B. proof of ownership of all land within the proposed planned unit development district (as used herein, "ownership" shall be deemed to include fee ownership, an option to purchase, or a purchase under a contract for deed);

C. a topographical map of the area proposed for a planned unit development district showing contours at elevation intervals of one foot, and indicating all natural and man-made features (scale 1" = 50');

D. a preliminary plan of the proposed planned unit development district indicating the proposed land uses, the proposed densities, and the proposed system of collector streets, and off-street parking; and

E. a written description of the proposed planned unit development district setting forth in detail the purpose of the plan for the proposed planned unit development district, the number and the type of proposed dwelling units, the intended population of such units, the scope and nature of proposed nonresidential uses, the resultant traffic flow and parking demands, and relevant supporting documentation, including without limitation, traffic studies, market studies, and proposed schedule of development.

Upon receipt of a preliminary application, the board shall, not later than at its second regular meeting following submission of the preliminary application, determine whether the proposed plan of development satisfies the criteria of approval for a planned unit development district. The board shall notify the developer in writing whether the proposed plan has been approved or rejected. If the plan is accepted, no other proposal for a planned unit development district embracing all or part of the plan thus approved shall be submitted within a period of two years from the date of approval; provided, however, that such approval may be revoked by the board if the board finds that the plan is not being executed in a due and timely fashion.

Statutory Authority: *MS s 15.50 subd 2*

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2400.0300 PLANNED UNIT DEVELOPMENT DISTRICT (PD); AMENDMENT OF PLAN.

A plan may be amended upon approval of the board at any time after preliminary approval and prior to final approval, provided the proposed amendment satisfies the criteria for approval of a planned unit development district.

Statutory Authority: *MS s 15.50 subd 2*

2400.0310 PLANNED UNIT DEVELOPMENT DISTRICT (PD); FINAL APPROVAL AND DEVELOPMENT.

Not later than two years from the date of approval of the preliminary plan for development, the applicant shall submit to the board a final plan for development. The final plan shall set forth completely and in detail the final plan for development of the planned unit development district and shall indicate specific uses, building locations, off-street parking, street alignment changes, open spaces, and other physical details. If the board finds that the final plan is consistent with and carries out the intent of the preliminary plan and is consistent with the comprehensive plan for the capitol area, the board shall designate the proposed district as "Planned Unit Development District Number ____" and shall amend the zoning map accordingly.

Statutory Authority: *MS s 15.50 subd 2*

2400.0320 MIXED USE DISTRICT (MX); PRINCIPAL USES.

Only those uses which are permitted as principal uses in the medium-density, multiple-family residential district (RM-2), the community business district (B-2), and the office-service district (OS-1) shall be permitted as principal uses in a mixed use district.

Statutory Authority: *MS s 15.50 subd 2*

2400.0330 MIXED USE DISTRICT (MX); CONDITIONAL USES.

Only those uses which are permitted as conditional uses in the medium-density, multiple-family residential district (RM-2), the community business district (B-2), and the office-service district (OS-1) shall be permitted as conditional uses in the mixed use district pursuant to the provisions of part 2400.0160, subpart 3 and subject to the conditions therein imposed as a conditional use in the RM-2, B-2, and OS-1 districts.

Statutory Authority: *MS s 15.50 subd 2*

AREA, HEIGHT, BULK, AND SETBACKS**2400.0400 SCOPE.**

No building or structure shall hereafter be erected or constructed, and no existing building or structure shall hereafter be reconstructed, enlarged, moved, or altered, unless in conformity with the rules herein specified limiting floor area ratio, lot coverage, height, yard setback, and size of lots in each zoning district.

Statutory Authority: *MS s 15.50 subd 2*

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LAND USE IN CAPITOL AREA 2400.0410

2400.0410 BASIC LOT REQUIREMENTS.

Subpart 1. Chart of basic lot requirements. The floor area ratio, lot coverage, height, yard setback, and size of lot in each zoning district shall be as set forth on the following chart:

Schedule of Regulations Limiting Height, Bulk, Density, and Area by Zoning Districts.				Minimum Yard Setback (for lot in feet)			Minimum Size Lot Per Unit		
Zoning District	Maximum Floor Area Ratio Permitted	Maximum % of Lot Coverage Permitted (Area of all structures)	Maximum Height of Bldg. or Structure Permitted. (Maximum elevation above sea level given. Specific heights will vary with ground elevation of each site)	SIDES			AREA		
				Front	Least One	Total of Two	Rear	(Sq. Ft.)	(Feet)
Governmental District (G-1)	6.0	None	944.0 feet	5'	0'	0'	0'	None	None
Medium Density, Multiple-Family District (RM-2)									
1. One-Family Detached Dwelling	None	30%	944.0 feet	25'	4' (See also Notes A and B)	8'	35'	5,000	40'
2. Two-Family Dwelling	None	30%	944.0 feet	25'	9' (See also Notes A and B)	18'	25'	3,500	30'
3. Multiple-Family Dwelling	None	30%	944.0 feet	25'	½ ht. or 15' whichever is greater.	30' (See also Notes A and B)	25'	(See Note A)	(See Note A)
Community Business District (B-2)	4.0	None	944.0 feet	5'	0' (See also Note C)	0'	0'	None	None
Office-Service District (OS-1)	6.0	None	See Attached Height District Map		0'	0'	0'	None	None
Planned Unit Development District (PD)	(See Note D)	(See Note D)	(See Note D)		(See Note D)			(See Note D)	(See Note D)
Mixed Use District (MX)	2.0	None	944.0 feet	5'	0'	0'	0'	None	None

Note: Special requirements may apply in designated Visual Corridors pursuant to Chapter Fifteen of these rules.

Notes to schedule of rules charts.

A. Note A.

(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.

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 ordinance 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, the following additional rule shall apply:

Principal structures shall not cover more than 30 percent of the parcel, including the individually described lots and the common properties. In all such instances above, 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.

B. Note B.

(1) In an RM-2 district, the front, side, and rear yards do not apply to spacing between buildings for a development of two or more buildings on the same parcel or on adjacent parcels where there are no yard requirements. In such

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cases, the minimum distance between any two buildings shall be regulated according to the length and height of such building, and in no instance shall the distance be less than 30 feet. See following formula.

(2) In any RM-2 district, the area devoted to off-street parking, drives, or maneuvering lanes shall not cover more than 30 percent of the area of any required yard or any required minimum distance between buildings.

(3) In any RM-2 district, the required minimum distance between two buildings shall be determined according to the following formula:

$$S = \frac{{}^L A + {}^L B + 2({}^H A + {}^H B)}{6}, \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

${}^L A$ = total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

${}^L B$ = total length of building B. The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

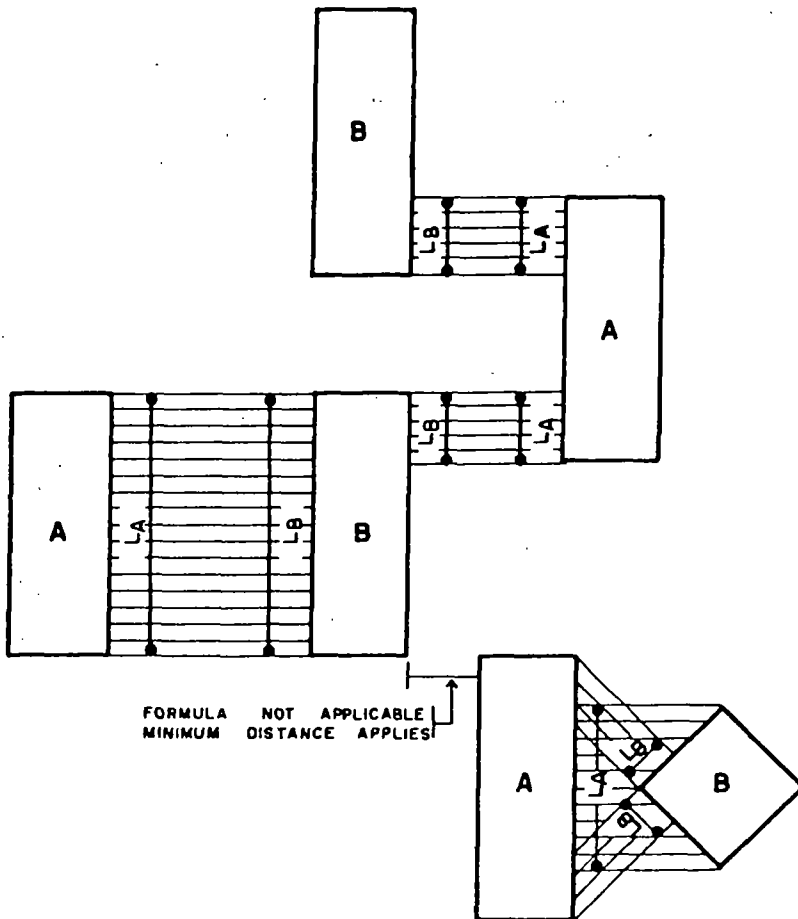
${}^H A$ = height of building A. The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

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Subp. 2. Distance spacing for multiple dwellings.



MIN. DISTANCE BETWEEN BUILDINGS

$$\frac{L_A + L_B + 2(H_A + H_B)}{6}$$

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A. Note C.

In B-2 business district, required maximum floor areas may be increased to encourage certain building features which produce public benefits as follows:

Building Feature	Unit of Feature upon which Bonus is Based	OS-1 Office Service	B-1 Local Business District	Additional Sq. Ft. of Floor Area Allowed	Maximum Bonus (Percent of Basic Allowable Gross) Floor Area
(i) Arcade	Each square foot of arcade area	7 sq. ft.	4 sq. ft.		20%
(ii) Plaza	Each square foot of plaza area	7 sq. ft.	5 sq. ft.		15%

B. Note D.

The board shall require that all buildings in a planned development district substantially conform to the rules for adjacent districts.

Statutory Authority: *MS s 15.50 subd 2*

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 2. Said maximum heights are as follows:

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.

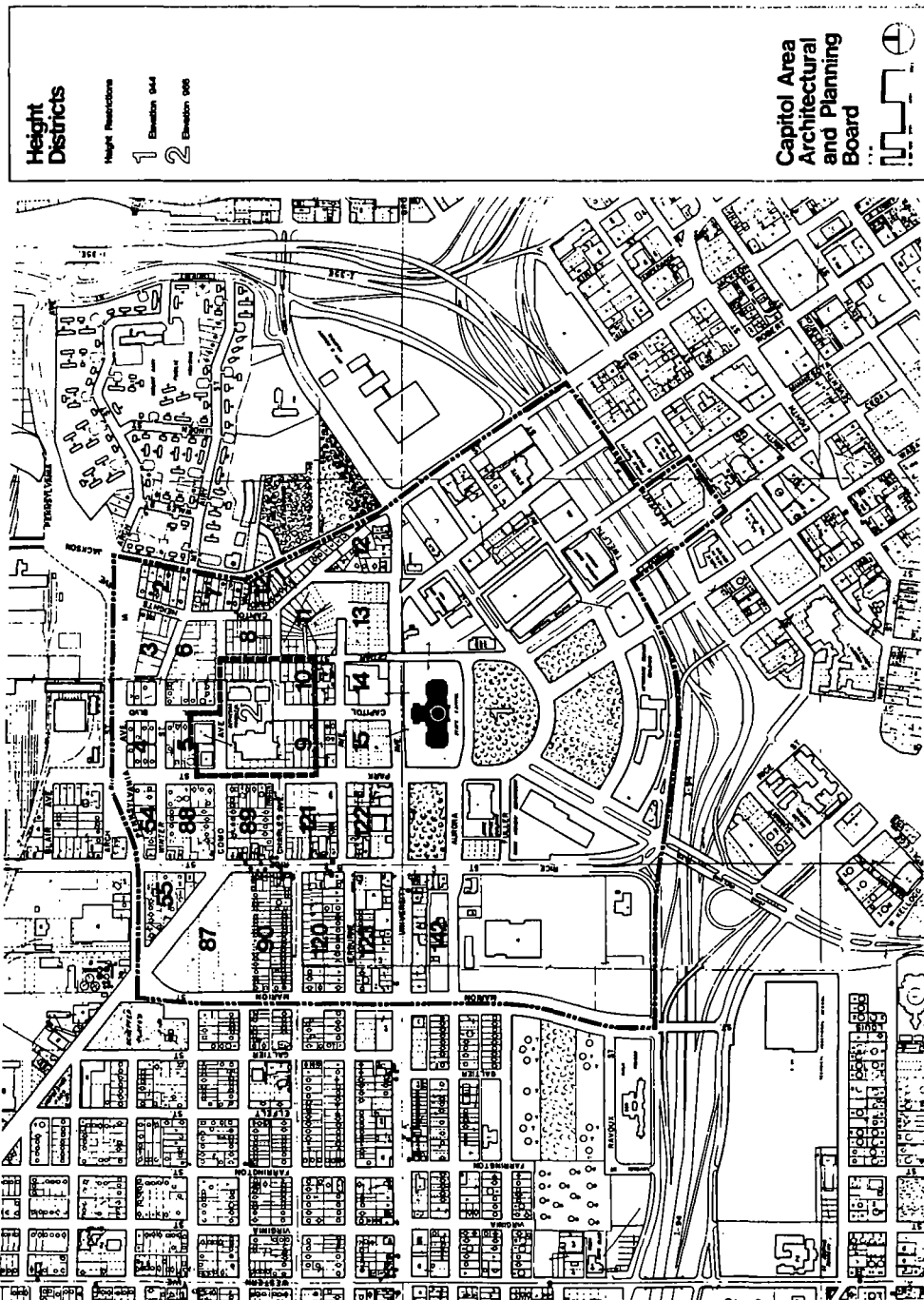
B. Height district #2: No building shall be constructed to a height greater than 966.0 feet above sea level. Boundaries are described in map designated "Height Districts of the Capitol Area."

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



Statutory Authority: *MS s 15.50 subd 2*

PARKING

2400.0450 PARKING SPACES REQUIRED.

There shall be provided in all zoning districts, at the time of erection or enlargement of any principal building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided as hereinafter prescribed.

Statutory Authority: *MS s 15.50 subd 2*

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 300 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.

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

Statutory Authority: *MS s 15.50 subd 2*

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, and subject to the provisions of parts 2400.0650 to 2400.0680 accessory building rules.

Statutory Authority: *MS s 15.50 subd 2*

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 15.50 subd 2*

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 shall not be less than the sum of the requirements for the several individual uses computed separately; provided, however, that where the operating hours of the buildings or uses providing such joint parking facilities do not overlap, the board may, upon written application, reduce the number of parking spaces otherwise required. Whenever such 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 15.50 subd 2*

2400.0500 STORAGE PROHIBITED.

The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.

Statutory Authority: *MS s 15.50 subd 2*

2400.0510 HANDICAPPED ACCESS.

Wherever access to the handicapped is required by chapter 1340 of the Minnesota State Building Code, at least one space per 50 spaces, or fraction thereof, shall be provided for the use of the handicapped. Each space reserved for the exclusive use of the handicapped shall be designated by an international wheelchair symbol.

Statutory Authority: *MS s 15.50 subd 2*

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Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses

One for each 800 square feet of usable floor area. (For the floor area used in processing, space shall be provided for each one person employed therein.)

Automobile service center

Two for each lubrication stall, rack, or pit, and one for each gasoline pump.

Laundromats and coin operated dry cleaners

One for each two machines.

Mortuary establishment

One for each 50 square feet of assembly room usable floor space, parlors, and slumber rooms.

Motel, hotel, or other lodging establishment

One for each one commercial occupancy unit.

Motor vehicle sales and service establishments

One for each 200 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

One for each 150 square feet of usable floor space.

Theaters

One for each five seats plus one for each two employees.

E. Offices

Banks, savings and loan associations, credit unions, and similarly regulated financial institutions

One for each 100 square feet of usable floor space.

Other financial institutions such as loan companies and similar establishments

One for each 200 square feet of usable floor space.

Business offices or professional offices except as indicated in the following item

One for each 300 square feet of usable floor space.

Professional offices of
doctors, dentists, or
similar medical
professions

One for each 100 square
feet of usable floor area.

Statutory Authority: *MS s 15.50 subd 2*

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 shall be laid out, constructed, and maintained in accordance with the following rules:

A. No parking lot shall be constructed unless and until a zoning permit therefor is issued by the board and a building permit is obtained from the city. Applications for a zoning permit shall be submitted in such form as may be determined by the board and shall be accompanied by two sets of plans for the development and construction of the parking lot demonstrating that the provisions of these rules 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 or earth berms shall be required for each parking space 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

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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 shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.

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

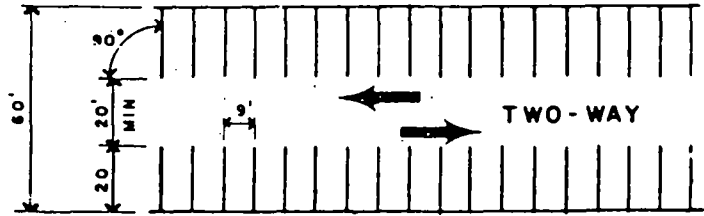
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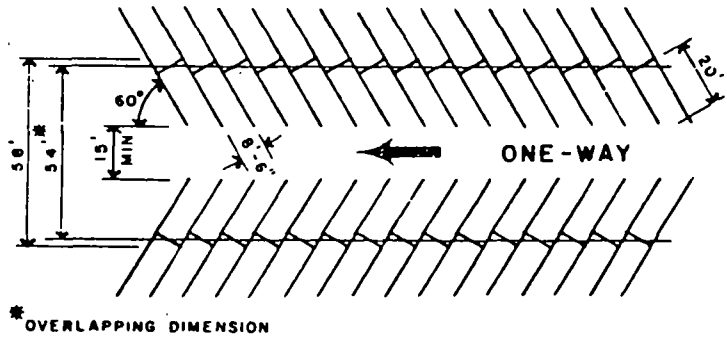
LAND USE IN CAPITOL AREA 2400.0540

Subp. 2. Illustrations of parking layouts.

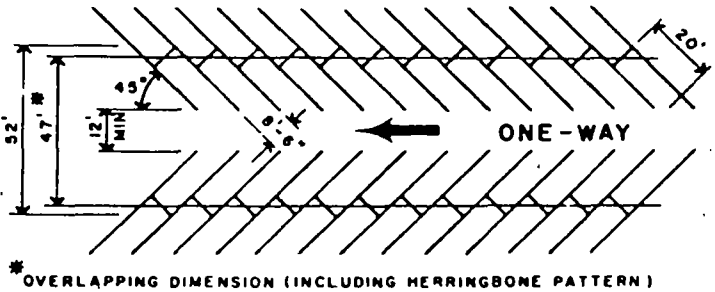
90 DEGREE



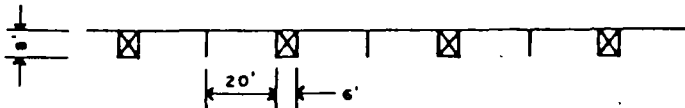
60 DEGREE



45 DEGREE



PARALLEL



Statutory Authority: *MS s 15.50 subd 2*

LOADING

2400.0600 LOADING SPACE REQUIRED.

On the same premises with every building, structure, or part thereof, involving the receipt and distribution of vehicles or materials or merchandise, there shall 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. No off-street loading space shall be located in any yard adjoining any residential use.

Statutory Authority: *MS s 15.50 subd 2*

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 15.50 subd 2*

2400.0620 MINIMUM NUMBER OF LOADING SPACES.

Every building for which adequate loading space is required shall provide such spaces in the number required herein:

Usable Floor Area (Square Feet)	Number of Loading Spaces Required
0 to 1400	None
1401 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 15.50 subd 2*

ACCESSORY BUILDINGS

2400.0650 IN GENERAL.

Accessory buildings in all zoning districts except as otherwise provided in these rules shall be subject to the following rules.

Statutory Authority: *MS s 15.50 subd 2*

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 15.50 subd 2*

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 15.50 subd 2*

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2400.0680 HEIGHT LIMITATIONS.

Accessory buildings in any residential area shall not exceed one story or 14 feet in height. In height district #2, 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 15.50 subd 2*

VISUAL SCREENS

2400.0700 VISUAL SCREENS REQUIRED.

For those zoning districts and uses listed below, there shall be provided and maintained on those sides of a zoning lot abutting or adjacent to a residential district an obscuring wall, fence, or other visual screen having a minimum height as required below. For purposes of this part a wall or fence is considered a visual screen.

Use	Requirement (height in feet)
A. Community business district (B-2)	4 ft. 6 in.
B. Office service district (OS-1)	4 ft. 6 in.
C. Hospital (ambulance and delivery areas)	6 ft. 0 in.
D. Utility building, station, and/or sub-station	6 ft. 0 in.

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

Statutory Authority: *MS s 15.50 subd 2*

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. All such visual screens shall be of a minimum height of four feet, six inches, when constructed or, in the case of plant materials, when mature.

Statutory Authority: *MS s 15.50 subd 2*

2400.0720 LOCATION OF VISUAL SCREENS.

Required visual screens shall be located on the lot line except where underground utilities interfere and except in instances where these rules require 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 shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

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 shall be considered by the board in reviewing such request.

Statutory Authority: *MS s 15.50 subd 2*

2400.0730 OPENINGS.

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

Statutory Authority: *MS s 15.50 subd 2*

2400.0740 CONSTRUCTION OF VISUAL SCREENS.

Subpart 1. **Materials.** The visual screens herein required shall consist either of various fence materials, earth berms, plant materials, or a combination thereof.

All walls and fences herein required shall be constructed of materials which are durable, weather resistant, rustproof, and easily maintained.

Subp. 2. **Masonry walls.** Masonry walls shall be erected on a concrete or cement block foundation which shall have a minimum foundation of 42 inches below grade, and shall not be of less width than the width of the wall.

Subp. 3. **Decorations.** Walls or fences may be constructed with decorative openings above grade, provided such openings are not larger than 72 square inches each and do not comprise more than one-third of the total area of the wall or fence.

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

Minimum plant sizes at time of planting: medium and large trees, shall be balled and burlapped stock, 2-1/2 inch caliper; small trees, six to eight feet overall height; shrubs, 15 to 18 inches overall height.

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

Planting areas shall be at least four feet in width.

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

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

Statutory Authority: *MS s 15.50 subd 2*

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 15.50 subd 2*

EXTERIOR LIGHTING AND STRUCTURES

2400.0800 EXTERIOR LIGHTING.

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

All outdoor lighting shall be directed toward and confined to the ground areas of lawns and parking lots.

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

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

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

Statutory Authority: *MS s 15.50 subd 2*

2400.0810 ENTRANCEWAYS.

In all 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 may be permitted and may be located in a required yard, except as provided in part 2400.0820.

Statutory Authority: *MS s 15.50 subd 2*

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 shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line equal to the minimum setback lines from their point of intersection.

Statutory Authority: *MS s 15.50 subd 2*

2400.0830 STREET AND LANDSCAPE ELEMENTS.

All 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, shall be approved by the board for both design and location.

Statutory Authority: *MS s 15.50 subd 2*

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 15.50 subd 2*

2400.0860 REQUIRED CONDITIONS.

No sign shall be permitted in the capitol area except as provided in part 2400.0870 and without first obtaining the requisite permit for such sign. All signs permitted by part 2400.0870 shall satisfy the following conditions:

A. All signs shall conform to all applicable provisions of the building code of the city of Saint Paul.

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, shall 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, county of Ramsey, state, and federal governments and subdivisions and agencies thereof which give orientation, direction, or traffic control information shall be permitted in all zoning districts.

D. No ground signs shall be higher than 15 feet in any district.

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. All signs which are unsafe and/or unsightly shall 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 of notification. The term "unsightly" shall mean 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; or where paint is peeling, chipping, or flaking from the structure surface; or 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, shall mean 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, shall be permitted if such sign incorporates the following uniform parking symbol: 50 percent of the total sign area of the parking identification sign must bear thereon a blue rectangle with a white letter "P" with the letter "P" being not less than 40 percent of the area of the blue rectangle.

The remaining portion of the sign incorporating such a 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. Such directional signs may be up to ten square feet in area if they also incorporate the above-prescribed parking symbol. These parking identification and directional signs are in addition to other signs permitted in each zoning district.

Statutory Authority: *MS s 15.50 subd 2*

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2400.0870 CHART OF PERMITTED SIGNS.

In addition to the aforementioned parking identification and directional signs the following signs are permitted in the districts indicated on the following chart.

Permitted by District	Use District				
	RM-2 Multiple Family	OS-1 Office Service	B-2 Community Business	PD Planned Develop- ment	G-1 & G-2 Govern- mental
1. Permitted nonaccessory signs					
a. Advertising sign	0	0	0	0	0
b. Billboard	0	0	0	0	0
c. Vehicle business sign	0	0	0	0	0
d. Political sign	X	X	X	X	0
2. Permitted accessory signs					
a. Business signs	0	1 50	1 100	1 200	0
b. Bulletin board	1 12	0	0	0	1 12
c. Festoon sign	0	0	0	0	0
d. Identification & name plate	1 7	1 21	1 21	1 21	1 21
e. Marquee	0	0	2 100	0	0
f. Real estate	2 12	2 12	2 12	2 12	0
g. Real estate development	2 50	2 50	0	2 50	0
h. Temporary	0	1 12	1 12	1 12	0
i. Vehicle business sign	0	0	0	0	0
3. Structure types					
a. Free standing	X	X	X	X	X
b. Flashing, animated or moving	0	0	0	0	0
c. Projecting	0	X	X	X	0
d. Roof	0	0	0	0	0
e. Wall	X	X	X	X	X

1 Maximum number of signs per building or per vacant zoning lot.

12 Maximum square feet area each sign per building or vacant zoning lot.

Note: "0" indicates that no sign of the type in the left column is permitted.

"X" indicates permitted structure type.

Statutory Authority: *MS s 15.50 subd 2*

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 it remains otherwise safe, not unsightly as defined in part 2400.0860 H, or not abandoned as defined in part 2400.0920, subject to the following provisions:

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

B. Should such sign or sign structure be destroyed by any means to any extent of more than 51 percent of its replacement cost, it shall not be reconstructed except in conformity with the provisions of these rules.

C. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter 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 these rules 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, as set forth in parts 2400.1050 to 2400.1110, all signs devoted to the structure shall be removed and all signs painted directly on the structure shall 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 15.50 subd 2*

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 hereby authorized and directed to enforce all the provisions of these sign rules.

The zoning administrator shall enforce the provisions of these sign rules and amendments thereto and shall have the power to certify compliance and issue sign permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of these sign rules.

No permit shall be issued by the zoning administrator until he has reviewed all plans in detail and found them to conform to these rules.

The zoning administrator shall not grant any variances with respect to these rules in carrying out his or her duties as 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 these rules.

Statutory Authority: *MS s 15.50 subd 2*

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
- 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 15.50 subd 2*

2400.0910 EXEMPTIONS.

The following signs shall not require a permit. These exemptions shall not

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be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of these rules or any other law or ordinance regulating the same:

- 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; or
 - D. the changing of the display surface on a painted or printed sign only.
- However, this exemption shall apply only to on-site changes involving sign repainting and/or poster replacement.

Statutory Authority: *MS s 15.50 subd 2*

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 15.50 subd 2*

2400.0930 VARIANCES.

The board shall have the authority to grant variances from the strict applications of these rules for unique signs or unusual conditions pertaining to sign needs for a specific building or lot pursuant to the provisions of parts 2400.1500 to 2400.1530.

Statutory Authority: *MS s 15.50 subd 2*

EXCEPTIONS

2400.0950 SCOPE.

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

Statutory Authority: *MS s 15.50 subd 2*

2400.0960 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and rule. Essential services are exempt from the application of these rules.

Statutory Authority: *MS s 15.50 subd 2*

2400.0970 VOTING PLACES.

The provisions of these rules shall not be so 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 15.50 subd 2*

2400.0980 EXISTING LOTS.

Any lot existing and of record on the effective date of these rules may be used for any principal use other than conditional uses for which special lot area requirements are specified in these rules, permitted in the district in which such lot is located whether or not such lot complies with the lot area requirements of these rules, provided that all other requirements prescribed in these rules are complied with; and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of these rules for required lot area for each additional dwelling unit.

Statutory Authority: *MS s 15.50 subd 2*

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 these rules, one-half the width of such alley or lane abutting the lot shall be considered as part of such lot.

Statutory Authority: *MS s 15.50 subd 2*

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 15.50 subd 2*

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 15.50 subd 2*

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 15.50 subd 2*

NONCONFORMITIES**2400.1050 IN GENERAL.**

There exist within the districts established by these rules and subsequent amendments, lots, structures, and uses of land and structures which were lawful before these rules were passed or amended, which would be prohibited, regulated, or restricted under the terms of these rules or future amendments.

Such uses are declared by these rules to be incompatible with permitted uses in the districts involved. Nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after the effective date of adoption of these rules by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the district involved.

To avoid hardship, nothing in these rules shall 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 adoption or amendment of these rules and upon which actual building construction has been diligently carried on. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Statutory Authority: *MS s 15.50 subd 2*

2400.1060 NONCONFORMING LOTS.

In any district in which one-family dwellings are permitted, notwithstanding limitations imposed by other provisions of these rules, a one-family dwelling and customary accessory buildings may be erected on any single lot of record at the

effective date of adoption or amendment of these rules. This provision shall apply even though such 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 on the effective date of these rules or amendments thereto, and if all or part of the lots do not meet the requirements for lot width and area as established by these rules, the lands involved shall be considered to be an undivided parcel for the purpose of these rules, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by these rules, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in these rules.

Statutory Authority: *MS s 15.50 subd 2*

2400.1070 NONCONFORMING USE OF LAND WITHOUT STRUCTURES.

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of these rules.

C. If such 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 rules specified by this ordinance for the district in which such land is located.

Statutory Authority: *MS s 15.50 subd 2*

2400.1080 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of these rules that could not be built under the terms of these rules by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

B. Should such structure be 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 shall not be reconstructed except in conformity with the provisions of these rules.

C. Should such structure be moved for any reasons for any distance whatever, it shall thereafter conform to the rules for the district in which it is located after it is moved.

Statutory Authority: *MS s 15.50 subd 2*

2400.1090 NONCONFORMING USES OF STRUCTURES AND LAND.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of these rules, that would not be allowed in the district under the terms of these rules, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by these rules in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of these rules, but no such use shall be extended to occupy any land outside such building.

C. Any structure, or structures and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the rules for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for 12 consecutive months or for 18 months during any three year period, the structure, or structure and premises in combination, shall thereafter be used in conformance with the rules of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

E. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Statutory Authority: *MS s 15.50 subd 2*

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 passage or amendment of these rules shall not be increased.

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

Statutory Authority: *MS s 15.50 subd 2*

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 such nonconforming uses.

Statutory Authority: *MS s 15.50 subd 2*

VISUAL CORRIDORS

2400.1150 VISUAL CORRIDORS.

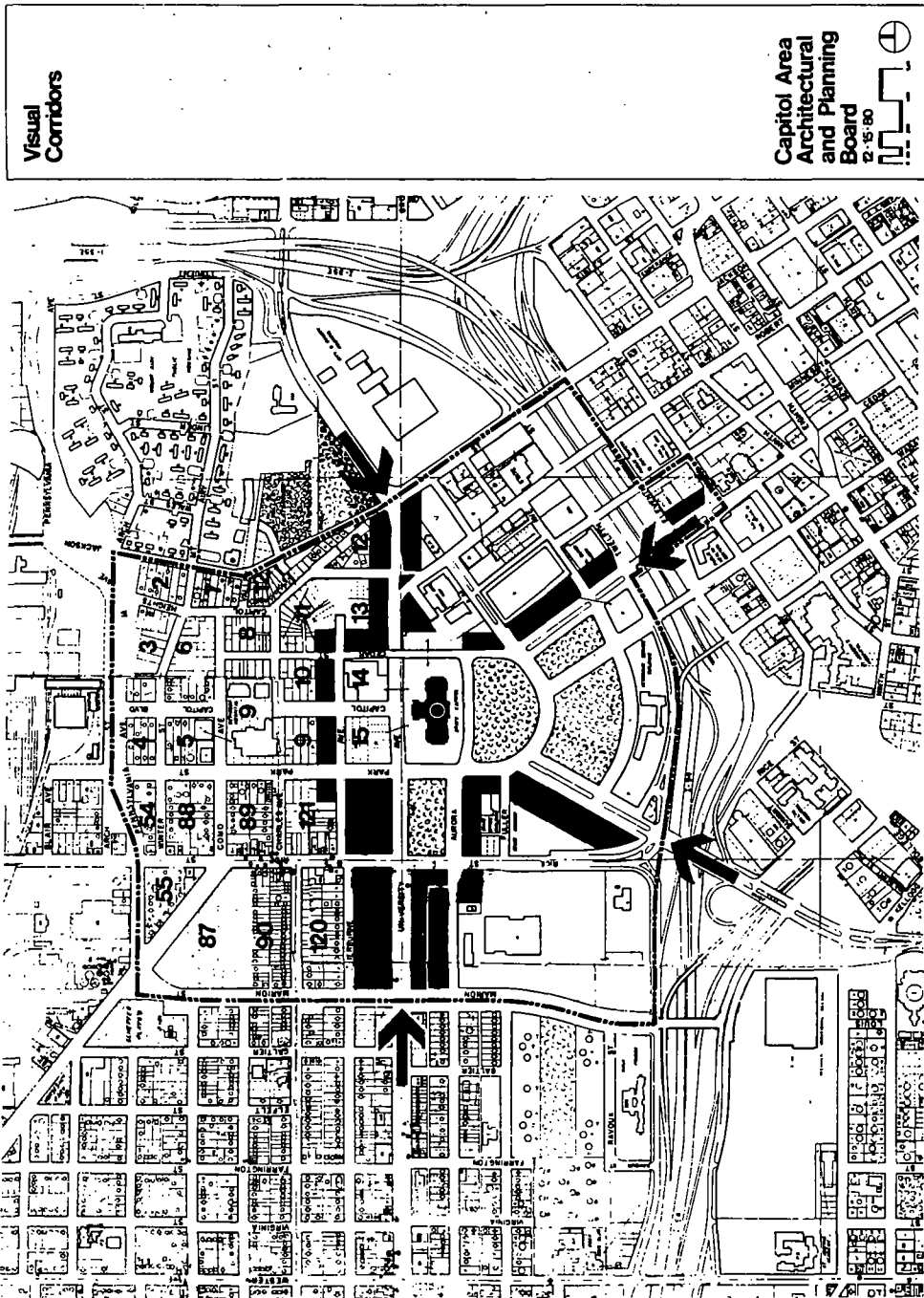
Subpart 1. Designation. That part of University Avenue and adjacent land, Aurora Street and adjacent land, Cedar Street and adjacent land, John Ireland Boulevard and adjacent land, Park Avenue and adjacent land, Sherburne Avenue and adjacent land, and Rice Street and adjacent land as identified on the attached map entitled "Visual Corridors" are hereby designated as visual corridors in the capitol area.

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Subp. 2. Map.



Statutory Authority: *MS s 15.50 subd 2*

2400.1160 LAND USE IN CAPITOL AREA

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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 15.50 subd 2*

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.

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 15.50 subd 2*

2400.1180 SETBACK.

Buildings in the visual corridors shall 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 noted below:

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 visually expand the open space corridor.

C. Residential buildings in the RM-2 zone shall conform to the setbacks for that zone.

Statutory Authority: *MS s 15.50 subd 2*

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 15.50 subd 2*

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 15.50 subd 2*

2400.1210 ACCESS AND EGRESS.

Vehicular access from streets designated important visual corridors is pro-

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hibited. Access and egress shall be from streets other than the designated visual corridor street.

Statutory Authority: *MS s 15.50 subd 2*

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 15.50 subd 2*

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 shall be completely concealed from public view. "Concealed from public view" is defined as not visible from any point within the visual corridor at ground level to an elevation equal to the roof level.

Statutory Authority: *MS s 15.50 subd 2*

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 following additional requirements shall be applied to construction, reconstruction, repair, or alteration activities subject to this chapter. In the event that any of the following requirements conflicts or is inconsistent with the design requirements set forth in parts 2400.1170 to 2400.1230, those contained in parts 2400.1170 to 2400.1230 shall supersede and govern in all cases.

Subp. 2. Continuity of walls. Appurtenances of a building such as building facades, fences, and landscape masses, shall 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 conforming with these design rules to which it 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 shall be visually compatible to those buildings, squares, and places conforming with these design rules to which it 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 shall be visually compatible with those buildings, squares, and places conforming with these design rules 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 shall be visually compatible with those buildings, squares, and places conforming with these design rules to which it 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 shall be visually compatible to those buildings, squares, and places conforming with these design rules to which it is visually related.

Subp. 7. Rhythm of entrance and porch projection. The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible to those buildings, squares, and places conforming with these design rules to which it 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 shall be visually compatible with the predominant materials used in those buildings conforming with

these design rules to which it is visually related. Masonry, concrete, and glass materials are generally appropriate.

Subp. 9. Roof shapes. The roof shape of a building shall be visually compatible with those buildings conforming with these design rules to which it 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 shall be visually compatible with those buildings, squares, and places conforming with these design rules to which it 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 shall be visually compatible with those buildings, squares, and places conforming with these design rules to which it 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, shall be visually compatible with the corresponding elements of those buildings, squares, and places conforming with these design rules to which it is visually related.

Statutory Authority: *MS s 15.50 subd 2*

2400.1250 VARIANCES.

The board shall have the authority to grant variances from the strict application of these rules pursuant to the provisions of part 2400.1530.

Statutory Authority: *MS s 15.50 subd 2*

ADMINISTRATION

2400.1300 DUTIES OF BOARD.

The board shall accept applications for, and issue, any certificate or permit which is required by these rules, keep and maintain all plans, files, and records pertaining thereto, and perform all other functions necessary for the orderly administration of these rules. The board may delegate any or all of these duties to any subcommittee or authorized representative. Said subcommittee or authorized representative shall be known as the board's zoning administrator.

Statutory Authority: *MS s 15.50 subd 2*

2400.1310 ZONING PERMIT REQUIREMENT.

Except as otherwise provided in parts 2400.0270 to 2400.0310 and parts 2400.0850 to 2400.0930, no land, building, or structure, in any district shall hereafter be changed to a different use, and no building, structure, or any part thereof shall hereafter 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 these rules.

Statutory Authority: *MS s 15.50 subd 2*

2400.1320 ZONING PERMIT; APPLICATION.

Except as otherwise provided in parts 2400.0270 to 2400.0310 and parts 2400.0850 to 2400.0930, all applications for zoning permits shall be submitted in writing and shall 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. such 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 these rules. This includes, but is not limited to, floor plans, elevations, and landscape plans or schemes.

Nothing herein 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.

Statutory Authority: *MS s 15.50 subd 2*

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;

B. the traffic circulation features within the site and location of automobile parking areas, and may make such requirements with respect to any matters as will assure:

- (1) safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
- (2) satisfactory and harmonious relations between the development on the site and the existing and prospective development of abutting land and adjacent neighborhoods; and

C. the arrangement of buildings, uses, and facilities of the proposed development in order to assure abutting property and/or its occupants will not be reasonably affected.

Statutory Authority: *MS s 15.50 subd 2*

2400.1340 ADDITIONAL SITE REQUIREMENTS.

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

A. landscaping, fences, and walls in pursuance of the objectives of these rules and same shall 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 where such marginal access drives are necessary for safety.

Statutory Authority: *MS s 15.50 subd 2*

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 15.50 subd 2*

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. landscape plans or schemes, including any landscaping required for off-street parking; and

C. 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 15.50 subd 2*

2400.1370 CONSIDERATION OF APPLICATIONS.

Applications in the form prescribed in part 2400.1320 and part 2400.1360 shall be submitted to the zoning administrator and shall be considered and acted upon not later than 75 days following submission of the application; provided, however, that the board may in order to permit additional study of a proposal, postpone approval or denial of an application for an additional 45 days where it finds that the proposed use may significantly affect the beauty, dignity, and architectural integrity of the capitol area. Applications shall be approved if they meet all applicable requirements of these rules.

Statutory Authority: *MS s 15.50 subd 2*

2400.1380 BUILDING PERMITS REQUIRED.

No building structure, or part thereof, shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved until it also has been issued, in addition to a zoning permit issued by the board, 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 city of Saint Paul building code.

Statutory Authority: *MS s 15.50 subd 2*

2400.1390 CERTIFICATE OF OCCUPANCY REQUIRED.

Subpart 1. Change of class or type. No land, building, structure, or part thereof, in any district, shall be hereafter occupied by or for a use of a different class or type until a certificate of occupancy shall have been issued by the board, certifying that such use is in conformity with all provisions of these rules.

Subp. 2. Reconstruction or change. No land, building, structure, or part thereof, in any district, which is hereafter erected, constructed, reconstructed, altered, enlarged, or moved shall be occupied or used until a certificate of occupancy shall have been issued by the board, certifying that such land, building, or structure is in conformity with all provisions of these rules.

Subp. 3. Inspection. A certificate of occupancy shall be issued by the board for an existing building, structure, or parts thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of these rules.

Subp. 4. Accessory buildings or structures. Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the site plan and when completed at the same time as such dwellings.

Subp. 5. **Temporary certificate.** The board may issue a temporary certificate of occupancy for the principal building on a project before full completion of fencing, landscaping, and parking, if, in its judgment, such items cannot be completed at the same time as the building. In all such instances, the certificate of occupancy shall be marked "Temporary — For One Year Only" and shall not be renewable. As soon as the fencing, parking, and landscaping is fully completed and inspected and approved by the board, the temporary certificate shall be canceled and a permanent certificate of occupancy issued. If any portion of the required fencing, parking, or landscaping is not fully completed within one year following the date of the temporary certificate, the certificate shall automatically become null and void, and the use of any portion of the premises thereafter shall cease until a certificate of occupancy is issued.

Statutory Authority: *MS s 15.50 subd 2*

2400.1400 SAINT PAUL CERTIFICATE OF OCCUPANCY.

No building, structure, or part thereof in any district which is hereafter erected, constructed, reconstructed, altered, enlarged, or moved shall be occupied or used unless it also has been issued, in addition to a certificate of occupancy issued by the board, a certificate of occupancy by the city of Saint Paul, certifying that such building or structure is in conformity with the provisions of the applicable building code.

Statutory Authority: *MS s 15.50 subd 2*

2400.1410 FINAL INSPECTION.

The holder of every zoning permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof shall notify the board immediately upon the completion of the work authorized by such permit, for a final inspection prior to issuance of a certificate of occupancy.

Statutory Authority: *MS s 15.50 subd 2*

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 15.50 subd 2*

2400.1430 FEES.

Fees for inspection and the issuance of permits or certificates or copies thereof, required or issued under the provisions of these rules, shall be collected by the zoning administrator in advance of issuance. The amount of such fees shall be established by resolution of the board and shall cover the cost of notification, inspection, and supervision resulting from enforcement of these rules.

When any fees are not paid within six months of authorization of any permit or certificate, said authorization shall be null and void.

Statutory Authority: *MS s 15.50 subd 2*

VARIANCES

2400.1500 PURPOSE.

The procedures and standards contained herein shall govern the consideration and disposition of all variance requests submitted to the board.

Statutory Authority: *MS s 15.50 subd 2*

2400.1510 REQUESTS FOR A VARIANCE.

A person desirous of obtaining a variance from the application of one or more of these rules shall initiate the variance process by submitting to the board 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. any 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

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

Statutory Authority: *MS s 15.50 subd 2*

2400.1520 DISPOSITION OF VARIANCE REQUESTS.

The board shall grant or deny a variance request pursuant to the following procedures and standards:

A. Upon receipt of a variance request, the board shall send written notice thereof to all persons who have registered their names with the board for the purpose of being notified of rulemaking proceedings or variance requests and the board shall not act upon the variance request for 30 calendar days after it has issued the notice.

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 board's 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 thereon.

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 such event, the board shall provide the aforementioned 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 these rules, the variance shall be denied.

E. The Capitol Area Architectural Planning 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 15.50 subd 2*

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;

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C. the granting of the variance does not substantially impair the intent and purposes of these rules; and

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

Subp. 2. Design standards. The board shall grant a variance to the application of its design standards 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 set forth 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 these rules; and

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

Statutory Authority: *MS s 15.50 subd 2*