



CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD



# CAAPB

## **STATEMENT OF NEED AND REASONABLENESS**

Proposed Amendment to Rules Relating to Capitol Area  
Zoning & Design Rules, Minnesota Rules, Chapter 2400;  
Revisor's ID Number R-04921

Capitol Area Architectural and Planning Board

March 2024

## General Information:

1. Availability: The State Register notice, this Statement of Need and Reasonableness (SONAR), and the proposed rule will be available during the public comment period on the Agency's Public Notices website: <https://mn.gov/caapb/>
2. View older rule records at: [Minnesota Rule Statutes https://www.revisor.mn.gov/rules/status/](https://www.revisor.mn.gov/rules/status/)
3. Agency contact for information, documents, or alternative formats: Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Jessie Hughes, Office Administrative Specialist, Capitol Area Architectural and Planning Board, St. Paul, MN 55155; telephone 651-757-1502; email [jessiehughes@state.mn.us](mailto:jessiehughes@state.mn.us).

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## **Contents**

## Acronyms

APA	Administrative Procedures Act
ALJ	Administrative Law Judge
CAAPB	Capital Area Architectural and Planning Board
CFR	Code of Federal Regulations
MAT	Minnesota Association of Townships
MMB	Minnesota Management and Budget
MN	Minnesota
MORS	Minnesota Office of the Revisor of Statutes
OAH	Office of Administrative Hearings
SHPO	State Historic Preservation Office
SONAR	Statement of Need and Reasonableness

[More as needed]

[Additional definitions]

# **I. Introduction and Overview**

## **A. Introduction**

Minnesota’s Capitol Area Architectural and Planning Board (CAAPB) is proposing to update Minnesota Rules Chapter 2400, which establishes zoning and design regulations for the Capitol Area in Saint Paul, Minnesota. This update will align with the 2040 Comprehensive Plan for the Minnesota State Capitol Area and refine existing rules to more effectively regulate and manage the Capitol Area’s physical environment, including avoiding ongoing inefficiencies, delays, and uncertainty for various stakeholders within the Capitol Area.

The rulemaking process will adhere to the Administrative Procedures Act (APA) and Minnesota Rules Chapter 1400. CAAPB engaged stakeholders through public meetings, requests for comments, and other outreach efforts to ensure an inclusive and well-informed rule development process. A Preliminary Request for Comments was issued from January 13 to February 13, 2025, providing an opportunity for early public input. The CAAPB also held a Board meeting/public meeting discussing the proposed rules on March 24, 2025.

Statutory authority for this rulemaking is derived from Minnesota Statutes, Section 15B.06, which grants the Board authority to adopt zoning and design rules, and Minnesota Statutes, Section 15B.03, Subd. 6, which provides general rulemaking authority to fulfill the purposes of the chapter.

## **B. Statement of General Need**

The 2040 Comprehensive Plan for the Minnesota State Capitol Area was updated in 2020 and approved by the CAAPB in 2021. This proposed rule update will align with the 2040 Comprehensive Plan for the Minnesota State Capitol and surrounding zoning ordinances of St Paul and refine existing rules to better regulate and manage the Capitol Area’s physical environment. The proposed rules are necessary to align the rules with the latest Comprehensive Plan and current City of St. Paul zoning ordinances while refining the zoning and design rules for clarity, conciseness and ease of use.

## **C. Scope of Proposed Amendments**

The following chapters of Minnesota rules are affected by the proposed changes:

- Minnesota Rules Chapter 2400, Capitol Area Zoning and Design

## D. Statutory Authority

The Board's statutory authority to adopt the rules is stated in Minnesota Statutes, Section 15B.03, Subpart 6. authorizes the Board to adopt rules for zoning and design in the Capitol Area.

Minnesota Statutes, Section 15B.03, Subd. 6. General rulemaking authority.

*The board may adopt rules under chapter 14, the Administrative Procedure Act, that it believes are needed and reasonable to accomplish the purposes of this chapter.*

Under Minnesota Statutes, Section 15B.03, the Board has the necessary statutory authority to adopt the proposed rules.

## II. Background

Pursuant to Minn. Stat. 15B.06 and 15B.03, Subd. 6), the Capitol Area Architectural and Planning Board, hereinafter the Board, has adopted Zoning and Design Rules, MN. Rules, Chapter 2400, to regulate the kind, character, height, and location of buildings and other structures constructed or used; the size of yards and open spaces; the percentage of lots that may be occupied and the uses of land, buildings, and other structures within the Capitol Area (see Minn. Stat. 15B.06). The same statute also authorizes the Board, in order to protect and enhance the dignity, beauty and architectural integrity of the area, to include design standards and review procedures in its zoning rules design review procedures and standards with respect to construction activities within the area.

The Board first adopted zoning rules in 1973. In 1999, the Board updated the Comprehensive Plan for the Minnesota State Capitol Area and, in 2000, adopted an update to the Zoning and Design Rules to assure compatibility with the new Comprehensive Plan and serve the best interests of the Board, the state government, and the public. In 2010, the Board initiated a complete rewrite of the Zoning and Design Rules to incorporate much of the recent work of the City of St. Paul in related zoning and land use decisions and planning.

In 2018, the Board initiated an update to the Comprehensive Plan and engaged the people of the Capitol Area over a three-year period to understand their vision and hopes for this area. As the culmination of this effort, the 2040 Comprehensive Plan provides a framework for action by the Board in its guidance of the area's development over the next 20 years.

While the Comprehensive Plan sets the vision for the Capitol Area, the Zoning and Design Rules sets out the specific rules and standards with which all development must comply. The Zoning and Design Rules are reviewed and updated following any update to the Comprehensive Plan.

Now, with a legislative appropriation, the Board has initiated an update to the Zoning and Design Rules, to better reflect the vision and policies of the 2040 Comprehensive Plan for the Minnesota State Capitol Area (Comp Plan) and incorporate recent work of the City of Saint Paul (hereafter "the city") in related zoning and land use decisions and planning. The Comp Plan process (outlined in the Comp Plan: <https://mn.gov/caapb/planning/>) engaged a wide diversity of residents in drafting each chapter, along with a Steering Committee appointed by the Board in developing detailed policies that were intended to inform a subsequent Rules update.

These proposed rules have been developed by an outside consultant with experience in urban design, comprehensive plans and zoning rules. The rules have been thoroughly reviewed, updated, and reorganized by the Board, its staff, and its consultants in consultation with representatives of the state Administration Department, from the City's Department of Planning and Economic Development, and a public comment period allowing access to affected Capitol Area community members (explained below).

### **III. Public Participation and Stakeholder Involvement**

Consistent with the Administrative Procedures Act (APA), the Capitol Area Architectural and Planning Board (CAAPB) published a Request for Comments in the Minnesota State Register on January 13, 2025. To increase accessibility and opportunity for feedback, the CAAPB created a web page which displayed relevant information on this rulemaking process and provided the opportunity to make comments. The webpage was available from the time the Request for Comments was published until and beyond the Board published the Notice of Intent to Adopt Rules. The webpage is located here: <https://mn.gov/caapb/zoning/zoning-design-rulemaking/>

Additionally, the CAAPB sent out GovDelivery emails to our entire email list (5,076 emails), notifying interested parties and individuals in CAAPB activities.

For the preliminary Request for Comments, these emails occurred on:

- 1/14/2025
- 1/29/2025

Additionally, the Board solicited initial feedback on the proposed rules from a variety of organizations that are most likely to be affected by the rule revisions:

- Department of Administration
- City of Saint Paul
- Capitol Region Watershed District



- State Historic Preservation Office
- Minnesota Historical Society

Finally, in accordance with the requirements of Minnesota Statutes, Section 14, and Minnesota Rules, Chapter 1400, the Department sought input and comments from the public, stakeholders, and individuals affected by these rules.

These activities are described in detail on pages 88-89 of this SONAR.

## **IV. Reasonableness of the Amendments**

### **A. General Reasonableness**

The proposed updates to Minnesota Rules, Chapter 2400 are reasonable because, as demonstrated in this SONAR, they align with the 2040 Comprehensive Plan for the Minnesota State Capitol Area, which was developed through an extensive public process (<https://mn.gov/caapb/planning/>). This ensures that the proposed changes reflect the long-term vision and planning goals for the Capitol Area.

Additionally, the updates are consistent with City of Saint Paul zoning ordinances, promoting coherence between local and state regulations. CAAPB engaged key stakeholders, including the Minnesota Department of Administration, the City of Saint Paul, the Capitol Region Watershed District, and the State Historic Preservation Office to ensure that the proposed changes are reasonable, necessary, and not overly burdensome. These discussions focused on how the updates intersect with each entity's work, ensuring that the new rules are practical and balanced while maintaining the integrity of the Capitol Area's zoning and design framework.

By integrating extensive public input, aligning with existing local and state regulations, and collaborating with critical stakeholders, the proposed rule changes support a well-planned, functional, and historically sensitive Capitol Area without imposing unnecessary or dramatic regulatory burdens.

### **B. Rule-by-Rule Analysis**

The Board's proposed rules include best practices and recommendations from the Office of the Revisor including:

- Renumbering of all parts on instructions of the Revisor's Office due to scale of rewrite and inability to re-use old numbers.
- Updating references to new numbers as assigned by the Revisors Office for Chapter 2400.
- Modifying number format to be consistent with formal writing styles as follows:

- use words to express numbers one through nine and numerals for numbers 10 and above;
  - use numerals in the same sentence where a number 10 and above are used;
  - use numerals for numbers in tables and figures; and
  - use words where numbers begin a sentence.
- Updating zoning district acronyms consistent with the updated change to zoning district title from RM district to MR district and CC-O to CRD.
  - Grouping of definitions under a definition, referred to as "nested definitions" or "sub-definitions," in part 2400.2040 Definitions. In legal or regulatory contexts, this technique helps to clarify terms by providing more detailed descriptions or breaking down complex concepts into simpler components. It ensures that each layer of definition is understood in relation to the overarching term while allowing for specificity and precision in communication.
  - Updating diagrams for graphic style consistency and legibility in part 2400.2040 Definitions, including the following:
    - Basement vs Story
    - Measurement of Height, Pitched, Hipped, and Mansard Roofs
    - Grade Measurements
    - Lot Width Measurement
    - Usable Floor Area

All other proposed changes are identified below and followed by a justification.

## **1. CHAPTER 2400, CAPITOL AREA ZONING AND DESIGN RULES**

*Added "Rules" for consistency with 2400.2000 Title.*

### **2. Part 2400.2005 AUTHORITY AND DUTIES OF BOARD.**

This chapter is enacted pursuant to the authority granted to the Capitol Area Architectural and Planning Board by Minnesota Statutes, sections 15B.01 to 15B.31 15B.34.

The board must accept applications for and issue any certificate or permit required by this chapter; keep and maintain all plans, files, and records pertaining to them; and perform all other functions necessary for the orderly administration of this chapter. The board may delegate any or all of these duties to the zoning administrator with the exception of approval for commemorative artworks, variances, conditional use permits, board approvals required by Minnesota statutes, and other approvals referred for action by the board.

*Moved and combined 2400.3105 Duties of Board to this part for clarity and consolidation of text regarding the authority and duties of the board. Added reference to Minnesota Statutes, Section 15B.34 to include parts that mandate the board's powers and duties regarding the Capitol building.*

### **3. Part 2400.2015 APPLICABILITY AND SCOPE.**

~~If the application of any portion of this chapter to a particular property is determined to be invalid or unconstitutional by a court of competent jurisdiction, the determination shall not affect the application of the provision to any other property.~~

*Removed text redundant in part 2400.2025 Severability.*

### **4. Part 2400.2030 INTERPRETATION RULES OF CONSTRUCTION.**

*Changed title of part 2400.2030 for clarity of intent of this part.*

### **5. Part 2400.2040, subpart 3. Accessory use.**

~~Subp. 3. **Accessory use.** "Accessory use" means a use that 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.~~

*Moved to be grouped under subp. 78 Use (previously subp. 83) and renumbered as subp. 79a.*

### **6. Part 2400.2040, subpart 16a. Block-scale.**

Subp. 16a. **Block-scale.** "Block-scale" means the building form is either individually as large as a city block or collectively arranged along a street to form a continuous façade as long as most or all of a block.

*Added definition to define a new term used in Chapter 2400.*

### **7. Part 2400.2040, subpart 17a. Board staff.**

Subp. ~~19~~17a. **Board staff.** "Board staff" means the employees of the Capitol Area Architectural and Planning Board, led by the executive secretary, who execute the decisions of the board.

*Moved to be grouped under subp. 17 Board (previously subp. 15) and renumbered as subp 17a..*

### **8. Part 2400.2040, subpart 19a. Accessory building.**

Subp. 19a. **Accessory building.** "Accessory building" means a building which is subordinate to the principal building and is incidental to the use of the principal building on the same lot.

*Added definition to clarify a term used in Chapter 2400.*

**9. Part 2400.2040, subpart 19b. Principal building.**

Subp. 19b. **Principal building.** "Principal building" means a building in which the principal use of the zoning lot upon which it is situated is conducted.

*Moved to be grouped under subp. 19 Building (previously subp. 17) and renumbered as subp. 19b.*

**10. Part 2400.2040, subpart 21. Capitol area.**

*Added new graphic to illustrate the boundaries of the Capital area, Capitol campus, and Capitol mall.*

**11. Part 2400.2040, subpart 21a. Capitol building.**

Subp. 21a. **Capitol building.** "Capitol building" means the Minnesota State Capitol building.

*Added definition to clarify a term used in Chapter 2400.*

**12. Part 2400.2040, subpart 21b. Capitol campus.**

Subp. 21b. **Capitol campus.** "Capitol campus" means the entirety of the urban subdistrict of the Capitol area that includes the Capitol mall and State Capitol building, open spaces; all state workplaces and affiliated institutional workplaces, including the Minnesota History Center, the office buildings adjacent related to functioning of the State, and the streets and public spaces included within.

*Added definition to clarify a term used in Chapter 2400.*

**13. Part 2400.2040, subpart 21c. Capitol complex.**

Subp. 21b. **Capitol complex.** "Capitol complex" means State-owned buildings and grounds managed by the Department of Administration in the Capitol area.

*Added definition to clarify a term used to clarify the distinction between Capitol area, Capitol campus, Capitol grounds, and Capitol map.*

**14. Part 2400.2040, subpart 21d. Capitol mall.**

Subp. ~~19c~~**21d. Capitol mall.** "Capitol mall" means the open space between the ~~Department of~~ Transportation Building, Centennial Office Building, Veterans Services Building, and the Capitol, including the lawn surrounding the Capitol building. There are two parts of the mall, which are connected by Rev Dr Martin Luther King Jr Boulevard (MLK blvd.).

- A. Upper mall. The open space north of MLK blvd. where the Capitol building is located.
- B. Lower mall. The open space south of MLK blvd. and north of 12<sup>th</sup> st., east of John Ireland blvd, and west of Cedar st.

*Modified text to the definition to reflect official building names and to clarify a term used in Chapter 2400.*

**15. Part 2400.2040, subpart 24. Construction.**

Subp. 24. **Construction.** "Construction" means the process and any acts of removing, enlarging, erecting, altering, or assembling that results in permanent improvements of any scale to public or private infrastructure, buildings, or other structures. Maintenance work related to preserving any permanent improvements, or temporary improvements to support temporary activities, is not considered construction.

*Added definition to clarify a term used in Chapter 2400 per Minnesota Statutes 15B.08.*

**16. Part 2400.2040, subpart 21. Conditional use.**

~~Subp. 21. Conditional use. "Conditional use" means a land use or development as defined by this chapter that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that:~~

~~A. certain conditions as detailed in this chapter exist; and~~

~~B. the use or development conforms to the comprehensive land use plan of the board, and is compatible with the existing neighborhood.~~

*Moved to be grouped under subp. 78 Use (previously subp. 45).*

**17. Part 2400.2040, subpart 23. Corner lot.**

~~Subp. 23. **Corner lot.** "Corner lot" means a lot abutting two intersecting streets where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter 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.~~

~~Corner Lots, Interior Lots, and Through Lots~~

*Moved to be grouped under subp. 51 Lot (previously subp. 45).*

**18. Part 2400.2040, subpart 27. Demolition.**

Subp. 27. **Demolition.** "Demolition" means the process of tearing down, dismantling, or destroying a structure, such as a building or a part of a building.

*Added definition to clarify a term used in Chapter 2400.*

**19. Part 2400.2040, subpart 32a. Accessory dwelling.**

Subp. 32a. **Accessory dwelling.** "Accessory dwelling" means a secondary dwelling unit with complete independent living facilities for one or more persons that is located on a property that has a separate primary building.

*Added definition to clarify a term used in Chapter 2400.*

**20. Part 2400.2040, subpart 32b. Multi-family dwelling.**

Subp. 32b. **Multi-family dwelling.** "Multi-family dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other.

*Moved to be grouped under subp. 32 Dwelling unit (previously subp. 28).*

**21. Part 2400.2040, subpart 32c. Single-family dwelling.**

Subp. 32c. **Single-family dwelling.** "Single-family dwelling" means a building or unit that consists of one dwelling unit occupied by one household.

*Added definition to clarify a term used in Chapter 2400.*

**22. Part 2400.2040, subpart 32d. Townhouse dwelling.**

Subp. 32d. **Townhouse dwelling.** "Townhouse dwelling" means a single-family dwelling unit, within a linear group of horizontally attached dwellings, each having a private entrance.

*Moved to be grouped under subp. 32 Dwelling unit (previously subp. 28).*

**23. Part 2400.2040, subpart 36. Front setback line.**

Subp. 36. ~~**Front setback line.** "Front setback line" means a line parallel to the front lot line that establishes the minimum front yard depth of a zoning lot.~~

*Moved to be grouped under subp. 67 Setback (previously subp. 78).*

**24. Part 2400.2040, subpart 41. Historic property.**

Subp. 41. **Historic property.** "Historic property" means any district, site, building, structure, or object that is determined eligible for or listed in the National Register of Historic Places by Public Law 89-665, or designated in Minnesota Statutes, sections 138.662 and 138.664.

*Added definition to define a new term used in Chapter 2400.*

**25. Part 2400.2040, subpart 43 House-scale.**

Subp. 43. **House-scale.** "House-scale" means the building form is similar in scale to single-unit houses and within small-scale environments comprised of small buildings separated from adjacent buildings and setback from the street and sidewalk.

*Added definition to define a new term used in Chapter 2400.*

**26. Part 2400.2040, subpart 42. Interior lot.**

~~Subp. 42. **Interior lot.** "Interior lot" means any lot other than a corner lot.~~

*Moved to be grouped under subp. 49 Lot (previously subp. 45) and renumbered as subp. 51b.*

**27. Part 2400.2040, subpart 49a. Corner lot.**

Subp. 49a. **Corner lot.** "Corner lot" means a lot abutting two intersecting streets where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter 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.

*Moved to be grouped under subp. 49 Lot (previously subp. 45).*

**28. Part 2400.2040, subpart 49b. Interior lot.**

Subp. 49b. **Interior lot.** "Interior lot" means any lot other than a corner lot.

*Moved to be grouped under subp. 49 Lot (previously subp. 45).*

**29. Part 2400.2040, subpart 49g. Lot width.**

Subp. 49g. **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.

Lot Width Measurement is Measured at Building Line  
[insert updated graphic "Lot\_Width.jpg"]

*Removed text that is not used as a standard in Chapter 2400. Modified graphic title to reflect current standards in measurement.*

**30. Part 2400.2040, subpart 49h. Through lot.**

Subp. ~~77~~49h. **Through lot.** "Through lot" means an interior lot with frontage on two streets.

*Moved to be grouped under subp. 49 Lot (previously subp. 45).*

**31. Part 2400.2040, subpart 52. Multiple-family dwelling.**

~~Subp. 52. **Multiple family dwelling.** "Multiple family dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other.~~

*Moved to be grouped under subp. 32 Dwelling unit (previously subp. 28).*

**32. Part 2400.2040, subpart 54. Nonconforming use.**

~~Subp. 54. **Nonconforming use.** "Nonconforming use" means a use of land or a building that lawfully existed prior to the effective date of the applicable rule or amendment, whichever is later, and that, on or after the effective date of the applicable rule or amendment, does not conform to the use rules of the district in which it is located.~~

*Moved to be grouped under subp. 79 Use (previously subp. 45) and renumbered as subp. 79f.*

**33. Part 2400.2040, subpart 59. One-family dwelling.**

~~Subp. 59. **One family dwelling.** "One family dwelling" means a building designed exclusively for and occupied by one family.~~

*Removed as this term is no longer used in Chapter 2400.*

**34. Part 2400.2040, subpart 60. Pedestrian-oriented.**

Subp. 60. **Pedestrian-oriented.** "Pedestrian-oriented" means development that is designed to emphasize sidewalk, building, and site design that prioritizes pedestrian movement over vehicular movement. Buildings in such developments are generally placed close to the street and the main entrance is oriented to the street sidewalk.

*Added definition to define a new term used in Chapter 2400.*

**35. Part 2400.2040, subpart 64. Principal building.**

~~Subp. 64. **Principal building.** "Principal building" means a building in which the principal use of the zoning lot upon which it is situated is conducted.~~

*Moved to be grouped under subp. 19 Building (previously subp. 17).*

**36. Part 2400.2040, subpart 65. Principal use.**

~~Subp. 65. **Principal use.** "Principal use" means a use that is the primary use of the zoning lot upon which it is situated and that is:~~

- ~~A. specifically listed in the table of uses as a permitted or conditional use in the zoning district in question; or~~



~~B. wholly consistent with the purpose of the district and the general character of the enumerated principal uses of that district.~~

*Moved to be grouped under subp. 78 Use (previously subp. 45) and renumbered as subp. 79e.*

### **37. Part 2400.2040, subpart 65. Removal.**

Subp. ~~66a~~65. **Removal.** "Removal" means the removal of an artwork from the Capitol grounds. Removal, in the case of painted wall signs, means a complete repainting of the background on which the sign was painted, or a sandblasting of the surface to reveal an exterior finish compatible with surrounding surfaces, so that no part of the sign is still visible.

*Moved text from part 2400.2905 that further clarifies the definition of the term "removal."*

### **38. Part 2400.2040, subpart 67a. Front setback line**

Subp. 67a. **Front setback line.** "Front setback line" means a line parallel to the front lot line that establishes the minimum front yard depth of a zoning lot.

*Moved to be grouped under subp. 68 Setback (previously subp. 78).*

### **39. Part 2400.2040, subpart 67b. Rear setback line.**

Subp. 67b. **Rear setback line.** "Rear setback line" means a line parallel to the rear lot site line extending between the side lot lines.

*Added definition to clarify a term used in Chapter 2400.*

### **40. Part 2400.2040, subpart 67c. Side setback line.**

Subp. 67c. **Side setback line.** "Side setback line" means a line parallel to the side lot line extending between the front and rear lot lines.

*Added definition to clarify a term used in Chapter 2400.*

### **41. Part 2400.2040, subpart 68, item E. Blade sign.**

"Blade sign" means a single-sided, non-internally illuminated sign up to two square feet in size that hangs under a porch or a two-sided, non-internally illuminated sign that is attached to the façade and projects from the wall into the front setback.

*Added definition to clarify a term used in Chapter 2400.*

### **42. Part 2400.2040, subpart 68, item F. Building-mounted sign.**

"Building-mounted sign" means a wall, canopy, awning, marquee, or projecting sign.

*Relocated text from part 2400.2935 to part 2400.2040 as this statement is a definition.*

**43. Part 2400.2040, subpart 68, item BB. Yard sign.**

"Yard sign" means a two-sided, non-internally illuminated sign up to four square feet in size that hangs from a post in the front setback.

*Added definition to clarify a term used in Chapter 2400.*

**44. Part 2400.2040, subpart 68b. Sign disrepair.**

Subp. 68b. **Sign disrepair.** "Disrepair" means a condition in which the sign has deteriorated to the point where at least one-fourth of the surface area of the name, identification, description, display, illustration, or other symbol is no longer clearly recognizable at a distance of 20 feet; where paint is peeling, chipping, or flaking from the structure surface; where the sign has developed significant rust, corrosion, rotting, or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of 20 feet; or where an illuminated electrical sign is no longer in proper working order.

*Moved text from part 2400.2905 that defines the term "disrepair" and modified to "Sign disrepair" for clarity.*

**45. Part 2400.2040, subpart 71a. Primary street.**

Subp. 71a. **Primary Street.** "Primary street" means the street designated to bear the address and primary entrance to the building.

*Added definition to clarify a term used in Chapter 2400.*

**46. Part 2400.2040, subpart 78. Townhouse dwelling.**

~~Subp. 78. **Townhouse dwelling.** "Townhouse dwelling" means a one-family dwelling unit, within a linear group of horizontally attached dwellings, each having a private entrance.~~

*Moved to be grouped under subp. 32 Dwelling unit (previously subp. 28) and renumbered as subp. 33d.*

**47. Part 2400.2040, subpart 77. Through lot**

~~Subp. 77. **Through lot.** "Through lot" means an interior lot with frontage on two streets. Subp. 78. **Townhouse dwelling.** "Townhouse dwelling" means a one-family dwelling unit, within a linear group of horizontally attached dwellings, each having a private entrance.~~

*Moved to be grouped under subp. 51 Lot (previously subp. 45) and renumbered as subp. 51h.*

**48. Part 2400.2040, subpart 75. Tribal flag plaza.**

Subp. 75. Tribal flag plaza. "Tribal flag plaza" means the plaza in lower mall displaying flags of federally recognized tribes in the borders of the State of Minnesota. The tribal flag plaza includes its flags, related signage, and plantings. The tribal flag plaza is not considered a commemorative work nor a memorial and is not subject to part 2400.2705.

*Added definition to define a new term used in Chapter 2400.*

**49. Part 2400.2040, subpart 80. Two-family dwelling.**

~~Subp. 80. Two family dwelling. "Two family dwelling" means a building designed exclusively for occupancy by two families living independently of each other.~~

*Removed as this term is no longer used in Chapter 2400.*

**50. Part 2400.2040, subpart 78a. Accessory use**

Subp. 78a. Accessory use. "Accessory use" means a use that 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.

*Moved to be grouped under subp. 78 Use (previously subp. 83).*

**51. Part 2400.2040, subpart 78b. Conditional use.**

Subp. 78b. Conditional use. "Conditional use" means a land use or development as defined by this chapter that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that:

- A. certain conditions as detailed in this chapter exist; and
- B. the use or development conforms to the comprehensive land use plan of the board, and is compatible with the existing neighborhood.

*Moved to be grouped under subp. 78 Use (previously subp. 83).*

**52. Part 2400.2040, subpart 78c. Interim use.**

Subp. 78c. Interim use. "Interim use" means a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

*Added definition to clarify a term used in Chapter 2400.*

**53. Part 2400.2040, subpart 78d. Permitted use.**

Subp. 78d. **Permitted use.** "Permitted use" means a use that is allowed by-right within a zoning district pursuant to part 2400.2205.

*Added definition to clarify a term used in Chapter 2400.*

**54. Part 2400.2040, subpart 78e. Principal use.**

Subp. 78e. **Principal use.** "Principal use" means a use that is the primary use of the zoning lot upon which it is situated and that is:

A. specifically listed in the table of uses as a permitted or conditional use in the zoning district in question; or

B. wholly consistent with the purpose of the district and the general character of the enumerated principal uses of that district.

*Moved to be grouped under subp. 78 Use (previously subp. 45).*

**55. Part 2400.2040, subpart 78f. Nonconforming use.**

Subp. 78f. **Nonconforming use.** "Nonconforming use" means a use of land or a building that lawfully existed prior to the effective date of the applicable rule or amendment, whichever is later, and that, on or after the effective date of the applicable rule or amendment, does not conform to the use rules of the district in which it is located.

*Moved to be grouped under subp. 78 Use (previously subp. 45).*

**56. Part 2400.2100 ZONING DISTRICTS ESTABLISHED.**

The following zoning districts and overlay for the Capitol area are established:

- A. government district (G-1);
- B. government district (G-2);
- C. ~~moderate density~~ mixed residential district (~~RM~~ MMR);
- D. mixed use district (MX);
- E. mixed use - downtown district (MXD); and
- F. ~~central corridor~~ capital rice district overlay (~~CC-O~~ CC-OCR).

*Renamed moderate density district (RM) to remove reference to density and clarify intended use as primarily residential uses with mixed non-residential uses. Renamed CC-O central corridor overlay*

*district to capital rice district overlay (CRD) to better align with the capital rice district development framework.*

**57. Part 2400.2105, Subpart 1. Establishment of zoning districts.**

The Capitol area is divided into zoning districts as shown on the official zoning map entitled Zoning ~~Districts~~ districts for the Capitol area in subpart 2. The map and any amendments with all explanatory material are part of this chapter.

*Revised District with lowercase to be consistent with other uses of district throughout Chapter 2400.*

**58. Part 2400.2105, Subpart 2. Zoning districts for the Capitol area.**

*Updated diagram in color for clarity and legibility.*

**59. Part 2400.2110 Zoning district boundaries.**

*Relocated to be Part 2400.2105, subpart 3 to provide visual graphic with the description of established zoning districts and to be consistent with part 2400.2105 title “Zoning Map.”*

**60. Part 2400.~~2210~~2110 G-1 GOVERNMENT DISTRICT.**

*Relocated and renumbered to follow parts 2400.2100 and 2400.2105 as this part provides intent and standards for the zoning districts established.*

**61. Part 2400.~~2210~~2110, subpart 1. District intent.**

*Updated diagrams for the zoning district map to be consistent with the updated zoning districts map. Updated the building placement diagram to better illustrate the intended built outcome of the zoning district standards, and the building height diagram for graphic consistency.*

**62. Part 2400.~~2210~~2110, subpart 2. Building placement.**

**Minimum setback**

Front yard	See frontage map ( <a href="#">part 2400.2400</a> )
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*Added reference for ease of navigation to referenced map/part.*

**63. Part 2400.~~2210~~2110, subpart 3. Building types.**

Building Types	<del>Minimum lot width</del>
Civic building	60 feet
Parking building	60 feet

Podium building	60 feet
Liner building	60 feet

*Renamed building types to be consistent with updates to part 2400.2500 and removed building types no longer included in part 2400.2500. Removed minimum lot width standards to provide flexibility, promote infill development, and encourage a more diverse range of building designs.*

#### **64. Part 2400.~~2210~~2110, subpart 4. Parking placement.**

Surface parking must be located behind the rear plane of the principal building on the lot. ~~On corner lots, surface parking may be located in a side yard but shall be set back at least 30 feet from the corner of the property.~~ Surface parking must be screened and landscaped as specified in part 2400.2630.

*Removed standard to prevent surface parking adjacent to a public street.*

#### **65. Part 2400.~~2210~~2110, subpart 5. Lot area and coverage.**

~~Lot area and coverage.~~ Lot area and coverage requirements for the G-1 district are as follows: **Building height.** Building heights must comply with part 2400.2300.

*Removed minimum lot size standards in subp 5. Lot area and coverage to provide flexibility, promote infill development, and encourage a more diverse range of building types. Moved maximum impervious coverage standard to part 2400.2635 Stormwater management standards to consolidate standards pertaining to stormwater management. Renumbered as subp. 5 Building height (previously subp. 6) with the removal of standards in subp 5. Lot area and coverage.*

#### **66. Part 2400.~~2210~~2110, subpart 6. Stormwater management.**

Subp. 6. **Stormwater management.** All proposed projects must comply with part 2400.2635.

<b>Building type</b>	<b>Minimum lot size</b>
All buildings	10,000 square feet
Maximum impervious coverage	85 percent of lot area

*Added a new subpart that references standards in part 2400.2635.*

#### **67. Part 2400.~~2210~~2110, subpart 7. Historic preservation.**

Subp. 7. **Historic resources.** All proposed projects must comply with part 2400.3125.

*Added a new subpart that references standards in new part 2400.3125.*

**68. Part 2400.~~2210~~2110, subpart 8. Projects on public lands.**

Subp. 8. **Projects on public lands.** All proposed projects must comply with part 2400.3120.

*Added a new subpart that references standards in new part 2400.3120.*

**69. Part 2400.~~2215~~2115 G-2 GOVERNMENT DISTRICT.**

*Relocated and renumbered to follow parts 2400.2100 and 2400.2105 as this part provides intent and standards for the zoning districts established.*

**70. Part 2400.~~2215~~2115, subpart 1. District intent.**

*Updated diagrams for the zoning district map to be consistent with the updated zoning districts map.*

**71. Part 2400.~~2215~~2115, subpart 2. Parking placement.**

Subp. 2. **Parking placement.** Surface parking within the G-2 district is considered an interim use pursuant to part 2400.3150, with the intent that it will ultimately be replaced with underground parking or structured parking in another zoning district. Surface parking must be screened from the streets and adjacent uses as specified in part 2400.2630.

*Added reference to standards in part 2400.3150 Conditional uses (previously part 2400.3155).*

**72. Part 2400.~~2215~~2115, subpart 3. Stormwater management.**

Subp. 3. **Stormwater management.** All proposed projects must comply with part 2400.2635

*Added a new subpart that references standards in part 2400.2635.*

**73. Part 2400.~~2215~~2115, subpart 4. Historic preservation.**

Subp. 4. **Historic preservation.** All proposed projects must comply with part 2400. 3125.

*Added a new subpart that references standards in new part 2400.3125.*

**74. Part 2400.~~2215~~2115, subpart 5. Projects on public lands.**

Subp. 5. **Projects on public lands.** All proposed projects must comply with part 2400.3120.

*Added a new subpart that references standards in new part 2400.3120.*

**75. Part 2400.~~2215~~2115, subpart 3. Stormwater management.**

**76. Part 2400.~~2220~~2120 MR MIXED RM Moderate Density RESIDENTIAL DISTRICT**

*Relocated and renumbered to follow parts 2400.2100 and 2400.2105 as this part provides intent and standards for the zoning districts established. Renamed moderate density district (RM) to remove reference to density and clarify intended use as primarily residential uses with mixed non-residential uses. Updated title of this zoning district is used throughout Chapter 2400.*

**77. Part 2400.~~2220~~2120, subpart 1 District intent.**

Subpart 1. **District intent.** The MR Mixed RM Moderate Density Residential District is intended to protect the residential qualities and character of neighborhoods adjacent to the Capitol campus while encouraging infill and redevelopment for a range of ~~moderate-density~~ housing types, including middle housing and limited service uses. New development must be at a human scale, pedestrian-oriented to the street and designed with sensitivity to Capitol views and public spaces.

*Added text to encourage middle housing and pedestrian-oriented development. Updated diagrams for the zoning district map to be consistent with the updated zoning districts map, the building placement diagram to better illustrate the intended built outcome of the zoning district standards, and the building height diagram for graphic consistency.*

**78. Part 2400.~~2220~~2120, subpart 2. Building placement.**

Subp. 2. **Building placement.** The following minimum setbacks apply to building placement in the ~~RM~~ MR district:

<b>Principal Building</b>	<b>Minimum setback</b>
Front yard	See frontage map ( <u>part 2400.2400</u> )
Corner side yard	Five feet
Interior side yard	Five feet
Rear yard	<del>25</del> <u>20</u> feet

*Added reference for ease of navigation to referenced map/part. Reduced rear yard setback from 25 feet to 20 feet to provide flexibility, promote infill development, and encourage a more diverse range of building types.*

**79. Part 2400.~~2220~~2120, subpart 3. Building types.**

Subp. 3. **Building types.** These building types, described in part 2400.2500 are considered appropriate for the ~~RM~~ MR district. Other building types are acceptable upon approval by the zoning administrator, provided that they meet the lot, height, and frontage requirements and design standards of this chapter.



Building Type	Minimum lot width
<del>One-family</del>	35 feet
<del>Two-family twin</del>	20 feet/unit
<del>Two-family duplex</del>	35 feet
Townhouse	20 feet
<del>Small apartment (3-4 units)</del> <u>Small multiplex (1 to 4 units)</u>	40 feet
	50 feet
<del>Large apartment multiplex (5-plus units)</del> <u>(5 or more units)</u>	Not applicable
<u>Courtyard multiplex</u>	50 feet
Carriage house	
<u>Commercial block</u>	
<u>Podium</u>	
<del>All nonresidential buildings</del>	

*Renamed building types to be consistent with updates to part 2400.2500 and removed building types no longer included in part 2400.2500. Replaced all nonresidential buildings with specific nonresidential building types included in part 2400.2500. Removed minimum lot width standards to provide flexibility, promote infill development, and encourage a more diverse range of building designs.*

#### **80. Part 2400.22202120, subpart 4. Parking placement.**

Subp. 4. **Parking placement.** ~~Parking may be located in the following locations:~~

- ~~A. within an attached or detached garage;~~
- ~~B. on a driveway leading to a garage, located outside of the front yard setback. Parked vehicles on driveways shall not block the sidewalk; and~~
- ~~C. on a paved area meeting the following standards:~~
  - ~~(1) located in a side or rear yard behind the rear plane of the principal building on the lot; and~~
- A. set back a minimum of three feet from side and rear lot lines, including alleys. Residential use parking may be located within an attached or detached garage, on a driveway leading to a garage, not within the front yard setback, or on a paved area meeting the following

standards:

- (1) the parking is located in a side or rear yard behind the rear plane of the principal building on the lot;
- (2) the parking is set back a minimum of three feet from side and rear lot lines, including alleys; and
- (3) parked vehicles on driveways must not block the sidewalk.

B. Nonresidential or mixed use may be located in surface or structured parking.

- (1) Structured parking is encouraged.
- (2) Surface parking must be located behind the rear plane of the principal building on the lot or within a side yard, provided that
  - a) no more than 70 feet of lot frontage along the primary abutting street is occupied by parking or driveways; and
  - b) parking and driveways on abutting lots are at least 150 feet apart.
  - c) On corner lots, surface parking must be set back at least 30 feet from the corner of the property. Surface parking must be screened and landscaped as specified in part 2400.2630.

*Replaced parking placement standards with standards in part 2400.2125 MX Mixed Use District (previously part 2400.2225) to include and clarify parking placement standards for residential use and nonresidential or mixed use.*

#### **81. Part 2400.~~2220~~2120, subpart 5. Lot area and coverage.**

~~Subp. 5. Lot area and coverage. Lot area and coverage requirements in the RM district are as follows:~~

<b>Building Type</b>	<b>Minimum lot size</b>
<del>Single family detached</del>	<del>5,000 square feet</del>
<del>Two family (per unit)</del>	<del>3,000 square feet</del>
<del>Townhouse (per unit)</del>	<del>2,400 square feet</del>
<del>Multi-family (per unit)</del>	<del>1,200 square feet</del>
<del>Maximum impervious coverage</del>	<del>40 percent lot area</del>
<del>Maximum accessory building coverage</del>	<del>35 percent rear yard</del>

*Removed minimum lot size standards in subp 5. Lot area and coverage to provide flexibility, promote infill development, and encourage a more diverse range of building types, all promoted by the 2040 Comprehensive Plan for the Minnesota State Capitol Area, (See Chapter 6). Moved maximum impervious coverage standard to part 2400.2635 Stormwater management standards to consolidate standards pertaining to stormwater management.*

**82. Part 2400.~~2220~~2120, subpart 5. Building height.**

Supb. ~~65~~. **Building height.** Building heights in the ~~RM-MR~~ district must comply with part 2400.2300 and the following additional maximum height requirements:

*Renumbered as subp. 5 (previously subp. 6) with the removal of subp 5. Lot area and coverage.*

**83. Part 2400.~~2220~~2120, subpart 6. Stormwater management.**

Subp. 6. Stormwater management. All proposed projects must comply with part 2400.2635

*Added a new subpart that references standards in part 2400.2635.*

**84. Part 2400.~~2220~~2120, subpart 7. Historic preservation.**

Subp. 7. Historic preservation. All proposed projects must comply with part 2400.3125.

*Added a new subpart that references standards in new part 2400.3125.*

**85. Part 2400.~~2225~~2125 MX MIXED USE DISTRICT.**

*Relocated and renumbered to follow parts 2400.2100 and 2400.2105 as this part provides intent and standards for the zoning districts established.*

**86. Part 2400.~~2225~~2125, subpart 1. District intent.**

*Updated diagrams for the zoning district map to be consistent with the updated zoning districts map, the building placement diagram to better illustrate the intended built outcome of the zoning district standards, and the building height diagram for graphic consistency.*

**87. Part 2400.~~2225~~2125, subpart 2. Building placement**

**Principal Building**

**Minimum setback**

Front yard

See frontage map (part 2400.2400)

Buildings accessory to residential uses must meet the setback requirements of the ~~RM-MR~~ district.

*Added reference for ease of navigation to referenced map/part.*

**88. Part 2400.~~225~~2125, subpart 3. Building types**

<b>Building Type</b>	<b>Minimum Lot Width</b>
Civic <del>building</del>	60 feet
Commercial block <del>building</del>	35 feet
Podium <del>building</del>	60 feet
<del>Parking building</del>	60 feet
<del>Liner building</del>	60 feet
<del>Single-family detached</del>	35 feet
<del>Two-family twin</del>	25 feet
<del>Two-family duplex</del>	35 feet
Townhouse	20 feet
<del>Small apartment (3-4 units)</del> <u>Small multiplex (1 to 4 units)</u>	40 feet
	50 feet
Large <del>apartment-multiplex (5 plus units)</del> <u>(5 or more units)</u>	Not applicable
Carriage house	

*Renamed building types to be consistent with updates to part 2400.2500 and removed building types no longer included in part 2400.2500. Removed minimum lot width standards to provide flexibility, promote infill development, and encourage a more diverse range of building designs.*

**89. Part 2400.~~225~~2125, subpart 4, item B.**

B. Nonresidential or mixed use may be located in surface or structured parking.

- (1) ~~s~~Structured parking is encouraged.
- (2) Surface parking must be located behind the rear plane of the principal building on the lot or within a side yard, provided that
  - a) no more than 70 feet of lot frontage along the primary abutting street is occupied by parking or driveways; and;
  - b) parking and driveways on abutting lots are at least 150 feet apart.

*Added text to clarify the location and type of parking allowed and added standard for greater distance between parking and driveways to reduce the number of collision points and improve safety and*

visibility for vehicles and pedestrians.

**90. Part 2400.~~2225~~2125, subpart 5. Lot area and coverage.**

~~Subp. 5. Lot area and coverage.~~ Lot area and coverage requirements in the MX district are as follows:

<b>Building type</b>	<b>Minimum lot size</b>
<del>Non-residential or mixed use</del>	<del>None</del>
<del>Single-family detached</del>	<del>5,000 square feet</del>
<del>Two-family (per unit)</del>	<del>3,000 square feet</del>
<del>Townhouse (per unit)</del>	<del>2,400 square feet</del>
<del>Multi-family (per unit)</del>	<del>1,200 square feet</del>
<del>Maximum impervious coverage</del>	<del>85 percent of lot area</del>

*Removed minimum lot size standards in subp 5. Lot area and coverage to provide flexibility, promote infill development, and encourage a more diverse range of building designs. Moved maximum impervious coverage standard to part 2400.2635 Stormwater management standards to consolidate standards pertaining to stormwater management.*

**91. Part 2400.~~2225~~2125, subpart 6. Stormwater management.**

Subp. 6. Stormwater management. All proposed projects must comply with part 2400.2635

*Added a new subpart that references standards in part 2400.2635.*

**92. Part 2400.~~2225~~2125, subpart 7. Historic preservation.**

Subp. 7. Historic preservation. All proposed projects must comply with part 2400.3125.

*Added a new subpart that references standards in new part 2400.3125.*

**93. Part 2400.~~2230~~2130 MXD MIXED USE DOWNTOWN DISTRICT.**

*Relocated and renumbered to follow parts 2400.2100 and 2400.2105 as this part provides intent and standards for the zoning districts established.*

**94. Part 2400.~~2230~~2130, subpart 1. District intent.**

*Updated diagrams for the zoning district map to be consistent with the updated zoning districts map, the building placement diagram to better illustrate the intended built outcome of the zoning district standards, and the building height diagram for graphic consistency.*

**95. Part 2400.~~2230~~2130, subpart 2. Building placement**

<b>Principal Building</b>	<b>Minimum setback</b>
Front yard	See frontage map ( <u>part 2400.2400</u> )
Interior side yard	<u>Zero feet</u> ; <del>Ten</del> <u>10</u> feet if adjacent to residential use

*Added reference for ease of navigation to referenced map/part. Added zero feet to interior side yard to clarify standards for principal buildings not adjacent to residential use. Modified ten to 10 consistent with formal writing styles that use numerals for 10 and above.*

**96. Part 2400.~~2230~~2130, subpart 3. Building types.**

<b>Building Type</b>	<b><del>Minimum Lot Width</del></b>
Commercial block building	<del>35</del> feet
Podium building	<del>60</del> feet
Parking building	<del>60</del> feet
Liner building	<del>60</del> feet
Large apartment (5 plus units) <u>multiplex (5 or more units)</u>	<del>50</del> feet

*Renamed building types to be consistent with updates to part 2400.2500 and removed building types no longer included in part 2400.2500. Removed minimum lot width standards to provide flexibility, promote infill development, and encourage a more diverse range of building designs.*

**97. Part 2400.~~2230~~2130, subpart 4. Parking placement.**

**Subp. 4. Parking placement.**

~~Off-street parking is not required.~~ Surface parking is prohibited.

*Removed standard as off-street parking is no longer required in Chapter 2400.*

**98. Part 2400.~~2230~~2130, subpart 5. Lot area and coverage.**

~~Subp. 5. Lot area and coverage. Lot area and coverage requirements in the MXD district are as follows:~~

<b>Building type</b>	<b><del>Minimum lot size</del></b>
All buildings	<del>None</del>
Maximum impervious overage	<del>85</del> percent of lot area

*Removed minimum lot size standards in subp 5. Lot area and coverage to provide flexibility, promote infill development, and encourage a more diverse range of building designs. Moved maximum impervious coverage standard to part 2400.2635 Stormwater management standards to consolidate standards pertaining to stormwater management.*

**99. Part 2400.~~2230~~2130, subpart 6. Stormwater management.**

Subp. 6. Stormwater management. All proposed projects must comply with part 2400.2635

*Added a new subpart that references standards in part 2400.2635.*

**100. Part 2400.~~2230~~2130, subpart 7. Historic preservation.**

Subp. 7. Historic preservation. All proposed projects must comply with part 2400.3125.

*Added a new subpart that references standards in new part 2400.3125.*

**101. Part 2400.~~2235~~2135 CRD CAPITOL RICE DISTRICT ~~CENTRAL CORRIDOR (CC) OVERLAY DISTRICT.~~**

*Relocated and renumbered to follow parts 2400.2100 and 2400.2105 as this part provides intent and standards for the zoning districts established. Renamed CC-O central corridor overlay district to capitol rice district overlay (CRD) to better align with the capitol rice district development framework*

**102. Part 2400.~~2235~~2135, subpart 1. District intent.**

Subpart 1. **District intent.** The ~~Central Corridor~~CRD Capitol Rice District (CC) Overlay District is established to promote development and redevelopment along the planned central corridor light rail transit line consistent with the Capitol Rice Development Framework. It is intended to foster development that intensifies land use and economic value; to promote a mix of uses that will enhance the livability of station areas; to improve pedestrian connections, traffic, and parking conditions; and to foster high quality buildings and public spaces that help create and sustain long-term economic vitality.

*Updated zoning district title to be consistent throughout Chapter 2400. Added text to better align overlay with capitol rice development framework. Added a new diagram to illustrate the overlay boundary consistent with the updated zoning districts map.*

**103. Part 2400.~~2235~~2135, subpart 2. Boundaries.**

~~Subp. 2. Boundaries. The boundaries of the CC Overlay District are as shown on the zoning map in part 2400.2105.~~

*Removed subp. 2 Boundaries as new diagram in subp 1. District intent illustrates the overlay boundary consistent with the updated zoning districts map.*

**104. Part 2400.~~2235~~2135, subpart 4. Building area and height**

Subp. 54. ~~Minimum intensity~~ **Building area and height.**

*Modified subp. 4 (previously subp. 5) title from Minimum intensity and frontage use to Building area and height to clarify and consolidate standards for building area and height only.*

**105. Part 2400.~~2235~~2135, subpart 4, item B.**

B. A new building with less than the required floor area ratio is allowed on a developed zoning lot where an existing building will remain, provided that the board determines the new development provides enhanced landscaping, pedestrian realm enhancements, or building design elements that improve the aesthetic appeal of the site.

~~(1) total lot coverage and floor area ratio for the zoning lot are not reduced; and~~

~~(2) –~~

*Removed the standard regarding lot coverage and floor area ratio which will no longer be regulated in Chapter 2400. Relocated subitem 2 to item B as this is no longer a list.*

**106. Part 2400.~~2235~~2135, subpart 4, item C.**

C. New buildings shall be a minimum of two stories in height. Maximum building heights must comply with part 2400.2300.

*Added reference to part 2400.2300 for easy navigation to applicable standards.*

**107. Part 2400.~~2235~~2135, subpart 5. Blocks.**

**Subp. 5. Blocks.** The following standards apply to new blocks in the CRD Overlay:

A. Where a new block is created, the block shall be defined on all sides by the public realm except where attaching to an existing block.

B. New blocks shall not exceed 700 feet on any side. Mid-block connections in the form of pathways or streets are encouraged to create smaller, walkable block patterns.

*Added new standards for blocks to promote walkability and reinforce the development pattern of surrounding neighborhoods and to be consistent with the Capitol Rice Development Framework.*

**108. Part 2400.~~2235~~2135, subpart 6. Frontages.**

**Subp. 6. Frontages.** ~~and frontage use.~~ The following standards apply to new buildings in the CRD CC Overlay-District:

*Modified and renumbered subp. 4 (previously subp. 5) title from Minimum intensity and frontage use to subp 6 Frontages to clearly communicate and consolidate standards for frontages only.*



**109. Part 2400.~~2235~~2135, subpart 6, item B.**

B. For any new block, one of four frontage types in compliance with parts 2400.2400 to 2400.2410 shall be applied to each new block face. The frontage assignment will be mapped clearly and reviewed by the board. These mapped assignments may be adopted as conditions of master plan or zoning permit approval. Additional frontage types or location-specific conditions may be specified and approved concurrent with the proposed mapping of frontage types.

*Added new standards to assign frontage types to new block faces to be consistent with the Capital Rice Development Framework and provide clarity in the approval process. Updated zoning district title and acronym to be consistent throughout Chapter 2400.*

**110. Part 2400.~~2235~~2135, subpart 6. Parking standards.**

~~Subp. 6. Parking standards.~~

~~For nonresidential uses, the number of off street parking spaces required is a minimum of 60 percent to a maximum of 85 percent of the off street parking standards in part 2400.2820. The maximum may be exceeded if the additional parking spaces are structured in a ramp or deck, underground, or within a building. State office buildings and other state uses are exempt from the maximum parking requirement.~~

~~There is no minimum parking requirement for residential uses. A maximum of one space per unit may be provided. The maximum may be exceeded if the additional parking spaces are structured.~~

*Removed parking standards as minimum parking will no longer be required, providing flexibility and promoting more effective use of the limited land supply in the Overlay.*

**111. Part 2400.~~2235~~2135, subpart 8. MX master plan submittal requirements.**

Subp. 8. MX master plan submittal requirements. The Capitol Rice Development Framework (CRDF) (including project review requirements) adopted by reference from Chapter 7A in the Comprehensive Plan) outlines the processes and requirements necessary for review and board consideration of redevelopment of larger sites in the CRD Overlay. The submittal requirements outlined in the CRDF, including the MX master plan will be required by the zoning administrator and the City of St. Paul to perform reviews.

*Added new standards for MX Master Plan submittal to be consistent with the Capitol Rice Development Framework.*

**112. Part 2400.2200, subpart 6. Development standards.**

~~Subp. 6. Development standards. A “Y” in the column entitled "StandardsReferences" indicates that permitted and conditional uses are subject to the specific standards and conditions of parts 2400.2700 to 2400.2740, identifies the part of the Rules where the specific standards and conditions, in addition~~

to all other provisions of this chapter, for the permitted and conditional uses are provided.

*Replaced Standards with References to be consistent with changes in part 2400.2205 and added text to clarify that relevant parts are identified in part 2400.2205 instead of a “Y.”*

**113. Part 2400.2205 TABLE OF PERMITTED AND CONDITIONAL USES BY DISTRICT.**

	G-1	G-2	<del>RMMR</del>	MX	MXD	<del>Standards</del> References
<b>State-Owned Institutions and Facilities</b>						
Commemorative <del>art</del> works, monuments, or memorials	P	C	C	C	C	<del>Y</del> <u>2400.2705</u>
State of Minnesota museums, historical centers and tourist information facilities	P			P	P	
<del>p</del> Parking facilities, surface lots	C	C		P		<del>Y</del> <u>2400.2630; 2400.2805 to 2400.2830</u>
<del>State-owned — p</del> Parking facilities, underground	P	P		P		<u>2400.2805 to 2400.2830</u>
<del>State-owned — p</del> Parking facilities, structured, aboveground	P			P	P	<u>2400.2805 to 2400.2830</u>
Underground structures containing permitted uses <u>for State-owned institutions and facilities</u>	P	P	P	P	P	<u>2400.2710</u> <del>Y</del>
<b>Civic and Institutional Uses</b>						
Day care centers, home day care	C		P/C	P	P	<u>2400.2710</u> <del>Y</del>
Public parks and recreation facilities	P	<u>C</u>	P	P	P	
Public buildings and uses	P	<u>C</u>	P	P	P	
Place of worship: church, synagogue, temple or mosque	C		P	P	P	<del>Y</del>
School, grades K-12	C		P	C	P	<del>Y</del>
Trade school, business school, art school, or similar enterprise				C	P	<del>Y</del>
<b>Residential - Family Living</b>						
<del>One</del> Single-family detached dwellings			P	P		
<del>Two</del> Multi-family dwellings, <u>two to four units</u>			P	P		
<del>Townhouse</del> dwellings			<del>P</del>	<del>P</del>		
<del>Multiple-family dwellings, three and four unit</del>			<del>P</del>	<del>P</del>		
Multiple-family dwellings, five or more units			C	P	P	<del>Y</del>
<del>Carriage Accessory</del> house dwellings			P	P	P	<u>2400.2605</u> <del>Y</del>
Housing for the elderly			C	P	P	<del>Y</del>
<b>Residential - Congregate Living</b>						

	G-1	G-2	<del>RMMR</del>	MX	MXD	<del>Standards</del> References
Foster home, freestanding foster care home			P	P	C	¥
Community residential facility, licensed human service			C	C	C	<u>2400.2715</u> ¥
Community residential facility, licensed correctional or Health Department licensed			C	C	C	<u>2400.2715</u> ¥
Emergency housing facility; shelter for battered persons, transitional housing facility			C	C	C	<u>2400.2715</u> ¥
Hospice			C	C	C	¥
Nursing home, boarding care home, assisted living			C	C	C	<u>2400.2715</u> ¥
Rooming house, boarding house			C	C		<u>2400.2715</u> ¥
<b>Mixed Commercial-Residential Uses</b>						
Home occupation			P/C	P/C	C	<u>2400.2720</u> ¥
Live-work unit			C	P	P	<u>2400.2720</u> ¥
Mixed commercial-residential use				P	P	
<b>Public Services and Utilities</b>						
Antenna, cellular telephone	P/C		P/C	P/C	P/C	<u>2400.2725</u> ¥
<b>Commercial Uses</b>						
Hospital	C			C	C	<u>2400.2630</u> ¥
Veterinary clinic				P	P	¥
<b>Retail Sales and Services</b>						
General retail*	C		C	P	P	<u>2400.2730</u> ¥
<u>Outdoor sales, primary and accessory</u>				<u>C</u>		
Service business*	C		C	P	P	<u>2400.2730</u> ¥
<u>Outdoor sales, primary and accessory</u>				€		
<b>Food and Beverages</b>						
<u>Bar, tavern</u>				<u>C</u>	<u>C</u>	
Coffee shop, tea house	P		C	P	P	<u>2400.2730</u> ¥
Restaurant	P			P	P	<u>2400.2730</u> ¥
Restaurant, fast food without drive through				C	C	<u>2400.2730</u> ¥
<u>Bar, tavern</u>				€	€	¥
<b>Lodging</b>						
Bed and breakfast residence			C	C		¥
<b>Automobile Services</b>						
Auto convenience market				C		<u>2400.2235</u> ¥
<u>Car wash</u>				€		¥
<u>Auto service station</u>				€		¥

	G-1	G-2	<del>RMMR</del>	MX	MXD	<del>Standards</del> References
Auto repair station				C		<del>2400.2235</del> Y
Auto service station				C		2400.2235
Car wash				C		2400.2235
<b>Parking and Transportation</b>						
Private parking facility, surface lot	C		P	C	C	2400.2630; 2400.2805 to 2400.2830
Private parking facility, underground	C	C	C	C	C	2400.2805 to 2400.2830
Private parking facility, structured above ground	C		C	C	C	2400.2805 to 2400.2830
Public or shared parking facility, surface lot	C	C	P	P	P	2400.2630; 2400.2805 to 2400.2830
Public or shared parking facility, underground	C	C	P	P	P	2400.2805 to 2400.2830
Public or shared parking facility <del>public or commercial</del> , structured, above ground	C		C	C	C	<del>2400.2805 to 2400.2830</del> Y
Public transit stations, bus stops, and other related facilities	C	C	P	C	P	<del>2400.2625; 2400.2925</del> Y
<b>Limited Production, Processing and Storage</b>						
Accessory buildings, structures, and uses						2400.2605
Amateur radio antenna, satellite dish	C		C	P	C	2400.2615
Limited production and processing*				C		2400.2735
Outside storage of construction materials and equipment, temporary	C		C	C	C	
Wholesale establishment				C	C	
<del>Accessory buildings, structures, and uses</del>						
<del>Amateur radio antenna, satellite dish</del>	C		C	P	C	Y
<del>Outside storage of construction materials and equipment, temporary</del>	C		C	C	C	
<del>Off-street parking, open or enclosed</del>	C	C	P	P	P	
Private recreational facility for multifamily housing			C	C	C	Y
Private swimming pool			C	C	P	Y
Solar energy systems or devices	C	C	C	C	C	2400.2740Y
<del>Wholesale establishment</del>				C	C	
Wind energy systems or devices	C		C	C	C	<del>2400.2740</del> Y

~~\*See list of typical uses within these categories in parts 2400.2700 to 2400.2740.~~

*Replaced Standards with References and included the referenced part instead of a “Y.” Removed “Y” where there were no references to be referenced.*

*Added “-owned” to “State Institutions and Facilities” category to clarify that the subrows pertained to*

*State-owned properties only. Removed “State-owned” where it was redundant of the category title.*

*Added “Public park and recreation facilities” and “Public buildings and uses” as Conditional Use within the G-2 district to allow public parks and buildings that may not be State-owned but are open to the public.*

*Updated text in “Residential – Family Living” category to reflect terms included in part 2400.2400 Definitions and to provide distinction between uses and building types.*

*Added “Residential –” to “Congregate Living” to clarify that these uses are residential in nature.*

*Removed “Commercial-Residential” from “Mixed-Commercial-Residential Uses” as the category title to distinguish the category as a broader term and avoid conflict with the subrow :Mixed commercial-residential use.”*

*Reordered subrows under “Retail Sales and Service”’s subcategory to be in alphabetical order. Removed asterisk to footnote which will be removed as this table now includes specific references to the relevant part for further standards.*

*Reordered subrows under “Food and Beverages” subcategory to be in alphabetical order.*

*Added subrows under “Parking and Transportation” subcategory to provide distinction between “private” and “public or shared” and to be consistent with the subrows for parking types under “State-Owned Institutions and Facilities” category. Added “C” under the zoning districts where these parking facilities are a conditional use and “P” under the zoning districts where these parking facilities are a permitted use.*

*Reordered subrows under “Limited Productions, Processing and Storage” subcategory to be in alphabetical order. Removed “Off-street parking, open or enclosed” as this is included in the new subrows added under “Parking and Transportation” subcategory.*

*Removed asterisk footnote as this table now includes specific references to the relevant part for further standards.*

#### **114. Part 2400.31252210 DETERMINATION OF SIMILAR USE.**

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

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

*Relocated to after the table of permitted and conditional uses by district to enhance accessibility and facilitate easier reference.*

**115. Part 2400.2300 HEIGHT ~~DISTRICTS~~LIMITS.**

*Modified title from districts to limits to prevent confusion with zoning districts and clarify the intent of this part.*

**116. Part 2400.2300, subpart 3. Height district 2.**

Boundaries for this district are ~~are as described~~ in the map in subpart 6.

*Modified text to be consistent with subparts 3 to 5.*

**117. Part 2400.2300, subpart 4. Height district 3a.**

No building shall be constructed in height district 3a to a height greater than 944.0 feet above sea level; ~~and~~

~~With a floor area ratio greater than 5.0.~~ Boundaries for this district are described in the map in subpart 6.

*Removed minimum requirement for floor area ratio consistent with changes to remove floor area ratio requirements in zoning districts to provide flexibility, promote infill development, and encourage a more diverse range of building designs.*

**118. Part 2400.2300, subpart 5. Height district 3b.**

~~No building shall be constructed in height district 3b with a floor area ratio greater than 5.0.~~ There is no height limit for buildings in height district 3b. Boundaries for this district are described in the map in subpart 6.

*Removed minimum requirement for floor area ratio consistent with changes to remove floor area ratio requirements in zoning districts to provide flexibility, promote infill development, and encourage a more diverse range of building designs. Added text to clarify the height limit is unlimited.*

**119. Part 2400.2300, subpart 6. Map of height districts in Capitol area.**

*Updated diagram in color for clarity and legibility. Added new graphic to illustrate heights districts in section.*

**120. Part 2400.2400, subpart 2. Requirement.**

The frontage map in subpart 3 establishes frontage types (subpart 4 to 8) that are independent of use and height districts.

*Added reference numbers for easier navigation to referenced subparts.*

**121. Part 2400.2400, subpart 3. Frontage map.**

Frontage Type		Setback from Street	Minimum Height
Capitol Mall		30'-40'	3 stories
Capitol View		0'-5'	2 stories
Civic		5'-15'	3 stories
Flexible		0'-20' (0' on corners)	2 stories
Residential		15'-25'	

*Updated diagram in color for clarity and legibility. Removed standards from the diagram to prevent potential conflict with standards in subparts 4 to 8.*

**122. Part 2400.2400, subpart 4. Capitol mall frontage.**

This frontage type is intended to achieve the highest standard of architectural quality for buildings fronting the Capitol mall, as shown in the frontage design standards in part 2400.2405.

*Added text to clarify the standards reference.*

**123. Part 2400.2400, subpart 6. Civic frontage.**

Where a new building is adjacent to existing buildings, it must maintain the average setback of those buildings up to a maximum of 15 feet from the front lot line.

*Added maximum front setback for average setback condition to be consistent with current front setback standards.*

**124. Part 2400.2400, subpart 7. ~~Flexible~~ Mixed-commercial frontage.**

In the ~~flexible~~ mixed-commercial frontage type, ~~setback from the front lot line depends on building type and location. Residential buildings must be set back a minimum of 15 feet and a maximum of 25 feet, or the average of the block face, if developed. Nonresidential or mixed-use~~ all buildings must be set back between a minimum of zero 0 and 25 feet from the front lot line, but must not exceed the average block face setback. Buildings at corner locations must be located ~~within~~ between zero and five feet of the front lot line on either street for a distance of 30 feet from the corner and must comply with corner clearance standards in part 2400.2620.

*Modified frontage type name to clarify intent and provide distinction with the mixed-residential frontage type. Removed setback differences by building type and location for consistent built form. Modified setback standards to provide distinction from mixed-residential frontage setbacks. Modified text for building location at corner locations to clarify allowed location. Added reference to part 2400.2620 which is relevant to buildings at corner locations.*

**125. Part 2400.2400, subpart 8. Mixed-residential frontage.**

In the mixed-residential frontage type, ~~residential-all~~ buildings must be set back a minimum of 15 feet and a maximum of 25 feet, ~~or the average of the block face, where built out. Nonresidential buildings, where present, must be set back between zero and 25 feet from the front lot line,~~ but must not exceed the average block face setback.

*Modified frontage type name to clarify intent. Removed setback differences by building type and location for consistent built form. Modified setback standards to provide distinction from mixed-commercial frontage setbacks. Modified number from word to numeral consistent with larger numerals in the same sentence.*

**126. Part 2400.2405 MIXED AND NONRESIDENTIAL FRONTAGE DESIGN STANDARDS FOR FRONTAGE TYPES.**

The following ~~mixed and nonresidential~~ design standards apply to the Capitol mall, Capitol view, civic, and flexible frontage types as shown in the table in this part. An "S" in the table means that the design standard is mandatory, unless the applicant can demonstrate to the board that there are circumstances unique to the property that make compliance impractical or unreasonable. A "G" in the table means that the design standard is recommended as a guideline. ~~Design standards for residential frontage areas are included in part 2400.2410.~~

*Modified part 2400.2405 title to clarify intent. Updated text references throughout part 2400.2405 to be consistent with part 2400.2405 title change. Removed reference for design standards for residential frontage as these are not included in this part.*

	Capitol mall	Capitol view	Civic	<del>Flexible</del> <u>Mixed- Commercial</u>	<u>Mixed- Residential</u>
<u>1. Building fronts must be oriented to the primary abutting street and/or civic space.</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>2. Primary entrances must be accessed directly from and face the street, civic space, passage, courtyard or front yard.</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>3. Secondary access may be from the side or rear, or, for multifamily buildings, through an interior stairway or elevator and corridor.</u>			<u>S</u>	<u>S</u>	<u>S</u>
<u>4. Building must be faced with cut stone, terra cotta, cast stone, or other materials of similar aesthetics and durability</u>	S				



<u>5.</u> Building must be faced with cut stone or other natural materials, or with brick, split-faced block, or similar masonry materials		S	S	G	
<del>In order to avoid the monotonous and pedestrian-unfriendly appearance of facades dominated by</del> <u>6.</u> For residential buildings with garage doors, any attached garage door parallel to a primary street may occupy no more than 50 percent of the width of that building façade, measured at grade. The portion of the façade that contains the garage door must be recessed at least eight feet behind the remainder of the façade.				<u>S</u>	<u>S</u>
<u>7.</u> Roofs must be defined with a discernible cornice line that matches the profile or overall height of and is within two vertical feet of <del>or is compatible with</del> the cornice lines of adjacent abutting buildings	S	G	S	G	<u>G</u>
<u>8.</u> Pitched roofs must be clad with highly durable fire-resistant materials such as standing seam metal, slate, ceramic, or composite tiles	S				
<u>9.</u> Use of green roofs for reductions in building energy consumption is strongly encouraged	G	G	G	G	<u>G</u>
<u>10.</u> Freestanding signs on poles or pylons are prohibited within frontage setback areas	S	S	S	S	<u>S</u>
<u>11.</u> Mechanical and electrical equipment such as transformers, air conditioning and heating units, communications antennae, and similar elements <u>within required front and side street setback areas</u>	S	S	S	S	<u>S</u>

<u>must be screened per 2400.2630 must not be visible from any point within the frontage setback area</u>					
<u>12. New vehicular access points are prohibited from streets parallel to the designated frontage. Access and egress must be from streets other than those with designated frontage.</u>	S	S			
<u>13. Where an alley is present, residential parking must be accessed through the alley.</u>				<u>S</u>	<u>S</u>
<u>14. Where no alley is present, residential parking must be accessed from a side street, if a corner lot, or a driveway to a rear yard or garage.</u>				<u>S</u>	<u>S</u>
<u>15. Landscaping within the frontage setback shall include a double row of canopy trees meeting the requirements of part 2400.2630</u>	G	G			
<u>16. Front yards for dwellings must be landscaped. Landscaping may consist of trees, shrubs, or groundcovers, in combination with low fences or walls.</u>					<u>S</u>
<u>17. Usable outdoor space must be provided for each dwelling, to the rear or side of the principal building, with a rectangular shape and a minimum dimension of eight feet. Usable outdoor space may not be paved. Usable outdoor space for multifamily, townhouse, and carriage house dwellings may be combined and shared by multiple dwelling units.</u>				<u>S</u>	<u>S</u>
<u>18. Continuity of walls: building façades, fences and landscape masses must <u>abut the required building setback line for the</u></u>	S	G	G	G	<u>G</u>

specified distance in part <u>2400.2400</u> , subparts 4 to 7 to <u>achieve</u> <del>contribute to</del> the spatial definition of the frontage and form cohesive walls of enclosure along the street					
<u>19. Buildings shall be designed to be visually consistent with the key features of the majority of buildings on the same block face as follows:</u> <del>Compatibility with visually related buildings, features and places. The following building and site elements must be designed to be visually compatible with the corresponding elements of those buildings, features and places that meet the standards of this chapter and to which the building is visually related:</del> <ul style="list-style-type: none"> <li>• Proportion and dimensions of the building's front façade: the relationship of width of the building to height of the front elevation</li> <li>• Proportion of openings: the relationship of width of the windows to height of the windows</li> <li>• Rhythm of solids to voids: the relationship of solids to voids in the building's front façade</li> <li>• Rhythm of spacing of buildings: the relationship of a building to the open space between it and adjoining buildings</li> <li>• Rhythm of entrance and porch projections: the relationship of entrances and porch projections to sidewalks</li> <li>• Relationship of materials, texture, and color of building</li> </ul>	S	G	G	G	<u>G</u>

façades <ul style="list-style-type: none"> <li>• Roof shapes</li> <li>• Scale of building: the size and mass of a building in relation to open spaces</li> <li>• Front elevation: the place and orientation of the front elevation of a building, including the shape and composition of its architectural elements</li> <li>• Landscape design: planted areas, plant materials, grading, pedestrian walks and areas, and other landscape elements</li> </ul>					
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*Updated text references to frontage type name changes to be consistent with part 2400.2400 changes. Added subpart numbers to rows for easy identification of standards. Relocated items A to H from part 2400.2310 Residential design standards into table.*

*Modified subpart 6 to clarify applicability to residential buildings.*

*Modified text in subpart 7 to reduce subjectivity.*

*Modified text in subpart 11 to reduce subjectivity and include reference to pertinent part 2400.2630.*

*Added “with” in subpart 12 for grammatical improvement.*

*Added “for dwellings” in subpart 16 to clarify applicability to residential buildings.*

*Added “for each dwelling” in subpart 17 to clarify applicability to residential buildings.*

*Modified text in subpart 18 to reduce subjectivity and include reference to pertinent part 2400.2400.*

## **127.        Part 2400.2410 TYPICAL FRONTAGES.**

Subpart 1. **Intent.** The intent of this part is to activate the ground floor or a building through a variety of allowed frontages that reflect the intended physical form and character of each zoning district.

Subp. 2. **Scope.** This part provides examples of typical frontages that are appropriate for the various frontage types in the Capitol area. Other frontages are acceptable upon approval by the zoning administrator, provided that they meet frontage design standards in part 2400.2405.

Subp. 3. **Porch.** A porch is a fully covered structure that either projects (projecting porch) or is a part of the main façade of the building (recessed porch). It can be one to two stories and open on at least two

sides.

[insert new graphic "Frontage Porch.jpg"]

Subp. 4. **Patio.** A patio, sometimes referred to as a dooryard, is a space outside of the front door of a building or unit that is defined by a low wall or hedge and extends alongside the façade. Patios are separated from each other and are typically at grade.

[insert new graphic "Frontage Patio.jpg"]

Subp. 5. **Stoop.** A stoop is a small raised landing outside of the front door(s) to a building or unit. Stairs connect the stoop directly to the sidewalk.

[insert new graphic "Frontage Stoop.jpg"]

Subp. 6. **Common entry.** A common entry consists of a large opening in the façade that leads directly into the lobby or common space of the ground floor, which provides access to the individual units. The common entry is typically near the front lot line or within a forecourt.

[insert new graphic "Frontage Common Entry.jpg"]

Subp. 7. **Forecourt.** A forecourt is an open-air space that connects to the public sidewalk and hosts the building's primary entrance(s). This space is a visual extension of the public realm into the site to create a shared garden or courtyard space for housing or an additional shopping or restaurant seating area for retail and service uses. Fences or low walls sometimes enclose forecourts from the street. The forecourt occurs on one lot and is distinct from a plaza, which can be adjacent to multiple lots. The following frontages can be combined with the forecourt: stoop, shopfront, gallery, or arcade.

[insert new graphic "Frontage Forecourt.jpg"]

Subp. 8. **Terrace.** A terrace is an elevated area for pedestrian circulation along the façade that typically provides access to multiple building entrances. Access to the elevated level(s) is provided via stairs and ramps. The terrace frontage is used for retail, service, office uses, or housing to provide outdoor areas along the sidewalk and/or to accommodate an existing or intended grade change.

[insert new graphic "Frontage Terrace.jpg"]

Subp. 9. **Shopfront.** A shopfront is a discrete and coherent assembly that is composed of an entrance, clear glass, signage and framing elements, sometimes including canopies or awnings. Shopfronts are typically between 15 and 30 feet wide and each correlates with a single ground floor use. The shopfront frontage is intended for service, retail, or restaurant use and includes substantial glazing between the shopfront base and the ground floor ceiling.

[insert new graphic "Frontage Shopfront.jpg"]

Subp. 10. **Gallery.** A gallery is a one- or two-story structure that projects from a building façade to cover the sidewalk with a colonnade or arches. When used in nonresidential settings, the gallery is used with the shopfront; when used in residential settings the gallery is used with stoops, patios, and forecourts.

[insert new graphic "Frontage Gallery.jpg"]

Subp. 11. **Arcade.** An arcade extends the upper floors of a building over the sidewalk with a colonnade

or arches. Occupiable space on the upper floor(s) typically extends over the sidewalk. When used in nonresidential settings, the recessed ground floor façade incorporates the shopfront; when used in residential settings, stoops, patios, and forecourts are included.

[insert new graphic “Frontage Arcade.jpg”]

*Added new part with text and graphics to describe a variety of frontages intended to generate the intended physical form and character of the frontage types in part 2400. 2400 and complement the building types in part 2400.2500.*

**~~128. ——— Part 2400.2410 RESIDENTIAL FRONTAGE DESIGN STANDARDS.~~**

~~A. Building fronts must be oriented to the primary abutting street.~~

~~B. Primary entrances to ground floor dwellings must be accessed directly from and face the street.~~

**~~Fronts and Entrances Oriented to the Street~~**

~~C. Secondary access may be from the side or rear, or, for multifamily buildings, through an interior stairway or elevator and corridor.~~

~~D. Where an alley is present, parking must be accessed through the alley.~~

~~E. Where no alley is present, parking must be accessed from a side street, if a corner lot, or a driveway to a rear yard or garage.~~

**~~Garage Access from Side Street~~**

~~F. In order to avoid the monotonous and pedestrian unfriendly appearance of facades dominated by garage doors, any attached garage door parallel to a primary street may occupy no more than 50 percent of the width of that building façade, measured at grade. The portion of the façade that contains the garage door must be recessed at least eight feet behind the remainder of the façade.~~

~~G. Usable outdoor space must be provided for each dwelling, to the rear or side of the principal building, with a rectangular shape and a minimum dimension of eight feet. Usable outdoor space may not be paved. Usable outdoor space for multifamily, townhouse, and carriage house dwellings may be combined and shared by multiple dwelling units.~~

~~H. Front yards must be landscaped. Landscaping may consist of trees, shrubs, or groundcovers, in combination with low fences or walls.~~

**~~Landscaped Front Yards~~**

~~I. The proportion, size, rhythm and detailing of windows and doors in new construction must be compatible with that of adjacent buildings, but need not replicate them exactly.~~

~~J. Open porches and balconies are encouraged on building fronts.~~

~~Open porches~~

~~K. Building facades greater than 40 feet in length must be divided into smaller increments of 20 feet or less by means of divisions or breaks in materials, entry placement, window bays, or other architectural details.~~

#### ~~Longer Buildings Articulated into Smaller Increments~~

*Relocated items A to H, including images, to the table in part 2400.2405 Frontage design standards.*

*Removed item I as it was redundant with subpart 19 in part 2400.2405. Removed item J and associated image as “porch” is included in the new part 2400.2410 Typical frontages as an allowed frontage.*

*Removed item K as new standards for dividing long building façades are provided in new subpart 3.*

*Massing and façade articulation of part 2400.2500. Typical building types.*

### **129. Part 2400.2500 ~~Examples~~ TYPICAL of BUILDING TYPES.**

*Modified part 2400.2500 title to clarify intent.*

### **130. Part 2400.2500, subpart 1. Intent.**

The intent of this part is to generate the intended physical form and character of each zoning district through a variety of allowed building types, ~~establish design parameters for specific building types, regardless of what zoning district in which the buildings are located, and to encourage new building design that respects its context.~~

*Modified text to clarify intent.*

### **131. Part 2400.2500, subpart 3. One-Family Building.**

~~Subp. 3. **One Family Building.** A one family building is a single family dwelling with yards on all sides. One family buildings in the Capitol area are designed to fit on relatively narrow lots with the longest building dimension perpendicular to the street, with an attached or detached garage.~~

*Removed one-family building to encourage middle housing building types consistent with the 2040 Comprehensive Plan.*

### **132. Part 2400.2500, subpart 3. Massing and facade articulation.**

#### **Subp. 3. Massing and facade articulation.**

- A. Facades shall be designed on a background of bays, individual or grouped. Each bay shall be between 5 and 30 feet wide and may vary in width.
- B. Facades shall be designed with a change in plane of at least two feet extending from the ground story through the roof as required below
  - (1) G-1 and G-2 Districts. Facades longer than 150 feet.

- (2) MX and MXD Districts. Facades longer than 100 feet.
- (3) MR District. Facades longer than 75 feet.
- C. Buildings of four or more stories shall design facades to visually express a base, middle, and top.
  - (1) Boundaries between the base, middle, and top are articulated by a cornice, projecting profile/string course, or other horizontal element that is consistent across the length of the building.
  - (2) The base comprises the lowest story/stories of the building and requires a high attention to detail pursuant to part 2400.2400 to 2400.2410.
  - (3) The middle comprises more stories than the base or top and must incorporate the building's primary wall color and finish material.
  - (4) The top comprises the roof or cornice treatment to visually cap the building. The top can include the uppermost story, provided that a cornice, projecting profile/string course, and change of material or color are expressed on the façade starting at the floor level of the uppermost story.

*Added new subpart on standards for massing and façade articulation to generate high-quality building form and design consistent with the character of the Capitol area.*

**133. Part 2400.2500, subpart 4. Townhouse.**

~~A townhouse is a house-scale~~ building comprised of individual dwelling units within a linear group of horizontally attached dwellings, each having a private entrance and totally exposed front and rear walls to be used for access, light, and ventilation.

[insert updated graphic "Building Townhouse.jpg"]

*Modified text to remove redundancy and clarify building form and scale. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.*

**134. Part 2400.2500, subpart 5. Small multiplex.**

Subp. 75. ~~Small multiplex~~ ~~Small apartment, mansion building~~. A ~~small apartment, mansion house-scale, building is a multi-story~~ multifamily building designed to resemble a large single-family building, typically with a pitched roof and central entrance oriented to the primary abutting street.

[insert updated graphic "Building Small Multiplex.jpg"]

*Renamed building type for simplification. Modified text to remove redundancy and clarify building form and scale. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.*



**135. Part 2400.2500, subpart 6. Large multiplex.**

Subp. ~~86. Large apartment building, stacked flats~~multiplex. A ~~large block-scale~~ apartment building, ~~stacked flats is a multi-story building with combined entrances, stairways and elevators, and is~~ composed of single- or two-level occupant spaces stacked on top of each other, typically accessed from a central corridor.

[insert updated graphic "Building Large Multiplex.jpg"]

*Renamed building type for simplification. Modified text to remove redundancy and clarify building form and scale. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.*

**136. Part 2400.2500, subpart 7. Courtyard multiplex.**

Subp. ~~97. Courtyard apartment building~~multiplex. A ~~courtyard apartment building is a multi-story~~house-scale building designed around an open courtyard abutting the primary street, surrounded by building walls on ~~three~~at least two sides.

[insert updated graphic "Building Courtyard.jpg"]

*Renamed building type for simplification. Modified text to remove redundancy and clarify building form and scale. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.*

**137. Part 2400.2500, subpart 8. Carriage house.**

Subp. ~~108. Carriage house building~~. A ~~carriage house~~house-scale building ~~is that contains~~ an accessory dwelling unit located above an attached garage, or a group of attached dwelling units located above a series of attached garages. ~~A site plan and a building plan must be submitted to the zoning administrator at the time of application. Carriage house dwellings are exceptions to the one main building per zoning lot requirement. Carriage houses must employ materials, roof pitch, orientation, door and window placement and proportions, and other details compatible with those of the principal building.~~

[insert updated graphic "Building Carriage House.jpg"]

*Modified text to remove redundancy and clarify building form, scale, and relationship to principal building. Removed redundant standard for site plan and building plan as stated in parts 2400.3100 to 2400.3140. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.*

**138. Part 2400.2500, subpart 9. Civic.**

Subp. ~~119. Civic building~~. A ~~civic block-sale~~ building is a ~~building type~~ with classical proportions and high-quality materials on all sides; predominantly in office use and/or civic functions. ~~Civic buildings used for state functions in the Capitol area are planned with the active involvement of the board and~~

~~other stakeholders.~~

[insert updated graphic “Building\_Civic.jpg”]

*Modified text to remove redundancy and clarify building form and scale. Removed text not descriptive of the Civic building type and instead added text to provide clarity in use of the building type. Removed text pertaining to procedural standards and to avoid conflict with current administration procedures. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.*

**139. Part 2400.2500, subpart 10. Commercial block.**

~~Subp. 1210. Commercial block-building.~~ A ~~commercial block building is a multi-story~~block-scale building that is designed to support a mix of commercial or office uses on the ground floor with office, studio and/or residential units above. Buildings are typically designed with storefront or arcade frontages at ground floor.

[insert updated graphic “Building\_Commercial\_Block.jpg”]

*Modified text to remove redundancy and clarify building form and scale. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.*

**140. Part 2400.2500, subpart 13. Parking building.**

~~Subp. 13. Parking building.~~ A parking building is a multi-story building specifically designed for temporary parking of automobiles, which may also include ground floor storefronts and upper level office space.

*Removed the classification for this building type as parking is considered a use within a structure and does not require designation as a separate building type.*

**141. Part 2400.2500, subpart 14. Live-work building.**

~~Subp. 14. Live-work building.~~ A live-work building is similar to townhouses in scale and detailing, but with a ground floor designed for small commercial, office and service establishments, often with storefront detailing. Live-work buildings are generally placed at or close to the sidewalk, although a forecourt or patio design may be used to allow for outdoor seating space.

*Removed the classification for this building type as live-work is considered a use within a structure and does not require designation as a separate building type.*

**142. Part 2400.2500, subpart 15. Liner building.**

~~Subp. 15. Liner building.~~ A liner building is a specialized building designed to conceal an area such as a parking lot or loading dock. While liner buildings may include commercial or residential uses, their limited depth makes them more disposed to residential use. Liner buildings may have a small common

~~front yard, but do not include individual private outdoor spaces.~~

*Removed the classification for this building type as a liner is a component of a structure that can be attached to other building types and does not require designation as a separate building type.*

**143. Part 2400.2500, subpart 11. Podium.**

~~Subp. 1611. **Podium building.** A podium building is a multistory mixed-use block-scale building in which the upper stories are stepped back from a distinct from the lower base to provide outdoor terraces, to avoid excessive shadowing of streets or public spaces, or to preserve important views.~~  
[insert updated graphic "Building Podium.jpg"]

*Modified text to remove redundancy and clarify building form and scale. Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.*

**144. Part 2400.2500, subpart 17. Free-standing workplace.**

~~Subp. 17. **Free-standing workplace.** A freestanding workplace is a variable multistory building type designed to accommodate primarily office functions and limited retail services. A principal entrance is generally oriented to the primary abutting street. Building forms are flexible.~~

*Removed the classification for this building type as workplace is considered a use within a structure and does not require designation as a separate building type.*

**145. Part 2400.2600 SCOPE OF GENERAL REGULATIONS**

*Modified part title to clarify and better describe the part and for ease of navigation of the Rules from the table of contents.*

**146. Part 2400.2615, item C.**

C. Porches shall be at least seven and a half (7.5) feet deep (clear). Enclosed porches are not allowed to encroach into required yards.

*Added standard to provide minimum dimensions for usability and clarify encroachment standards for enclosed porches.*

**147. Part 2400.2615, item K.**

K. Balconies shall measure at least five feet in any direction. Enclosed balconies are not allowed to encroach into required yards.

*Added standard to provide minimum dimensions for usability and clarify encroachment standards for enclosed balcony standards.*

**148. Part 2400.2630, subpart 1. Visual screens required.**

The uses described in item A must be screened when abutting or adjacent to a residential ~~district~~ use. Screening shall consist of an obscuring wall or obscuring fence, or other visual screen having a minimum height as required in item A. Whenever visual screens are required, the following standards apply.

*Modified “district” to “use” to avoid confusion with zoning districts and to clarify where visual screens are required.*

**149. Part 2400.2630, subpart 1, item B.**

Visual screens must be located completely within the lot ~~line~~.

*Removed “line” to clarify the limits of the visual screen as the lot.*

**150. Part 2400.2630, subpart 1, item C.**

Visual screen locations must conform with front ~~yard~~ setback lines in residential districts.

*Removed “yard” to be consistent with the term provided in part 2400.2040 Definitions.*

**151. Part 2400.2630, subpart 1, item D.**

Upon approval of the board, a required visual screen may be located on the opposite side of an alley right-of-way from the nonresidential ~~zone~~ use, when mutually agreeable to affected property owners. Maintenance is the responsibility of the person required to erect the screen.

*Modified “zone” to “use” to avoid confusion with zoning districts and to clarify where visual screens may be located.*

**152. Part 2400.2630, subpart 1, item E.**

The land between the screen and the ~~property~~ lot line must be landscaped and maintained so that all plant materials are healthy and the area is free from refuse and debris.

*Replaced “property” with “lot” to be consistent with the term provided in part 2400.2040 Definitions.*

**153. Part 2400.2630, subpart 2, item B.**

Screening within this area must include a fence or wall at least 90 percent opaque, between 4-1/2 and ~~six~~ 6 feet in height, plus at least ~~one~~ 1 tree and ~~five~~ 5 shrubs for every 50 lineal feet of ~~property~~ lot line.

*Replaced words with numbers for consistency.*

**154. Part 2400.2630, subpart 3. Landscaping of open areas.**

The use of drought-tolerant, native vegetation must be prioritized.

*Added standard to be consistent with the 2040 Comprehensive Plan and with Minnesota Statutes 15B.05, subdivision 8.*

**155. Part 2400.2630, subpart 4, item A.**

Priority must be given to native and/or climatically appropriate trees, shrubs, and grasses wherever appropriate pursuant to Minnesota Statutes section 15B.05 subd.8.

*Added standard and reference to be consistent with Minnesota Statutes as referenced.*

**156. Part 2400.2635, item A.**

- A. For less where less than one-quarter of an acre is affected by development, the lot coverage requirement differs by zoning district:
- (1) For buildings in the G-1 and MX districts, a maximum of 85 percent of lot area shall be impervious.
  - (2) For buildings in the MR district, a maximum of 40 percent of lot area shall be impervious. Accessory buildings must comply with part 2400.2605.
  - (3) For development in the MXD district, a maximum of 100 percent of lot area shall be impervious.

*Relocated standards from parts 2400.2110 to 2400.2130 (previously parts 2400.2210 to 2400.2230) to consolidate and clarify standards as pertaining to stormwater management for site less than one-quarter acre. Added reference to part 2400.2605 for MR district (previously RM district) to clarify and provide ease of navigation to related applicable standards.*

**157. Part 2400.2635, item B.**

- B. For sites where more than one-quarter of an acre is affected by development, ~~with the exception of state of Minnesota buildings and facilities,~~ the standards of the city of St. Paul Public Works Department for stormwater runoff for the site apply. Stormwater management plans and calculations are required as part of building permit submittals.

*Removed exceptions for State buildings and facilities to be consistent and compatible with the City of St. Paul's stormwater management standards.*

**158. Part 2400.2635, item C.**

- C. All projects that occupy or disturb an area larger than one acre in size, ~~with the exception of state of Minnesota buildings and facilities,~~ are subject to the stormwater management, erosion, sedimentation control, and other standards of the Capitol Region Watershed District.

*Removed exceptions for State buildings and facilities to be consistent and compatible with the region's stormwater management standards per the recommendation of the Capitol Region Watershed District.*

**159. Part 2400.2700 SCOPE OF SUPPLEMENTAL REGULATIONS.**

*Modified part title to clarify and better describe the part which will aid in navigation of the Rules from the table of contents.*

**160. Part 2400.2705, subpart 3, item E.**

- E. The board shall determine whether the addition request meets all of the conditions in subpart 2 and may advance in the process for ~~further review~~site selection. A majority vote of the full board is required to accept the application and advance the application for ~~further review~~site selection.

*Modified text in item E to clarify "further review" as site selection.*

**161. Part 2400.2705, subpart 3, item E, subitem 1.**

- (1) If the board accepts an addition request application, board staff must notify the applicant and the Department of Administration within 14 calendar days of the board's vote accepting the application for ~~further review~~site selection.

*Modified text to clarify "further review" as site selection.*

**162. Part 2400.2705, subpart 3, item F.**

- F. After an addition request application is accepted by the board for ~~further review~~site selection, board staff and the board's architectural advisers must conduct a site selection study with the applicant. Where necessary and with permission from the board, the board executive secretary may commence the site selection process following the determination made in subpart 3, item B.

*Modified text to clarify "further review" as site selection. Added provision to expedite site selection process.*

**163. Part 2400.2705, subpart 3, item O.**

- O. With approval from the board, the board executive secretary may propose to modify the timing of the steps and rules process where necessary.

*Added new provision to expedite site selection process.*

**164. Part 2400.2705, subpart 7, item G.**

- G. With the board's approval and where necessary, the board executive secretary may commence the 30-day public comment period and meeting prior to the board convening the commemorative artwork review committee.

*Added provision to item G to expedite the application review process.*

**165. Part 2400.2705, subpart 7, item H, subitem 8.**

- (8) All applicants must comply with part 2400.3125, which may require consultation with agencies such as the State Historic Preservation Office (SHPO).

*Added new provision to reference new part 2400.3125 Historic preservation.*

**166. Part 2400.2705, subpart 7, item O.**

- O. With approval from the board, the board executive secretary may propose to modify the timing of the steps and rules process where necessary.

*Added new provision to expedite the application review process.*

**167. Part 2400.2710 STANDARDS FOR RESIDENTIAL USES.**

~~The standards for a carriage house dwelling are as follows:~~

- ~~A. The applicant must not reduce the number of existing off street parking spaces on the property and must also provide one additional off street parking space for the carriage house dwelling.~~
- ~~B. A site plan and a building plan must be submitted to the zoning administrator at the time of application. Carriage house dwellings are exceptions to the one main building per zoning lot requirement.~~
- ~~C. Carriage houses must employ materials, roof pitch, orientation, door and window placement and proportions, and other details compatible with those of the principal building.~~

*Removed parking standards consistent with the removal of minimum parking requirements. Removed redundant standard for site plan and building plan as stated in parts 2400.3100 to 2400.3140. Relocated design standards to part 2400.2500 to consolidate with other standards pertaining to the Carriage House building type.*

**168. Part 2400.2715, subpart A, item 1.**

~~(1) new facilities are allowed, provided that, in the board's determination, no more than one percent of the Capitol area's population already lives in any of these facilities;~~

*Removed standards that prevent certain demographics from residing in the Capitol area to promote inclusivity.*

**169. Part 2400.2715, subpart A, item 2.**

~~(2) facilities must be located at least 1,320 radial feet from any other such facility;~~

*Removed standards that prevent certain demographics from residing in the Capitol area to promote inclusivity.*

**170. Part 2400.2715, subpart A, item 3.**

~~(3) a minimum lot area of 5,000 square feet must be provided for the first two guest rooms and 1,000 square feet for each additional guest room;~~

*Removed standards for minimum lot area to reduce barriers to the development of congregate facilities and to be consistent with the removal of lot area requirements in Chapter 2400.*

**171. Part 2400.2720, subpart A, item 1.**

(1) A home occupation may include offices, service establishments, or home crafts that are typically considered accessory to a dwelling unit. Home occupations may involve only ~~limited retailing, by appointment only, associated with fine arts, crafts, office, and/or~~ personal services.

*Modified text to provide flexibility and encourage home occupation uses in home occupation uses.*

**172. Part 2400.2720, subpart A, item 3.**

(3) A home occupation must be carried on wholly within the main building, except for a restaurant's outdoor seating. A home occupation ~~is not~~ may be allowed in detached accessory buildings or garages subject to the approval of a CUP.

*Modified text to provide flexibility and clarity in home occupation uses. Added provision for CUP subpart B to consolidate standards pertaining to home occupation uses.*



**173. Part 2400.2720, subpart A, item 7.**

(7) A commercial food service requiring a license may be allowed subject to the approval of a CUP.

*Relocated text from subpart B to consolidate standards pertaining to home occupation uses.*

**174. Part 2400.2720, subpart A, item 8.**

~~(8) There may be no e~~Exterior storage of products or materials is not allowed.

*Modified text to provide clarity in the provision.*

**175. Part 2400.2720, subpart A, item 11.**

~~(11) A home occupation may have an identification sign no larger than two up to~~  
four square feet in area, which shall be in compliance with the requirements of part 2400.2910 not be located in a required yard.

*Modified text to provide clarity and flexibility for signs pertaining to home occupation uses. Added reference to pertinent part 2400.2910 Sign placement and height requirements.*

**176. Part 2400.2720, subpart B.**

~~B. The standards in item A for permitted home occupations apply for conditional uses of home occupations, with the following exceptions:~~

~~(1) A commercial food service requiring a license may be allowed by conditional use.~~

~~(2) A home occupation may be allowed within a detached accessory building or garage by conditional use. A sign up to seven square feet in size may be allowed by conditional use.~~

*Relocated text to subpart A to consolidate standards pertaining to home occupation uses allowed as conditional use.*

**177. Part 2400.2720, subpart C, item 3.**

~~(3) The office or business component of the unit may not exceed 30 percent of the total gross floor area of the unit.~~

*Removed text to provide greater flexibility and encourage work space uses.*

**178. Part 2400.2720, subpart C, item 5.**

~~(5) The size and nature of the work space must be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit requires the building to be classified as a mixed-use building.~~

*Removed text to provide greater flexibility and encourage work space uses.*

**179. Part 2400.2720, subpart C, item 6.**

~~(6) The business component of the building may include offices, small service establishments, home crafts that are typically considered accessory to a dwelling unit, or limited retailing, by appointment only, associated with fine arts, crafts, or personal services. The business component must be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property or other protected use. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.~~

*Removed text to avoid potential conflict with other provisions in item 6.*

**180. Part 2400.2720, subparts D to H.**

**D. Occupancy Requirements.**

(1) The “live” component of a live/work unit shall be the principal residence of at least one individual employed in the business conducted within the live/ work unit.

(2) Live/work differs from home occupations in that the “work” component of the live/work occupancy may:

a) Include employment of persons not living in the residential portion;

b) Occupy part or all of the floor area of a unit;

c) Have a separate designated access or private entrance specifically for the business use;

d) Include alterations or features not customarily found in residential dwelling units;

e) Have window displays;

f) Have limited signage on the premises; and

g) Include food handling, [processing](#), or [packing](#).

**E. Limitations on Use.** The nonresidential component of a live/work unit shall be a use allowed within the applicable District. A live/work unit shall not be established or used in conjunction with any of the following activities:

(1) Adult-oriented businesses;

(2) Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.);

(3) Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;

(4) Welding, machining, or any open flame work; and

(5) Any other activity or use, as determined by the executive secretary to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

**F. Operating Requirements.**

(1) Sale or rental of portions of unit. No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.

(2) Notice to occupants. The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State

and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.

(3) On-premises sales. On-premises sales of goods are limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.

(4) Nonresident employees. The employment of three or more persons who do not reside in the live/work unit may be allowed based on an additional finding that the employment will not adversely affect parking and traffic conditions in the immediate vicinity of the unit. The employment of any persons who do not reside in the live/work unit shall comply with all applicable Uniform Building Code (UBC) requirements.

**G. Changes in Use.** After approval, a live/work unit shall not be converted to entirely business use unless approved by the Commission with the issuance of a Conditional Use Permit.

**H. Additional Standards.**

(1) Floor area requirements. The floor area of the work space shall be at least 30 percent of the total floor area of each live/work unit. All floor area other than that reserved for living space shall be reserved and regularly used for working space.

(2) Separation and access. Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.

(3) Facilities for commercial or industrial activities. A live/work unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of flooring, interior storage, ventilation, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.

(4) Integration of living and working space. Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit.

The living space of a live/work unit shall be accessed only by means of an interior connection from the work space, and shall have no exterior access except as required by the Building Code.

(5) Mixed occupancy buildings. If a building contains mixed occupancies of live/work units and other nonresidential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.

*Added new subparts D to H to clarify and provide additional standards on live-work uses. In particular, the standards clarify the “live” and “work” components of the live-work use and provide standards for compatibility and safety of both the “live” and “work” components.*

**181. Part 2400.2730, subpart 1, item Q.**

O. stationery store; and

P. picture framing; ~~and~~

~~Q. video store.~~

*Removed use that is no longer current and relocated “and” to follow second to last list item.*

**182. Part 2400.2730, subpart 2, item A.**

A. ~~Extensive~~ Outdoor display or sales areas that exceed ten percent of the main structure's area are not permitted under the general retail use category.

*Removed subjective term “extensive” to clarify the standard.*

**183. Part 2400.2800 GENERAL PARKING REQUIREMENTS.**

Off-street parking spaces must be provided in all zoning districts, except for the MXD district, at the time of erection or enlargement of the principal building or structure according to parts 2400.2800 to 2400.2835 are not required in all zoning districts. Any parking provided must comply with parts 2400.2805 to 2400.2830.

*Removed requirements for off-street parking to be consistent with recent changes in the City of St Paul’s zoning code and encourage alternative transportation modes per the 2040 Comprehensive Plan. Modified text to reflect this change.*

**184. Part 2400.2810 REDUCTION BELOW REQUIRED MINIMUM PROHIBITED.**

~~No area used or designated as off-street parking may be reduced in size below the minimum parking requirements in parts 2400.2800 to 2400.2835, except by conditional use permit under part 2400.3155.~~

*Removed text no longer relevant with the removal of minimum parking requirements.*

**185. Part 2400.~~2815~~2810 SHARED OFF-STREET PARKING FACILITIES.**

~~Two or more buildings or uses may jointly provide the required off-street parking. Where the peak hours of the buildings or uses providing joint parking facilities are nonconcurrent and lend themselves to shared use, the zoning administrator may, upon written application, reduce the number of parking spaces otherwise required. If the peak hours of use change so that they are concurrent, the number of required parking spaces shall revert to the requirements for the several individual uses computed separately.~~

~~Building owners with shared parking permits must submit an annual statement to the zoning administrator that verifies the nonconcurrent peak parking hours of the buildings involved with the shared parking permit and lists the uses within each building.~~

*Removed text no longer relevant with the removal of minimum parking requirements.*

**~~186. ——— Part 2400.2820 SPACES REQUIRED~~**

~~Off-street parking spaces shall be provided according to the following schedule:~~  
~~LAND USE~~

**MINIMUM NUMBER OF PARKING SPACES**

**~~Civic and Institutional Uses~~**

<del>State offices and other facilities</del>	<del>3 spaces per 1,000 square feet GFA</del>
<del>Other public buildings and uses</del>	<del>3 spaces per 1,000 square feet GFA</del>
<del>Day care center</del>	<del>1 space per 10 children</del>
<del>Place of worship</del>	<del>1 space per 5 seats or 10 feet of pews in central space</del>
<del>Residence associated with place of worship</del>	<del>1 space per 3 occupancy units</del>
<del>School, K-12</del>	<del>1 space per teacher or administrator</del>
<del>Trade school, business school, art school, etc.</del>	<del>1 space per each 2 employees and staff members and 1 per each 2 full time student or 3 part time students</del>

Off-street parking spaces shall be provided according to the following schedule:~~LAND USE~~

**MINIMUM NUMBER OF PARKING SPACES**

Hospital or clinic 1 space per 2 beds

**Residential Uses**

One family dwelling 1.5 spaces per unit

Two family and townhouse dwellings 1.5 spaces per unit

Multi-family dwelling 1 space per unit

Carriage house dwelling 1 space per unit

Housing for the elderly 1 space per 4 residents

Community residential facility 1 space per 4 bedrooms

**Mixed Commercial Residential Uses**

Live-work unit 2 spaces

Mixed commercial residential use 1 space per dwelling unit plus nonresidential spaces as specified in this part for the nonresidential use

**Commercial Uses**

Administrative or professional office, medical laboratory 3 spaces per 1,000 square feet GFA

Clinic, medical or dental, veterinary clinic 4 spaces per 1,000 square feet GFA

Bank, credit union 4 spaces per 1,000 square feet GFA

Laundromat 3 spaces per 1,000 square feet GFA

Mortuary, funeral home 6 spaces per 1,000 square feet GFA

Restaurant, coffee shop (may include wine/beer service), tea room, deli 6 spaces per 1,000 square feet GFA

Restaurant serving alcohol\*, bar, tavern 8 spaces per 1,000 square feet GFA

Service business 3 spaces per 1,000 square feet GFA

<del>Off-street parking spaces shall be provided according to the following schedule:</del> LAND USE	MINIMUM NUMBER OF PARKING SPACES
Bed and breakfast residence	1 space per two guest rooms in addition to residential requirement
Hotel, inn, motel	1 space per occupancy unit
Indoor recreation	3 spaces per 1,000 square feet GFA
Theater, assembly hall (completely enclosed)	1 space per each four seats
Auto convenience market	4 spaces per 1,000 square feet GFA
Auto service station, repair station	1 space for each service stall, rack or pit
Furniture and appliance, household equipment sales, showrooms	1 space per 1,000 square feet GFA
Retail or service use not otherwise specified	3 spaces per 1,000 square feet GFA

~~\*Establishments serving on-sale intoxicating liquor~~

*Removed requirements for off-street parking to be consistent with recent changes in the City of St Paul's zoning code and encourage alternative transportation modes per the 2040 Comprehensive Plan.*

#### **187. Part 2400.2820 PARKING CONFIGURATION REQUIREMENTS.**

The following parking configurations are allowed.

- A. Subterranean Parking. Parking spaces located below the average finish grade at the sidewalk along any street or civic space. Access to the spaces shall be in compliance with driveway standards in 2400.2815.  
[insert new graphic "Parking\_Subterranean.jpg"]
- B. Surface Parking. Parking spaces that are located on the surface of the parcel. Access to the spaces shall be in compliance with driveway standards in 2400.2815.  
[insert new graphic "Parking\_Surface.jpg"]
- C. Podium Parking. Parking spaces within the footprint of the primary building that are behind occupiable building space at or within three feet of the average finish grade at the sidewalk along any street or civic space. Access to the spaces shall be in compliance with driveway standards in 2400.2815.  
[insert new graphic "Parking\_Podium.jpg"]



- D. Parking Garage. Parking spaces located in a multistory structure that is integrated into the footprint of the primary building or detached and behind the primary building on the parcel. Access to the spaces shall be in compliance with driveway standards in 2400.2815.  
[insert new graphic "Parking\_Garage.jpg"]

*Added new part with descriptions and graphics to provide clarity on the variety of parking configurations allowed in the Capitol area.*

**188.        2400.2835 ~~2825~~        LOADING SPACE REQUIREMENTS.**

*Relocated to before part 2400.2830 Bicycle parking requirements to maintain sequential order to parts pertaining to vehicles.*

**189.        2400.2835 ~~2825~~, item E.**

<b>Usable Floor Area (Square Feet)</b>	<b>Number of Loading Spaces Required</b>
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<del>zero</del> <u>Up to 1,400</u>	None
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*Modified text to clarify standard.*

**190.        Part 2400.2900 SCOPE OF SIGN REGULATIONS ~~INTENT~~.**

*Modified part title to clarify and better describe the part which will aid in navigation of the Rules from the table of contents.*

**191.        Part 2400.2905 SIGN CONSTRUCTION AND MAINTENANCE REQUIREMENTS.**

*Modified part title to clarify and better describe the part which will aid in navigation of the Rules from the table of contents.*

**192.        Part 2400.2905, item A.**

- A. All signs must conform to applicable provisions of parts 2400.2905 to 2400.2940, Minnesota Statutes, section 15B.28, the building code of the city of St. Paul ~~as well as~~ and the structural design standards of the State Building Code in chapters 1300 to 1370.

*Added reference to clarify "applicable provision" and modified text for grammatical clarity.*

**193.        Part 2400.2905, item B.**

- B. Signs that are unsafe or in disrepair must be repaired or removed. Unsafe signs must be repaired or removed within 24 hours after notification. Signs in disrepair must be repaired or removed within 15 business days after notification.

*Added text for clarity in timing.*

**194. Part 2400.2905, item C.**

~~"Disrepair" means a condition in which the sign has deteriorated to the point where at least one fourth of the surface area of the name, identification, description, display, illustration, or other symbol is no longer clearly recognizable at a distance of 20 feet; where paint is peeling, chipping, or flaking from the structure surface; where the sign has developed significant rust, corrosion, rotting, or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of 20 feet; or where an illuminated electrical sign is no longer in proper working order.~~

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

*Relocated to part 2400.2040 as this is a term with a definition.*

**195. Part 2400.2905, item F.**

F. Any sign that advertises, identifies, or pertains to an activity no longer in existence must be removed by the owner of the property within 30 calendar 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.

*Added text for clarity in timing.*

**196. Part 2400.2910, item C.**

C. On buildings with an allowed home occupation, one blade sign and one yard sign are allowed on each parcel.

*Added standard to clarify allowed sign type and quantity for home occupations.*

**197. Part 2400.2915 SIGN DESIGN STANDARDS.**

*Added text to clarify and better describe the part which will aid in navigation of the Rules from the table of contents.*

**198. Part 2400.2935 SIGNS PERMITTED BY DISTRICT.**

~~"Building mounted sign" includes wall, canopy, awning, marquee, or projecting signs.~~

~~"Freestanding sign" includes pylon signs and monument signs~~

*Relocated "Building-mounted sign" to part 2400.2040 Definitions. Removed text redundant of text in part 2400.2040 under "Freestanding sign."*

**199. Part 2400.3000 INTENT OF NONCONFORMITIES.**

*Added text to clarify and better describe the part which will aid in navigation of the Rules from the table of contents.*

**200. Part 2400.3100 SCOPE OF ADMINISTRATION.**

Parts 2400.3100 to 2400.~~3130~~3180 establish application requirements, review processes, and standards for land use approvals and development permits in the Capitol area, as authorized by Minnesota Statutes, section 15B.06.

*Added text to clarify and better describe the part which will aid in navigation of the Rules from the table of contents.*

**201. ~~Part 2400.3105~~ DUTIES OF BOARD.**

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

*Moved and combined to part 2400.2005 for clarity and consolidation of text regarding the authority and duties of the board.*

**202. ~~Part 2400.3110~~3105 ~~GENERAL BOARD PERMIT REQUIREMENTS.~~**

No land, building, sign or structure in any district may be changed to a different use, and no building, structure, sign, or part of a building or structure may be erected, constructed, reconstructed, altered, enlarged, or moved until the board has issued a sign permit or a zoning permit pursuant to Minnesota Statutes, section 15B.08, and a certificate of design compliance certifying that the plans and intended use of land, buildings, and structures conform to the requirements of this chapter.

*Added text to clarify and better describe the part which will aid in navigation of the Rules from the table of contents. Added reference to pertinent Minnesota Statutes section.*

**203. Part 2400.3120 PROJECTS ON PUBLIC LANDS.**

- A. All construction on public land in the Capitol area must be consistent with the comprehensive plan pursuant to Minnesota Statutes, section 15B.05 and comply with the requirement for a competition under Minnesota Statutes section 15B.10.
- B. All plans for a new public building must be reviewed by an advisory committee pursuant to Minnesota Statutes section 15B.11.
- C. A state agency or other public body must consult with the board before developing a

budget proposal or plans for capital improvements within the Capitol area to submit to the legislature and the governor pursuant to Minnesota Statutes section 15B.17.

*Added new part to provide procedural standards for project on public lands within the Capitol area and to be consistent with Minnesota Statutes as referenced.*

**204. ~~Part 2400.3125~~ DETERMINATION OF SIMILAR USE.**

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

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

*Relocated to after the table of permitted and conditional uses by district to enhance accessibility and facilitate easier reference.*

**205. Part 2400.3125 HISTORIC PRESERVATION.**

With an application for any board approval required by Minnesota Statutes or Rules,

- A. all projects, whether on public lands, streets, institutional or private lots, will be required to submit information before or at the time of application for approvals addressing the existence, impacts, and proposed treatments of known or possible historic properties, as t defined in part 2400.2040, subpart 41.
- B. At the applicant's expense, the zoning administrator may require documentation that identifies historic properties in order to assess impacts to those historic properties. The zoning administrator may also request the applicant consult with the State Historic Preservation Office.
- C. Voluntary or required compliance with those recommendations in item B may be used in the consideration and reviews by the zoning administrator, advisory committee, and board members.

*Added new part to provide procedural standards for historic and cultural resources to be consistent with the 2040 Comprehensive Plan and MN Statute 138.68.*

**206. Part 2400.3130, subpart 1. Submittal of application.**

Applications for the permits and certificates listed in parts 2400.~~3135~~-3130 to 2400.3160 must be

submitted to the zoning administrator. The application for permits and approvals is available on the board's website. ~~The zoning administrator must determine whether all the information required by parts 2400.3135 through 2400.3160 has been provided. The zoning administrator must notify the applicant in writing within ten days of receipt of the application if the application is incomplete and state what information is missing.~~

*Added reference to board website for easy navigation to the application form. Relocated text regarding timing to subpart 2 to consolidate with other procedural standards regarding the timing of application submission approvals.*

**207. Part 2400.3130, subpart 2. Timing.**

The zoning administrator must determine whether all the information required by parts 2400.3135 through 2400.3160 has been provided. and . The zoning administrator must notify the applicant in writing within ten business days of receipt of the application if the application is incomplete and state what information is missing. Once the application is complete, the application must be approved or denied within 60 calendar days of the zoning administrator's receipt of the complete application, except as described in items A to C.

*Relocated text from subpart 1 regarding timing to consolidate with other procedural standards regarding the timing of application submission approvals. Added text to clarify timing in terms of calendar days.*

**208. Part 2400.3130, subpart 2. Item A.**

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

*Added text to clarify timing in terms of calendar days.*

**209. Part 2400.3130, subpart 2. Item B.**

B. If the application is for a certificate of design compliance under part 2400.3140, the time limit is automatically extended by 60 calendar days to provide additional time to study the effect of the proposal on the beauty, dignity, and architectural integrity of the Capitol area.

*Added text to clarify timing in terms of calendar days.*

**210. Part 2400.3130, subpart 2. Item C.**

C. If the application is for a variance under part 2400.3160, the time limit is automatically extended by 60 calendar days to provide additional time to solicit the necessary public input on the proposal.

*Added text to clarify timing in terms of calendar days.*

**211. Part 2400.3130 SITE PLAN CONTENTS AND REVIEW.**

Subpart 1. Drawings requirement. All drawing required in the submittal package are listed in the application for permits and approvals part 4. Drawings Typically Requested. The application for permits and approvals is available on the board's website.

Subp 2. Contents of site plan. A site plan, where required by parts 2400.3135 to 2400.3160, must be drawn to scale and specifications, showing:

- A. the actual shape, location, and dimensions of the zoning lot;
- B. the shape, size, and location of buildings or other structures to be erected, altered, or moved and of any building or other structures already on the zoning lot;
- C. the existing and intended use of the zoning lot and of all structures upon it, including, where applicable, the number of dwelling units the building is intended to accommodate;
- D. the layout of parking and pedestrian and vehicular circulation on the zoning lot;
- E. landscape, screening and fencing plans; and
- F. other information concerning the zoning lot or adjoining lots determined by the zoning administrator as essential for determining whether the provisions of this chapter are being met.

Subp. 3. Consideration of site plan. In reviewing the site plan the board shall consider:

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

that were approved by the board.

*Relocated to follow part 2400.3130 to clarify and provide further information on the submittal requirements.*

**212. Part 2400.3135 ZONING PERMIT APPLICATION.**

All applications for zoning permits, which are available on the board's website, must be submitted in writing to the zoning administrator and contain:

*Added reference to board website for easy navigation to the application form.*

**213. Part 2400.3135, item D.**

D. ~~three copies~~ one hardcopy of a site plan, or PDF version via email, meeting the standards of part 2400.3150~~3130~~; and

*Modified text to be consistent with requirements on the application form.*

**214. Part 2400.3140 CERTIFICATE OF DESIGN COMPLIANCE APPLICATION.**

A certificate of design compliance is ~~may be~~ required by the zoning administrator following the issuance of a zoning permit issued by the board and a building permit by the city of St. Paul, in order to certify that the plans of the building or structure conform to this chapter~~the design rules in parts 2400.2400 to 2400.2410~~.

All applications for a certificate of design compliance shall be submitted in writing and shall include ~~three copies~~ one hardcopy or a PDF version via email of the following, in addition to the requirements for a zoning permit:

*Modified text to allow flexibility in the requirement for a certificate of design compliance. Modified text to expand reference to Chapter 2400. Modified text to be consistent with requirements on application form.*

**215. ~~Part 2400.3150 SITE PLAN CONTENTS AND REVIEW.~~**

~~Subpart 1. Contents of site plan.~~ A site plan, where required by parts 2400.3150 to 2400.3160, must be drawn to scale and specifications, showing:

- ~~A. the actual shape, location, and dimensions of the zoning lot;~~
- ~~B. the shape, size, and location of buildings or other structures to be erected, altered, or moved and of any building or other structures already on the zoning lot;~~
- ~~C. the existing and intended use of the zoning lot and of all structures upon it, including, where applicable, the number of dwelling units the building is intended to accommodate;~~
- ~~D. the layout of parking and pedestrian and vehicular circulation on the zoning lot;~~

~~E. landscape, screening and fencing plans; and~~

~~F. other information concerning the zoning lot or adjoining lots determined by the zoning administrator as essential for determining whether the provisions of this chapter are being met.~~

~~Subp. 2. **Consideration of site plan.** In reviewing the site plan the board shall consider:~~

~~A. the location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and in relation to pedestrian traffic, subject to final approval by the city of St. Paul;~~

~~B. traffic circulation features within the site and location of automobile parking areas. The board may impose requirements that will ensure:~~

~~(1) safety and convenience of vehicular and pedestrian traffic both within the site and in relation to access streets; and~~

~~(2) compatibility between the development on the site and the existing and prospective development of abutting land and adjacent neighborhoods;~~

~~C. the arrangement of buildings, uses, and facilities of the proposed development to ensure abutting property or its occupants will not be unreasonably affected; and~~

~~D. the extent, location, and level of increased activity anticipated for the use to ensure compatibility with the Capitol area comprehensive plan and any applicable subarea plans that were approved by the board.~~

*Relocated to follow part 2400.3130 to clarify and provide further information on the submittal requirements.*

**216. Part 2400.3150, subpart 3, item A.**

A. a use requiring a conditional use permit is discontinued or ceases to exist for a continuous period of 365 calendar days;

*Added text to clarify timing in terms of calendar days.*

**217. Part 2400.3150, subpart 3, item C.**

C. the lot area of a conditional use is subsequently reduced in size;~~or~~

*Removed "or" due to renumbering as this list item is no longer second to last in the list.*



**218. Part 2400.3150, subpart 3, item D.**

D. a conditional use becomes nonconforming and subsequently is discontinued or ceases to exist for a continuous period of one year; or

*Added "or" due to renumbering as this list item is second to last in the list.*

**219. Part 2400.3150, subpart 3, item E.**

E. the conditional use is established as a temporary condition in the zoning district by the board at the time of a conditional use application.

*Added new standard to clarify conditional use as a temporary condition.*

**220. Part 2400.3155 ADJUSTMENTS.**

This part establishes procedures for allowing minor deviations from certain standards for specific situations arising from existing site conditions and the strict application of the standards.

A. **Applicability.** Part 2400.3155 applies to all developments proposed in the Capital area. The board is allowed to grant adjustments for only the standards identified in part 2400.3155.

B. **Review authority.** The review authority for adjustment requests shall be the zoning administrator, except for standards which affect visibility at driveways and intersections, or standards in the right-of-way shall be reviewed by the Public Works Director.

C. **Application Requirements.** Adjustment requests shall be reviewed and processed as follows:

(1) If the development for which an adjustment is requested is being processed consistent with part 2400.3155, the review procedure shall be the same as for the main project application.

(2) Adjustment requests shall be accompanied by a written request by the applicant explaining the need for the adjustment and identifying all existing site conditions or features that prevent compliance with the specific standard(s).

(3) Granting of an adjustment does not eliminate other standards not specified in part 2400.3155

D. **Findings.** For the review authority to grant an adjustment, findings for the adjustment, as stated in part 2400.3155, are required.

E. **Existing Site Condition.** An existing site condition is a legally permitted building or structure constructed on the site with a final inspection or certificate of occupancy or a natural feature that exists as of the date of initial application submittal.

(1) For purposes of part 2400.3155, existing site conditions that prevent compliance with

a standard include, but are not limited to, the following:

- a) A mature tree with at least one trunk measuring four inches in diameter or greater at four feet six inches above grade in height and not planned for removal or alteration.
- b) Utility infrastructure that is not required to be removed, relocated, or installed underground.
- c) A structure, site, cultural landscape, or feature designated or eligible to be designated historically significant based on the criteria in part 2400.3125.
- d) Retaining wall necessary to retain or support soil.

(2) The existing site condition used as a basis for requesting an adjustment shall not be removed or altered in its footprint.

<b><u>Administrative Relief Type</u></b>	<b><u>Findings/Criteria (All That Apply)</u></b>	<b><u>Allowed Administrative Relief and Conditions</u></b>	<b><u>Reference to Standard</u></b>
<b><u>1. Building Setbacks</u></b>			
<b><u>a. Front or Interior.</u></b> <u>Increase or decrease in the minimum or maximum required setback for a principal building.</u>	i. Existing site conditions prevent compliance with the front setback standard. ii. Existing site conditions prevent compliance with the interior setback standard.	<u>2' or 25% of the standard, whichever is greater.</u>	<u>Part 2400.2100</u>
<b><u>b. Capitol View and Civic Frontage Types.</u></b> <u>Decrease in the linear extent of the minimum setback.</u>	<u>Existing site conditions prevent compliance with the setback standard.</u>	<u>5' or 30% of the standard, whichever is greater.</u>	<u>Part 2400.2400, subp. 5; Ppart 2400.2400, subp. 6</u>
<b><u>2. Block Size</u></b>			
<b><u>a. Block Dimensions.</u></b> <u>Allow larger block sizes.</u>	i. Preservation of existing buildings or buildings within the boundaries of a proposed block prevents compliance with the standard.	<u>Maximum block length standard to be increased to encompass the building and all setbacks required by the zoning district. Maximum block length does not exceed 800'.</u>	<u>Part 2400.2135, subp. 5(E)</u>

*Added new part to provide flexibility in compliance with certain rules due to physical conditions and streamline approval processes.*

**221. Part 2400.3160, subpart 2, item A.**

- A. The board must provide persons requested to appear notice of the request at least seven calendar days before the board meeting at which the variance request is to be considered.

*Added text to clarify timing in terms of calendar days.*

**222. Part 2400.3160, subpart 2, item E.**

- E. Within 30 calendar days after its action on the request, the board must set forth in writing and submit to the person requesting the variance and other persons who have submitted written comments the reasons why it has granted or denied the variance request.

*Added text to clarify timing in terms of calendar days.*

**223. Part 2400.3180 FEES**

The fee schedule is available on the board's website and by request at the board offices.

*Added reference to board website for easy navigation to the application form.*

## **V. Regulatory Analysis**

### **A. Classes Affected**

The proposed updates to **Minnesota Rules Chapter 2400** will affect several groups, including:

- **Residents of the Capitol Area** – Individuals living within the CAAPB's jurisdiction will experience the benefits of greater clarity and consistency in zoning and design regulations.
- **Businesses and Non-Profit Organizations** – Entities operating in the Capitol Area will benefit from alignment with the City of Saint Paul's zoning ordinances, creating a more predictable regulatory environment.
- **Developers, Property Owners, and Contractors** – Those undertaking new development or renovations will have clearer guidance, which may result in both benefits (certainty in the approval process) and potential costs (compliance with updated regulations).
- **Government and Public Entities** – State and local agencies involved in land use, historic preservation, and environmental management will see improved coordination between regulations and planning efforts.

## 1. Those Who Will Bear the Costs of the Proposed Rule

- **Property Owners and Developers** – Those making changes to their properties may incur costs related to compliance with updated zoning and design standards. However, these changes are designed to be reasonable and not overly burdensome.
- **Businesses and Non-Profits** – While benefiting from greater clarity, some may face costs if their operations or facilities need to comply with updated rules.

## 2. Those Who Will Benefit from the Proposed Rule

- **All Stakeholders in the Capitol Area** – The updates will provide clarity, predictability, and alignment with the **City of Saint Paul’s zoning ordinances**, creating a more cohesive and navigable regulatory framework.
- **Residents and Visitors** – The rules will help ensure a well-designed, functional, and historically sensitive Capitol Area, enhancing public spaces and overall urban livability.
- **Neighborhood Groups and Advocacy Organizations** – Those engaged in the **2040 Comprehensive Plan** process will see their input reflected in zoning and design decisions, reinforcing the community’s vision for the area.

Because the 2040 Comprehensive Plan was developed through an extensive public process involving residents, businesses, nonprofits, and neighborhood groups, these proposed rules reflect the priorities and perspectives of the very people they will affect. The result is a balanced approach that ensures thoughtful growth and development while minimizing unnecessary burdens.

## B. Department/Agency Costs

The implementation and enforcement of the proposed rule changes are expected to have minimal financial impact on state agencies and negligible effects on state revenues:

- **Costs to CAAPB** – The Capitol Area Architectural and Planning Board (CAAPB) will incur **minimal costs** related to administrative updates, staff time for enforcement, and public communication. These costs are expected to be absorbed within the agency’s existing budget.
- **Costs to the Department of Administration** – The Department of Administration, which coordinates with CAAPB on Capitol Area planning and management, is also expected to face **minimal costs**, primarily related to continued collaboration on zoning and design compliance.
- **Costs to Other Agencies** – No significant additional costs are anticipated for other state or local agencies, as the rule changes align with existing plans and regulations.
- **Effect on State Revenues** – The proposed updates are not expected to generate or reduce state revenues in any significant way.

Overall, the proposed rule changes are designed to improve clarity and efficiency within the Capitol Area’s zoning and design framework without imposing substantial financial burdens on state agencies or the public.

### **C. Less Costly or Intrusive Methods**

There is no less costly or less intrusive method for achieving the purpose of the proposed rule. The CAAPB’s rulemaking process is the established and necessary method for updating zoning and design regulations in the Capitol Area, ensuring that changes are legally sound, publicly vetted, and aligned with state and local planning efforts.

Given that the Minnesota State Capitol is a National Historic Landmark, maintaining clear and enforceable zoning and design rules is essential for preserving its historical and architectural significance, while also supporting orderly development in the surrounding area. The proposed rule changes strike a balance between regulatory clarity and flexibility, ensuring that updates are reasonable, necessary, and not overly burdensome.

### **D. Alternative Methods**

There is not an alternative method for updating zoning and design rules in the CAAPB area.

### **E. Costs to Comply**

The proposed rule changes are designed to improve clarity, consistency, and efficiency in the Capitol Area’s zoning and design framework without imposing significant financial burdens. However, some costs may be incurred by certain affected parties:

- **Governmental Units** – State and local agencies operating within the Capitol Area may experience minor administrative costs associated with ensuring compliance with updated zoning and design standards. These costs are expected to be absorbed within existing operational budgets.
- **Businesses and Non-Profit Organizations** – Entities undertaking new development or renovations may incur moderate compliance costs, such as design adjustments or permitting expenses. However, these costs are expected to be comparable to or lower than those under the City of Saint Paul’s zoning framework, which the updated rules align with.
- **Property Owners and Developers** – Those planning new construction, renovations, or property modifications may need to adapt to updated design and zoning requirements, which could involve architectural or planning expenses. However, the proposed changes are not overly restrictive and are designed to streamline the approval process, potentially reducing long-term costs.

- **Residents** – No direct financial burden is expected for individual residents, and they will benefit from greater predictability and improved neighborhood character.

## 1. Conclusion

While some compliance costs may arise, particularly for developers and businesses engaged in new projects, the overall impact is expected to be minimal and reasonable. The long-term benefits of a clearer, more consistent regulatory framework will likely outweigh any short-term compliance expenses.

## F. Costs of Non-Adoption

Failing to adopt the proposed rule updates would lead to ongoing inefficiencies, delays, and uncertainty for various stakeholders within the Capitol Area. The primary costs and consequences include:

- **Delays in Development and Approval Processes** – Without updated rules, projects will face longer review times due to outdated or unclear zoning and design guidelines. This could increase costs for developers, businesses, and government agencies needing approvals.
- **Lack of Clarity and Increased Confusion** – The absence of updated rules would perpetuate inconsistencies between CAAPB regulations and the City of Saint Paul’s zoning ordinances, leading to confusion for property owners, businesses, and developers navigating the regulatory process.
- **Reduced Alignment with the 2040 Comprehensive Plan** – Not updating the rules would hinder the implementation of the community-driven vision established in the 2040 Comprehensive Plan, resulting in neighborhood character different from that in the 2040 Vision, and potentially negatively affecting economic development, and infrastructure planning.
- **Potential Legal and Administrative Challenges** – Outdated rules may lead to interpretation disputes, appeals, and inefficiencies, creating additional administrative burdens for CAAPB and the Department of Administration.

## 1. Conclusion

The costs of inaction far outweigh any costs of compliance. Without these updates, projects will be slower, regulatory confusion will persist, and the Capitol Area will miss an opportunity for well-managed, sustainable growth.

## G. Differences from Federal Regulations

The proposed rule updates do not conflict with or override any federal regulations, as federal laws do not govern local zoning and design ordinances. However, the Capitol Area’s regulations must align with federal historic preservation laws, including the National Historic Preservation Act (NHPA) and related guidelines for properties listed on the National Register of Historic Places, such as the Minnesota State Capitol.

### 1. Need for and Reasonableness of Differences

- **Federal Regulations and Local Authority** – The CAAPB has specific statutory authority to regulate zoning and design within the Capitol Area, and these proposed rules serve to enhance local governance in alignment with state and city planning efforts.
- **Preservation and Development Balance** – While federal historic preservation regulations set broad guidelines for maintaining historic character, CAAPB’s rules provide more specific, localized design and zoning standards that address the unique needs of the Capitol Area.
- **Compliance with Federal Standards** – All federal historic preservation laws and guidelines will continue to be followed, ensuring that new development or modifications respect federally recognized historic structures and landscapes.

### 2. Conclusion

The proposed rule changes are consistent with federal regulations and serve a distinct local purpose—ensuring that zoning and design standards support both preservation and responsible growth within the Capitol Area.

## H. Cumulative Effect

The proposed rules cover areas that are not addressed by federal law or other Minnesota state laws. Therefore, this consideration is not applicable for this rule.

## VI. Notice Plan

Minnesota Statutes, section 14.131, requires that an agency include in its SONAR a description of its efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

Details on the previous measures taken to ensure stakeholders received both required and additional notice of this rulemaking during the Request for Comments and rule development period can be found on pages 88 and 89 of this SONAR.

## **A. Required Notice**

The Board is required under Minnesota Statutes, chapter 14 to identify and send notice to several groups. The steps the Board will take to meet those statutory requirements are laid out in detail below.

Consistent with Minnesota Statutes, section 14.14, subd. 1a, on the day the Notice of Intent to Adopt Rules is published in the *State Register*, the Board will send via email or U.S. mail a copy of the Notice of Intent to Adopt Rules and the proposed rule to the contacts on the Board's list of all persons who have registered with the Board for the purpose of receiving notice of rule proceedings as well as all information regarding goings on of the Capitol Area Architectural and Planning Board. There are roughly 5,553 people on the Board's list of persons who have requested noticed of all rule proceedings via GovDelivery. The Notice of Intent to Adopt Rules will be sent at least 33-days before the end of the comment period.

Consistent with Minnesota Statutes, section 14.116(b), the Board will send a copy of the Notice of Intent to Adopt Rules, a copy of the proposed rules, and a copy of the SONAR to the chairs and ranking minority party members of the applicable finance and policy committees and the Legislative Coordinating Commission. These documents will be sent at least 33 days before the end of the comment period.

Consistent with Minnesota Statutes, section 14.131, the Board will send a copy of the SONAR to the Legislative Reference Library when the Notice of Intent to Adopt Rules is sent.

## **B. Additional Notice**

In addition to the required notice referenced above, the Board will make the Notice of Intent to Adopt Rules, SONAR, and proposed rule available on the webpage created for this rulemaking.

The Board also intends to mail a notice with a brief overview of the zoning and design rulemaking with a QR-code hyperlink to electronic copies of the Notice of Intent to Adopt Rules, SONAR, and proposed rule to:

- All owners of property in the Capitol Area.
- All businesses and non-profits in the Capitol Area.

## **VII. Performance-Based Rules**

Minnesota Statutes, section 14.002, requires state agencies, whenever feasible, to develop rules that are not overly prescriptive and inflexible, and rules that emphasize achievement of the Board's



regulatory objectives while allowing maximum flexibility to regulated parties and to the Board in meeting those objectives.

The proposed changes to the Zoning and Design Rules reinforce Minnesota Statutes, section 14.002, in the following ways:

- Removal of requirements for minimum lot width, lot coverage, lot size, off-street parking and the reduction of setback provides greater flexibility to developers and the Board by encouraging diverse development, affordable housing, and/or infill development consistent with the 2040 Comprehensive Plan.
- Exclusionary standards that would prevent certain demographics from residing in the Capitol area have been removed.
- Best practices regarding form-based codes have been incorporated into the changes, including the consolidation of building types, addition of frontage types, addition of massing and articulation standards, and the addition of parking configurations, to enhance the effectiveness and usability of the Rules. These practices help create a more predictable and efficient regulatory environment while promoting desirable built form outcomes.

## **VIII. Consultation with MMB on Local Government Impact**

As required by Minnesota Statutes, section 14.131, the Board will consult with Minnesota Management and Budget (MMB). We will do this by sending MMB copies of the documents that we send to the Governor's Office for review and approval on the same day we send them to the Governor's office. We will do this before the Board publishes the Notice of Intent to Adopt Rules. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Board will submit a copy of the cover correspondence, and any response received from Minnesota Management and Budget to OAH at the hearing or with the documents it submits for ALJ review.

## **IX. Impact on Local Government Ordinance and Rules**

As required by Minnesota Statutes, section 14.128, subdivision 1, the Board has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Board has determined that they do not because the CAAPB is the local government with authority over zoning and design in the Capitol Area.

## **X. Costs of Complying for Small Business or City**

### **A. Agency Determination of Cost**

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city due to the fact that a majority of the proposed changes are to provide clarity and consistency to the zoning and design code with the adopted 2040 Comprehensive Plan.

## **XI. Authors, Witnesses, and Exhibits**

### **B. Authors**

- Erik Cedarleaf Dahl, Executive Secretary Capitol Area Architectural and Planning Board
- Peter Musty, Principal Planner and Administrator of the Zoning and Design Rules, Capitol Area Architectural and Planning Board

## **XII. Conclusion**

In this SONAR, the Board has established the need for and the reasonableness of each of the proposed amendments to Minnesota Rules, 2400. The Board has provided the necessary notice and documented its compliance with all applicable administrative rulemaking requirements of Minnesota statute and rules.

Based on the forgoing, the proposed amendments are both needed and reasonable.

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Executive Secretary of the  
Board

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Date