



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

Draft May 22, 2026

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.
4. How to read a Minnesota Statutes citation: Minn. Stat. § 999.09, subd. 9(f)(1)(ii)(A) is read as Minnesota Statutes, section 999.079, subdivision 9, paragraph (f), clause (1), item (ii), subitem (A).
5. How to read a Minnesota Rules citation: Minn. R. 9999.0909, subp. 9(B)(3)(b)(i) is read as Minnesota Rules, chapter 9999, part 0909, subpart 9, item B, subitem (3), unit (b), subunit (i).

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Acronyms

ADA	American Disabilities Act
APA	Administrative Procedures Act
ALJ	Administrative Law Judge
CAAPB	Capitol Area Architectural and Planning Board
CRWD	Capitol Regional Watershed District
CUP	Conditional Use Permit
FAR	Floor Area Ratio
GFA	Gross Floor Area
MMB	Minnesota Management and Budget
MN	Minnesota
MORS	Minnesota Office of the Revisor of Statutes
NHPA	National Historic Preservation Act
OAH	Office of Administrative Hearings
SHPO	State Historic Preservation Office
SONAR	Statement of Need and Reasonableness

I. Introduction and Overview

A. Introduction

Minnesota’s Capitol Area Architectural and Planning Board, hereinafter the “Board” is proposing to update Minnesota Rules, chapter 2400 titled Capitol Area Zoning and Design Rules, hereinafter the “Rules,” 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, hereinafter the “2040 Comprehensive Plan,” 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 Minn. R. 1400. The Board 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 Board also held a Board meeting/public meeting discussing the proposed rules on March 24, 2025.

Statutory authority for this rulemaking is derived from Minn. Stat. § 15B.06, which grants the Board authority to adopt zoning and design rules, and Minn. Stat. § 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 was updated in 2020 and approved by the Board in 2021. This proposed Rules update will align with the 2040 Comprehensive Plan and surrounding zoning ordinances of the City of Saint Paul and refine existing rules to better regulate and manage the Capitol Area’s physical environment. The proposed changes to the Rules are necessary to align the Rules with the latest Comp Plan for the Minnesota State Capitol Area and current City of Saint 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 the 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 Minn. Stat. § 15B.03, subd 6, which authorizes the Board to adopt rules for zoning and design in the Capitol Area.

Minn. Stat. § 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.

Minn. Stat. § 15B.06 further specifies the Board's authority in the regulation, standards, and procedures within the zoning rules.

Minn. Stat. § 15B.0315B.06 Zoning rules.

Subdivision 1. Zoning rules.

(a) Under the comprehensive plan, the board may regulate in the Capitol Area:

(1) the kind, character, height, and location of buildings and other structures;

(2) the size of yards and open spaces;

(3) the percentage of lots to be occupied; and

(4) the uses of land, buildings, and other structures.

(b) The regulation must be done by zoning rules adopted under chapter 14, the Administrative Procedure Act.

Subd. 2. Construction standards and design-review.

The board, in its zoning rules, may include standards and design-review procedures for proposed construction in the Capitol Area that significantly affect the area's dignity, beauty, and architectural integrity.

Under Minn. Stat. §§ 15B.03 and 15B.06, the Board has the necessary statutory authority to adopt the proposed Rules.

II. Background

Under Minn. Stat. §§ 15B.06 and 15B.03, subd. 6, the Capitol Area Architectural and Planning Board (Board) has adopted Capitol Area Zoning and Design, Minnesota 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 Capitol 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 Saint 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 Capitol Area's development over the next 20 years.

While the 2040 Comprehensive Plan sets the vision for the Capitol Area, the Zoning and Design Rules set 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 and incorporate recent work of the City of Saint Paul, hereinafter "the City," in related zoning and land use decisions and planning.

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 residents of several neighborhoods within or immediately outside the Capitol Area.

III. Public Participation and Stakeholder Involvement

Consistent with the APA, the Capitol Area Architectural and Planning Board published a Request for Comments in the Minnesota State Register on January 13, 2025. To increase accessibility and opportunity for feedback, the Board created a web page that 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 Board sent out GovDelivery emails to our entire email list (5,076 emails), notifying interested parties and individuals in Board 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:

Minnesota Department of Administration

City of Saint Paul

Capitol Region Watershed District

State Historic Preservation Office

Minnesota Historical Society

CAAPB staff presented the rules and overview of SONAR to the Board at a public meeting on March 24, 2025 and May 22, 2025. After a discussion and comments from Board members, the Board directed staff to continue working with stakeholders to refine and amend the proposed rules to best suit the needs of the Board and the Capitol Area regarding zoning and design. Following Board direction, staff has engaged key stakeholders to further refine the Rules.

Finally, in accordance with the requirements of Minn. Stat. § 14, and Minnesota Rules, Chapter 1400, the Board sought input and comments from the public, stakeholders, and individuals affected by these rules. This will occur when the rules are made public and a notices for Request for Comments is published in the State Register.

These activities are described in detail in section VI. Notice Plan on pages 105 to 106 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, 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. The Board engaged key stakeholders, including the Minnesota Department of Administration, the City of Saint Paul, the Capitol Region Watershed District, (CRWD) and the State Historic Preservation Office (SHPO), 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.

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

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.

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

Updating City of Saint Paul references to no longer use “St Paul” or “city of St Paul.”

Updating Capitol area to Capitol Area.

Updating adviser(s) to advisor(s).

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

1. CHAPTER 2400, CAPITOL AREA ZONING AND DESIGN RULES

Added “Rules” for clarity.

2. Part 2400.2005 AUTHORITY AND DUTIES OF BOARD.

A. This chapter is ~~enacted pursuant to~~ adopted under the authority granted to the Capitol Area Architectural and Planning Board by Minnesota Statutes, ~~sections 15B.01 to 15B.31, 15B.34 and 15B.36~~ chapter 15B.

B. The board must:

(1) accept applications for and issue any certificate or permit required by this chapter;

(2) keep and maintain all plans, files, and records pertaining to them; and

(3) perform all other functions necessary for the orderly administration of this chapter.

C. 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 statute, and other approvals referred for action by the board.

Relocated and combined part 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 include Minn. Stat. §§ 15B.01 to 15B.34 to include parts that mandate the board's powers and duties regarding the Capitol building and Capitol Art Exhibit Advisory Committee.

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.**

Modified title of part 2400.2030 for clarity of intent of this part.

5. **Part 2400.2040, subpart 2a. Accessory building.**

Subp. 2a. **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 the Rules which clarifies the distinction from an accessory use. These two terms are related, but not identical, and this definition is necessary to make the distinction clear.

6. **Part 2400.2040, subpart 2b. Accessory dwelling.**

Subp. 2b. **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 the difference between an accessory dwelling and an accessory building. Often, a property might have a primary building, which is called a principal building, and a second, smaller building on the same property. All accessory dwellings are also accessory buildings, but not all accessory buildings are considered accessory dwellings. This change clarifies and expedites the review process for both the applicant and the zoning administrator.

7. **Part 2400.2040, subpart 14a. Block-scale.**

Subp. 14a. **Block-scale.** "Block-scale" means the form and/or size of a building 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 more accurately describe the desired size and form (built form) of many typical building types used in the Rules. This change is necessary because it further clarifies an existing typical building type already found in the Rules.

8. Part 2400.2040, subpart 19. Capitol Area.

Added graphic that illustrates the boundaries and parcels of the Capitol building, Capitol campus, Capitol complex, Capitol grounds, and Capitol mall within the Capitol Area to clarify these distinct areas, which are referenced numerous times throughout the Rules as well as the 2040 Comprehensive Plan. This change is necessary because it makes the applicability of the Rules easier to understand.

9. Part 2400.2040, subpart 19e. Capitol building.

Subp. 19e. Capitol building. “Capitol building” means the State Capitol building.

Added definition to more precisely define the building referenced in the Rules and avoid confusion between several State buildings.

10. Part 2400.2040, subpart 19f. Capitol campus.

Subp. 19f. 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 this definition to clarify and distinguish the Capitol Campus from areas of the Capitol Area.

11. Part 2400.2040, subpart 19g. Capitol complex.

Subp. 19g. Capitol complex. “Capitol complex” means State-owned buildings and grounds managed by the Department of Administration in the Capitol Area.

Added this definition to clarify and distinguish the Capitol complex from other areas of the Capitol Area.

12. Part 2400.2040, subpart 19i. Capitol mall.

Subp. 19i. 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. The two parts of the mall, which are connected by Rev. Dr. Martin Luther King Jr. Boulevard (the boulevard), are:

A. upper mall: the open space north of the boulevard where the Capitol building is located; and

B. lower mall: the open space south of the boulevard and north of 12th Street east of John Ireland Boulevard, and west of Cedar Street.

Modified text to clarify and distinguish the Capitol Mall from other areas of the Capitol Area and reflect official building names. Further, the additional clarification between the Upper and Lower mall helps define areas where Commemorative Artworks will be proposed, built, or removed.

13. Part 2400.2040, subpart 2421a Construction.

Subp. 21a. **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 as required by Minn. Stat. §15B.08 Construction Process, subd. 1(c). The definition is also necessary to clearly define construction as a wholly permanent, not temporary, change, and that maintenance to existing building or site features does not qualify as construction. The construction process subjects an applicant to part 2400.3130 Application and Review Procedures, whereas the maintenance process does not. This change clarifies and expedites the review and permitting process for both the applicant and the **Zoning Administrator**.

14. Part 2400.2040, subpart 24d. Demolition.

Subp. 24d. **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 clearly define demolition as a form of construction resulting in permanent change(s) to site and building, as described in the Rules. This change clarifies and expedites the review and permitting process for both the applicant and the zoning administrator.

15. Part 2400.2040, subpart 35a. Frontage.

Subp. 35a. **Frontage.** "Frontage" means the portion of a building that faces a street or public space.

Added definition to clarify a term used frequently throughout the Rules. This definition is necessary for a user to understand the intended form of the built environment in the Capitol Area and other standards in the Rules.

16. Part 2400.2040, subpart 36a. Gross floor area.

Subp. 36a. **Gross floor area.** "Gross floor area" or "GFA" means the sum in square feet of all floors of the building measured from the exterior face of the exterior walls, including all enclosed habitable space and elevators, hallways, and stairwells on stories containing habitable space. Non-enclosed (or non-enclosable) roofed-over areas, such as exterior covered walkways, porches, terraces or steps, roof overhangs, and similar features are excluded from the gross floor area.

Added definition for new term used in part 2400.2801 Size limitations of off-street surface parking to clarify the computing of standards for the maximum number of off-street surface parking spaces.

17. Part 2400.2040, subpart 37a. Historic property.

Subp. 37a. **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 identify applicability of and effectively administer part 2400.3125 Historic Resources. This definition was provided by the State Historic Preservation Office, whose leadership and the Board staff have collaborated to formalize the review process for historic resources in the Capitol Area. (NOTE: Please see more extensive SONAR statement on pages 98 to 99 relevant to item #203 part 2400.3125 Historic Preservation.

18. Part 2400.2040, subpart 38a. House-scale.

Subp. 38a. **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 distinguish between "block-scale" and “house-scale,” terms used to describe the different form and scale of buildings (building types) illustrated in the Rules. This definition is necessary for users to understand more clearly the size and form of a building.

19. Part 2400.2040, subpart 40. Interim use.

Subp. 40. **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 the Rules. This is a commonly understood definition for a term widely used in most Zoning Ordinances throughout the United States.

20. Part 2400.2040, subpart 49. Lot width.

Subp. 49. **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 the Rules.

Modified graphic title to reflect current standards in measurement.

21. Part 2400.2040, subpart 50c. Middle housing.

Subp 50c. **Middle housing.** “Middle housing” means house-scale multi-family or clustered housing types that are compatible with both single-family homes and mid-rise buildings.

Added definition for a term used in the Rules to integrate residential housing choices as outlined in Chapter 6 of the 2040 Comprehensive Plan and added to the description of MR Mixed Residential District. This is a commonly understood definition for a term widely used in Comprehensive Plans, Zoning Ordinances, and other planning documents throughout the United States.

22. Part 2400.2040, subpart 51. ~~Multiple-family~~ Multifamily dwelling.

Subp. 51. ~~Multiple-family~~ **Multifamily dwelling.** "~~Multiple-family~~ **Multifamily dwelling**" means a building designed exclusively for occupancy by three or more families living independently of each other.

Modified term with a more common and modern term used in the United States.

23. Part 2400.2040, subpart 58. One-family dwelling.

Subp. 58. **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 the Rules.

24. Part 2400.2040, subpart 60a. Pedestrian-oriented.

Subp. 60a. **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 reflect the type of built environment that is envisioned in the 2040 Comprehensive Plan. This term is used often in the Rules as a basis for designing buildings so that it positively contributes to a pedestrian's experience.

25. Part 2400.2040, subpart 60b. Permitted use.

Subp. 60b. **Permitted use.** "Permitted use" means a use that is allowed by-right within a zoning district pursuant to part 2400.2250.

Added definition to clarify a term used in the Rules. This is a commonly understood definition for a term widely used in most Zoning Ordinances throughout the United States.

26. Part 2400.2040, subpart 62a. Primary street.

Subp. 62a. **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 part 2400.2405 and clarify an existing Rule by providing more specificity. Identifying a primary street determines how to place a building on a property.

27. Part 2400.2040, subpart 65c. Rear setback line.

Subp. 65c. **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 more clearly define where an applicant can place a building on their property. This term is used in the Rules and is a commonly understood definition for a term widely used in zoning ordinances throughout the United States. This definition does not constitute a change to where a building can be built, but rather a clearer understanding of the existing Rule.

28. Part 2400.2040, subpart 65d. Removal.

Subp. ~~65a~~65d. **Removal.** "Removal" means the removal of an artwork or sign 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.

Relocated text from part 2400.2905 that further clarifies the definition of the term "removal" and added text to clarify that this term also addresses signs, not just artwork.

29. Part 2400.2040, subpart 65e. Removal request.

Subp. ~~65b~~65e. **Removal request.** "Removal request" means an applicant's request to remove a specific artwork or sign that the applicant submits to the board on an application form describing why the applicant is requesting to remove the artwork and including a potential disposition plan and a concept plan for restoration of the site after the artwork is removed.

Added text to clarify that this term also addresses signs, not just artwork.

30. Part 2400.2040, subpart 67a. Side setback line.

Subp. 67a. **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 more clearly define where an applicant can place a building on their property. This term is used in the Rules and is a commonly understood definition for a term widely used in zoning ordinances throughout the United States. This definition does not constitute a change to where a building can be built, but rather a clearer understanding of the existing Rule.

31. 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.

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

32. 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.

33. Part 2400.2040, subpart 68, item AB. 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 what constitutes a "yard sign." The term is used in the Rules along with other similar terms defined in part 2400.2040 Definition, and is necessary for consistency in defining and distinguishing from similar terms.

34. Part 2400.2040, subpart 69b. Sign disrepair.

Subp. 69b. ~~Sign Disrepair~~disrepair. "Sign-Disrepairdisrepair" 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.

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

35. Part 2400.2040, subpart 69c. Single-family dwelling.

Subp. 69c. ~~Single-family dwelling~~. "Single-family dwelling" means a building or unit that consists of one dwelling unit occupied by one household.

Added definition to replace the term "One-family dwelling" with a more common and modern term used in the United States.

36. Part 2400.2040, subpart 78a. Tribal flag plaza.

Subp. 78a. ~~Tribal flag plaza~~. "Tribal flag plaza" means the plaza in lower mall displaying flags of federally recognized Tribes in the borders of the state. The tribal flag plaza includes its flags, related signage, and plantings.

Added definition to define a new term used in the Rules. This definition is necessary because a new element has been added to the Capitol Mall that is not a Commemorative Work.

37. Part 2400.2040, subpart 79. Two-family dwelling.

Subp. 79. ~~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 the Rules. The term “multi-family dwelling,” which encompasses dwelling units for two families, has been added to part 2400.2040 Definitions.

38. Part 2400.2100 ZONING DISTRICTS ESTABLISHED.

The following zoning districts and overlay for the Capitol ~~area~~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~~ Capitol rice district overlay (~~CC-O~~CRD).

Renamed moderate density district (RM) to remove reference to density and clarify intended use as primarily residential uses with mixed non-residential uses. This change is necessary because there are no references to specific densities in the district. This is reasonable because a user might be looking through the Rules to find a required density and be confused when they cannot find one. It is reasonable to describe the district as mixed residential, as this better aligns with the character of the area.

Renamed CC-O central corridor overlay district to Capitol rice district overlay (CRD) to better align with the Capitol rice district development framework and the Capitol Rice District in the 2040 Comprehensive Plan. This change necessary because the City of Saint Paul no longer uses the term central corridor overlay for the area. This change is necessary and reasonable for clarity.

39. Part 2400.2105, Subpart 1. Establishment of zoning districts.

The Capitol ~~area~~Area is divided into zoning districts as shown on the official zoning map entitled Zoning ~~Districts~~ districts for the Capitol ~~area~~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 the Rules.

40. Part 2400.2105, Subpart 2. Zoning districts for the Capitol areaArea.

Updated diagram in color for clarity and legibility.

41. Part 2400.~~2110~~2105, Subpart 3. Zoning district boundaries.

Relocated from part 2400.2110 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.”

42. Part 2400.2200 General Provisions.

Relocated from part 2400.2200 to part 2400.2250 to follow each zoning district. Renamed and consolidated with part 2400.2205 to clarify intent as “use standards.”

43. Part 2400.2210, 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.

44. Part 2400.2210, subpart 2. Building placement.

Minimum setback

Front yard See frontage map (part 2400.2400)

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

45. Part 2400.2210, subpart 3. Building types.

Building Types	Minimum lot width
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.

46. Part 2400.2210, subpart 4. Parking requirements and placement.

A. Off-street parking is not required. Surface parking facilities shall comply with the parking maximums in part 2400.2801.

B. 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.

Added “requirements” to the subpart title and standard to clarify that this zone has no minimum parking requirements. This is necessary to reflect the change in the Rules removing all minimum parking requirements in the Capitol Area, which aligns with the City of Saint Paul’s updated parking ordinance.

Added reference to standards in new part 2400.2801 Size Limitations of Off-Street Surface Parking Facilities. The Rules would be less clear without this reference.

47. Part 2400.2210, ~~subpart 5. Lot area and coverage.~~

~~Subp. 5 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.

Building type	Minimum lot size
All buildings	10,000 square feet
Maximum impervious coverage	85 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 types. This is necessary to align with Chapter 6 of the 2040 Comprehensive Plan for land use diversity. Removing minimum lot size requirements allows for the development of smaller lots and therefore a more diverse use of the land in the Capitol Area. This is reasonable because lot width minimums are no longer necessary to regulate development intensities where there are strong building height and frontage, side-yard, and fire code and building code parameters that adequately limit development intensities. They are considered in practice by some as exclusionary, with widths that are arbitrary and interfere with the natural provision of the real estate market in communities such as the Capitol Area that have Comprehensive Plans that are striving to implement a wider diversity of living choices through approval of a broader range of building types.

Relocated maximum impervious coverage standard to part 2400.2635 Stormwater management standards to consolidate standards pertaining to stormwater management.

48. Part 2400.2210, subpart 7. Stormwater management.

Subp. 7. **Stormwater management.** All proposed projects must comply with part 2400.2635.

Added new subpart to reference standards in part 2400.2635 Stormwater Management Standards, consolidating stormwater standards into one section where previously they were scattered throughout the Rules. The Rules would be less clear without this reference.

49. Part 2400.2210, subpart 8. Historic preservation.

~~Subp. 8. **Historic resources.** All proposed projects must comply with part 2400.3126.~~

Removed proposed new subpart to as standards in new part 2400.3126 Historic Preservation do not apply to projects in the G-1 District.

50. Part 2400.2210, subpart 9. Projects on public lands.

~~Subp. 8. **Projects on public lands.** All proposed projects must comply with part 2400.3124.~~

Removed proposed new subpart to as new part 2400.3124 Projects On Public Lands has been removed, because it was deemed unnecessary to repeat or reference applicability of statutory law within Rules.

51. Part 2400.2210, subpart 10. Capitol Rice district overlay.

~~Subp. 10. **Capitol Rice district overlay.** State-owned land and buildings must comply with part 2400.2235 to the extent allowed under law and subject to applicable funding requirements. All other proposed projects ~~Properties~~ located within the Capitol Rice district overlay must comply with part 2400.2235.~~

Added new subpart to reference part 2400.2235 for clarity on applicability of standards. This is necessary because there are several parcels within this zone that are within the CRD Overlay. This is not a change in the standards but necessary to make the Rules more clear.

Added new language to clarify expectations for how Capitol Rice District Overlay standards apply to state-owned property.

52. Part 2400.2215, subpart 1. District intent.

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

53. Part 2400. 2215, subpart 2. Parking requirements and placement.

A. Off-street parking is not required. Surface parking facilities shall comply with the parking maximums in part 2400.2801.

B. 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 “requirements” to the subpart title and standard to clarify that this zone has no minimum parking requirements. This is necessary to reflect the change in the Rules removing all minimum parking requirements in the Capitol Area, which aligns with the City of Saint Paul’s updated parking ordinance.

Added reference to standards in new part 2400. 2801 Size Limitations of Off-Street Surface Parking Facilities and reference to standards in part 2400.3155 Conditional uses. The Rules would be less clear without this reference.

54. Part 2400. 2215, subpart 3. Stormwater management.

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

Added new subpart to reference standards in part 2400.2635 Stormwater Management Standards, consolidating stormwater standards into one section where previously they were scattered throughout the Rules. The Rules would be less clear without this reference.

55. Part 2400. 2215, subpart 4. Historic preservation.

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

Removed proposed new subpart to as standards in new part 2400.3126 Historic Preservation do not apply to projects in the G-2 District.

56. Part 2400. 2215, subpart 5. Projects on public lands.

Subp. 5. Projects on public lands. All proposed projects must comply with part 2400.3124.

Removed proposed new subpart to as new part 2400.3124 Projects On Public Lands has been removed, because it was deemed unnecessary to repeat or reference applicability of statutory law within Rules.

57. Part 2400.2220 MR MIXED ~~RM Moderate Density~~ RESIDENTIAL DISTRICT

Updated title of this zoning district is used throughout the Rules.

58. Part 2400. 2220, 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.

Revised text removes references to density, which is a metric not utilized in the Rules, and encourages middle housing and pedestrian-oriented development to align with Chapters 4 and 6 of the 2040 Comprehensive Plan. This is necessary to promote diversity (mix) of residential living choices at the building, block, and neighborhood scales. This is reasonable because the intent more closely describes the existing neighborhood character and does not impose additional development constraints.

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.

59. Part 2400.2220, subpart 2. Building placement.

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

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

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. Reducing the rear setback is necessary to expand the lot area that can be built on, which will allow for a greater range of housing types and expand opportunity for existing owners and new investment. This aligns with Chapter 6 of the 2040 Comprehensive Plan to encourage housing diversity and expand residential living choices in the Capitol Area. This change is reasonable because building height, side yard setback, and front setbacks remain the same, and these standards are more directly related to what can be seen from the street. Further, all residential zoning districts in the City of Saint Paul (RL, H1, H2) prescribe a rear setback of 10 feet, which allows for sufficient privacy, safety, and landscape opportunities. Added reference for ease of navigation to the referenced map/part.

60. Part 2400.2220, 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
One family	35 feet
Two family twin	20 feet/unit
Two family duplex	35 feet
Townhouse	20 feet
<u>Small apartment (3-4 units)</u> <u>Small multiplex (1 to 4 units)</u>	40 feet

<u>Large apartment-multiplex(5-plus units) (5 or more units)</u>	50 feet
<u>Courtyard multiplex</u>	Not applicable
<u>Carriage house</u>	50 feet
<u>Commercial block</u>	
<u>Podium</u>	
<u>All nonresidential buildings</u>	

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. This is necessary to align with Chapter 6 of the 2040 Comprehensive Plan for land use diversity. Removing minimum lot size requirements allows for the development of smaller lots and therefore a more diverse use of the land in the Capitol Area. This is reasonable because lot width minimums are no longer necessary to regulate development intensities where there are strong building height and frontage, side-yard, and fire code and building code parameters that adequately limit development intensities. They are considered in practice by some as exclusionary, with widths that are arbitrary and interfere with the natural provision of the real estate market in communities such as the Capitol Area that have Comprehensive Plans that are striving to implement a wider diversity of living choices through approval of a broader range of building types.

61. Part 2400.2220, subpart 4. Parking requirements and placement.

Subp. 4. **Parking requirements and 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~~
 - ~~(2) set back a minimum of three feet from side and rear lot lines, including alleys.~~~~
- A. Off-street parking is not required. Surface parking facilities shall comply with the parking maximums in part 2400.2801.

- B. 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.
- C. 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.

Added “requirements” to the subpart title and standard to clarify that this zone has no minimum parking requirements. This is necessary to reflect the change in the Rules removing all minimum parking requirements in the Capitol Area, which aligns with the City of Saint Paul’s updated parking ordinance.

Added reference to standards in new part 2400.2801 Size Limitations Of Off-Street Surface Parking Facilities. The Rules would be less clear without this reference.

Replaced parking placement standards with standards in part 2400.2225 MX Mixed Use District to include and clarify parking placement standards for residential use and nonresidential or mixed use. This is also necessary to clarify the distinction between residential and non-residential or mixed-use parking placement. The parking placement standards for residential uses are simply a reorganization and do not include any new language. Non-residential uses are permitted in the district, yet no specific standard for parking placement existed. Replicating the parking placement standards of the MX district provides continuity between the districts and simplifies the Rules for a user. This change is reasonable because it is extremely common in a typical Zoning Code that residential parking and non-residential parking have different standards.

62. Part 2400.2220, subpart 5. Lot area and coverage.

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

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

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. This is necessary to align with Chapter 6 of the 2040 Comprehensive Plan for land use diversity. Removing minimum lot size requirements allows for the development of smaller lots and therefore a more diverse use of the land in the Capitol Area. This is reasonable because lot width minimums are no longer necessary to regulate development intensities where there are strong building height and frontage, side-yard, and fire code and building code parameters that adequately limit development intensities. They are considered in practice by some as exclusionary, with widths that are arbitrary and interfere with the natural provision of the real estate market in communities such as the Capitol Area that have Comprehensive Plans that are striving to implement a wider diversity of living choices through approval of a broader range of building types.

Relocated maximum impervious coverage standard to part 2400.2635 Stormwater management standards to consolidate standards pertaining to stormwater management.

63. Part 2400.2220, subpart 7. Stormwater management.

Subp. 7. **Stormwater management.** All proposed projects must comply with part 2400.2635

Added new subpart to reference standards in part 2400.2635 Stormwater Management Standards, consolidating stormwater standards into one section where previously they were scattered throughout the Rules. The Rules would be less clear without this reference.

64. Part 2400.2220, subpart 8. Historic preservation.

Subp. 8. **Historic preservation.** All proposed projects must comply with part 2400.3126.

Added new subpart to reference standards in new part 2400.3126 Historic Preservation. The Rules would be less clear without this reference.

65. Part 2400.2220, subpart 9. Capitol Rice district overlay.

Subp. 8. Capitol Rice district overlay. All proposed project Properties located within the Capitol Rice district overlay must comply with part 2400.2235.

Added new subpart to reference part 2400.2235 for clarity on applicability of standards. This is necessary because there are several parcels within this zone that are within the CRD Overlay. This is not a change in the standards but necessary to make the Rules more clear.

66. Part 2400.2225, subpart 1. District intent.

Subpart 1. **District intent.** The intent of the MX Mixed Use District is to foster vital commercial streets that serve the needs of surrounding neighborhoods and the Capitol campus, and to encourage development that is pedestrian-oriented and supports transit ~~supportive development~~ along these corridors.

Modified text to be more descriptive without the need to define transit-supportive 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.

67. Part 2400.2225, 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.

68. Part 2400.2225, subpart 3. Building types

Building Type

~~**Minimum Lot Width**~~

~~Civic building~~

~~60 feet~~

~~Commercial block building~~

~~35 feet~~

~~Podium building~~

~~60 feet~~

~~Parking building~~

~~60 feet~~

~~Liner building~~

~~60 feet~~

~~Single family detached~~

~~35 feet~~

~~Two family twin~~

~~25 feet~~

~~Two family duplex~~

~~35 feet~~

Townhouse

~~20 feet~~

Small apartment (3-4 units) <u>Small multiplex (1 to 4 units)</u>	40 feet 50 feet
Large apartment-multiplex(5-plus-units) <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. This is necessary to align with Chapter 6 of the 2040 Comprehensive Plan for land use diversity. Removing minimum lot size requirements allows for the development of smaller lots and therefore a more diverse use of the land in the Capitol Area. This is reasonable because lot width minimums are no longer necessary to regulate development intensities where there are strong building height and frontage, side-yard, and fire code and building code parameters that adequately limit development intensities. They are considered in practice by some as exclusionary, with widths that are arbitrary and interfere with the natural provision of the real estate market in communities such as the Capitol Area that have Comprehensive Plans that are striving to implement a wider diversity of living choices through approval of a broader range of building types.

69. Part 2400.2225, subpart 4, Parking requirements and placement.

A. Off-street parking is not required. Surface parking facilities shall comply with the parking maximums in part 2400.2801.

B. Residential use parking may be located within an attached or detached garage, on a driveway leading to a garage, ~~outside~~ 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.

C. 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.

(3) 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.

Added “requirements” to the subpart title and standard in item A to clarify that this zone has no minimum parking requirements. This is necessary to reflect the change in the Rules removing all minimum parking requirements in the Capitol Area, which aligns with the City of Saint Paul’s updated parking ordinance.

Added reference in item A to standards in new part 2400.2801 Size Limitations Of Off-Street Surface Parking Facilities. The Rules would be less clear without this reference.

Replaced text in item B to clarify location of residential parking.

Added text in item C to clarify the location and type of parking allowed for nonresidential or mixed use. This addition is reasonable because these standards are primarily a clarification and not new regulation.

Added standard in item C for greater distance between parking and driveways to reduce the number of collision points and improve safety and visibility for vehicles and pedestrians. This is necessary to improve safety and visibility for motorists and pedestrians.

70. Part 2400.2225, subpart 5. Lot area and coverage.

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

Building type	Minimum lot size
Non-residential or mixed use	None
Single-family detached	5,000 square feet
Two-family (per unit)	3,000 square feet
Townhouse (per unit)	2,400 square feet
Multi-family (per unit)	1,200 square feet
Maximum impervious coverage	85 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 types. This is necessary to align with Chapter 6 of the 2040 Comprehensive Plan for land use diversity. Removing minimum lot size requirements allows for the development of smaller lots and therefore a more diverse use of the land in the Capitol Area. This is reasonable because lot width minimums are no longer necessary to regulate development intensities where there are strong building height and frontage, side-yard, and fire code and building code parameters that adequately limit development intensities. They are considered in practice by some as exclusionary, with widths that are arbitrary and interfere with the natural

provision of the real estate market in communities such as the Capitol Area that have Comprehensive Plans that are striving to implement a wider diversity of living choices through approval of a broader range of building types.

Relocated maximum impervious coverage standard to part 2400.2635 Stormwater management standards to consolidate standards pertaining to stormwater management.

71. Part 2400.2225, subpart 7. Stormwater management.

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

Added new subpart to reference standards in part 2400.2635 Stormwater Management Standards, consolidating stormwater standards into one section where previously they were scattered throughout the Rules. The Rules would be less clear without this reference.

72. Part 2400.2225, subpart 8. Historic preservation.

Subp. 7. Historic preservation. All proposed projects must comply with part 2400.3126.

Added new subpart to reference standards in new part 2400.3126 Historic Preservation. The Rules would be less clear without this reference.

73. Part 2400.2225, subpart 9. Projects on public lands.

Subp. 9. Projects on public lands. All proposed projects must comply with part 2400.3124.

Removed proposed new subpart to as new part 2400.3124 Projects On Public Lands has been removed, because it was deemed unnecessary to repeat or reference applicability of statutory law within Rules.

74. Part 2400.2225, subpart 9. Capitol Rice district overlay.

Subp. 9. Capitol Rice district overlay. State-owned land and buildings must comply with part 2400.2235 to the extent allowed under law and subject to applicable funding requirements. All other proposed projects ~~Properties~~ located within the Capitol Rice District Overlay must comply with part 2400.2235.

Added new subpart to reference part 2400.2235 for clarity on applicability of standards. This is necessary because there are several parcels within this zone that are within the CRD Overlay. This is not a change in the standards but necessary to make the Rules more clear.

Added new language to clarify expectations for how Capitol Rice District Overlay standards apply to state-owned property

75. Part 2400.2230, 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.

76. Part 2400.2230, subpart 2. Building placement

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

Added zero feet as the minimum setback required for interior side yards to clarify standards for principal buildings not adjacent to residential use. This zoning district is an extension of downtown Saint Paul as outlined in Chapter 7c of the 2040 Comprehensive Plan, and it is reasonable to expect that buildings are attached as found in numerous downtowns throughout the United States.

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

Modified from ten to 10 for consistency with formal writing styles that use numerals for 10 and above.

77. Part 2400.2230, subpart 3. Building types.

Building Type	Minimum Lot Width
Commercial block building	35 feet
Podium building	60 feet
Parking building	60 feet
Liner building	60 feet
Large apartment (5 plus units) <u>multiplex (5 or more units)</u>	50 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. This is necessary to align with Chapter 6 of the 2040 Comprehensive Plan for land use diversity. Removing minimum lot size requirements allows for the development of smaller lots and therefore a more diverse use of the land in the Capitol Area. This is reasonable because lot width minimums are no longer necessary to regulate development intensities where there are strong building height and frontage, side-yard, and fire code and building code

parameters that adequately limit development intensities. They are considered in practice by some as exclusionary, with widths that are arbitrary and interfere with the natural provision of the real estate market in communities such as the Capitol Area that have Comprehensive Plans that are striving to implement a wider diversity of living choices through approval of a broader range of building types.

78. Part 2400.2230, subpart 4. Parking requirements and placement.

Subp. 4. Parking requirements and placement.

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

B. Structured parking must be underground or fully enclosed by other permitted uses at ground level, with the exception of necessary entrances and exits.

Added “requirements” to the subpart title to be consistent with similar subpart in other zones.

Added numbering for the distinct items in this subpart consistent with the structure of similar subpart in other zones.

79. ~~Part 2400.2230, subpart 5. Lot area and coverage.~~

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

Building type	Minimum lot size
All buildings	None
Maximum impervious coverage	85 percent of lot area

Removed minimum lot size standards in subp 5. Lot area and coverage that serves no purpose as its requirement does not establish any criteria or guidance, making it functionally irrelevant. This is necessary to prevent confusion and improve clarity to the user.

Relocated maximum impervious coverage standard to part 2400.2635 Stormwater management standards to consolidate standards pertaining to stormwater management.

80. Part 2400.2230, subpart 7. 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.

81. Part 2400.2230, subpart 8. Historic preservation.

Subp. 8. Historic preservation. All proposed projects must comply with part 2400.3126.

Added new subpart to reference standards in new part 2400.3126 Historic Preservation. The Rules would be less clear without this reference.

82. Part 2400.2230, subpart 9. Projects on public lands.

~~Subp. 9. **Projects on public lands.** All proposed projects must comply with part 2400.3124.~~

Removed proposed new subpart to as new part 2400.3124 Projects On Public Lands has been removed, because it was deemed unnecessary to repeat or reference applicability of statutory law within Rules.

83. Part 2400.2235 CRD CAPITOL RICE DISTRICT ~~CENTRAL CORRIDOR (CC) OVERLAY DISTRICT.~~

Renamed CC-O central corridor overlay district to Capitol rice district overlay (CRD) to better align with the Capitol rice district development framework

84. Part 2400.2235, 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 the Rules.

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.

85. Part 2400.2235, 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.

86. Part 2400.2235, subpart 5. Building area and height

Subp. 5. ~~Minimum intensity~~**Building area and height.**

Modified 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. This modification is necessary because it more accurately and fully describes what a user might expect to find in this subpart. It is easier to understand the terms “building area” and “height” than “intensity”. “Intensity” can’t be measured directly, whereas “Building area” and “height” can. It is reasonable as a title change does not impact development constraints.

87. Part 2400.2235, subpart 5, 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 the Rules.

Relocated subitem 2 to item B as this is no longer a list.

88. Part 2400.2235, subpart 5, item C.

C. New buildings ~~shall~~ must 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.

89. Part 2400.2235, subpart 5a. Blocks.

Subp. 5a. 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 500 feet on any side in length and 1,600 feet in perimeter unless a specific site conditions indicate need for larger block and is specifically approved by the zoning administrator. Where ~~M~~mid-block connections are included, in the form of publicly accessible pathways or streets, the block length may be a maximum of 600 feet and the block perimeter a maximum of 2,000 feet. ~~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. This is necessary to align with Chapter 4 of the 2040 Comprehensive Plan to provide an integrated, high-quality, human scale public realm experience. In addition, the entire overlay area falls within the High Priority Area for Walking Investments, as identified in the Saint Paul Pedestrian Plan (adopted June 2019). Smaller block standards create more walkable blocks because they create shorter routes between two points for pedestrians. These are reasonable additions because historic block patterns in the Capitol Area and surrounding neighborhoods are generally 500 to 600 feet in length.

90. Part 2400.2235, subpart 5b. Frontages.

Subp. 5b. Frontages. ~~and frontage use.~~ The following standards apply to new buildings in the CRD ~~CC~~ Overlay ~~District~~:

Modified and renumbered subp. 5b (previously subp. 5) title from Minimum intensity and frontage use to subp. 5b Frontages to clearly communicate and consolidate standards for frontages only. This modification is necessary to clarify what a user might expect to find in this subpart. Further, the term "frontage use" is nebulous and rarely found in a typical zoning ordinance in the United States.

91. Part 2400.2235, subpart 5b, item A.

A. A minimum of 50 percent of ground floor building frontage along University Avenue and Rice Street must be occupied by uses that encourage pedestrian activity and interest, including, but not limited to, retail and service uses, meeting rooms, eating areas, and offices serving the public. Buildings owned or lease-purchased by the state are exempt from this requirement, although active uses are encouraged on the ground floor frontage of state buildings.

Added new standards to require active uses along at least half of the ground floor building frontage on University Avenue and Rice Street to be consistent with the Capitol Rice Development Framework.

92. Part 2400.2235, subpart 5b, item B.

B. For any new block, one of four frontage types in compliance with parts 2400.2400 to 2400.2415 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 Capitol Rice Development Framework and clarify the approval process. This additional standard is necessary to align the Rules with Section F of the Capitol Rice Development Framework. The frontages listed in part 2400.2415 clearly illustrate permitted frontage types creating a predictable standard for users. It is reasonable to expect a higher degree of review where the street meets the edge of the parcel, and frontage types are a common tool found in Zoning Ordinances to regulate that relationship. Updated zoning district title and acronym to be consistent throughout the Rules.

93. Part 2400.2235, subpart 6. Parking requirements standards.

Subp. 6. Parking requirements standards.

~~A. 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.~~

~~B. 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.~~

A. Off-street parking is not required. Surface parking facilities shall comply with the parking maximums in part 2400.2801.

Replaced “standards’ with “requirements” to the subpart title for clarity and consistency with similar subpart in other zones.

Replaced and consolidated standards in items A and B as item A for consistency with similar subpart in other zones and to clarify that this zone has no minimum parking requirements. This is necessary to reflect the change in the Rules removing all minimum parking requirements in the Capitol Area, which provides flexibility and promotes more effective use of the limited land supply in the overlay area. The removal of the parking minimum is necessary to align with both the 2040 Comprehensive Plan and with the latest revisions to the City of Saint Paul Zoning Code. Chapter 5 of the 2040 Comprehensive Plan states, “The Capitol Area is a historically multimodal district. Our 20-year vision calls for efforts to be redoubled to restore the focus from the individual car toward an enhanced, fully developed, multi-modal mobility infrastructure.” Reducing the space for cars encourages walking, biking, and utilizing other forms of public transit. The City of Saint Paul eliminated their parking minimums, and while the Capitol Area has its own Rules, it is still part of the City of Saint Paul. It is reasonable to expect a regulation of this magnitude to be consistent across two sides of a street in the City of Saint Paul. Further, this does not create an undue hardship on real estate developers, builders, or business owners as they are still permitted to build additional parking to meet market needs.

Added reference in item A to standards in new part 2400.2801 Size Limitations of Off-Street Surface Parking Facilities. The Rules would be less clear without this reference.

94. Part 2400.2235, subpart 8. MX master plan submittal requirements.

Subp. 8. MX master plan submittal requirements.

A. The Capitol Rice Development Framework, Addendum to Principle 7A of the 2040 Comprehensive Plan for the Minnesota State Capitol Area, is incorporated by reference. The Capitol Rice Development Framework (CRDF) is not subject to frequent change and is available on the Board’s website at <https://mn.gov/caapb/planning>.

B. The CRDF 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 mixed use district master plan, are required by the Executive Secretary and the city City of Saint Paul to perform reviews.

C. Where there is a conflict between standards or requirements in the Rules and the CRDF, the Executive Secretary will make an administrative determination on which to use.

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

Added language to help reconcile if/when there are conflicts between block size standards or frontage Subps. in Rules vs CRDF

95. Part 2400.2250, 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 the table for Permitted and Conditional Uses by District in this part and added text to clarify that relevant parts are identified in the table instead of a “Y.” The replacement of standards with references to parts of 2400 is necessary for clarity. It is reasonable that a user might want to more easily navigate the Rules.

96. Part 2400.2250, PERMITTED AND CONDITIONAL USES BY DISTRICT.

	G-1	G-2	RMMR	MX	MXD	StandardsReferences
State-Owned Institutions and Facilities						
The Capitol of Minnesota, including but not limited to executive, judicial, and legislative uses	P	P				
Commemorative <u>artworks</u> , monuments, or memorials	P	C	C	C	C	Y <u>2400.2703</u>
State of Minnesota offices, including but not limited to executive, judicial, legislative and administrative offices	P			P	P	
State of Minnesota museums, historical centers and tourist information facilities	P			P	P	
Parking facilities, surface lots	C	C		P		Y <u>2400.2630; 2400.2800</u>
ADA compliant parking facilities <u>Individually accessible parking stalls</u>	<u>P</u>	<u>P</u>				
State-owned <u>Parking facilities, underground</u>	P	P		P		<u>2400.2800</u>
State-owned <u>Parking facilities, structured, aboveground</u>	P			P	P	<u>2400.2800</u>
Permanent open spaces that preserve and enhance the Capitol area <u>Area</u> , including but not limited to, lawns, gardens, landscaped areas, and plazas	P	P	P	P	P	
Underground structures containing permitted uses <u>for State-owned institutions and facilities</u>	P	P	P	P	P	Y <u>2400.2705</u>
Other uses necessary for the satisfactory and efficient operation of the facilities of state government and to provide adequate public access to them	P	C		C	C	
Civic and Institutional Uses						
Day care centers, home day care	C		P/C	P	P	<u>2400.2705</u> Y
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	Y
Residence associated with place of worship, including rectory or convent	C		P	P	P	
School, grades K-12	C		P	C	P	Y

	G-1	G-2	<u>RMMR</u>	MX	MXD	<u>StandardsReferences</u>
Trade school, business school, art school, or similar enterprise				C	P	¥
Residential - Family Living						
One Single-family detached dwellings			P	P		
Two Multi-family dwellings, two to four units			P	P		
Townhouse dwellings			P	P		
Multiple family dwellings, three and four unit			P	P		
Multiple-family dwellings, five or more units			C	P	P	¥
Carriage Accessory house dwellings			P	P	P	¥ 2400.2605
Housing for the elderly			€	P	P	¥
Residential - Congregate Living						
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			P/C	C	C	<u>2400.2715</u>
Foster home, freestanding foster care home			P	P	C	<u>2400.2715</u>
Hospice			C	C	C	<u>2400.2715</u>
Nursing home, boarding care home, assisted living			C	C	C	<u>2400.2715</u>
Rooming house, boarding house			C	C		<u>2400.2715</u>
Adult care homes			P/C	P/C	€	<u>2400.2715</u>
Community residential facilities, licensed correctional			€	€	€	<u>2400.2715</u>
Emergency housing facilities			P/C	€	€	<u>2400.2715</u>
Foster homes			P	P	P	
Overnight shelters					€	
Rooming houses			€	€	€	
Mixed Commercial-Residential Uses						
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	
Public Services and Utilities						
Antenna, cellular telephone	P/C		P/C	P/C	P/C	¥ <u>2400.2725</u>
Electric transformer or gas regulator substation	C		C	C	C	
Utility or public service building	C		C	C	C	
Commercial Uses						
Offices						
Administrative or professional office	C			P	P	
Artist, photographer, or other professional	C			P	P	

	G-1	G-2	RMMR	MX	MXD	StandardsReferences
studio						
Medical Facilities						
Clinic, medical or dental	C			P	P	
Hospital	C			C	C	¥ 2400.2630
Veterinary clinic				P	P	¥
Retail Sales and Services						
General retail*	€		€	P	P	¥
Banks, credit union	C			P	P	
Business sales and services				P	P	
Dry cleaning, commercial laundry				P	P	
Food and related goods sales	C			P	P	
Garden shops, greenhouses				C		
General retail	C		C	P	P	2400.2730
Laundromats, self-service				P	P	
Mortuaries, funeral home				C		
Outdoor sales, primary and accessory				C		
Photocopying	C			P	P	
Post office	P			P	P	
Service business*	C		C	P	P	¥ 2400.2730
Small appliance or engine repair				C		
Outdoor sales, primary and accessory				€		
Food and Beverages						
Bars, taverns				C	C	
Catering				P	P	
Coffee shops, tea houses	P		C	P	P	¥ 2400.2730
Restaurants	P			P	P	¥ 2400.2730
Restaurant, fast food without drive through				C	C	¥ 2400.2730
Bar, tavern				€	€	¥
Lodging						
Bed and breakfast residences			C	C		¥
Hotels, inns, motels				P	P	
Commercial Recreation and Entertainment						
Health, sports clubs	C			C	P	
Indoor recreation				C	P	
Theater, assembly halls	C			P	P	
Automobile Services						
Auto convenience markets				C		2400.2235¥
Car wash				€		¥
Auto service station				€		¥
Auto repair stations				C		2400.2235¥
Auto service stations				C		2400.2235
Car washes				C		2400.2235
Parking and Transportation (non-State-owned)						
Private parking facilities, surface lot	C		P	C	C	2400.2630; 2400.2800

	G-1	G-2	RMMR	MX	MXD	StandardsReferences
<u>Private parking facilities, underground</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>2400.2800</u>
<u>Private parking facilities, structured above ground</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>2400.2800</u>
<u>Public or shared parking facilities, surface lot</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>2400.2630; 2400.2800</u>
<u>Public or shared parking facilities, underground</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>2400.2800</u>
<u>Public or shared parking facilitiespublic or commercial, structured, above ground</u>	C		C	C	C	Y <u>2400.2800</u>
Public transit stations, bus stops, and other related facilities	C	C	P	C	P	Y <u>2400.2625; 2400.2925</u>
Limited Production, Processing and Storage						
<u>Accessory buildings, structures, and uses</u>						<u>2400.2605</u>
<u>Amateur radio antenna, satellite dish</u>	<u>C</u>		<u>C</u>	<u>P</u>	<u>C</u>	<u>2400.2615</u>
Limited production and processing [‡]				C		<u>2400.2735</u>
Mail order houses				C	C	
<u>Outside storage of construction materials and equipment, temporary</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	
Printing and publishing				C	C	
Wholesale establishment				C	C	
<u>Accessory buildings, structures, and uses</u>						
<u>Amateur radio antenna, satellite dish</u>	C		C	P	C	Y
<u>Outside storage of construction materials and equipment, temporary</u>	C		C	C	C	
<u>Off-street parking, open or enclosed</u>	C	C	P	P	P	
Private recreational facility for multi-family housing			C	C	C	Y
Private swimming pool			C	C	P	Y
Solar energy systems or devices	C	C	C	C	C	<u>2400.2740</u> Y
Storage within enclosed building	P		P	P	P	
<u>Wholesale establishment</u>				<u>C</u>	<u>C</u>	
Wind energy systems or devices	C		C	C	C	<u>2400.2740</u> Y

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

Replaced Standards with References to be consistent with changes in the table for Permitted and Conditional Uses by District (previously part 2400.2205) and added text to clarify that relevant parts are identified in the table instead of a “Y.” The replacement of standards with references to parts of 2400 is necessary for clarity. It is reasonable that a user might want to more easily navigate the Rules.

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

Removed “State-owned” for parking facilities as it was redundant of the category title.

Added Individually accessible parking stalls to clarify that stalls installed to comply with the ADA is

permitted by right in the G-1 and G-2 zoning districts. (Waiting for additional need and reasonableness from Department of Administration.)

Added “for State-owned institutions and facilities” to clarify that the permitted uses were within State-owned buildings.

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.

Removed “Housing for the elderly” which is replaced by more detailed subcategories under ‘Residential- Congregate Living.’

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

Added detailed subcategories and requirements for P, C or P/C under Residential-Congregate Living to align with the City of Saint Paul’s and State’s terminology and requirements for similar zones. These subcategories are also regulated in part 2400.2715 with new standards that also align with the City of Saint Paul’s code and update the categories of community residential facilities to reflect 2025 definitions at the municipal and state levels.

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 Services” 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 (non-State-owned) to “Parking and Transportation” to clarify and distinguish this subcategory as being distinct from State-owned parking and transportation facilities.

Added subrows under “Parking and Transportation” subcategory to provide distinction between “private” and “public or shared” standards and to be consistent with the subrows for parking types under the “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. The addition of “P” under the zoning districts where these parking facilities are a permitted use aligns with Chapter 5 of the 2040 Comprehensive Plan, which discourages surface parking as a land use. The addition of “C” under the zoning districts where these parking facilities are a conditional use is necessary to discourage a land use, as outlined in the 2040 Comprehensive Plan. It is reasonable to organize the various types of parking in the same subrow for clarity and ease of navigation.

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. This is necessary to clarify the type of parking. The delineation of parking as “surface”, “underground”, or “structured” is more precise than “open” or “enclosed.” It is reasonable because this reorganization creates clarity for a user.

Removed asterisk footnote as this table now includes specific references to the relevant part for further standards, which renders the footnote redundant. This is necessary to prevent confusion for the user.

97. Part 2400.31252255 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.

98. 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.

99. Part 2400.2300, subpart 1. Requirement.

Subpart 1. **Requirement.** In order to preserve the State Capitol building as the dominant structure in the Capitol Area, no building ~~shall~~ must be constructed to a height greater than the maximum height permitted in the height district, ~~as shown on the map in subpart 6.~~ The maximum heights are as described in subparts 2 to 5. The maximum height is stated as elevation above sea level, in contrast to Saint Paul datum. Conversion is accomplished by adding 694.1 feet to the Saint Paul datum in order to determine elevation above sea level. ~~The maximum heights are as described in subparts 2 to 5.~~ Boundaries for each district are shown in the map in subpart 6.

Modified text to be applicable to subparts 2 to 5 regarding maximum height descriptions and boundaries for each district.

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

Maximum height in height district 2 is established as 966.0 feet above sea level. ~~Boundaries are as described in the map in subpart 6.~~

Removed text to avoid redundancy with new text in subpart 1.

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

~~No building shall be constructed in height district 3a.~~ Maximum height in height district 3 is established as 944.0 feet above sea level.

~~A. to a height greater than 944.0 feet above sea level; and~~

~~B. 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 (FAR) 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. This is necessary to align with Chapter 7c of the 2040 Comprehensive Plan, which identifies these five blocks in the Fitzgerald Park neighborhood as an important connection to the downtown core. As an extension of downtown core, the district will better align with the City of Saint Paul Zoning Code, which allows for an FAR of 8.0 in the adjoining B4 Central Business district. The removal of the FAR requirement is reasonable as the maximum building height restriction of 944' will remain the same, providing for a gentle increase in building form.

Removed text to avoid redundancy with new text in subpart 1.

102. **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 (FAR) 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. This is necessary to align with Chapter 7c of the 2040 Comprehensive Plan. As an extension of downtown core, the district will better align with the City of Saint Paul Zoning Code, which allows for an FAR of 8.0 in the adjoining B4 Central Business district. The removal of FAR requirement is reasonable as this change allows for a greater utilization of an entire property, which creates a denser neighborhood, consistent with Chapter 5 of the 2040 Comprehensive Plan.

Added text to clarify the height limit is unlimited.

Removed text to avoid redundancy with new text in subpart 1.

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

Updated diagram in color for clarity and legibility.

Added new graphic to illustrate heights districts in section.

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

The frontage map in subpart 3 establishes the frontage types in subpart 4 that are independent of use and height districts. "Frontage," as used in this chapter, means both the setback between the building façade and the front lot line and to the height and disposition of the building façade. In the case of buildings that abut more than one street, frontage requirements apply within each setback from a street as shown in subpart 3. Where a frontage type is not established along the block length, the frontage configuration will be negotiated in the application review process.

Added reference numbers for easier navigation to referenced subparts.

Added procedural standard to clarify the process for establishing a frontage type along blocks that do not have a frontage typic identified in the frontage map.

105. **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.

106. **Part 2400.2400, subpart 4. item A. 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.

107. **Part 2400.2400, subpart 4. item C. 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. This is necessary to ensure buildings are set back no further than 15 feet, which is consistent with the Civic frontage setback range. It is reasonable to include this additional text to maintain the setback range over a long period of time.

108. **Part 2400.2400, subpart 4. item D. ~~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 and maximum of 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. This is necessary to more accurately define the characteristics of this frontage type as a predominately commercial one and to distinguish it from the mixed-residential frontage (previously residential frontage) type. The term "flexible" is so broad that it can create confusion. It is reasonable to encourage consistent built form between various building types.

Removed setback differences by building type and location for consistent built form and 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.

109. **Part 2400.2400, subpart 4. item E. Residential Mixed-residential frontage.**

In the mixed-residential frontage type, residential-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. The modification is necessary to more accurately define the characteristics of this frontage type by acknowledging its primarily, but not exclusively, for residential uses. It is reasonable to encourage consistent built form between various building types.

110. **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, mixed-commercial and flexible mixed-residential 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	Flexible <u>Mixed- Commercial</u>	<u>Mixed- Residential</u>
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<u>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>Primary entrances must be accessed directly from and face the street, civic space, passage, courtyard or front yard. [insert current image for Front and Entrances Oriented to the Street]</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>Secondary access may be from the side or rear, or, for multi-family buildings, through an interior stairway or elevator and corridor.</u>			<u>S</u>	<u>S</u>	<u>S</u>
Building must be faced with cut stone, terra cotta, cast stone, or other materials of similar aesthetics and durability	S				
Building must be faced with cut stone or other natural materials, or with brick, split-faced block, or similar masonry materials		S	S	G	
In order to avoid the monotonous and pedestrian-unfriendly appearance of facades dominated by <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>				<u>S</u>	<u>S</u>
Roofs must be defined with a discernible cornice line that matches or is compatible with the cornice lines of adjacent buildings	S	G	S	G	<u>G</u>
Pitched roofs must be clad with highly durable fire-resistant materials such as standing seam metal, slate, ceramic, or	S				

composite tiles					
Use of green roofs for reductions in building energy consumption is strongly encouraged	G	G	G	G	<u>G</u>
Freestanding signs on poles or pylons are prohibited within frontage setback areas	S	S	S	S	<u>S</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 must be screened per 2400.2630</u> must not be visible from any point within the frontage setback area	S	S	S	S	<u>S</u>
New vehicular access points are prohibited from streets parallel to the designated frontage. Access and egress must be from streets other than those <u>with</u> designated frontage.	S	S			
<u>Where an alley is present, residential parking must be accessed through the alley.</u>				<u>S</u>	<u>S</u>
<u>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. [insert current image for Garage Access from Side Street]</u>				<u>S</u>	<u>S</u>
Landscaping within the frontage setback shall include a double row of canopy trees meeting the requirements of part 2400.2630	G	G			
<u>Front yards for dwellings must be landscaped. Landscaping may consist of trees, shrubs, or groundcovers, in combination with low fences or walls. [insert</u>					<u>S</u>

<p><u>current image for Landscaped Front Yards]</u></p>					
<p><u>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 multi-family, townhouse, and carriage house dwellings may be combined and shared by multiple dwelling units.</u></p>				<p><u>S</u></p>	<p><u>S</u></p>
<p>Continuity of walls: building façades, fences and landscape masses must <u>abut the required building setback line for the specified distance in part 2400.2400, subparts 4 to 7 to achieve contribute to the spatial definition of the frontage and form cohesive walls of enclosure along the street</u></p>	<p>S</p>	<p>G</p>	<p>G</p>	<p>G</p>	<p><u>G</u></p>
<p><u>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> 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:</p> <p>Proportion and dimensions of the building's front façade: the relationship of width of the building to height of the front elevation</p> <p>Proportion of openings: the relationship of width of the windows to height of the</p>	<p>S</p>	<p>G</p>	<p>G</p>	<p>G</p>	<p><u>G</u></p>

<p>windows</p> <p>Rhythm of solids to voids: the relationship of solids to voids in the building's front façade</p> <p>Rhythm of spacing of buildings: the relationship of a building to the open space between it and adjoining buildings</p> <p>Rhythm of entrance and porch projections: the relationship of entrances and porch projections to sidewalks</p> <p>Relationship of materials, texture, and color of building façades</p> <p>Roof shapes</p> <p>Scale of building: the size and mass of a building in relation to open spaces</p> <p>Front elevation: the place and orientation of the front elevation of a building, including the shape and composition of its architectural elements</p> <p>Landscape design: planted areas, plant materials, grading, pedestrian walks and areas, and other landscape elements.</p>					
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Updated text references to frontage type name changes to be consistent with part 2400.2400 changes.

Relocated standards from part 2400.2310 Residential design standards into table.

Modified standard to clarify applicability to residential buildings.

Modified text in standard to reduce subjectivity and include reference to pertinent part 2400.2630.

Added “with” in standard for grammatical improvement.

Added “for dwellings” in standard to clarify applicability to residential buildings.

Added “for each dwelling” in standard to clarify applicability to residential buildings.

Modified text in standard to reduce subjectivity and include reference to pertinent part 2400.2400.

111. **Part 2400.2415 TYPICAL FRONTAGES.**

Added new part for standards regulating typical frontages.

112. **Part 2400.2415, subp. 1.**

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.

Added new subpart with intent statement to be consistent in structure with other parts.

113. **Part 2400.2415, subp. 2.**

Subp. 2. Typical frontage examples. 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.

Added new subpart with language describing the subpart to be similar and consistent with subp 2 in Part 2400.2500. Added lanauge to clarify the process for approval.

114. **Part 2400.2415, subp. 2, item A.**

2. Item A. 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. Porch shall be at least seven and a half (7.5) feet deep (clear).

[insert new graphic “Frontage_Porch.jpg”]

Added frontage example and graphic to supplement the existing regulations found in part 2400.2405 with details of frontage form. This is necessary to clearly express the intended physical form and character of a Porch to complement the building types found in part 2400.2500. The minimum dimensions are necessary to create porches that are deep enough so that they will be used by the building occupants.

115. **Part 2400.2415, subp. 2, item B.**

Subp. 2. Item B. 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”]

Added frontage example and graphic to supplement the existing regulations found in part 2400.2405 with details of frontage form. This is necessary to clearly express the intended physical form and character of a Patio to complement the building types found in part 2400.2500.

116. **Part 2400.2415, subp. 2, item C.**

Subp. 2. Item C. **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 Covered stoops are encouraged.

[insert new graphic “Frontage Stoop.jpg”]

Added frontage example and graphic to supplement the existing regulations found in part 2400.2405 with details of frontage form. This is necessary to clearly express the intended physical form and character of a Stoop to complement the building types found in part 2400.2500.

117. **Part 2400.2415, subp. 2, item D.**

Subp. 2. Item D. **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”]

Added frontage example and graphic to supplement the existing regulations found in part 2400.2405 with details of frontage form. This is necessary to clearly express the intended physical form and character of a Common entry frontage to complement the building types found in part 2400.2500.

118. **Part 2400.2415, subp. 2, item E.**

Subp. 2. Item E. **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”]

Added frontage example and graphic to supplement the existing regulations found in part 2400.2405 with details of frontage form. This is necessary to clearly express the intended physical form and character of a Forecourt frontage to complement the building types found in part 2400.2500.

119. **Part 2400.2415, subp. 2, item F.**

Subp. 2. Item F. **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”]

Added frontage example and graphic to supplement the existing regulations found in part 2400.2405 with details of frontage form. This is necessary to clearly express the intended physical form and character of a Terrace frontage to complement the building types found in part 2400.2500.

120. **Part 2400.2415, subp. 2, item G.**

Subp. 2. Item G. **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. Awnings, where provided, shall be a minimum six feet deep (clear) and may be retractable. 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”]

Added frontage example and graphic to supplement the existing regulations found in part 2400.2405 with details of frontage form. This is necessary to clearly express the intended physical form and character of a Shopfront frontage to complement the building types found in part 2400.2500.

121. **Part 2400.2415, subp. 2, item H.**

Subp. 2. Item H. **Gallery.** A gallery is a one- or two-story structure that projects from a building façade to cover an expanded sidewalk with a colonnade or arches. Galleries shall be a minimum eight feet deep (clear). 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.

Added frontage example and graphic to supplement the existing regulations found in part 2400.2405 with details of frontage form. This is necessary to clearly express the intended physical form and character of a Gallery frontage to complement the building types found in part 2400.2500.

[insert new graphic “Frontage_Gallery.jpg”]

122. **Part 2400.2415, subp. 2, item I.**

Subp. 2. Item I. **Arcade.** An arcade extends the upper floors of a building over an expanded sidewalk with a colonnade or arches. Arcades shall be a minimum eight feet deep (clear). 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 frontage example and graphic to supplement the existing regulations found in part 2400.2405 with details of frontage form. This is necessary to clearly express the intended physical form and character of a Arcade frontage to complement the building types found in part 2400.2500.

123. ~~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.

124. **Part 2400.2500 ~~EXAMPLES~~ TYPICAL OF BUILDING TYPES.**

Modified part 2400.2500 title to clarify intent.

125. **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. The continued inclusion of building types in the Rules is necessary to further the goal of expanding residential housing choices in the Capitol Area, which is a primary principle in Chapter 6 of the 2040 Comprehensive Plan.

126. **Part 2400.2500, subpart 2. ~~Scope~~ Examples of typical building types.**

Modified title to be consistent with structure in part 24002415 and clarify intent.

127. **Part 2400.2500, subpart 2. Item A. Townhouse.**

A. **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. This modification is necessary to clearly distinguish the typical size, form, and site design of a townhouse from other building types.

Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

128. **Part 2400.2500, subpart 2. Item B. Small multiplex.**

B. **~~Small multiplex~~ Small apartment, mansion building.** A ~~small apartment, mansion~~ small multiplex is a house-scale, building ~~is a multistory~~ 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 and to be more inclusive of variations of this type. Modified text to remove redundancy and clarify building form and scale. This modification is necessary to clearly

distinguish the typical size, form, and site design of a small multiplex from other building types.

Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

129. **Part 2400.2500, subpart 2. Item C. Large multiplex.**

C. Large apartment building, stacked flats multiplex. A large multiplex is a block-scale apartment building, ~~stacked flats is a multistory 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 and to be more inclusive of variations of this type.

Modified text to remove redundancy and clarify building form and scale. This modification is necessary to clearly distinguish the typical size, form, and site design of a large multiplex from other building types.

Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

130. **Part 2400.2500, subpart 2. Item D. Courtyard multiplex.**

D. Courtyard apartment building multiplex. A courtyard ~~apartment building is a multi-story multiplex~~ is a 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 and to be more inclusive of variations of this type.

Modified text to remove redundancy and clarify building form and scale. This modification is necessary to clearly distinguish the typical size, form, and site design of a courtyard multiplex from other building types.

Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

131. **Part 2400.2500, subpart 2. Item E. Carriage house.**

E. Carriage house building. A carriage house is a 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”]

Renamed building type to clarify intent as residential dwelling unit.

Modified text to remove redundancy and clarify building form and scale. This modification is necessary to clearly distinguish the typical size, form, and site design of a carriage house from other building types and to delineate its relationship to a “Principal building” (see Part 2400.2400 Definitions).

Carriage houses are often included with a one-family, townhouse, or perhaps even other building type.

Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

132. **Part 2400.2500, subpart 2. Item F. Civic building.**

Subp. 119. **Civic building.** A civic building is a ~~block-scale 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. This modification is necessary to clearly distinguish the typical size, form, and site design of a civic building type from other building types.

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 illustrate more current building type form, and for graphic style consistency. The is necessary because this part defines the form of the building, not the community engagement process that leads to the form of the building.

Updated building type diagram to better reflect the building type standards and illustrate more current building type form, and for graphic style consistency.

133. **Part 2400.2500, subpart 2. Item G. Commercial block building.**

G. **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 the ground floor.

[insert updated graphic “Building_Commercial_Block.jpg”]

Modified text to remove redundancy and clarify building form and scale. This modification is necessary to clearly distinguish the typical size, form, and site design of a commercial block from other building types. 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 2. item H. Podium building.**

~~H. **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. This modification is necessary to clearly distinguish the typical size, form, and site design of a podium from other building types.

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 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. Removing the one-family building from the typical building types is necessary to expand residential housing choices in the Capitol Area as outlined in Chapter 6 of the 2040 Comprehensive Plan. One-family buildings are unlikely building types for redevelopment because the Capitol Area has limited vacant land and opportunities for investment. This is reasonable because removing this type does not prohibit the construction of one-family buildings but rather clarifies that they are not encouraged.

136. **Part 2400.2500, subpart 3a. Massing and facade articulation.**

Subp. 3a. Massing and facade articulation.

- A. Facades must be designed on a background of bays, individual or grouped. Each bay must be between 5 and 30 feet wide and may vary in width.
- B. Facades must 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; and
 - (3) MR District: facades longer than 75 feet.
- C. Buildings of four or more stories must 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 2400.2415.
- (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. This is necessary as larger buildings had no other design standards that would soften the massing in ways to be compatible with the surrounding existing neighborhood building forms.

137. **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. Further, parking can take many forms including surface, underground, or structured (see Part 2400.2820 Typical Parking Configurations). It is reasonable to remove this definition to provide clarity for the user.

138. **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. The removal of this building type is necessary to provide clarity for the user.

139. **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. The removal of this building type is necessary to provide clarity for the user.

140. **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. The removal of this building type is necessary to provide clarity for the user.

141. **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.

142. **Part 2400.2615, item C.**

C. Enclosed porches are not allowed to encroach into required yards.

Added standards to clarify encroachment standards for enclosed porches. This is necessary to close a potential loophole to increase the square footage of a building. As stated in Chapter 4 of the 2040 Comprehensive Plan, "A human-scaled public realm is designed for the pedestrian, creating an environment that encourages walking." There are numerous ways to encourage people to walk, however, it is reasonable to encourage the use of front porches as a way of increasing natural surveillance as stated in CPTED (Crime Prevention through Environmental Design) principles. This is also reasonable, as professional planners frequently use these principles as a method for improving public safety.

143. **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 to create balconies that are wide enough so that they are usable by the building occupants. As stated in Chapter 4 of the 2040 Comprehensive Plan, "A human-scaled public realm is designed for the pedestrian, creating an environment that encourages walking." There are numerous ways to encourage people to walk, however it is reasonable to encourage the use of balconies as a way of increasing natural surveillance as stated in CPTED (Crime Prevention through Environmental Design) principles. This is also reasonable, as professional planners frequently use these principles as a method for improving public safety.

Added standard to clarify encroachment standards for enclosed balcony standards. This is necessary to close a potential loophole to increase the square footage of a building.

144. **Part 2400.2630 STANDARDS FOR LANDSCAPE AND SCREENING
STANDARDS.**

Modified part title for consistency with titles in other parts of the Rules.

145. **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.

146. **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.

147. **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.

148. **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.

149. **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.

150. **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~~six-6 feet in height, plus at least ~~one~~one-1 tree and ~~five~~five-5 shrubs for every 50 lineal feet of ~~property~~lot line.

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

151. **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 Minn. Stat. § 15B.05, subd. 8.

152. **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 subdivision 8.

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

153. **Part 2400.2635 STANDARDS FOR STORMWATER MANAGEMENT
STANDARDS.**

Modified part title for consistency with titles in other parts of the Rules.

154. **Part 2400.2635, item A.**

1. For 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, up to 85 percent of lot area may be impervious;
 - (2) for buildings in the MR district, up to 40 percent of lot area may be impervious. Accessory buildings must comply with part 2400.2605; and
 - (3) for development in the MXD district, up to 100 percent of lot area may be impervious.

Relocated standards from parts 2400.2110 to 2400.2130 (previously parts 2400.2210 to 2400.2230) to consolidate and modified language to clarify standards as pertaining to stormwater management for sites 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.

155. **Part 2400.2635, item C.**

2. 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. The Department of Administration will consult with the City of St-Saint Paul on stormwater and will utilize best management practices for all Minnesota buildings and facilities to the fullest extent possible.

Added standard to clarify requirements for State buildings and facilities.

156. **Part 2400.2700 SCOPE.**

Removed part title to avoid redundancy with standards in part 2400.2250.

157. **Part 2400.2703, subpart 3, item E, subitem 2.**

(2) If the board rejects an addition request application for failing to meet all of the conditions in subpart 2 or for another reason, board staff must notify the applicant in writing within 14 calendar days of the board's vote rejecting the application and provide the applicant with reasons for the rejection.

Added text to help clarify the process staff should take if the Board rejects an application for reasons other than outlined in subpart 2 of the Rules. This change is needed as it clarifies how Board staff should respond in these cases and closes a loophole implicit in the Rules where staff does not need to notify an applicant of a rejection if the application is rejected for reasons other than failing to meet the conditions in subpart 2.

158. **2400.2703, subpart 3, item I, subitem (5).**

~~(5) additional design process guidelines, including the composition of the design selection group, designer qualifications, the criteria that the design selection group must use, and submission requirements.~~ the outline of the competitive design and/or designer selection process, including designer qualifications, design selection guidelines, submission requirements for competitions or solicitations, and any other guidance, protocols or criteria necessary to support the process.

Modified language to clarify requirements for the design framework document.

159. **2400.2703, subpart 3, item K.**

~~K. Using the design framework developed according to item I and the design objectives in the Comprehensive Plan for the Minnesota Capitol Area incorporated by reference under item J, the board must initiate either an open solicitation for design proposals or a request for qualification process to select a designer or design concept through the competitive process outlined in the design framework and in accordance with the following steps:~~

Removed redundant language to clarify steps to initiate the competitive process.

160. **2400.2703, subpart 3, item K, item (2).**

(2) The design review group must review the design proposals, designer applications, or design concept applications and vote for a design, designer, or design concept to recommend to the board. A majority vote of the full group is required to select a recommendation.

Added language to clarify recommendation selection process.

161. **2400.2703, subpart 3, item L.**

~~Upon selection of a designer and design concept by the design review group~~ a successful board vote on the design review group's recommendation but before design and construction begin, the applicant must deposit with the Department of Administration enough money to complete the project as designed and an amount equal to 20 percent of the total estimated construction costs to cover the cost of operation, repairs, and maintenance of the work over time. Board staff ~~shall~~ must be available to provide testimony to the legislature under Minnesota Statutes, section 15B.21, subdivision 3, but ~~shall~~ must not raise money for the applicant.

Added language to clarify Board's decision-making process.

162. **Part 2400.2703, 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.

163. **Part 2400.2703, subpart 7, item E, subitem 2.**

(2) If the board rejects an application for a modification or removal for failing to meet one or more of the conditions in subpart 6 or for another reason, board staff must notify the applicant in writing within 14 calendar days of the board's vote rejecting the application and provide the applicant with the reasons for the rejection.

Added text to help clarify the process staff should take if the Board rejects an application for reasons other than outlined in subpart 6 of the Rules. This change is needed as it clarifies how Board staff should respond in these cases and closes a loophole implicit in the Rules where staff does not need to notify an applicant of a rejection if the application is rejected for reasons other than failing to meet the conditions in subpart 6.

164. **Part 2400.2703, subpart 7, item H, subitem 8.**

(8) all applicants must comply with part 2400.3126, which may require consultation with agencies such as the State Historic Preservation Office (SHPO).

Added new provision to reference new part 2400.3126 Historic preservation.

165. **Part 2400.2703, 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.

166. **Part 2400.2703, subpart 11.**

Subp. 11. Tribal flag plaza. The Tribal flag plaza is not considered a commemorative work nor a memorial and is not subject to this part.

Added new provision to clarify Tribal flag plaza process as separate from commemorative works.

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.**

A. For nursing homes, boarding care homes, and assisted living facilities, the yard requirements for ~~multiple family~~ multifamily use in the district apply. The following applies for adult care homes:

- ~~(1) the facility must have direct access to a street classified as collector or higher classification;~~
- ~~(2) the site must have at least 150 square feet of outdoor community space per resident, consisting of seating areas, yards or gardens. Public parks or plazas within 300 feet of the site may be used to meet this requirement;~~
- ~~(3) in the MR district, the facility must serve six or fewer residents; and~~
- ~~(4) in the MX district, a conditional use permit is required for a facility serving seven or more residents.~~

Removed proposed changes and retained existing standards.

169. **Part 2400.2715, subpart B.**

~~B. The following applies~~ For community residential facilities licensed by the Department of Human Services, Department of Corrections, or Department of Health for 12 or fewer persons, rooming houses and boarding houses, transitional housing facilities, emergency housing facilities, and shelters for battered persons ~~correctional~~:

- (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;
- (2) facilities must be located at least 1,320 radial feet from any other such facility;
- (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;
- (4) ~~(1)~~ permission ~~a permit~~ for conditional use applies ~~remains in effect~~ only as long as the number of residents is not increased; its licensing, purpose, or location do not change; and other conditions of the permit are met; and
- ~~(2) the facility must serve no more than 16 residents; and~~
- (5) ~~(3)~~ a facility must not be located in a ~~two-family or~~ multifamily dwelling unless the facility occupies ~~must occupy~~ the entire structure:

Removed proposed changes and retained existing standards. .

170. **Part 2400.2715, subpart C.**

~~C. For emergency housing facilities and supportive housing facilities, the following shall apply:~~

- ~~(1) In the MR district, the facility shall serve six or fewer facility residents.~~
- ~~(2) In the MX district, a conditional use permit is required for facilities serving seven or more facility residents.~~

Removed proposed changes.

171. **Part 2400.2715, subpart D.**

~~D. For shelters for battered persons, the following shall apply:~~

- ~~(1) In the MR district, a conditional use permit is required for facilities serving more than four adult facility residents and minor children in their care.~~
- ~~(2) The facility shall not be located in a multi-family dwelling unless it occupies the entire structure.~~

Removed proposed changes.

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

A. 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, or personal services~~ or a combination of retailing, pffice, and personal services.

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

173. **Part 2400.2720, subpart 1, item C.**

C. 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 only if approved as a conditional use.

Modified text Added provision for a conditional use permit (CUP) to provide flexibility and clarity in home occupation uses.

174. **Part 2400.2720, subpart 1, item G.**

G. A commercial food service requiring a license is allowed only if approved as a conditional use.

Relocated text from subpart 2 to consolidate standards pertaining to home occupation uses.

175. **Part 2400.2720, subpart 1, item H.**

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

Modified text to provide clarity in the provision.

176. **Part 2400.2720, subpart 1, item K.**

K. A home occupation may have an identification sign ~~no larger than two~~ up to four square feet in area, which shall not be located in a required yard must comply with part 2400.2910.

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.

177. **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 1 to consolidate standards pertaining to home occupation uses allowed as conditional use.

178. **Part 2400.2720, subpart 2, 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.

179. **Part 2400.2720, subpart 2, 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.

180. **Part 2400.2720, subpart 2, item D.**

~~D. 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.

181. **Part 2400.2720, subparts 3 to 6.**

3. 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:

A. Adult-oriented businesses;

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

C. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;

D. Welding, machining, or any open flame work; and

E. Any other activity or use, as determined by the executive secretary to not be compatible with residential activities.

4. Operating Requirements.

A. 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.

B. 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.

C. 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.

D. 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.

5. Changes in Use. 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.

6. 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.

Added new subparts 3 to 6 to clarify and provide additional standards on live-work uses. In particular, the standards are necessary to 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.

182. **Part 2400.2730, subpart 1, item D and item K.**

~~D. book store, music store;~~

~~K. newsstand, magazine media sales;~~

Replaced uses that are no longer current with a more current term "media."

183. **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.

184. **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.

185. **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 or vehicle storage are not required in any zoning district in the Capitol Area. Any parking provided must comply with parts 2400.2801 to 2400.2826.~~

Removed requirements for off-street parking, including vehicle storage, to be consistent with recent changes in the City of Saint Paul's zoning code and encourage alternative transportation modes per the 2040 Comprehensive Plan. This is necessary as minimum parking requirements have been found have contributed to an auto-centric land use pattern and are an impediment to reducing carbon output from vehicular traffic.

Modified text to reflect this change.

186. **Part 2400.2801 SIZE LIMITATIONS OF OFF-STREET SURFACE PARKING FACILITIES.**

A conditional use permit (CUP) is required, and will be granted based on demonstration of need, for all newly proposed or expanded off-street surface parking facilities that:

A. exceed 15 spaces (on a zoning lot); or

B. exceed the maximums in the table in this part. For the purpose of computing the maximum number of off-street surface parking spaces allowed, the definition of "gross floor area" in part 2400.2040 shall apply.

<u>Land Use</u>	<u>Maximum Spaces for Off-Street Surface Parking Facilities (CUP required if exceeding)</u>

<u>State-Owned Institutions and Facilities</u>	
<u>The Capitol of Minnesota, including but not limited to executive, judicial, and legislative uses</u>	<u>15 spaces</u>
<u>Commemorative artworks, monuments, or memorials</u>	<u>NA</u>
<u>State of Minnesota offices, including but not limited to executive, judicial, legislative and administrative offices</u>	<u>1 space per 400 square feet GFA</u>
<u>State of Minnesota museums, historical centers and tourist information facilities</u>	<u>15 spaces</u>
<u>Parking facilities, surface lots</u>	<u>15 spaces</u>
<u>Individually accessible parking stalls</u>	<u>NA</u>
<u>Parking facilities, underground</u>	<u>NA</u>
<u>Parking facilities, structured, aboveground</u>	<u>NA</u>
<u>Permanent open spaces that preserve and enhance the Capitol Area, including but not limited to, lawns, gardens, landscaped areas, and plazas</u>	<u>15 spaces</u>
<u>Underground structures containing permitted uses for State-owned institutions and facilities</u>	<u>NA</u>
<u>Other uses necessary for the satisfactory and efficient operation of the facilities of state government and to provide adequate public access to them</u>	<u>15 spaces</u>
<u>Civic and Institutional Uses</u>	
<u>Day care centers, home day care</u>	<u>1 space per 300 square feet GFA</u>
<u>Public parks and recreation facilities</u>	<u>NA</u>
<u>Public buildings and uses</u>	<u>1 space per 400 square feet GFA</u>
<u>Places of worship: churches, synagogues, temples or mosques</u>	<u>1 space per 175 square feet GFA in the principal building of worship</u>
<u>Residences associated with places of worship, including rectories or convents</u>	<u>1.5 spaces per every 3 residents</u>
<u>Schools, grades K-12</u>	<u>2.5 spaces per classroom</u>

<u>Trade schools, business schools, art schools, or similar enterprises</u>	<u>0.5 space per employee and 1.5 spaces per every 3 full-time students not on campus or 1.5 spaces for every 3 part-time students, whichever is greater, plus maximum parking for other uses</u>
<u>Residential – Family Living</u>	
<u>Single-family dwellings</u>	<u>2 spaces per unit</u>
<u>Multifamily dwellings, two to four units</u>	<u>2 spaces per unit</u>
<u>Multifamily dwellings, five or more units</u>	<u>2 spaces per unit</u>
<u>Accessory dwellings</u>	<u>1 space per unit</u>
<u>Residential - Congregate Living</u>	
<u>Foster home, freestanding foster care home</u>	<u>2 spaces per unit</u>
<u>Community residential facility, licensed human service</u>	<u>1 space per every 2 adult facility residents</u>
<u>Community residential facility, licensed correctional or Health Department licensed</u>	<u>1 space per every 2 adult facility residents</u>
<u>Emergency housing facility; shelter for battered persons, transitional housing facility</u>	<u>1 space per every 2 adult facility residents</u>
<u>Hospice</u>	<u>1 space per every 2 adult facility residents</u>
<u>Nursing home, boarding care home, assisted living</u>	<u>1.5 spaces per every 3 residents</u>
<u>Rooming house, boarding house</u>	<u>1.5 spaces per 3 occupancy units</u>
<u>Adult care homes</u>	<u>1.5 spaces per every 3 residents</u>
<u>Community residential facilities, licensed correctional</u>	<u>1 space per every 2 adult facility residents</u>
<u>Emergency housing facilities</u>	<u>1 space per every 2 adult facility residents</u>
<u>Foster homes</u>	<u>2 spaces per unit</u>
<u>Overnight shelters</u>	<u>1 space per every 2 adult facility residents</u>
<u>Rooming houses</u>	<u>1.5 spaces per 3 occupancy units</u>
<u>Shelters for battered persons</u>	<u>1 space per every 2 adult facility residents</u>
<u>Sober houses</u>	<u>1 space per every 2 adult facility residents</u>

<u>Supportive housing facilities</u>	<u>1 space per every 2 adult facility residents</u>
<u>Mixed Uses</u>	
<u>Home occupations</u>	<u>NA</u>
<u>Live-work units</u>	<u>3 spaces per unit</u>
<u>Mixed commercial-residential uses</u>	<u>1 space per dwelling unit plus nonresidential spaces as determined in this schedule.</u>
<u>Public Services and Utilities</u>	
<u>Antenna, cellular telephones</u>	<u>NA</u>
<u>Electric transformers or gas regulator substations</u>	<u>NA</u>
<u>Utilities or public service buildings</u>	<u>1.5 spaces per employee</u>
<u>Offices:</u>	
<u>Administrative or professional offices</u>	<u>1 space per 400 square feet GFA</u>
<u>Artist, photographer, or other professional studios</u>	<u>1 space per 400 square feet GFA</u>
<u>Medical Facilities:</u>	
<u>Clinics, medical or dental</u>	<u>1 space per 300 square feet GFA</u>
<u>Hospitals</u>	<u>1.5 space per 2 beds</u>
<u>Veterinary clinics</u>	<u>1 space per 300 square feet GFA</u>
<u>Retail Sales and Services:</u>	
<u>Banks, credit unions</u>	<u>1 space per 300 square feet GFA</u>
<u>Business sales and services</u>	<u>1 space per 400 square feet GFA</u>
<u>Dry cleaning, commercial laundry</u>	<u>1 space per 400 square feet GFA</u>
<u>Food and related goods sales</u>	<u>1 space per 400 square feet GFA</u>
<u>Garden shops, greenhouses</u>	<u>1 space per 400 square feet GFA plus 1 space per 700 square feet outdoor sales or display area</u>
<u>General retail</u>	<u>1 space per 400 square feet GFA</u>

<u>Laundromats, self-service</u>	<u>1 space per 400 square feet GFA</u>
<u>Mortuaries, funeral homes</u>	<u>1 space per 200 square feet GFA</u>
<u>Outdoor sales, primary and accessory</u>	<u>1 space per 700 square feet GFA</u>
<u>Photocopying</u>	<u>1 space per 400 square feet GFA</u>
<u>Post offices</u>	<u>1 space per 400 square feet GFA</u>
<u>Service business</u>	<u>1 space per 400 square feet GFA</u>
<u>Small appliance or engine repair</u>	<u>1 space per 400 square feet GFA</u>
<u>Food and Beverages:</u>	
<u>Bars, taverns</u>	<u>1 space per 150 square feet GFA</u>
<u>Catering</u>	<u>1 space per 450 square feet GFA</u>
<u>Coffee shops, tea houses</u>	<u>1 space per 200 square feet GFA</u>
<u>Restaurants</u>	<u>1 space per 200 square feet GFA</u>
<u>Restaurant,s fast food without drive through</u>	<u>1 space per 200 square feet GFA</u>
<u>Lodging</u>	
<u>Bed and breakfast residences</u>	<u>1.5 spaces per dwelling unit and 0.5 space per guest room</u>
<u>Hotels, inns, motels</u>	<u>1 spaces per 2 occupancy units plus maximum parking for other uses (bars, restaurants, assembly rooms, etc.)</u>
<u>Commercial Recreation and Entertainment</u>	
<u>Health, sports clubs</u>	<u>1 space per 300 square feet GFA</u>
<u>Indoor recreation</u>	<u>1 space per 300 square feet GFA</u>
<u>Theaters, assembly halls</u>	<u>1.5 space per 4 seats</u>
<u>Automobile Services</u>	
<u>Auto convenience markets</u>	<u>1 space per 300 square feet GFA</u>
<u>Auto repair stations</u>	<u>1 space per 300 square feet GFA plus 2 spaces</u>

	<u>per auto service stall</u>
<u>Auto service stations</u>	<u>1 space per 300 square feet GFA plus 2 spaces per auto service stall</u>
<u>Car washes</u>	<u>1.5 space per 2 employees</u>
<u>Parking and Transportation (non-State-owned)</u>	
<u>Private parking facilities, surface lot</u>	<u>15 spaces</u>
<u>Private parking facilities, underground</u>	<u>NA</u>
<u>Private parking facilities, structured above ground</u>	<u>NA</u>
<u>Public or shared parking facilities, surface lot</u>	<u>15 spaces</u>
<u>Public or shared parking facilities, underground</u>	<u>NA</u>
<u>Public or shared parking facilities, structured, above ground</u>	<u>NA</u>
<u>Public transit stations, bus stops, and other related facilities</u>	<u>NA</u>
<u>Limited Production, Processing and Storage</u>	
<u>Accessory buildings, structures, and uses</u>	<u>NA</u>
<u>Amateur radio antenna, satellite dishes</u>	<u>NA</u>
<u>Limited production and processing</u>	<u>1 space per 700 square feet GFA or 1 space per 1,400 square feet GFA if more than 50% of production floor space is occupied by automated machinery</u>
<u>Mail order houses</u>	<u>1 space per 400 square feet GFA</u>
<u>Outside storage of construction materials and equipment, temporary</u>	<u>NA</u>
<u>Printing and publishing</u>	<u>1 space per 400 square feet GFA</u>
<u>Private recreational facilities for multifamily housing</u>	<u>1 space per 300 square feet GFA</u>
<u>Private swimming pools</u>	<u>NA</u>
<u>Solar energy systems or devices</u>	<u>NA</u>
<u>Storage within enclosed building</u>	<u>1 space per 3,500 square feet GFA</u>

<u>Wholesale establishments</u>	<u>1 space per 1,000 square feet GFA</u>
<u>Wind energy systems or devices</u>	<u>NA</u>

Added new part on maximum parking requirements to further reinforce the policies of the 2040 Comprehensive Plan that encourage alternative transportation and development patterns that support transit and to align with the City of Saint Paul’s updated parking standards. These standards are reasonable as the parking maximums only apply to surface parking facilities and include a threshold for applying the maximum limit on off-street surface parking. This threshold aligns with the City of Saint Paul’s updated parking standards and is reasonable as it provides flexibility for uses with lesser amount of parking. The standard also includes flexibility to exceed the maximum through a CUP. Furthermore, the parking maximums apply to use categories that are the same as the categories in Table of Permitted and Conditional Uses by District in Part 2400.2250 for consistency and clarity in applying the standards.

This addition of parking maximums does not apply to several State-Owned Institutions and Facilities as state-owned parking shall continue to be regulated by the State as a parking district in the Capitol Area. This is reinforced through the non-applicability of parking maximum requirements, noted as NA (Not Applicable) in the table.

The parking maximums for residential uses are established to align with the City of Saint Paul’s maximum surface parking requirements. This is reasonable given that maximums are a multiplier of previous minimum parking requirements for residential uses.

The parking maximums for non-residential uses are established following the previous Central Corridor Overlay maximum requirement of 85% of the minimum parking requirement or the City of Saint Paul’s maximum surface parking requirements within a quarter mile of transit. This is reasonable as the maximum was established to reduce parking in areas near transit, which is now generally the entirety of the Capitol Area.

187. **Part 2400.2805, subpart 1.**

Subpart 1. **Nonresidential or mixed use.** Off-street parking for nonresidential or mixed uses must be located on the same lot or ~~within the same district and~~ within 1,000 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

Removed requirement for nonresidential or mixed use parking to be within the same district to provide flexibility. This is reasonable as other parts of the requirement for locating on the same lot and within 1,000 feet of the building still apply and are more apt for locating parking close to the building it is intended to serve.

188. **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.

189. **Part 2400.2815 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.

190. **Part 2400.2820 SPACES REQUIRED**

Off-street parking spaces shall be provided according to the following schedule:	MINIMUM NUMBER OF PARKING SPACES
LAND USE	

Civic and Institutional Uses

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

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

MINIMUM NUMBER OF PARKING SPACES

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
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

Off-street parking spaces shall be provided according to the following schedule:LAND USE	MINIMUM NUMBER OF PARKING SPACES
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 Saint Paul’s zoning code and encourage alternative transportation modes per the 2040 Comprehensive Plan.

191. **Part 2400.2826 TYPICAL PARKING CONFIGURATIONS.**

Subpart 1. Intent. The intent of this part is to accommodate parking through a variety of allowed parking configurations.

Subp. 2. Examples of typical parking configurations. This part provides examples of typical parking configurations that are appropriate in the Capitol Area.

A. Underground parking. Parking spaces are located below the average finish grade at the sidewalk along any street or civic space. Access to the spaces and parking stall sizes must be in compliance with parking facilities standards in 2400.2801 and 2400.2805.

[insert new graphic “Parking_Underground.jpg”]

B. Surface parking. Parking spaces are located on the surface of the parcel. Surface parking facilities shall comply with the parking maximums in part 2400.2801. Access to the spaces and parking stall sizes must be in compliance with parking facilities standards in 2400.2801 and 2400.2805. The surface parking area must be provided with a continuous and obscuring wall or visual screen as required in part 2400.2630.

[insert new graphic “Parking_Surface.jpg”]

C. Structured, Aboveground Parking.

(1) Podium Parking. Parking spaces are within the footprint of the primary building, located behind occupiable building space at grade or within three feet of the average finish grade at the sidewalk along any street or civic space. Access to the spaces and parking stall sizes must be in compliance with parking facilities standards in 2400. 2801 and 2400.2805.

[insert new graphic “Parking_Podium.jpg”]

(2) **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 and parking stall sizes must be in compliance with parking facilities standards in 2400.2801 and 2400.2805.

[insert new graphic "Parking_Garage.jpg"]

Added new part with intent and scope for this part and descriptions and graphics to provide clarity on the variety of parking configurations allowed in the Capitol Area.

192. **Part 2400.2835, item E.**

Usable Floor Area (Square Feet) Number of Loading Spaces Required

~~zero~~ Up to 1,400 None

Modified text to clarify the standard.

193. **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.

194. **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.

195. **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. City of Saint 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.

196. **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.

197. **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.

198. **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.

199. **Part 2400.2910, item F.**

F. 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.

200. **Part 2400.2915 STANDARDS FOR SIGN DESIGN STANDARDS.**

Modified part title for consistency with other titles in the Rules and to clarify and better describe the part, which will aid in navigation of the Rules from the table of contents.

201. **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."

202. **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.

203. **Part 2400.3005, item B and item C.**

~~B. If nonconforming use of land ceases for any reason for a period of three months or more, any subsequent use of the land must conform to this chapter.~~

~~C. B.~~ If a nonconforming use of structure and/or land in combination is discontinued or ceases to exist for at least 12 consecutive months or for 18 months during a three-year period, the structure and/or land must thereafter conform to this chapter.

Modified text to consolidate items B and C. This change is necessary to align with municipal laws regarding the timing of nonconformities for structures and lands.

204. **Part 2400.3005, item D.**

D. If a nonconforming structure is destroyed by any means to an extent of more than ~~60~~50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, replacement cost, exclusive of the foundation at the time of destruction, and no building permit has been applied for within 180 days of when the property is damaged, it may not be reconstructed except in conformity with this chapter.

Modified text to align with municipal laws regarding the reconstruction of nonconforming structures.

205. **Part 2400.3020, subpart 1.**

In a district in which ~~one~~single-family dwellings are permitted, notwithstanding any limitations imposed by this chapter, a ~~one~~single -family dwelling and customary accessory buildings may be erected on a lot of record existing on the effective date of this chapter, provided that the yard dimensions and all other requirements for the district in which the lot is located, not involving lot area or lot width, are met.

Modified text to be consistent with changes in part 2400.2040 Definitions that replace the outdated term “one-family dwelling” with the current term “single-family dwelling.”

206. **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~~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.

207. **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.~~

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

208. **Part 2400.3110 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.

209. **Part 2400.3124 PROJECTS ON PUBLIC LANDS.**

- ~~A. All construction on public land in the Capitol areaArea 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 Capitol improvements within the Capitol areaArea to submit to the legislature and the governor pursuant to Minnesota Statutes section 15B.17.~~

Removed proposed changes because it was deemed unnecessary to repeat or reference applicability of statutory law within Rules.

210. **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.

211. **Part 2400.3126 HISTORIC PRESERVATION.**

This part applies to applications-projects located on public streets or located in the MR, MX and-or MXD Districts for any that are under review for board approval required by rule or statute:

A. All projects whether on public lands, streets, institutional or private lots, must submit, before or at the time of application for approval, information addressing the existence, impacts, and treatments of known or possible historic properties.

B. At the applicant's expense, the ~~zoning administrator~~ Executive Secretary may require early consultation or research with or by other related agencies to assist in further identifying historic resources and cultural resources, analyzing impacts, and outlining suggested or required treatments for those resources.

C. Compliance with recommendations under item B may be used in the considerations and reviews by the zoning administrator, advisory committee, and board members.

Added new part to provide procedural standards for historic properties consistent with the Board's statutory mandate ([Minn. Stat. §§ 15B.01, 15B.05 15B.10, 15B.11, and 15B.17](#)) and the 2040 Comprehensive Plan, which provides that the Board will "revisit the CAAPB regulatory review process of projects, with a goal of meeting or exceeding standards set by the City of Saint Paul regarding historic resources to implement Principle 7."

This part reflects and reinforces the statutory obligations already in place, including Minn. Stat. § 471.193, to ensure transparent expectations for all entities operating within the Capitol Area, especially with regard to the Board's jurisdiction over the Capitol Area related to historic properties. As such, the addition of this part is appropriately situated within the administrative rules framework and is reasonable because it does not introduce new law.

This part is also necessary to increase the general awareness and sensitivity to the importance of Capitol Area historic properties and to formalize and clarify the Board's existing practices relative to historic properties, which has been established through reviews with the Advisory Committee and is intended to continue in the future.

The standards in items A to C are necessary to bring forward information regarding historic properties at the earliest stages in the design and development review process, so as to calibrate projects to prevent unnecessary impacts to historic properties, and in some cases, enabling them to become important features celebrated in the design of new projects and to help the Board (staff, advisors, and board members) understand impacts to historic properties and to make the best decisions possible related to approvals and/or conditions they may stipulate. These standards are reasonable as they are in line with best practices throughout Minnesota.

The language for this part was drafted in collaboration with staff of the State Historic Preservation Office, which is a partnering resource agency that may be consulted. These standards will benefit the State's mission to protect historic resources in the Capitol Area within the statutory roles and responsibilities listed in [Minn. Stat. § 138.665](#). It brings to light the existing triage system of review of

historic properties, as SHPO routinely relies on local governmental units and their Heritage Preservation Commissions to bring forward cases for review.

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

Subpart 1. **Submittal of application.** Applications for the permits and certificates listed in parts ~~2400.3135-2400.3131~~ to 2400.3160 must be submitted to the zoning administrator. ~~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.~~ The application for permits and approvals is available on the board's website.

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.

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

Subp. 2. **Timing.** The zoning administrator must determine whether all the information required by parts 2400.3131 through 2400.3160 has been submitted. If an application is incomplete, the zoning administrator must notify the applicant in writing within 15 business days of receipt of the application and must 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.

214. **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.

215. **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~~Area.

Added text to clarify timing in terms of calendar days.

216. **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.

217. **Part 2400.3150 ~~2400.3150~~ 3131 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 Saint 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.

218. **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.

219. **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~~3131; and

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

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

~~A. 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~~ Following issuance of a zoning permit, the Executive Secretary may require a certificate of design compliance to ~~To~~ certify that the plans and the finalized design of the building, site, or structure continue to conform to the design rules in parts 2400.2400 to 2400.2410 this chapter, the zoning administrator may require a certificate of design compliance after the board issues a zoning permit and the city of Saint Paul issues a building permit and the original issued zoning permit. Such certification shall be based on iterative review by CAAPB staff and advisors at key design milestones throughout the design process.

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

~~A.~~ (1) plans, sections, and elevations of the proposed structure drawn to scale, showing:

(a) the overall dimensions of the exterior faces of the structure;

(b) the proposed type and location of any sign or other appurtenances such as overhangs, housing for utilities, and television or radio antennas, ~~and showing~~;

(c) ~~in outline form~~ other adjacent buildings and structures, in outline form; and

(d) landscape features within a reasonable distance that will be seen when looking at any of the elevations of the structure;

- B. (2) the final construction drawings as approved by the city including changes to the design, if any, since the zoning permit was issued;
- C. (3) for all applications except those for ~~one and two family~~ single-family and multifamily dwellings, landscape plans and site plans prepared by a licensed design professional, including any landscaping required for off-street parking; and
- (4) other information as may be reasonably necessary to permit the board to determine whether the proposed construction or reconstruction satisfies the requirements of this chapter.:

Modified text to allow flexibility in the requirement for a certificate of design compliance and emphasize iterative and collaborative process.

Modified text to expand reference to the Rules.

Modified text to be consistent with requirements on application form.

Modified text to be consistent with changes in part 2400.2040 Definitions that replace the outdated term “one-family dwelling” with the current term “single-family dwelling” and “two-family dwelling” with “multi-family dwelling”

221. **~~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.

222. **Part 2400.3155, 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.

223. **Part 2400.3155, 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.

224. **Part 2400.3155, 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.

225. **Part 2400.3155, 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.

226. **Part 2400.3156 ADJUSTMENTS.**

Subpart 1. Purpose; applicability.

A. 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.

B. This part applies to all developments proposed in the Capitol Area. Only the standards identified in subpart 6 are eligible for adjustment.

Subp. 2. **Review authority.** The review authority for adjustment requests is the zoning administrator, except that standards that affect visibility at driveways and intersections, or standards in the right-of-way, must be reviewed by the city City of Saint Paul's Public Works Director, the Ramsey County engineer or a project, district or area engineer in the State of Minnesota's Department of Transportation, depending on jurisdiction.

Subp.3. **Application requirements.** The following applies to an adjustment request:

A. if the development for which an adjustment is requested is also being processed under this part, the review procedure for the adjustment must be the same as for the main project application.

B. an adjustment application must 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 one or more specific standards: and

C. granting a request for an adjustment does not excuse compliance with other standards not specified in this part.

Subp. 4. **Findings.** The review authority must make findings of fact according to subparts 5 and 6 before granting an adjustment.

Subp. 5. **Existing Site Condition.**

A. An existing site condition is:

(1) a legally permitted building or structure constructed on the site with a final inspection or certificate of occupancy; or

(2) a natural feature that exists as of the date that the initial request for adjustment is submitted.

B. For purposes of this part, an existing site conditions that prevents compliance with a standard includes:

(1) 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;

(2) utility infrastructure that is not required to be removed, relocated, or installed underground.;

(3) a structure, site, cultural landscape, or feature designated or eligible to be designated as historically significant based on the criteria in part 2400.3126;

(4) a retaining wall necessary to retain or support soil;

(5) an easement for the purpose of site access and transit-related infrastructure; or

(6) any other existing site condition that the review authority finds prevents strict compliance with a standard for which an adjustment is permitted under this part.

C. The existing site condition used as a basis for requesting an adjustment must not be removed or altered in its footprint.

Subp. 6. **Standards eligible for adjustment.** Adjustments may be made only for the standards specified in items A and B. The required findings of fact and the allowable adjustment are specified in the table in this part.

REQUIRED FINDINGS AND ALLOWED ADJUSTMENTS

<u>Administrative relief type</u>	<u>Required findings and criteria (all that apply)</u>	<u>Allowed adjustment and conditions</u>	<u>Reference to standard</u>
<u>Building setbacks</u>			
<u>Front or interior.</u> <u>Increase or decrease in the minimum or maximum required setback for a principal building.</u>	<u>Existing site condition prevents compliance with the front setback standard.</u> <u>Existing site conditions prevent compliance with the interior setback standard.</u>	<u>2 feet or 25 percent of the standard, whichever is greater.</u>	<u>Part 2400.2100</u>
<u>Capitol view and civic frontage types.</u> <u>Decrease in the linear extent of the minimum setback.</u>	<u>Existing site condition prevents compliance with the setback standard.</u>	<u>5 feet or 30 percent of the standard, whichever is greater.</u>	<u>Part 2400.2400</u>
<u>Block size</u>			
<u>Block dimensions.</u> <u>Allow larger block sizes.</u>	<u>Preservation of existing buildings or buildings within the boundaries of a proposed block prevents compliance with the standard.</u>	<u>Maximum block length standard to be increased to encompass the building and all setbacks required by the zoning district.</u> <u>Maximum block length must not exceed 800 feet.</u>	<u>Part 2400.2235, subpart 5a</u>

Added new part to provide flexibility in compliance with certain rules due to physical conditions and streamline approval processes. This is also necessary because subpart 2 clarifies that the County, City and State all have right of ways operating in the Capitol Area, and depending on jurisdiction, will all review roadway and street standards.

227. **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.

228. **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.

229. **Part 2400.3170 APPEALS.**

A. Any decision of the zoning administrator may be appealed to the board within ten business days of the time the applicant or property owner is notified of the zoning administrator’s decision. The board must act upon the appeal following the same procedures specified for variance requests in part 2400.3160.

Added text to clarify timing in terms of business days.

230. **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

On June 3, 2021 the 2040 Comprehensive Plan for the Capitol Area was adopted by the Capitol Area Architectural and Planning Board. This Plan sets the vision for the Capitol Area, but the Rules codify the specific rules and standards with which all development must comply. The Rules are reviewed and updated following any update to the Comprehensive Plan and therefore any change to the Rules must stem from the Principles outlined in the 2040 Comprehensive Plan. While the 2040 Comprehensive Plan is the primary document guiding change, the following list of other resources is also relevant to the proposed revisions:

City of Saint Paul Zoning Code (Zoning Code) – As part of the City of Saint Paul, the Capitol Area should align to the greatest extent possible with the prescriptions of the Zoning Code. While there is a clear delineation between the geographic area that is regulated by the Rules and what is regulated by the City of Saint Paul, the experience of residents, business owners, visitors, and workers is not as clear. The Capitol Area is composed of neighborhoods that seamlessly integrate with the City of Saint Paul, and it is reasonable to expect a certain level of consistency across these neighborhoods and sides of the same street.

Metropolitan Council – The Metropolitan Council is the policy-making board that guides the strategic growth of the metro area, which includes 181 cities and townships, 7 counties, other government entities, businesses, nonprofit organizations, and others. Housing, transportation, and water quality standards are issues that affect the whole region, and the Board worked toward the inclusion of broader regional goals into the Rules.

Capitol Area Watershed District – The Capitol Area Watershed District protects, manages, and improves the water resources of the Capitol Region Watershed District. The regulations in the Rules concerning stormwater are intended to align with the goals of this entity.

Minn. Stat. § 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. The sections below quote these factors and then give the Board’s response.

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 Capitol Area will experience the benefits of greater clarity and consistency in zoning and design regulations as it is intended to achieve more predictable outcomes for the built environment.

Businesses and Non-Profit Organizations – Entities operating in the Capitol Area will benefit from alignment with the City of Saint Paul’s zoning ordinances as it is intended to achieve 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.

Visitors to the Capitol Area – Hundreds of thousands of people visit the Capitol Area every year, coming not only from other part of Minnesota, but also the United States and world. As outlined in the 2040 Comprehensive Plan, they deserve the highest quality experience, and these Rules are intended to create the highest quality public realm for them.

Workers in the Capitol Area – The thousands of employees that work in the Capitol Area, both for the State and private businesses, will see improved access to public transportation, vehicle circulation, pedestrian experience, and parking.

Those Who Will Bear the Costs of the Proposed Rules

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.

State Agencies – State agencies, boards, and commissions may incur costs related to compliance if their buildings are renovated or new ones are constructed. However, these changes are designed to be reasonable, not overly burdensome, and in many instances may reduce costs.

Those Who Will Benefit from the Proposed Rules

Residents (Homeowners and Tenants) – The Rules will help ensure a well-designed, functional, and historically sensitive Capitol Area, enhancing public spaces and improving overall quality of life for those that reside in the Capitol Area.

Tourists and Visitors – The Rules will help ensure a well-designed, functional, and historically sensitive Capitol Area, enhancing public spaces and improving overall quality of life which will provide high-quality experience for tourists and visitors and allow them access to destinations, landmarks, and government.

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.

State Agencies – State agencies, boards, and commissions will benefit from greater flexibility with regards to growth and development, including parking requirements and a higher quality public realm.

CAAPB Staff, Advisory Committee (Advisors), and Board Members – The updates will provide clarity, predictability, and alignment with the municipal regulations and State laws, creating a more cohesive and navigable regulatory framework within which to administer the Rules, design reviews and decision-making to implement desired outcomes in the Capitol Area.

Commemorative Works Development Groups – The clarification of the Rules regarding commemorative works will expedite the process for their proposals, reviews, and implementation.

Developers, Property Owners, and Contractors – Those undertaking new development or renovations will have clearer guidance, which will reduce the design and planning phases of construction, saving time and by extension the cost of development.

Business and Non-Profits – The Proposed Rules will create both flexibility and improved standards for the Capitol and its neighborhoods.

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 the Board– The Board 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 or reduced with the clarity of the standards, which would streamline the review process.

Costs to the Department of Administration – The Department of Administration, which coordinates with the Board 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 Board’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 of the Capitol Area – No direct financial burden is expected for individual residents, and they will benefit from greater predictability and improved neighborhood character.

Residents of the City of Saint Paul – No direct financial burden is expected for residents of the City of Saint Paul.

Residents of the State of Minnesota – No direct financial burden is expected for residents of the State of Minnesota.

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 the Board’s 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 the Board and the Department of Administration.

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 does and 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. The Capitol Area’s regulations must also align with the Americans with Disabilities Act, which regulates the design of new and existing buildings to ensure they are physically accessible to people with disabilities.

Need for and Reasonableness of Differences

Federal Regulations and Local Authority – The Board 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, the Board’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.

Compliance with the Americans with Disabilities Act – The Board's rules provide sufficient flexibility to both regulate zoning and design while still allowing for all aspects of the Americans with Disabilities Act to be followed.

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

Minn. Stat. § 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 in section III. Public Participation and Stakeholder Involvement on **pages 17 to 18** of this SONAR.

A. Required Notice

The Board is required under Minn. Stat. § 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 Minn. Stat. § 14.14, subd. 1(a), 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 notice 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 Minn. Stat. § 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 Minn. Stat. § 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 Rules 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 Rules to:

- All owners of property in the Capitol Area.
- All businesses and non-profits in the Capitol Area.
- All residential mailing addresses in the Capitol Area.

VII. Performance-Based Rules

Minn. Stat. § 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 Minn. Stat. § 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, massing and articulation standards, and 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 Minn. Stat. § 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 the Office of Administrative Hearings (OAH) at the hearing or with the documents it submits for review by the Administrative Law Judge (ALJ).

IX. Impact on Local Government Ordinance and Rules

As required by Minn. Stat. § 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 Board 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 Minn. Stat. § 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, Chapter 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 foregoing, the proposed amendments are both needed and reasonable.

Executive Secretary of the
Board

Date