

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATION

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Capitol Area Architectural and Planning Commission
(Agency or Board)

Regulation No. CAAPC 101 thru 1502 (new)

Subject: Proposed Zoning Ordinance for the Capitol Area

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

NOV 26 1973 11:40 am

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 11-26-73

Rev. 9-72

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October 31, 1973

Honorable Warren Spannaus
Attorney General
State of Minnesota
101 State Capitol
Saint Paul, Minnesota 55155

Re: Regulations of Capitol Area
Architectural & Planning Commission

Dear Attorney General Spannaus:

I am submitting the zoning regulations of the Capitol Area Architectural & Planning Commission for your approval pursuant to Minnesota Statutes §15.0412 Subdivision 4 (1971). These regulations in effect constitute a zoning ordinance which governs the Capitol Area as defined by Minnesota Statutes §15.50 (1971).

Please do not hesitate to contact me if I can be of further assistance in the approval and adoption of these regulations.

Very truly yours,

PHILIP W. GETTS

PWG/kd

cc: Honorable Rudy Perpich
Roger Williams

15.50, Subd 2(a)

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : WARREN SPANNAUS
Attorney General

DATE: November 20, 1973

FROM : J. PATRICK WILCOX
Special Assistant
Attorney General

SUBJECT: ZONING REGULATIONS OF THE CAPITOL AREA ARCHITECTURAL AND PLANNING COMMISSION

Phillip Getz, Special Counsel for the Capitol Area Architectural and Planning Commission (CAAPC), has submitted the CAAPC's proposed zoning regulations to our office for approval as to form and legality pursuant to Minn. Stat. § 15.0412, Subd. 4 (1971).

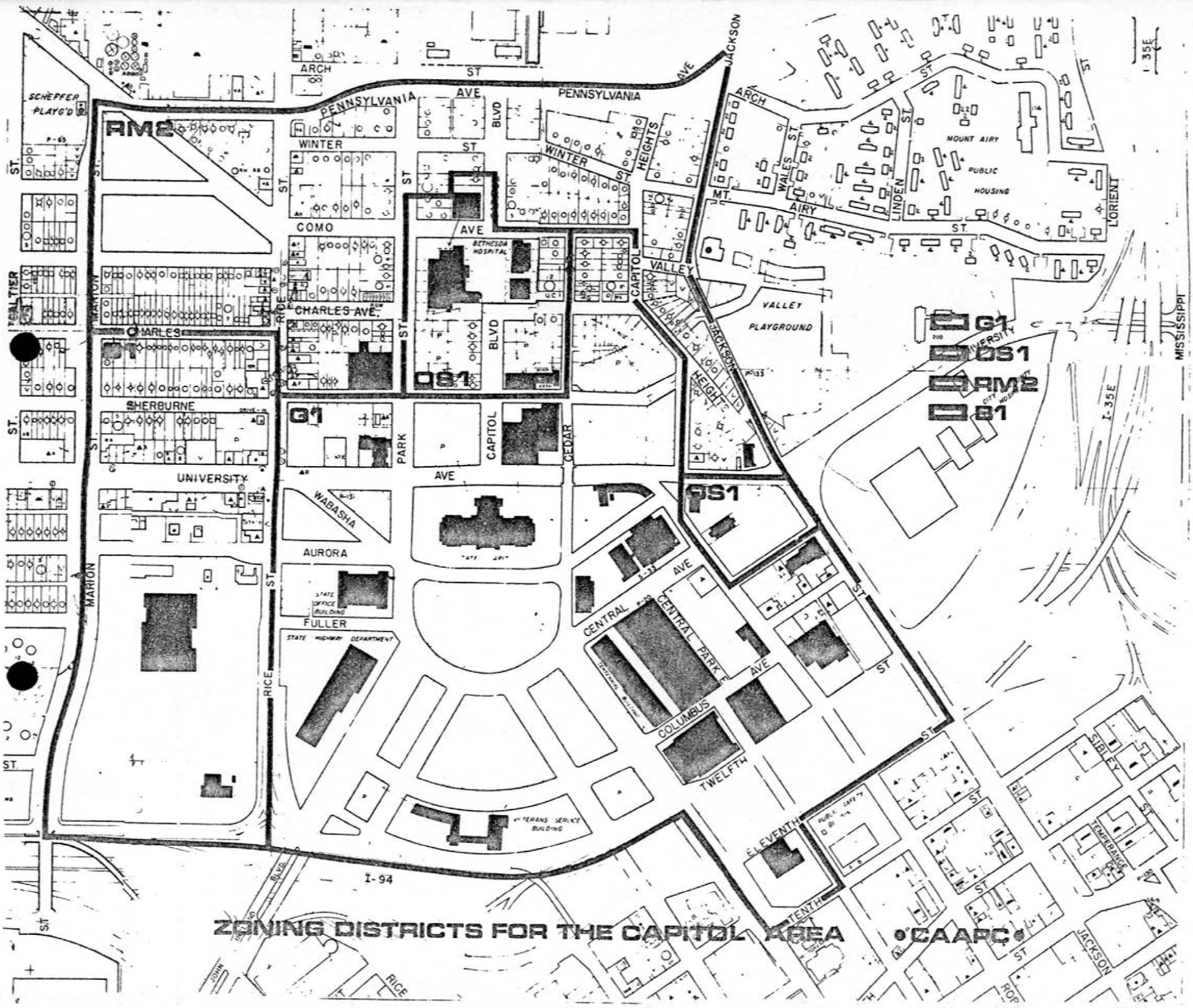
The statutory authority for said regulations is Minn. Stat. § 15.50, Subd. 2(a) (1971) which charges the CAAPC with the development of a master plan and zoning regulation for the Capitol Area (see attached map). Generally, these regulations zone the Capitol Area into various districts (residential, business, office and governmental) and regulate the uses and physical specifications of lots and buildings in each district. Although these regulations are not drastically different than the existing zoning plan of the City of Saint Paul in respect to lot size, physical specifications, set backs, etc., they are a deviation from the existing status quo as the boundaries of the districts have been redrawn resulting in more restrictive uses being imposed on various parcels of land.

At the public hearing on these regulations, objections were raised by persons who feared that by the adoption of the regulations they would lose their businesses and/or be forced to vacate their homes. These fears appear to be unfounded as the subject regulations speak of zoning and not condemnation; additionally, the regulations specifically provide that uses that presently exist can indefinitely continue to exist as nonconforming uses, subject only to certain limitations on expansion and rebuilding. Some property owners also voiced the objection that the plan would diminish the value of their property by restricting its use in the future. It is the opinion of the CAAPC that, to the contrary, land values will increase due to the regulations; additionally, the regulations do make allowances for variances if said variance is shown to be in the best interest of the Capitol Area. Furthermore, even if the regulations do result in a diminution of land value, case law holds that this is a proper exercise of the police power as long as the regulations are reasonably calculated to provide for the common good.

Although these regulations will undoubtedly be unpopular among some existing property owners (especially those who still do not understand that their property will not be taken by the regulations), I find that the regulations are legal, within the statutory authority of the CAAPC, and fulfill the legislative mandate of Minn. Stat. § 15.50 (1971).

JPW:lls

cc: Curt Forslund



ZONING DISTRICTS FOR THE CAPITOL AREA • CAAPC •

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October 29, 1973

Pat Wilcox,Esquire
Special Assistant Attorney General
Department of Administration
208 Administration Building
Saint Paul, Minnesota 55155

Re: Capitol Area Architectural &
Planning Commission Zoning Regulations

Dear Pat:

Pursuant to our telephone conversation of Monday, October 29, I have forwarded the zoning regulations promulgated by the Capitol Area Architectural & Planning Commission to the Attorney General for approval pursuant to Minnesota Statutes §15.0412 Subdivison 4 (1971). I am assuming that the regulations will be forwarded to you in due course.

The word "proposed" on the cover of the regulations may be disregarded. Due to the expense of printing, I felt that it was unnecessary to prepare a new cover because the regulations as adopted are virtually identical to the regulations as proposed (two or three typographical errors have been manually corrected on the copies forwarded to you). As I indicated on the telephone, I believe the memorandum which is attached to the findings of the commission adequately explains the regulations, their purposes, and the reasons for their adoption.

If you have further questions or if I can offer further assistance in any way, please do not hesitate to call.

Very truly yours,

PHILIP W. GETTS

PWG/kd

STATE OF MINNESOTA

COUNTY OF RAMSEY

CAPITOL AREA
ARCHITECTURAL AND
PLANNING COMMISSION

In the Matter of the Proposed Adoption of the Rules of the Capitol Area Architectural and Planning Commission Governing Zoning Regulations for the Capitol Area.

RESOLUTION OF THE BOARD

RESOLVED, that Roger S. Williams, Executive Secretary of the Capitol Area Architectural and Planning Commission, be and is hereby granted the authority and directed to call a hearing for the purpose of promulgating rules of the Capitol Area Architectural and Planning Commission governing zoning regulations for the Capitol Area and to perform any and all acts incidental thereto.

CAPITOL AREA ARCHITECTURAL
AND PLANNING COMMISSION

By Roger Williams

STATE OF MINNESOTA

COUNTY OF RAMSEY

CAPITOL AREA
ARCHITECTURAL AND
PLANNING COMMISSION

In the Matter of the Proposed Adoption of the Rules of the Capitol Area Architectural and Planning Commission Governing Zoning Regulations for the Capitol Area.

CERTIFICATE OF COMMISSION'S AUTHORIZING RESOLUTION

I, Roger S. Williams, do hereby certify that I am the Executive Secretary of the Capitol Area Architectural and Planning Commission, an agency of the State of Minnesota duly authorized under the laws of the State of Minnesota, and that the attached is a true, complete, and correct copy of the resolution adopted at a meeting of the Capitol Area Architectural and Planning Commission duly and properly called and held on the 31st day of May, 1973, that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth below:

> RESOLVED, that Roger S. Williams, Executive Secretary of the Capitol Area Architectural and Planning Commission, be and is hereby granted the authority and directed to call a hearing for the purpose of promulgating rules of the Capitol Area Architectural and Planning Commission governing zoning regulations for the Capitol Area and to perform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this ____ day of June, 1973.

Attest:

ROGER S. WILLIAMS
Executive Secretary

STATE OF MINNESOTA

COUNTY OF RAMSEY

CAPITOL AREA
ARCHITECTURAL AND
PLANNING COMMISSION

In the Matter of the
Proposed Adoption of the
Rules of the Capitol Area
Architectural and Planning
Commission Governing Zoning
Regulations for the Capitol
Area.

ORDER FOR HEARING

To effectively implement Minnesota Statutes, § 15.50 (1971), the Capitol Area Architectural and Planning Commission deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in the Commission by Minnesota Statutes, § 15.50 (1971).

NOW, THEREFORE, IT IS ORDERED this _____ day of June, 1973, that a public hearing on the proposed rules captioned above be held in Conference Room D of the Veterans Service Building, Saint Paul, Minnesota, on July 10, 1973, commencing at 7:30 p.m. and continuing until all representatives of associations and other interested groups or persons have had an opportunity to present testimony and to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names

with the Secretary of State for that purpose, all property owners in the Capitol Area as defined by Minnesota Statutes, § 15.50 (1971), and all persons who are presently members of the Minnesota Legislature.

CAPITOL AREA ARCHITECTURAL
AND PLANNING COMMISSION

By _____
ROGER S. WILLIAMS
Executive Secretary

STATE OF MINNESOTA

COUNTY OF RAMSEY

CAPITOL AREA
ARCHITECTURAL AND
PLANNING COMMISSION

In the Matter of the Proposed Adoption of the Rules of the Capitol Area Architectural and Planning Commission Governing Zoning Regulations for the Capitol Area.

AFFIDAVIT

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Eleanor Lapinski, being duly sworn upon oath, deposes and says as follows:

1. That on the dates recited herein and at all times material hereto, she was an employee of the State Planning Agency and the Capitol Area Architectural and Planning Commission of the State of Minnesota.

2. That on the ____ day of _____, 1973, she went to the Secretary of State's Office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minnesota Statutes, § 15.0412 (1971).

3. That on the ___ day of _____, 1973, in response to the above, the Secretary of State provided her with such

a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

ELEANOR LAPINSKI

Subscribed and sworn to before me this _____ day of _____, 1973.

_____

STATE OF MINNESOTA

COUNTY OF RAMSEY

CAPITOL AREA
ARCHITECTURAL AND
PLANNING COMMISSION

In the Matter of the Proposed Adoption of the Rules of the Capitol Area Architectural and Planning Commission Governing Zoning Regulations for the Capitol Area.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Eleanor Lapinski, being first duly sworn upon oath, deposes and says as follows:

That on the ___ day of _____, 1973, at the City of Saint Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in United States Mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State, as well as to all persons who are property owners in the Capitol Area, and all persons presently members of the Minnesota Legislature.

_____
ELEANOR LAPINSKI

Subscribed and sworn to before
me this ____ day of _____, 1973.

_____

STATE OF MINNESOTA

COUNTY OF RAMSEY

CAPITOL AREA
ARCHITECTURAL AND
PLANNING COMMISSION

In the Matter of the Proposed Adoption of the Rules of the Capitol Area Architectural and Planning Commission Governing Zoning Regulations for the Capitol Area.

STATEMENT OF NEED

The above-captioned rules are adopted to implement the mandate of Minnesota Statutes, § 15.50 (1971), which directs the Capitol Area Architectural and Planning Commission to adopt a comprehensive plan and zoning regulations for the Capitol Area. Said regulations are new and do not amend any existing regulations.

Promulgation of these rules is required because of the need to impose land use controls upon public and private development in the Capitol Area in order that the Commission may carry out its statutory duties to preserve and protect the beauty and dignity of the Capitol Area.

CAPITOL AREA ARCHITECTURAL
AND PLANNING COMMISSION

By _____
ROGER S. WILLIAMS
Executive Secretary

STATE OF MINNESOTA

COUNTY OF RAMSEY

CAPITOL AREA
ARCHITECTURAL AND
PLANNING COMMISSION

In the Matter of the Proposed
Adoption of the Rules of the
Capitol Area Architectural and
Planning Commission Governing
Zoning Regulations for the
Capitol Area.

RESOLUTION OF THE
CAPITOL ARCHITECTURAL
AND PLANNING COMMISSION

RESOLVED that the rules relating to zoning regulations for the Capitol Area be and they hereby are approved and adopted, pursuant to authority vested in the Commission by Minnesota Statutes § 15.50 (1971) and that Roger Williams, Executive Secretary of the Commission, be and he is hereby authorized to sign an order adopting those rules.

STATE OF MINNESOTA

COUNTY OF RAMSEY

CAPITOL AREA
ARCHITECTURAL AND
PLANNING COMMISSION

In the Matter of the Proposed
Adoption of the Rules of the
Capitol Area Architectural and
Planning Commission Governing
Zoning Regulations for the
Capitol Area.

CERTIFICATE OF COMMISSION'S
ADOPTION OF RESOLUTION

I, Roger S. Williams, do hereby certify that I am Executive Secretary of the Capitol Area Architectural and Planning Commission, an agency duly authorized under the laws of the State of Minnesota, that the following is a true, complete, and correct copy of the resolution adopted at the meeting of the Commission duly and properly called and held on the 7th day of September, 1973; that a quorum was present at said meeting; that all members present voted for this resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified:

> RESOLVED that the rules relating to zoning regulations for the Capitol Area be and they hereby are approved and adopted, pursuant to authority vested in the Commission by Minnesota Statutes § 15.50 (1971) and that Roger Williams, Executive Secretary of the Commission, be and he is hereby authorized to assign and order adopting those rules.

In witness whereof, I have hereunto subscribed my name this 25 day of ~~September~~ OCTOBER, 1973.

Attest:

Marie Tachida

Roger S. Williams

ROGER S. WILLIAMS

STATE OF MINNESOTA

COUNTY OF RAMSEY

CAPITOL AREA
ARCHITECTURAL AND
PLANNING COMMISSION

In the Matter of the Proposed
Adoption of the Rules of the
Capitol Area Architectural and
Planning Commission Governing
Zoning Regulations for the
Capitol Area.

FINDINGS OF FACT
AND ORDER ADOPTING
RULES

The above-entitled matter came on for hearing before the Capitol Area Architectural and Planning Commission of the State of Minnesota on the 10th day of July, 1973, at 7:30 p.m., in Conference Room D of the Veterans Service Building, Saint Paul, Minnesota, after proper notice required by Minnesota Statutes § 15.0412 (1971) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose, together with all owners of record of property located within the Capitol Area.

After affording interested persons an opportunity to present written and oral data, statements, and arguments, having heard all of the testimony, and having considered all the evidence adduced upon the records, files, and proceedings herein, the Commission makes the following findings of fact:

1. The Commission is a duly organized agency of the State of Minnesota empowered by Minnesota Statutes § 15.50 (1971) to prepare a comprehensive plan for the Capitol Area and to adopt zoning regulations

to regulate the kind, character, height, and location of the buildings and other structures, 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.

2. The comprehensive plan for the Capitol Area was prepared and adopted by the Commission on November 30, 1970.

3. A public hearing on the first draft of the proposed zoning regulations was held in the auditorium of the State Office Building on July 16, 1970. Due notice of said hearing was provided to all interested persons, associations, and other interested groups registered with the Secretary of State for that purpose, and to all owners of record of property in the Capitol Area. The Commission heard testimony and received exhibits concerning the proposed regulations.

4. A second public hearing was held in Conference Room D of the Veterans Service Building, Saint Paul, Minnesota, on July 10, 1973 to consider the revised regulations. Notice of said hearing was duly provided as set forth above.

5. A special meeting of the Commission was held on Wednesday, August 29, 1973 in Conference Room D of the Veterans Service Building, Saint Paul, Minnesota to consider the proposed regulations and the evidence and testimony introduced in connection therewith. Notice of said meeting was provided to all persons entitled to receive notice of the Commission's regular

meeting and to persons who, by signing a list at the public hearing, had indicated their wish to receive such notice.

6. The zoning regulations as presented at the public hearing held on July 10, 1973, establish land use regulations for the Capitol Area which are consistent with and which initiate implementation of the comprehensive plan.

7. The zoning regulations promote the following goals as defined by the legislature in Minnesota Statutes § 15.50 (1971):

(a) Preserve the dignity and beauty of the Capitol and the buildings immediately adjacent to it;

(b) Protect, enhance, and increase the open spaces within the Capitol Area when deemed necessary;

(c) Develop proper approaches to the Capitol Area for pedestrian movement, the highway system, and mass transit systems so that the area achieves its maximum importance and accessibility; and

(d) Establish a flexible framework for growth of the capital buildings which will be in keeping with the spirit of the original design.

8. The Commission's special consultant for zoning, Mr. Albert Michejda, has recommended adoption of the regulations as proposed, with certain amendments made to correct various inadvertent errors which have been called to the Commission's attention.

9. No persuasive evidence was presented to the Commission to support

various suggestions that the zoning map be altered to permit specified uses.

10. No persuasive evidence was presented to the Commission to support the contention of some parties that the zoning regulations devalue property as to amount to an unconstitutional taking of property without just compensation.

NOW THEREFORE IT IS ORDERED that these rules identified as zoning regulations of the Capitol Area Architectural and Planning Commission are adopted this 7th day of September, 1973, pursuant to authority vested in me by a duly adopted resolution of the Commission.

The attached memorandum is made a part hereof.

Dated: ~~September~~ OCTOBER 25, 1973

CAPITOL AREA ARCHITECTURAL
AND PLANNING COMMISSION

By Roger Mills

MEMORANDUM

The Capitol Area Architectural and Planning Commission was created by the legislature in 1967 (Extra Sessions Laws 1967, Chapter 13, Section 13) to "prepare, prescribe, and from time to time amend a comprehensive use plan for the capitol area." The Commission was additionally empowered to draft and adopt zoning regulations to control land use in the Capitol Area. The Commission and its staff have spent the last four years endeavoring to carry out these duties. A great deal of interest in these efforts has been expressed by Capitol Area residents and land owners, various public bodies, and others who, one way or another, have a stake in the future of the Capitol Area. Because of this interest, and because of the importance of the zoning regulations herewith adopted, the Commission has prepared this memorandum to fully explain these regulations and their intended effect upon the Capitol Area.

In creating the Commission, the legislature expressed a comprehensive policy governing future development of the Capitol Area: the Commission is directed to "(1) preserve the dignity and beauty of the Capitol and buildings immediately adjacent to it; (2) protect, enhance, and increase the open spaces within the Capitol Area when deemed necessary; (3) develop proper approaches to the Capitol Area for pedestrian movement, the highway system,

and mass transit system so that the area achieves its maximum importance and accessibility; and (4) establish a flexible framework for growth of the capitol buildings which will be in keeping with the spirit of the original design." (Minnesota Statutes 1971, § 15.50). The zoning regulations adopted by the Commission provide an important tool in carrying out these duties.

Abundant staff research and testimony have proved what a casual walk through the Capitol Area will demonstrate to any observer: uncontrolled development, without planning and without adequate controls, has created a hodge-podge of commercial, residential, and governmental uses, scattered throughout the Capitol Area. Moreover, a good portion of this development has deteriorated in appearance and value, and much of the area may be described as "blighted". It is the obvious intent of the legislature -- and now of this Commission -- that such conditions shall not be allowed to exist in proximity to Minnesota's uniquely beautiful capitol building and to the attendant functions of state government. Rather, the Commission and its staff feel that the Capitol Area should provide a pleasing and harmonious environment for those who live there and for those who work there.

To accomplish its purposes, the Commission, on November 30, 1970, adopted a comprehensive plan for the Capitol Area. At the time of its adoption, the plan was thoroughly discussed by the Commission, its staff, and interested parties; further discussion at this point serves

no purpose. However, it should be noted that the comprehensive plan established a scheme for development and redevelopment in the Capitol Area which, if properly implemented, would achieve the legislative objectives recited above. These zoning regulations are another step taken by the Commission in its effort to implement that plan.

The zoning regulations which the Commission adopts today were first presented to the public at a hearing held on July 16, 1970. At that time, property owners in the Capitol Area, including both home owners and businessmen, appeared at the hearing and presented numerous objections to the zoning ordinance. Those objections may be divided into two categories: (1) Objections by absentee owners of large tracts of land who feared serious devaluation of their property; and (2) small businessmen, primarily located along the east and west sides of Rice Street between University Avenue and the Arch-Penn freeway, who feared that their businesses would be taken away. In response to these and other criticisms presented at that first public hearing, the zoning ordinance was given further study and was substantially revised.

The regulations hereby adopted, which were presented at the hearing on July 10, 1973, differ from the draft presented in 1970. The text of the new draft has been substantially rewritten and re-organized, although most of these changes concern form and not substance. The only substantive changes requiring comment here involve the commercial and

residential districts.

In the first draft, two residential districts were designated as medium density (RM-2) and high density (RM-3) housing, respectively. Similarly, two business districts were designated as local business (B-1) and community business (C-1). In both cases, the latter use was a more intense use than the former. The present regulations have eliminated the separate zoning districts, and the more intense high density housing (RM-3) and community business (C-1) districts are now included as conditional uses, rather than principal uses, within the RM-2 and B-1 zoning districts.

This change was made to enhance the Commission's control over the manner in which these uses are established. This amendment will not prohibit such uses. If, for example, a developer wished to build a high rise housing project in the Capitol Area, he would simply be required to demonstrate that such a project will not frustrate the legislative goals for the Capitol Area (see CAAPC 401(c)). By thus making the more intense uses conditional upon Commission review and approval, the revised zoning regulations offer greater assurance that the comprehensive plan will be properly implemented. The revised regulations also protect the property owner by providing standards by which the propriety of a proposed conditional use may be judged.

The other major change in the regulations concerns the redrawing of the map boundaries. The inclusion of the RM-3 and C-1 districts in the present RM-2 and B-1 districts has reduced the number of districts.

Of greater significance is the elimination of the commercial districts along Rice Street and the relocation of those uses to the two block area north of University between Rice and Marion Streets. This change was made to eventually eliminate the unsightly strip commercial district which now borders Rice Street as it passes through the Capitol Area. The creation of the two block commercial area will, in the opinion of the Commission and its staff, encourage merchants who wish to remain in the Capitol Area to move their businesses at an appropriate time to this area and thus promote development of a shopping center or mall incorporating those businesses which primarily serve the local Capitol Area neighborhood.

Testimony was offered by the Saint Paul Planning Department to the effect that the strip on Rice Street should be ultimately removed but that in the interim, the zoning map should contain two strip commercial districts to reflect present usages. As the representative of the planning department admitted, however, the choice of methods is largely a matter of timing and professional judgment. The Commission feels that the recommendation of its staff to zone according to desired usage rather than current usage encourages development according to the comprehensive plan. Preservation of the present commercial strip would frustrate this goal.

A review of the various zoning districts and principal uses further illustrates the way in which the regulations give effect to the comprehensive

plan.

The Office Service district (OS-1), which is comprised of the two blocks adjacent to Bethesda Hospital and a smaller parcel immediately east of Mechanic Arts High School and south of University Avenue, permits those professional and administrative offices which will serve both the surrounding neighborhood and the 6,000 government workers who populate the Capitol Area each working day. Principal uses include banks, doctors' offices, and similar professional services.

The medium density residential district (RM-2) forms a rough crescent across the northern portion of the Capitol Area. At present, this district is a rough conglomeration of commercial and residential uses. It is the hope of the Commission that, by creating a unified medium density residential district, the area will become attractive to potential developers. The proximity of the Capitol Area to Saint Paul's central business district and to the facilities of state government would seem to provide sufficient incentive -- if land use were properly controlled -- to encourage developers to build medium density housing in this area. As anyone familiar with state government knows, many legislators from outstate Minnesota are forced to take apartments in suburbs many miles from the Capitol or to stay in downtown hotels; with flexible sessions, it is estimated that a good many of these legislators would welcome suitable apartments in the Capitol Area. Moreover, large numbers of employees work in the offices of state government and at Bethesda Hospital; these employees would appear to

be a second source of population if adequate housing existed in the Capitol Area.

The local business district (B-1) located on the western side of the Capitol Area is intended to provide a commercial area to serve the needs of local residents and the shopping needs of state government employees without unduly adversely affecting the aesthetics of the Capitol Area. The present commercial development in the Capitol Area cannot be considered compatible with the comprehensive plan. The Commission in eliminating commercial uses along Rice Street between Charles Avenue and the northern boundary of the Capitol Area, is endeavoring to focus such development in a unified area adjacent to the present Sears, Roebuck & Company shopping center in a manner that will more nearly satisfy the comprehensive plan.

Little need be said about the government district (G-1), for this district simply includes all land presently owned by the state and devoted to the facilities of state government. The Commission does not anticipate any private development within the boundaries of the government district.

Finally, the zoning regulations provide for establishment of planned unit developments anywhere within the captiol area except the G-1 district. This provision permits integrated projects consisting of both commercial and residential uses to be located in a district which may not permit one or both of those uses. The Commission would retain close control over

the planning and construction of such a project. It is hoped that planned unit developments will be a major tool in providing residential housing in the RM-2 district and perhaps in the northern portion of the B-1 district.

Several specific objections to these regulations were made by persons who feared that they would either lose their business altogether or that their property would be seriously devalued. Enactment of the regulations does not, of course, take property in the sense that present owners will lose possession. Those uses which presently exist can continue to exist as nonconforming uses for an indefinite period, subject to certain limitations on expansion and rebuilding. Thus, no businessman along Rice Street will be forced to "move out" simply because these regulations become effective.

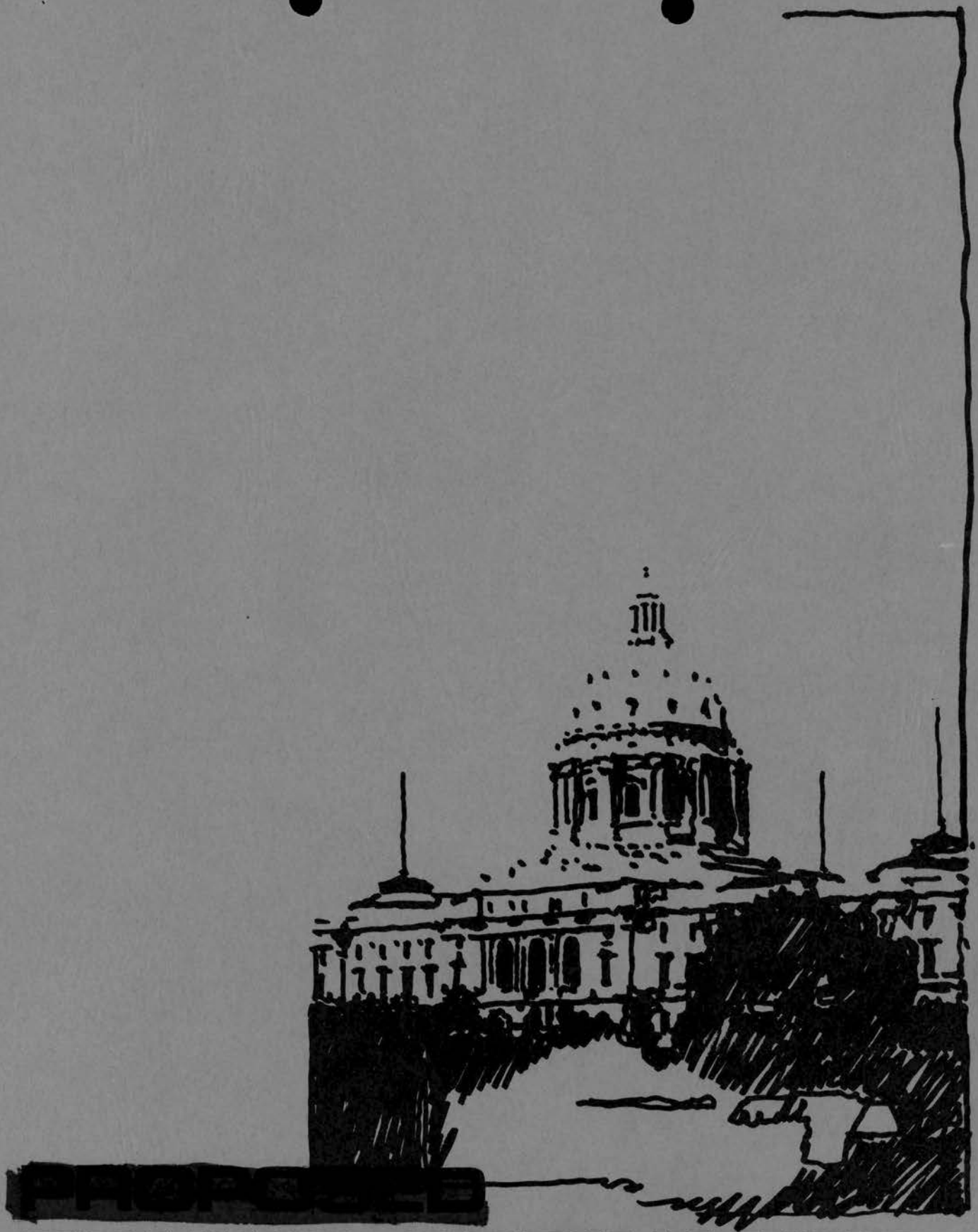
A more important objection, however, is the contention that these regulations will reduce property values in the Capitol Area. Numerous accusations and dire predictions were made by owners who feared loss of property value due to the enactment of these regulations, but no evidence supporting any of these contentions was presented to the Commission. Attorneys for S. Brand Enterprises made the self-serving statement that their estimate showed their property would depreciate $275,000 in value; without more information concerning these estimates, the Commission is not inclined to modify a plan that has been developed over a number of years by a qualified staff. Moreover, it is the opinion of the Commission

that an increase in property values may be expected as the comprehensive plan is implemented and the real estate becomes more desirable for residents and other businesses.

A third objection to the proposed zoning map was presented by the Minnesota Society of Professional Engineers (MSPE). The MSPE presently owns or has options to buy a substantial portion of that block bounded by Rice Street, Charles Avenue, Park Street and Como Avenue, which block is included in the medium density residential (RM-2) district. The Society has stated its intention to build an office building on this block to serve as its headquarters and with space which would be leased to other interest groups having business at the Capitol. Such a building is not permitted in the RM-2 district, and the MSPE has therefore requested that the Commission include this block in the adjacent OS-1 district. Granting the MSPE request would merely continue the present pattern of spot zoning and unplanned development which this Commission is directed to prevent. For example, if the Society's request were granted, such a change in the map would leave a one-block island of residential housing surrounded by business, government, and office service districts. Moreover, the denial of the Society's request to change the zoning map does not prevent the Society from erecting their building. The Society could apply for a permit to create a planned unit of development of this block which would include the office building and might include residential buildings and other uses more appropriate for the area. It should also be noted that

these regulations were pending well in advance of the purchase of this land by the Society and it was therefore on notice, real or constructive, that its building would not be permitted when these regulations were finally adopted.

The Commission has no desire to reduce the value of any person's property or to frustrate appropriate development in the Capitol Area. We have weighed carefully the competing considerations concerning the proposed zoning regulations and their impact on property values in the Capitol Area. Balancing the benefit to the State and its citizens of preserving a proper setting for the State Capitol and State government against the unsupported contentions of a few individuals, the Commission feels that adoption of the zoning regulations will best serve the public interest.



PROPOSED

ZONING ORDINANCE

FOR THE CAPITOL AREA

PROPOSED ZONING ORDINANCE FOR THE CAPITOL AREA

ST. PAUL, MINNESOTA

JUNE, 1973

PREPARED BY THE
CAPITOL AREA ARCHITECTURAL AND PLANNING COMMISSION

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CAPITOL AREA ARCHITECTURAL AND PLANNING COMMISSION (CAAPC)

CHAPTER ONE

TITLE AND PURPOSES

CAAPC 101. TITLE. These regulations shall be known and may be cited as the "Capitol Area Zoning Regulations."

CAAPC 102. PURPOSES. These regulations are adopted by the Capitol Area Architectural and Planning Commission to further the statutory purposes of the Commission as stated in Minnesota Statutes Section 15.50:

(a) preserve the dignity and beauty of the Capitol and the buildings immediately adjacent to it;

(b) protect, enhance, and increase the open spaces within the Capitol Area when deemed necessary;

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

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

CHAPTER TWO

DEFINITIONS

Unless a different meaning is clearly indicated by the context, the terms defined below shall have the meanings ascribed to them.

CAAPC 201. Accessory Use: A use which is incidental to, customarily found in connection with, and (except in the case of off-street parking

spaces and loading) located on the same zoning lot as, the principal use to which it is related.

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

a. Residential accommodations for servants or caretakers.

b. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.

c. Domestic storage in a shed, tool room, or similar accessory building.

d. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

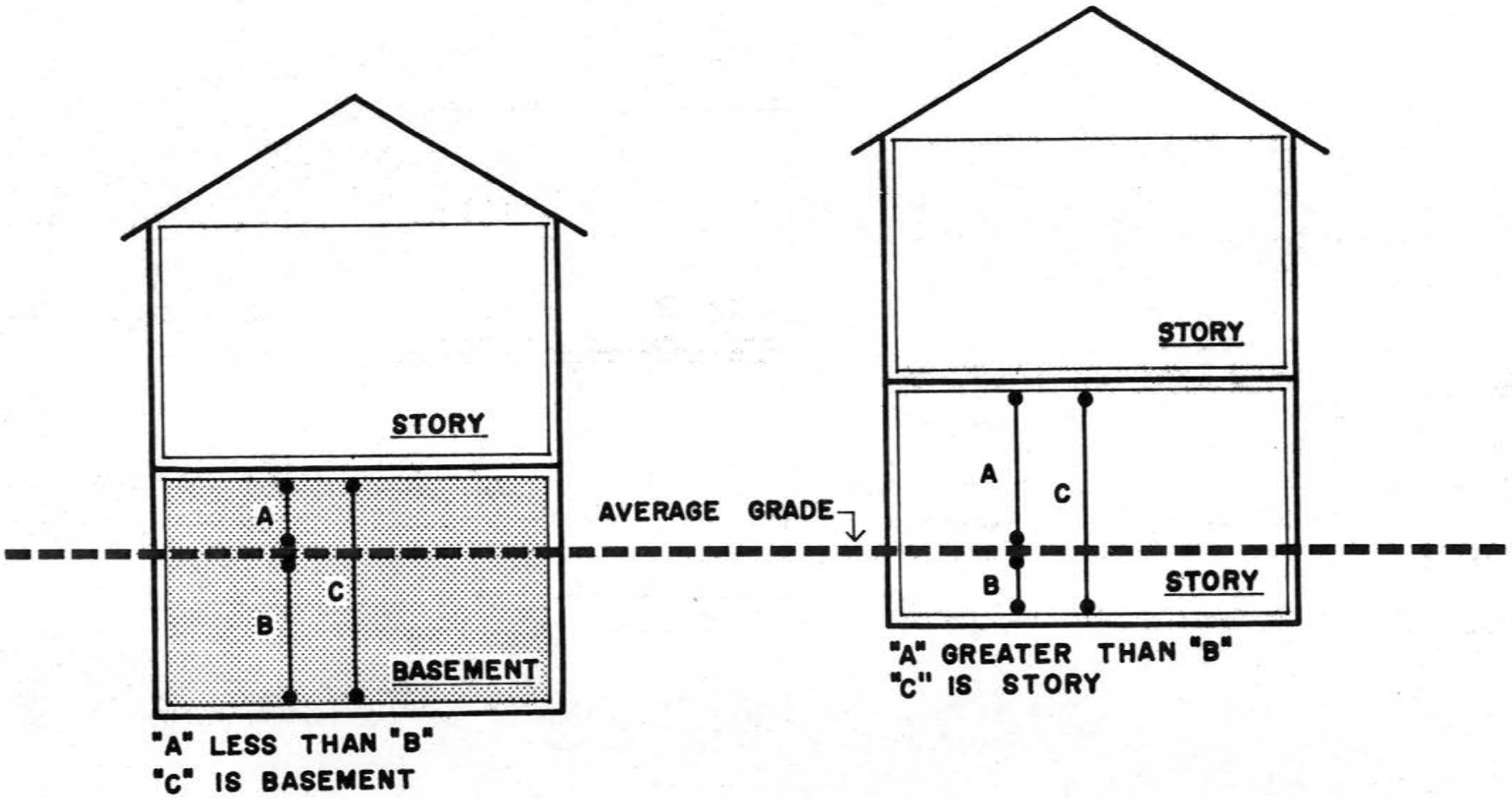
e. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.

f. Off-street parking spaces, open or enclosed, subject to the off-street parking regulations for the district in which the zoning lot is located.

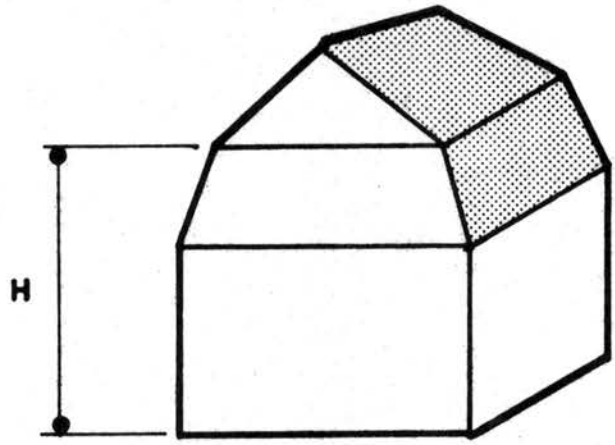
CAAPC 202. Alleys: A dedicated public way not more than thirty (30) feet wide affording a secondary means of access to abutting property, and not intended for general traffic circulation.

CAAPC 203. Automobile Service Center: An establishment where automotive fuel, tires, batteries, accessories and parts for passenger automobiles are sold or installed.

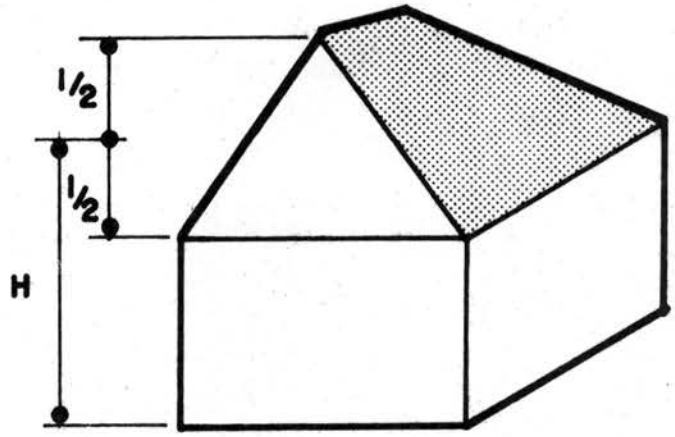
CAAPC 204. Basement: That portion of a building, partly or wholly below grade, so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.



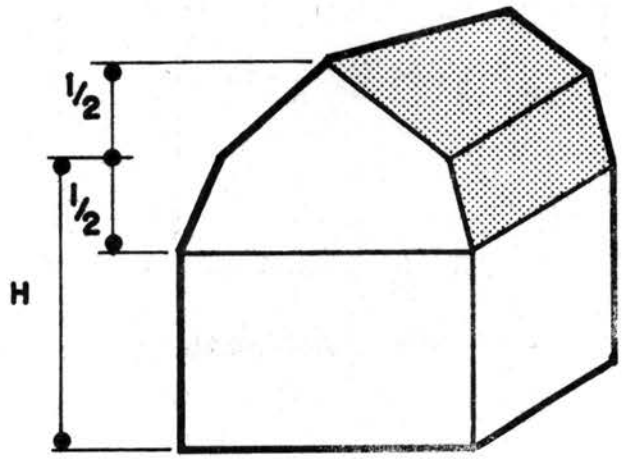
BASEMENT & STORY



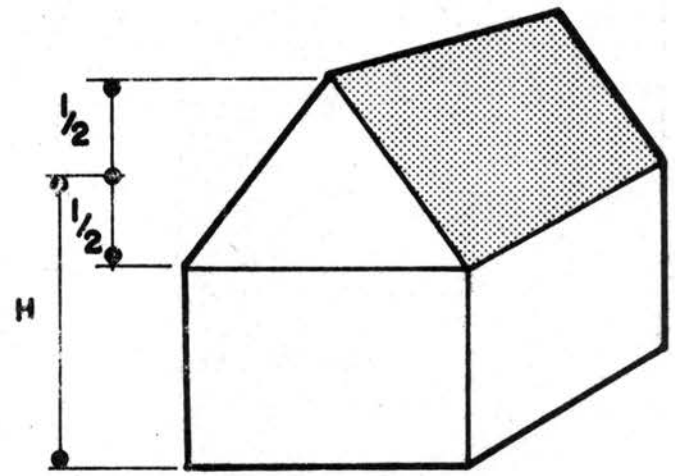
MANSARD ROOF



HIP ROOF



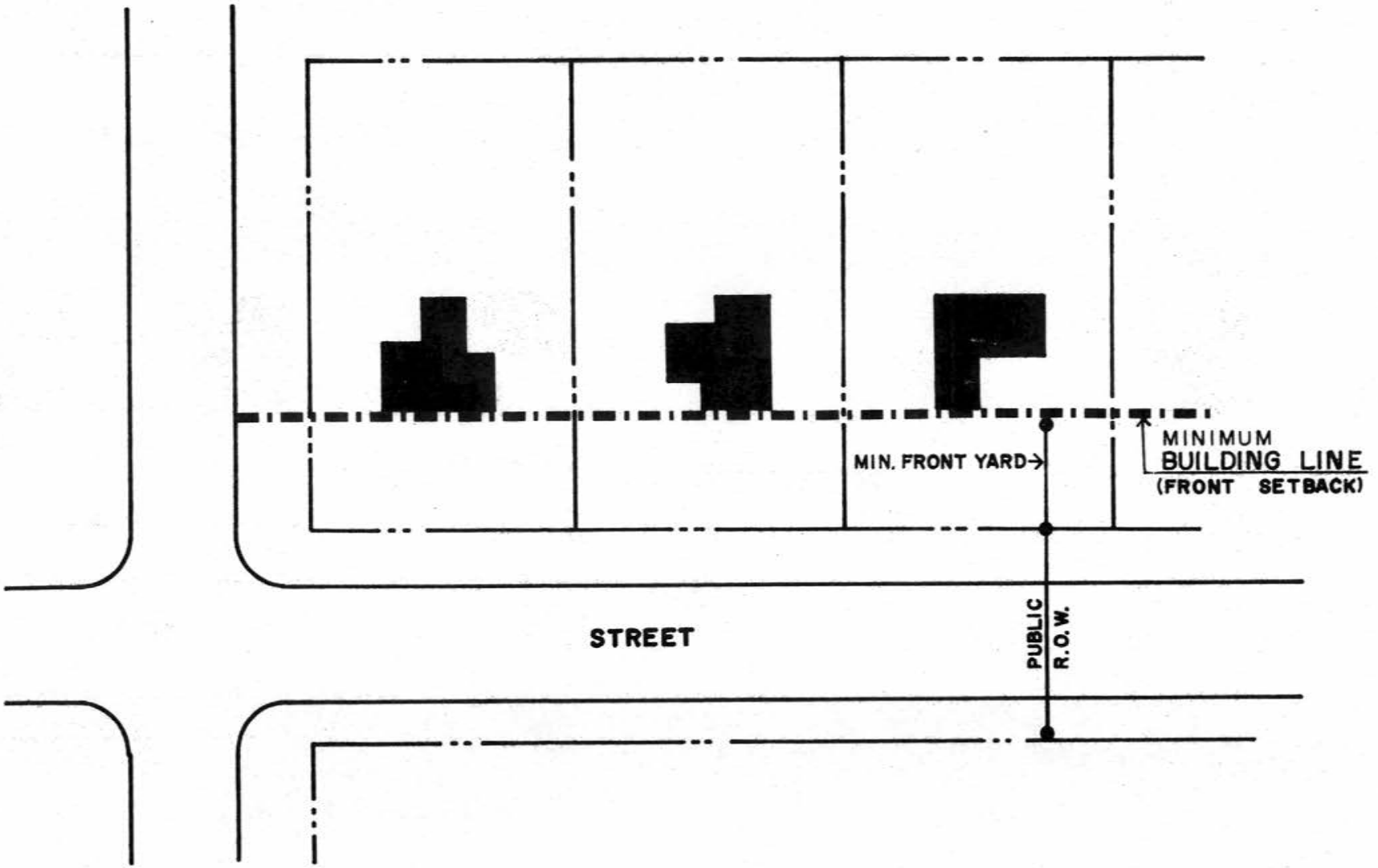
GAMBREL ROOF



GABLE ROOF

H = HEIGHT OF BUILDING

BUILDING HEIGHT



BUILDING LINE

CAAPC 205. Billboard: An advertising sign over sixteen (16) square feet in area.

CAAPC 206. Block: The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development.

CAAPC 207. Board: The Board of Zoning Appeals for the Capitol Area.

CAAPC 208. Boarding or Lodging House: A building designed for or used as a one-family or two-family dwelling and containing guest rooms where lodging, with or without meals, is provided for compensation on a daily, weekly, or monthly basis.

CAAPC 209. Building Height: The height of a building shall be the distance measured from the mean grade of the sidewalk or a given grade elevation to the highest point of the building or equipment mounted thereon.

CAAPC 210. Capitol Area: As defined in M.S. 1969, Section 15.50, subd. 2, as amended by Laws 1971, Chapter 25, sec. 9, the Capitol Area consists of that area of the City of St. Paul within the following boundaries:

> "Beginning at the point of intersection of the centerline of the Arch-Pennsylvania freeway and the centerline of Marion Street, thence southerly along the centerline of Marion Street to the north line of the right-of-way of Interstate Highway 94, thence easterly along the said north line to the centerline of Cedar Avenue, thence southeasterly along the centerline of Cedar Avenue to the centerline of Tenth Street, thence northeasterly along the centerline of Tenth Street to the centerline of Minnesota Street, thence northwesterly along the centerline of Minnesota Street to the centerline of Eleventh Street, thence northeasterly

along the centerline of Eleventh Street to the centerline of Jackson Street, thence northwesterly along the centerline of Jackson Street to the centerline of the Arch-Pennsylvania freeway extended, thence westerly along the centerline of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin . . ."

CAAPC 211. Commission: The Capitol Area Architectural and Planning Commission created by M.S. 1967, Sec. 15.50, subd. 1.

CAAPC 212. Comprehensive Plan: The plan adopted by the Capitol Area Architectural and Planning Commission on August 13, 1970, including any unit or part of that plan and any amendment to that plan or parts thereof.

CAAPC 213. Consumer Goods: Goods used or bought for use primarily for personal, family or household purposes, and not for commercial, business or agricultural purposes.

CAAPC 214. Curb Level: The mean level of the curb adjoining a zoning lot. On corner lots, curb level is the average of the mean levels of the adjoining curbs on the intersecting streets. Where no curb level has been established, the Chief Engineer of the City of St. Paul shall establish such curb level, or it's equivalent.

CAAPC 215. Development: The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

CAAPC 216. Drive-In: A restaurant where food or beverages are sold to the customer in a ready-to-consume state primarily for consumption off the premises, or where facilities are provided for consumption of the food or beverage in an automobile parked upon the premises.

CAAPC 217. Dwelling Unit: A building, or portion thereof, designed for occupancy by one household for residential purposes and having cooking facilities.

CAAPC 218. Dwelling, Multiple-Family: A building designed exclusively for occupancy by three (3) or more families living independently of each other.

CAAPC 219. Dwelling, Townhouse: A one-family dwelling unit, with private front and rear entrances, which is part of a multiple-family dwelling whose dwelling units are attached horizontally in a linear arrangement.

CAAPC 220. Dwelling, One-Family: A building designed exclusively for and occupied by one (1) family.

CAAPC 221. Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families living independently of each other.

CAAPC 222. Elevation: The height of a point expressed in feet above mean sea level (sea level datum of 1929 adjusted).

CAAPC 223. Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

CAAPC 224. Family: One or two persons or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of four or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

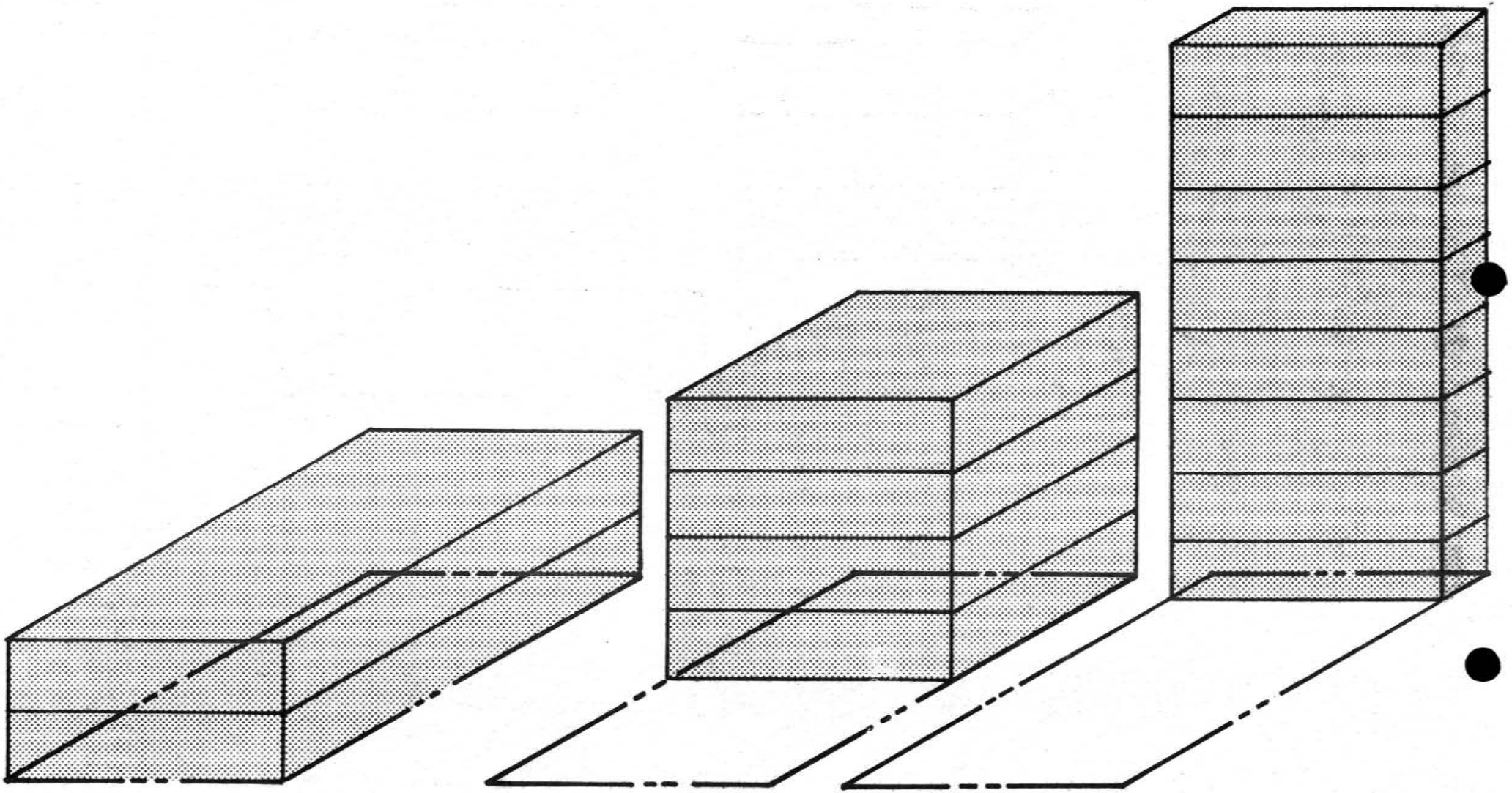
CAAPC 225. Floor Area: The sum of the horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevator or stair bulkheads and accessory structures.

CAAPC 226. Floor Area Ratio (F.A.R.): The total floor area of all buildings or structures on a zoning lot divided by the area of said lot.

CAAPC 227. Floor Area, Usable: The floor area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers, and all that area devoted to employee workspace, but excluding such floor area which is used or intended to be used principally for the storage of merchandise, hallways, elevator or stair bulkheads or for utilities or sanitary facilities.

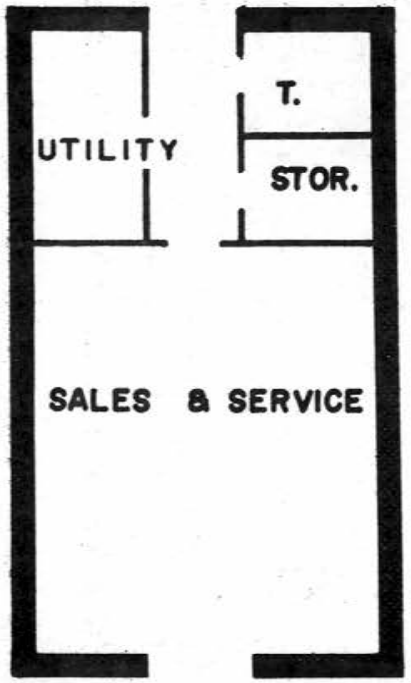
CAAPC 228. Front Setback Line: A line parallel to the front lot line and which establishes the minimum front yard depth of a zoning lot.

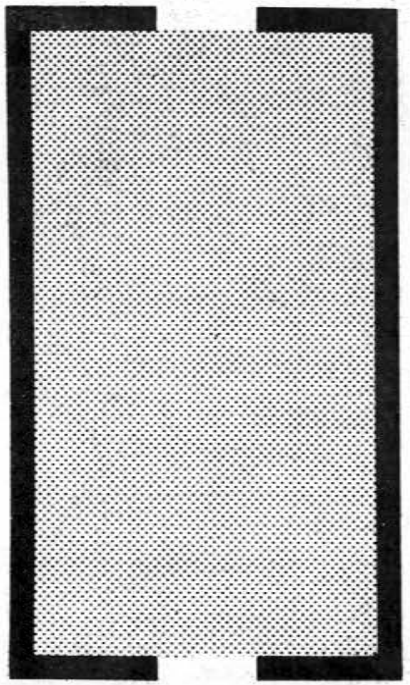
CAAPC 229. Grade: The elevation established for the purpose of regulating the number of stories and the height of buildings. For



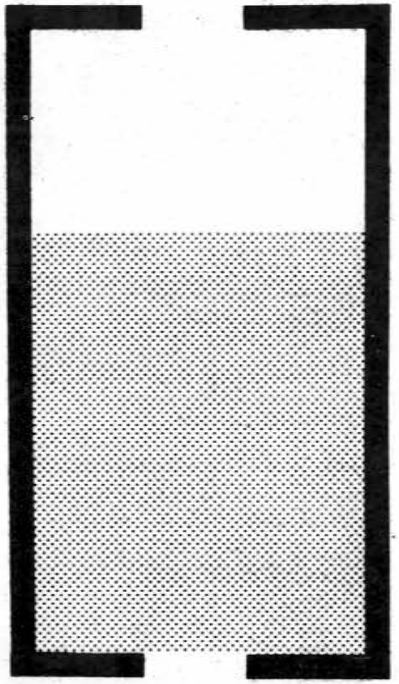
EXAMPLES USING F.A.R. 2:1

FLOOR AREA RATIO



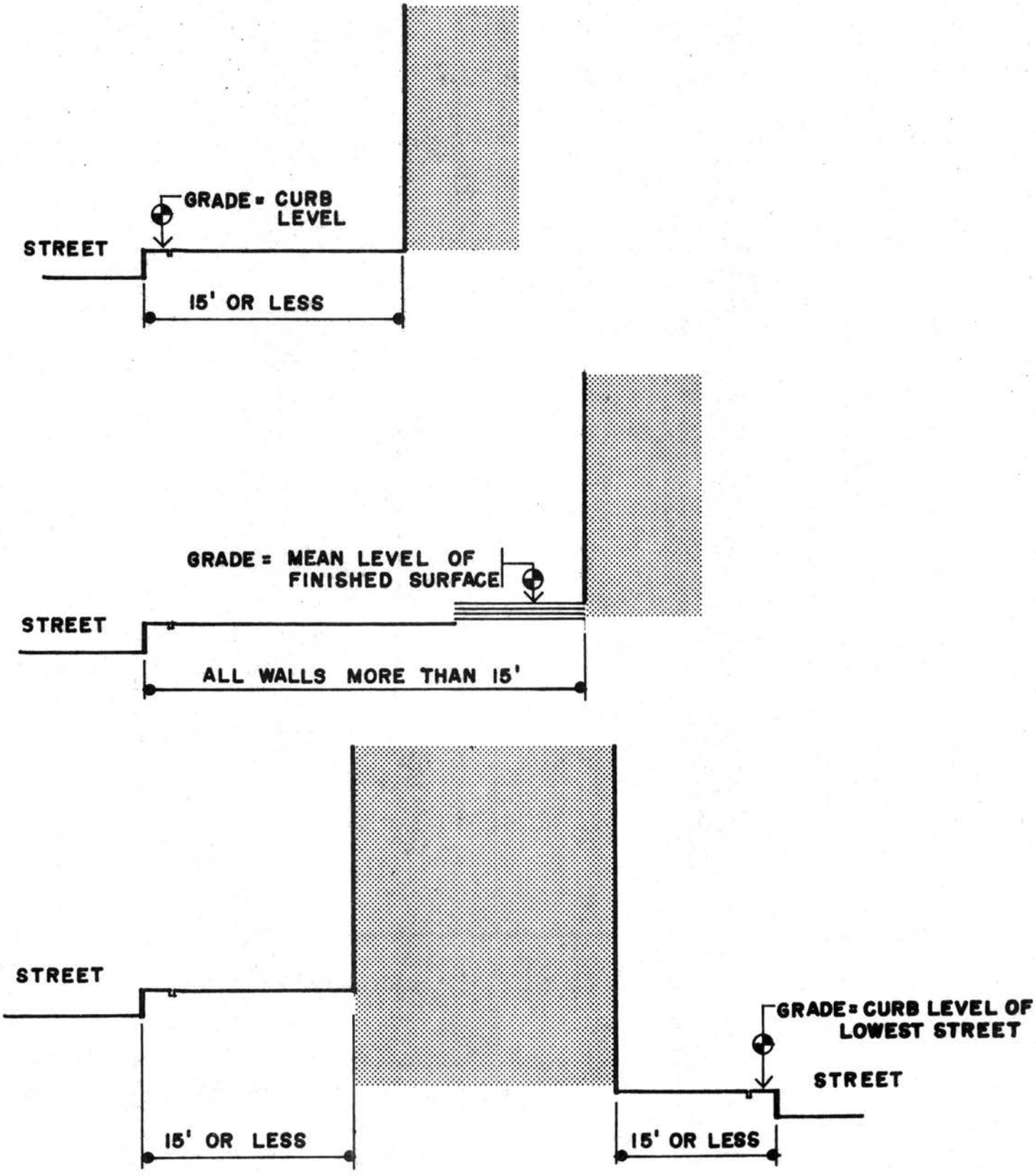


TOTAL FLOOR AREA



USABLE FLOOR AREA
(FOR PURPOSES OF COMPUTING PARKING)

FLOOR AREA


GRADE = CURB LEVEL
STREET
15' OR LESS
GRADE = MEAN LEVEL OF FINISHED SURFACE
STREET
ALL WALLS MORE THAN 15'
STREET
15' OR LESS
GRADE = CURB LEVEL OF LOWEST STREET
STREET
15' OR LESS

GRADE

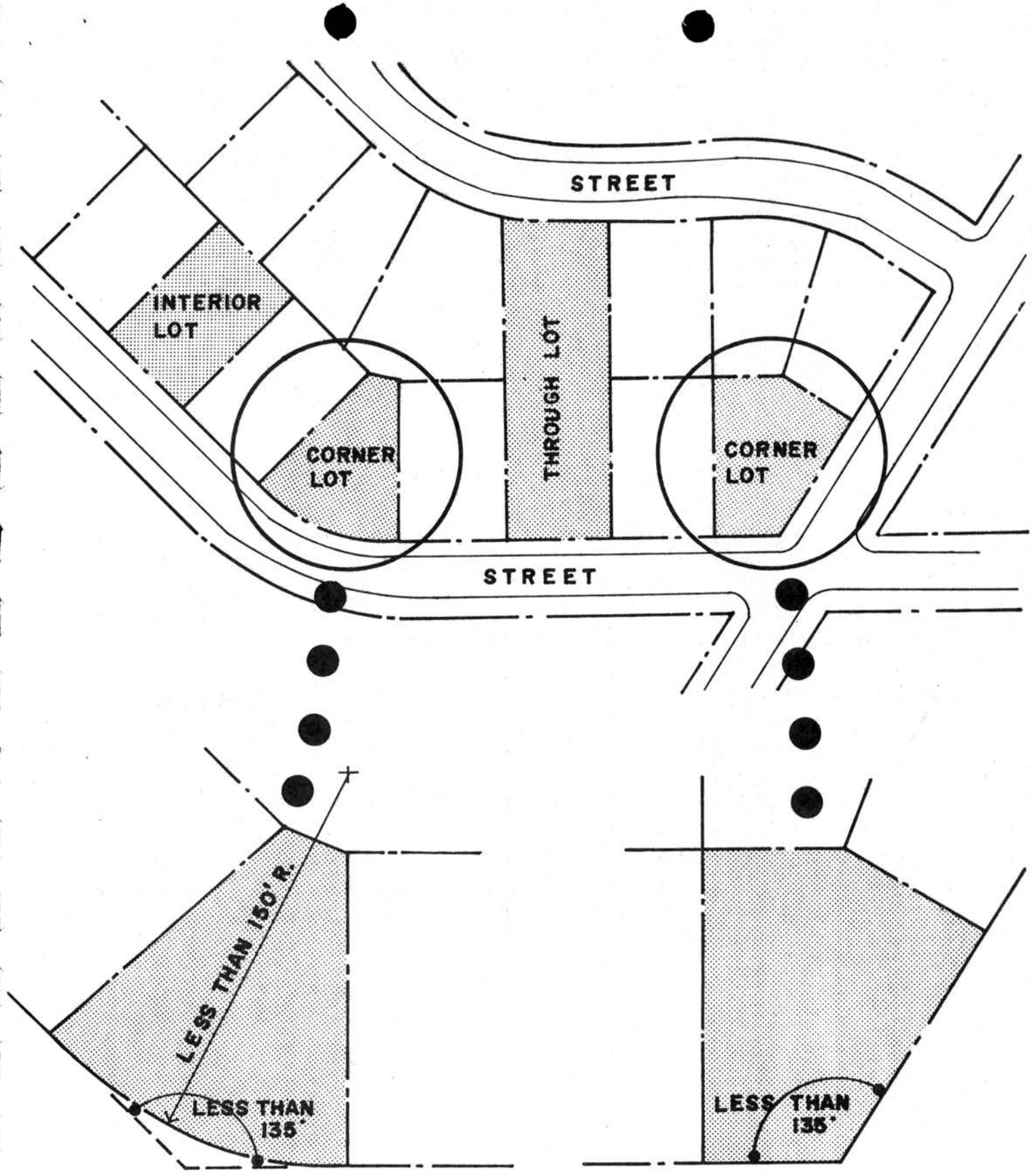
buildings having a wall or walls on or within fifteen (15) feet of a street line, grade shall be curb level, or its equivalent, opposite such wall or walls. When a building has frontage on more than one street, the lowest curb level shall apply. For buildings having all walls more than fifteen (15) feet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

CAAPC 230. Home Occupation: An occupation or business carried on in a dwelling by the resident thereof, not involving retail or manufacturing business, and employing no persons other than members of the immediate family residing on the premises, except one (1) receptionist or office assistant; including but not limited to the businesses and occupations of doctors, ministers, architects, lawyers, dentists, authors, artists, musicians, and other similar occupations.

CAAPC 231. Loading Space: An off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

CAAPC 232. Lot: A parcel of land occupied and used, or intended to be occupied and used, by a building or a group of buildings, together with such yards and open spaces as are required under the provisions of these regulations, whether or not specifically designed as such on public records.

CAAPC 233. Lot, Corner: A lot abutting two intersecting streets where the interior angle of two adjacent sides at the intersection of two streets is less than one-hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of these regulations if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve,



INTERIOR, THROUGH & CORNER LOTS

at the two points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than one hundred thirty-five (135) degrees.

CAAPC 234. Lot, Interior: Any lot other than a corner lot.

CAAPC 235. Lot, Through: Any interior lot having frontage on two streets.

CAAPC 236. Lot, Zoning: A single tract of land, comprised of one or more lots located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

CAAPC 237. Lot, Area: The total horizontal area within the lot lines of the lot.

CAAPC 238. Lot Coverage: The part of percent of the lot occupied by buildings, including accessory buildings.

CAAPC 239. Lot Depth: The median horizontal distance between the front and rear lot lines.

CAAPC 240. Lot Lines: The lines bounding a lot as defined herein:

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

b. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front line and wholly within the lot.

c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from

a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

CAAPC 241. Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Registrar of Deeds or in common use by state or municipal or county officials, and which actually exists as so shown.

CAAPC 242. Lot Width: 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.

CAAPC 243. Major Thoroughfare: An arterial street designated as a major artery or freeway in the Comprehensive Plan.

CAAPC 244. Mezzanine: An intermediate or fractional story between two main stories that projects in the form of a balcony over the story below and whose floor area does not exceed thiry-three and one third (33-1/3) percent of the floor area of the floor below.

CAAPC 245. Non-conforming Building: A building or portion thereof lawfully existing at the effective date of these regulations, or amendments thereto, and that does not conform to the provisions of the regulations pertaining to the district in which it is located.

CAAPC 246. Non-conforming Use: A use which lawfully occupied a building or land at the effective date of these regulations, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

CAAPC 247. Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated

movement of people or things, such as but not limited to (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise or congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

CAAPC 248. Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

CAAPC 249. Parking Space: An area of definite length and width, exclusive of drives, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

CAAPC 250. Person: Any individual, corporation, partnership, limited partnership, association, unincorporated, or unit of state, local, or federal government.

CAAPC 251. Public Utility: A person, duly authorized under Federal, State, or municipal laws and regulations to furnish to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

CAAPC 252. Room: For the purposes of determining lot area, requirements, and density in a multiple-family district, a living room, dining room, and bedroom equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing 1, 2, or 3-bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purposes of computing density.

CAAPC 253. Shopping Center. "Shopping Center" means a building, or related or connected buildings, which have been planned and constructed to provide a variety of commercial establishments at a single location.

CAAPC 254. Sign: A placard, board, or similar device publicly displayed for the purpose of providing information, warnings, or directions, including the following kinds of signs:

a. Accessory Sign: A sign which pertains to the principal use of the premises.

b. Advertising Sign: A non-accessory sign relating to an activity, service, or business not carried out on the premises upon which the sign is placed.

c. Business Sign: An accessory sign relating to the activity, service, or business conducted on the premises upon which the sign is placed.

d. Announcement Sign: A business sign which provides:

(1) An announcement of church services, or other religious activities.

(2) A directory of offices or activities within a building or group of buildings.

e. Directional Sign: A sign which conveys information or requirements about orientation and direction.

f. Festoon Sign: A business sign where lights are hung or strung overhead and not on a building or structure.

g. Flashing, Animated, or Moving Sign: A sign that intermittently reflects lights from either an artificial source, or from the sun; or a sign which has movement of any illumination,

such as intermittent flashing, scintillating, or varying intensity, or a sign that has any visible portions in motion, either constantly or at intervals, which motion may be caused either by artificial or natural sources.

h. Ground Sign: A sign not attached to any building, and supported by uprights or braces or by some object on the ground.

i. Identification and Name Plate: A business sign stating the name of a person, firm or name or description of a certain permitted use.

j. Non-Accessory Sign: A sign which does not pertain to the principal use of the premises.

k. Projecting Sign: A sign attached to a building or other structure and extending in whole or in part more than twelve (12) inches beyond the surface of the portion of the building line or extending over public property.

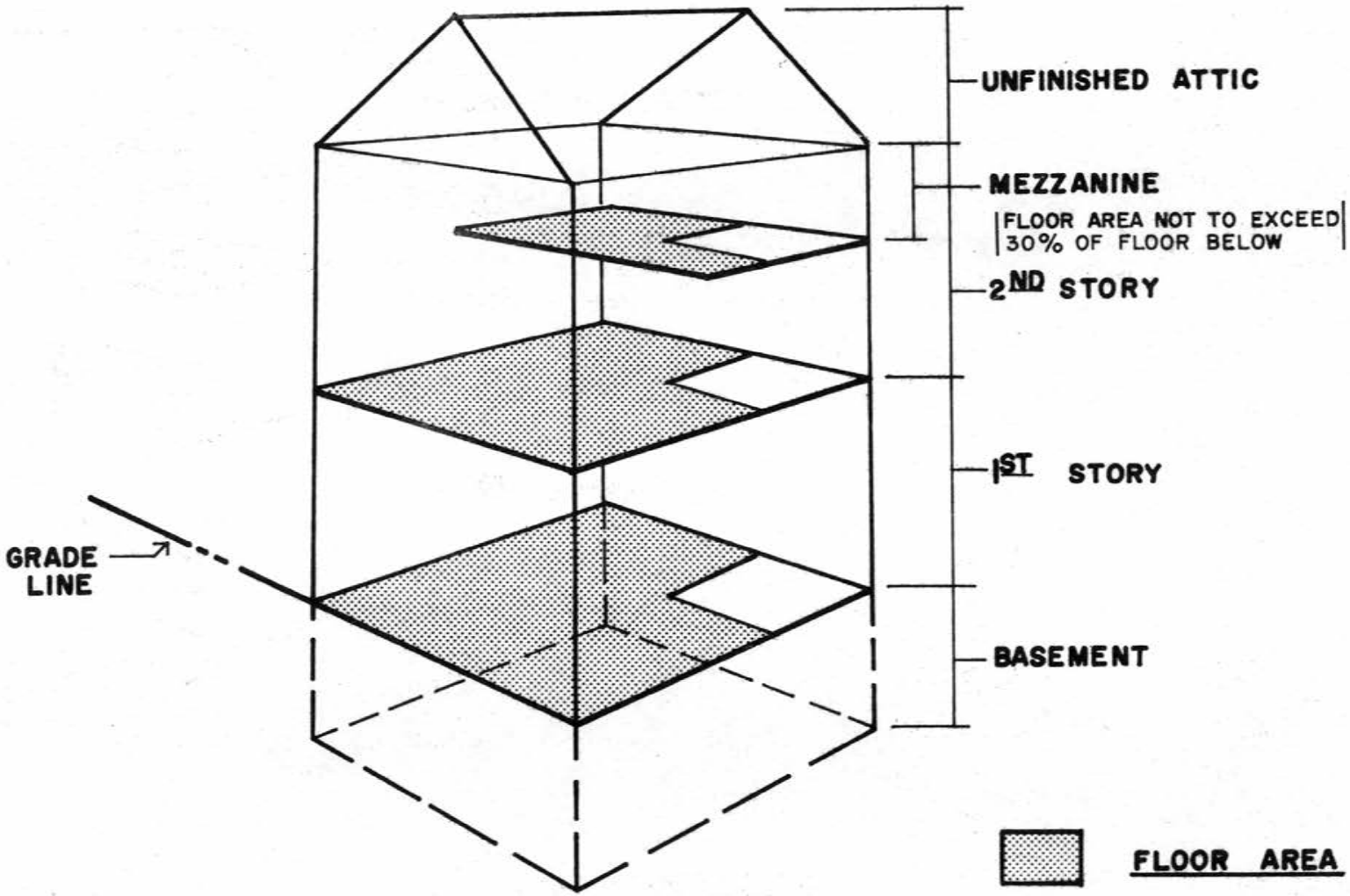
l. Pylon Sign: A sign supported by one or more poles with a clear space of not less than ten (10) feet between the bottom of the face of the sign and the ground.

m. Real Estate Sign: A business sign placed upon a property advertising that particular property for sale, or for rent, or for lease.

n. Real Estate Development Sign: A business sign placed on the premises of a subdivision or other real estate development.

o. Roof Sign: A sign, any part of which is erected upon, over, or above a roof of a building.

p. Temporary Sign: A sign intended to be displayed for a short time for special events.



BASIC STRUCTURAL TERMS

q. Vehicle Business Sign: A business sign painted on or attached to a vehicle.

r. Wall Sign: A sign erected against a wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of such wall and not extending more than twelve (12) inches beyond the surface of the portion of the building wall on which erected.

CAAPC 255. Story: That part of a building, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

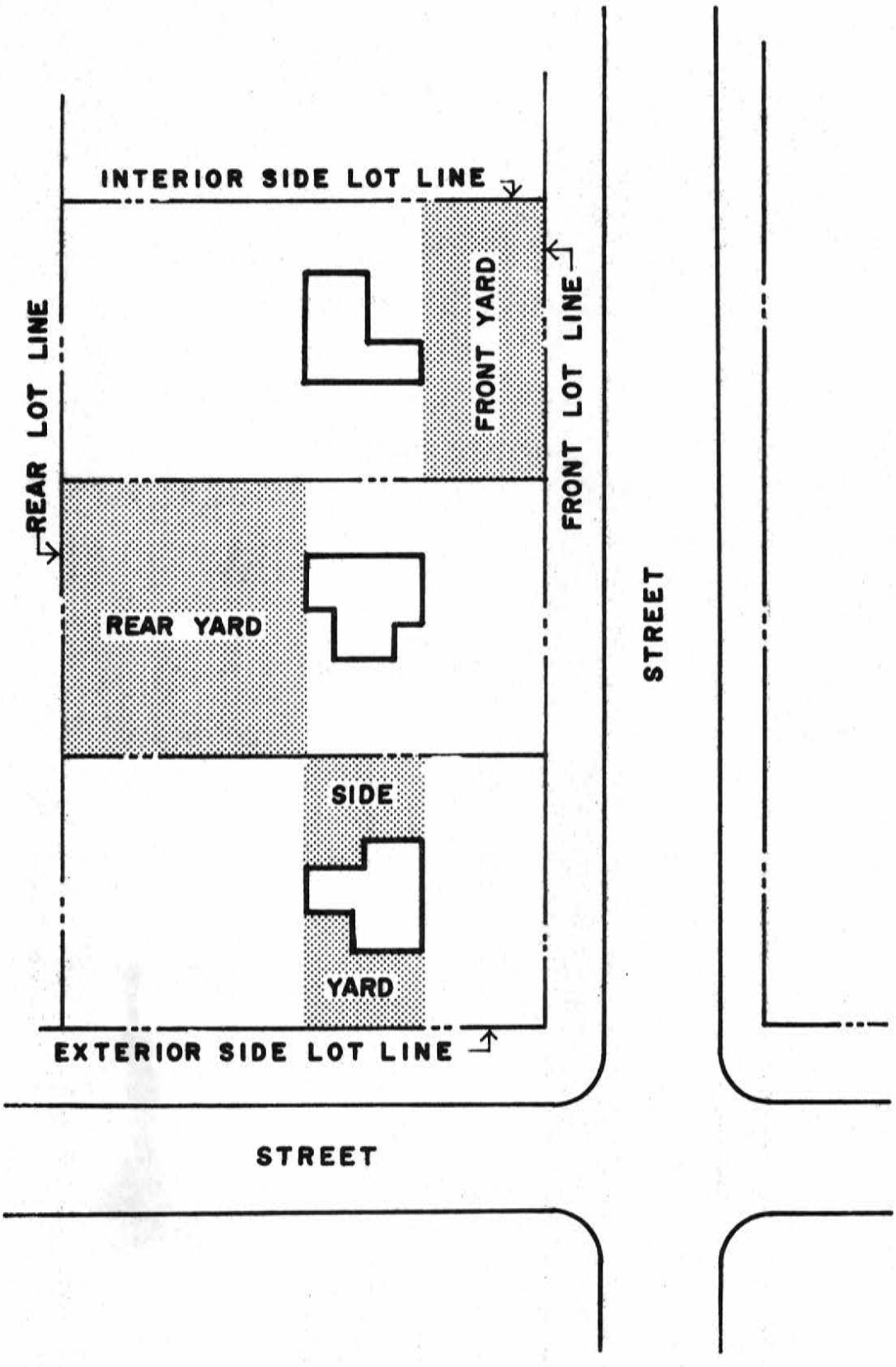
CAAPC 256. Story, Half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet, with a clear height of seven feet six inches (7' - 6"). For the purpose of these regulations, the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

CAAPC 257. Street: A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

CAAPC 258. Street Line: The property line separating private or public property from a designated street.

CAAPC 259. Temporary Use or Building: A use or building permitted to exist under the specific stipulations of these regulations during periods of construction of the main building or use, or for special events.

CAAPC 260. Use: The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.


INTERIOR SIDE LOT LINE
FRONT YARD
FRONT LOT LINE
REAR LOT LINE
REAR YARD
SIDE
YARD
EXTERIOR SIDE LOT LINE
STREET
STREET

YARDS

CAAPC 261 Yards: The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations and as defined herein:

a. Front Yard: An open space extending the full width of the front lot line, the depth of which is the minimum horizontal distance between the front lot lines and the nearest point of the main building.

b. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

In the case of a corner lot, the rear yard may be opposite either street frontage.

c. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

CAAPC 262 - 299 are reserved for future use.

CHAPTER THREE. ZONING DISTRICTS.

CAAPC 301. Districts Established: The following zoning districts for the Capitol Area are hereby established:

a. Governmental District (G-1)

b. Medium-Density, Multiple-Family Residential District (RM-2)

c. Local Business District (B-1)

d. Office-Service District (OS-1)

e. Planned Unit Development District (PD)

CAAPC 302. Zoning Map: The Capitol Area is hereby divided into zoning districts as shown on the official zoning map entitled "Zoning District for the Capitol Area." Such map and any amendments with all explanatory matter therein, are hereby made a part of these regulations.

CAAPC 303. Boundaries: Where uncertainty exists with respect to the boundaries of any of the districts established in these regulations as shown on the official Capitol Area Zoning District Map, the following rules shall be applied:

a. Where district boundaries are indicated as approximately following the center line of streets or highways, street lines, or highway right-of-way lines, such center lines shall be construed to be said boundaries.

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

c. Where district boundaries are so indicated that they are approximately parallel to the center lines of street or the center lines of right-of-way lines of highways or railroads, such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Capitol Area Zoning District Map.

d. Where unzoned property may exist, or where, due to the scale, lack of detail, or illegibility of the Zoning Map, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, the exact location of district boundary lines shall be determined by the Board of Zoning Appeals for the Capitol

Area upon the written application of a property owner or upon its own motion.

CHAPTER FOUR

USE REGULATIONS

CAAPC 401. Uses Permitted.

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

b. A principal use shall be permitted upon the finding by the commission that the proposed use is:

(a) Specifically enumerated as a principal use in the zoning district in question, or

(b) Wholly consistent with the purpose of such district and with the general character of the enumerated principal uses of such district.

(c) Any use which is not a principal use may be permitted as a conditional use upon the finding by the Commission that such use is specifically enumerated as a conditional use for such district and that, if established, such use:

(i) Will not materially adversely affect the general character of existing principal uses:

(ii) Will not adversely affect the beauty and dignity of the Capitol Area; and

(iii) Will be established pursuant to the conditions and requirements for such uses enumerated in these regulations and such additional conditions and requirements as the commission may impose to insure compliance with sub paragraphs (i) and (ii) above.

CAAPC 402. GOVERNMENTAL DISTRICT (G-1); PRINCIPAL USES. Only those uses which are consistent with the orderly growth of the facilities of state government, the preservation and enhancement of existing structures, especially the State Capitol, and the creation and preservation of open space within the Capitol Area shall be as principal uses permitted in the Governmental District. Such principal uses include, but are not limited to, the following:

a. The Capitol of the State of Minnesota, including but not limited to Executive, Judicial, and Legislative uses.

b. State of Minnesota Offices, including but not limited to Executive, Judicial, Legislative and Administrative offices.

c. State of Minnesota museums and historical centers.

d. State of Minnesota boiler and maintenance facilities.

e. State-owned parking facilities.

f. Pedestrian, transit, and service circulation systems, and related facilities.

g. Public open space.

h. Accessory buildings, structures, and uses.

CAAPC 403. GOVERNMENTAL DISTRICT: CONDITIONAL USES. The following conditional uses shall be permitted in the Governmental District pursuant to the provisions of CAAPC 401 and subject to the conditions hereinafter imposed for each use:

a. Retail and service establishments, exhibition space, tourist information facilities, and other uses reasonably necessary and convenient for the satisfactory and efficient operation of the facilities of State Government and to provide adequate public access thereto.

CAAPC 404. MEDIUM-DENSITY, MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM-2); PRINCIPAL USES. Only those uses providing single and multiple-family residential structures resulting in moderate population density (see the area, bulk, and set-back regulations contained in CAAPC 502) shall be permitted as principal uses in a medium density multiple family residential district. Such principal uses include, but are not limited to:

a. Single-family detached dwellings;

b. Two-family detached dwellings;

c. Town house dwellings;

d. Multiple-family dwellings;

e. Publicly owned and operated libraries, parks, and recreation facilities;

f. Public, parochial, and other private elementary, junior high, or high schools offering courses in general education, and not operated for profit.

g. Public buildings, and uses, without outdoor storage.

h. Accessory buildings, structures, and uses.

CAAPC 405. MEDIUM DENSITY, MULTIPLE FAMILY RESIDENTIAL DISTRICT: (RM-2); CONDITIONAL USES. The following conditional uses shall be permitted pursuant to the provisions of CAAPC 401 and subject to the conditions hereinafter imposed for such use:

a. Multiple family residential structures resulting in moderate to high population density (see area, bulk, and setback regulations in CAAPC 502; provided that:

(i) The automobile traffic generated by such use will not exceed the capacity of adjacent streets;

(ii) The use is consistent with adjacent uses.

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

c. Recreation uses, including, but not limited to, swimming pools, tennis courts, putting greens, cabanas, and similar recreational uses which are accessory to a particular dwelling structure or structures, and which are subject to the following conditions:

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

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

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

(i) All such pools shall be located in the rear yard.

(ii) There shall be a distance of not less than ten (10) feet between the adjoining property line and outside of the pool wall.

(iii) There shall be a distance of not less than four

(4) feet between the outside pool wall and any building located on the same lot.

(iv) No swimming pool shall be located less than the distance required for side yard by these regulations, or ten (10) feet, whichever is greater, from the right-of-way of any side-street or alley.

(v) No swimming pool shall be located in a public easement.

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

e. Private non-commercial recreational uses, including but not limited to institutional or community recreation centers, non-profit swimming, tennis or other recreational clubs, subject to the following conditions:

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

(ii) Front, side, and rear yards shall be at least forty (40) feet wide, and shall be landscaped

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

(iii) Sufficient off-street parking shall be provided to accommodate not less than one-fourth of the membership. Prior to the issuance of a zoning permit, by-laws and official membership roll of the organization shall be supplied to the Zoning Administrator in order to determine the membership involved for computing the off-street parking requirements.

f. Utility and public service uses which are completely enclosed within a building, when operating requirements necessitate locating said building within the district in order to serve the immediate vicinity. Storage yards accessory to such uses shall be prohibited.

g. Home occupations.

h. Nursery schools, day nurseries, and child care centers (not including dormitories), provided that for each child cared for there is provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of at least two thousand (2,000) square feet, and shall be fenced and screened from any adjoining

land with planting. Any use permitted herein shall not be permitted in an interior of any residential lot.

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

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

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

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

(iii) Such uses shall not exceed twenty-five (25) percent of the floor area of a sub-grade level, and shall be prohibited on all floors above the first floor or grade level.

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

CAAPC. 406. LOCAL BUSINESS DISTRICT (B-1); PRINCIPAL USES. Only those uses which primarily serve the individual shopping and service needs of persons residing in nearby residential areas and which provide limited facilities for automobile access and parking shall be permitted as principal uses in a Local Business District. Such principal uses include, but are not limited to, the following:

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

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

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

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

e. Business and professional offices and services.

f. Restaurants and lounges, except drive-ins.

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

CAAPC 407. LOCAL BUSINESS DISTRICT (B-1); CONDITIONAL USES. The following conditional uses shall be permitted pursuant to the provisions of CAAPC 401 and subject to the conditions hereinafter imposed for each use:

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

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

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

d. Business schools, non-academic colleges, or trade schools operated for profit.

e. Office buildings.

f. Financial institutions.

g. Post offices.

h. Medical offices, including clinics.

i. Public transportation facilities.

j. Restaurants, bars, lounges, drive-ins, and similar establishments.

k. Outdoor business uses as follows:

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

(ii) Recreational space providing children's amusement park and other similar recreation when part of a planned shopping center development, but not at the intersection of two major thoroughfares. Such recreation space shall be fenced on all sides with a four (4) foot enclosure.

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

l. Bowling alley, billiard hall, indoor archery range, indoor tennis court, indoor skating rink, or similar forms of indoor commercial recreation when located at least one hundred (100) feet from any front, rear, or side yard of any residential lot in an adjacent residential district.

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

n. Motels, subject to the following conditions:

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

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

o. Any combination of permitted and conditional uses for Local Business District when such uses are combined in a single structure or in connected or closely related structures and are located near a parking lot or lots specifically intended to provide parking for the customers and patrons of said uses.

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

CAAPC 408. OFFICE-SERVICE DISTRICT (OS-1); PRINCIPAL USES. Only those uses which provide facilities for administrative, professional, and health care services shall be permitted as principal uses in an Office Service District (OS-1). Such principal uses include, but are not limited to the following:

a. Executive, administrative and professional offices.

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

c. Banks and similar financial institutions.

d. Educational research and technical training institutions.

e. Public transportation facilities.

CAAPC 409. OFFICE-SERVICE DISTRICT: (OS-1); CONDITIONAL USES. The following conditional uses shall be permitted pursuant to the provisions of CAAPC 401 and subject to the conditions hereinafter imposed for each use:

a. Personal service establishments which perform services on the premises, such as beauty parlors, barber shops, and photographic studios.

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

CAAPC 410. PLANNED UNIT DEVELOPMENT DISTRICT (PD); ESTABLISHMENT AND PRINCIPAL USES. Upon application made to the Commission, a Planned Unit Development District may be established by the Commission upon final approval of a plan of development in the manner provided in these regulations. Such Planned Unit Development District may include all or part of one or more zoning districts and shall be the zoning district for the lot or lots included in the plan. Only those uses specified in the plan of development as finally approved by the Commission shall be permitted in the Planned Unit Development District.

CAAPC 411. PLANNED UNIT DEVELOPMENT DISTRICT (PD); CRITERIA AND CONDITIONS OF APPROVAL. The Commission may establish a Planned Unit Development District if, upon application and hearing, it finds that a proposed plan of development is consistent with the Comprehensive Plan for the Capitol Area; that the proposed plan provides a desirable environment that is harmonious with the surrounding uses and the beauty and dignity of the Capitol Area; and that the plan is financially feasible.

CAAPC 412. PLANNED UNIT DEVELOPMENT DISTRICT (PD); PRELIMINARY APPLICATION AND APPROVAL. Preliminary application for the establishment of a Planned Unit Development District shall be made in writing to the Commission and shall include the following:

a. A survey of the area proposed as a Planned Unit Development District (Scale 1" = 50').

b. Proof of ownership of all land within the proposed Planned Unit Development District. (As used herein, "ownership" shall be deemed to include fee ownership, an option to purchase, or a purchase under a contract for deed.)

c. A topographical map of the area proposed for a Planned Unit Development District showing contours at elevation intervals of one foot, and indicating all natural and man-made features (Scale 1" = 50').

d. A preliminary plan of the proposed Planned Unit Development District indicating the proposed land uses, the proposed densities, and the proposed system of collector streets, and off-street parking.

e. A written description of the proposed Planned Unit Development District setting forth in detail the purpose of the plan

for the proposed Planned Unit Development District, the number and the type of proposed dwelling units, the intended population of such units, the scope and nature of proposed non-residential uses, the resultant traffic flow and parking demands, and relevant supporting documentation, including without limitation, traffic studies, market studies, and proposed schedule of development.

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

CAAPC 413. PLANNED UNIT DEVELOPMENT DISTRICT (PD); AMENDMENT OF PLAN. A plan may be amended upon approval of the Commission at any time after preliminary approval and prior to final approval; provided the proposed amendment satisfies the criteria for approval of a Planned Unit Development District.

CAAPC 414. PLANNED UNIT DEVELOPMENT DISTRICT (PD); FINAL APPROVAL AND DEVELOPMENT. Not later than two years from the date of approval of the preliminary plan for development, the applicant shall submit to the Commission a final plan for development. The final plan shall set forth completely and

in detail the final plan for development of the Planned Unit Development District and shall indicate specific uses, building locations, off-street parking, street alignment changes, open spaces and other physical details. If the Commission finds that the final plan is consistent with and carries out the intent of the preliminary plan and is consistent with the Comprehensive Plan for the Capitol Area, the Commission shall designate the proposed district as "Planned Unit Development District Number_____" and shall amend the zoning map accordingly.

CHAPTER FIVE

AREA, HEIGHT, BULK, AND SETBACK REGULATIONS

CAAPC 501. APPLICATION. No building or structure shall hereafter be erected or constructed, and no existing building or structure shall hereafter be reconstructed, enlarged, moved, or altered, unless in conformity with the regulations herein specified limiting floor area ratio, lot coverage, height, yard setback, and size of lots in each zoning district.

CAAPC 502. REQUIREMENTS. The floor area ratio, lot coverage, height, yard setback, and size of lot in each zoning district shall be as set forth on the following chart.

CHART A: SCHEDULE OF REGULATIONS LIMITING HEIGHT, BULK, DENSITY, AND AREA BY ZONING DISTRICTS.

ZONING DISTRICT	MAXIMUM FLOOR AREA RATIO PERMITTED	MAXIMUM % OF LOT COVERAGE PERMITTED (Area of all structures)	MAXIMUM HEIGHT OF BUILDING OR STRUCTURE PERMITTED. (Maximum elevation above sea level given. Specific heights will vary with ground elevation of each site)	MINIMUM YARD SETBACK (for lot in feet)				MINIMUM SIZE LOT PER UNIT	
					SIDES			AREA	
				FRONT	LEAST ONE	TOTAL OF TWO	REAR	(Sq. Ft.)	(Feet)
GOVERNMENTAL DISTRICT (G-1)	6.0	None	944.0 feet	0'	0'	0'	0'	None	None
MEDIUM DENSITY, MULTIPLE-FAMILY DISTRICT (RM-2)				See Attached Height District Map					
A. Height District #1 (See Attached Map)									
1. One-Family Detached Dwelling	None	30%	944.0 feet	25'	4' (See also Notes A and B)	8'	35'	5,000	40'
2. Two-Family Dwelling	None	30%	944.0 feet	25'	9' (See also Notes A and B)	18'	25'	3,500	30'
3. Multiple-Family Dwelling	None	30%	944.0 feet	25'	½ ht. or 15' whichever is greater.	30' (See also Notes A and B)	25'	(See Note A)	(See Note A)
B. Height District #2 (See Attached Map)									
1. One-Family Detached Dwelling	None	30%	944.0 feet	25'	4' (See also Note B)	8'	35'	5,000	40'
2. Two-Family Dwelling	None	30%	944.0 feet	25'	9' (See also Note B)	18'	35'	3,500	30'
3. Multiple-Family Dwelling	None	40%	966.0 feet (see also Note C)	0'	50' (See also Note B)	100'	50'	(See Note A)	(See Note A)
LOCAL BUSINESS DISTRICT (B-1)	4.0	None	944.0 feet	0'	0' (See also Note D)	0'	0'	None	None
OFFICE-SERVICE DISTRICT (OS-1)	6.0	None	966.0 feet	0'	0'	0'	0'	None	None
PLANNED UNIT DEVELOPMENT DISTRICT (PD)	(See Note E)	(See Note E)	(See Note E)	(See Note E)				(See Note E)	(See Note E)

NOTES TO SCHEDULE OF REGULATIONS CHART

Note A.

(1) In an RM-2 Multiple Family District, Height District #1, the total number of rooms (not including kitchen, dining, and sanitary facilities) shall not exceed the quotient of the area of the parcel, expressed in square feet, divided by six hundred (600).

(2) In an RM-2 Multiple Family District, Height District #2, the total number of rooms (not including kitchen, dining, and sanitary facilities) shall not exceed the quotient of the area of the parcel, expressed in square feet, divided by three hundred (300).

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

(4) For those uses permitted in Residential Districts (RM-2) as "Principal Uses" and "Conditional Uses", other than Residential Uses, the front yards shall be equal to the front yard required for residential use, and the side and rear yards shall be equal to one-half (½) the height of the building, but in no instance less than the minimum requirements of the district in which said use is located.

(5) The side yard next to a street shall not be less than the greater of the side yards required for the district in which located when there is a common rear yard relationship in the block and a common side yard relationship with the block directly across the common separating street. In the case of a new yard adjoining a side

yard, or when a side yard is abutting a front yard across a common separating street, the side yards next to a street shall not be less than the greater of the side yards required for the district in which located for all principal buildings and shall be equal to the front yard required for the district in which located for all accessory structures. No accessory structure shall be nearer to any adjoining side yard than the least side yard required for the district in which located.

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

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

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

If townhouses are developed on parcels where only the land immediately beneath each dwelling unit constitutes an individually described lot and all other land required for yards, other open space, parking, and other necessary land as required by this ordinance constitutes "common" properties, jointly owned by the owners of the described lots beneath each dwelling unit, the minimum size lot per unit shall be applied to the entire parcel. In addition, the following additional regulation shall apply:

(1) Principal structures shall not cover more than 30 percent of the parcel, including the individually described lots and the "common" properties.

In all such instances above, on each individually

described lot, there shall be provided a minimum of three hundred (300) square feet of open space, unobstructed except for trees, shrubs, fences, yard furniture, or similar facilities for the private use of the residents of the dwelling unit occupying that lot.

Note B.

(1) In an RM-2 District, the front, side, and rear yards do not apply to spacing between buildings for a development of two or more buildings on the same parcel or on adjacent parcels where there are no yard requirements. In such cases, the minimum distance between any two buildings shall be regulated according to the length and height of such building, and in no instance shall the distance be less than thirty (30) feet. (See following formula.)

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

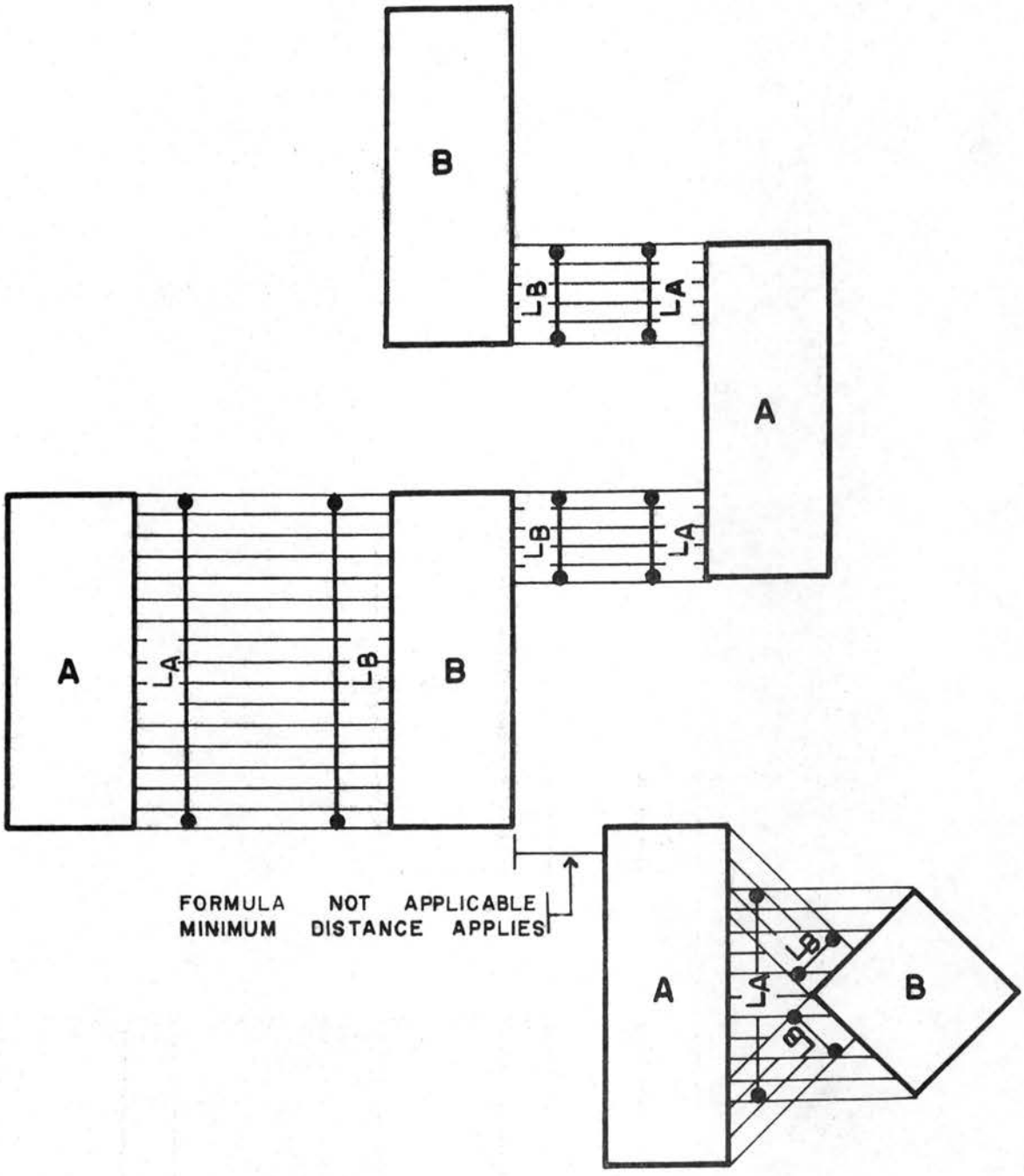
(3) In any RM-2 District, the required minimum distance between two buildings shall be determined according to the following formula:

$$S = \frac{L_A + L_B + 2\,(H_A + H_B)}{6}, \text{ where}$$

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

L_A= Total length of building A

The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly



MIN. DISTANCE BETWEEN BUILDINGS

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

DISTANCE SPACING FOR MULTIPLE DWELLINGS

from above, lines drawn perpendicular to building A will intersect any wall of building B.

L_B = Total length of building B.

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

H_A = Height of building A.

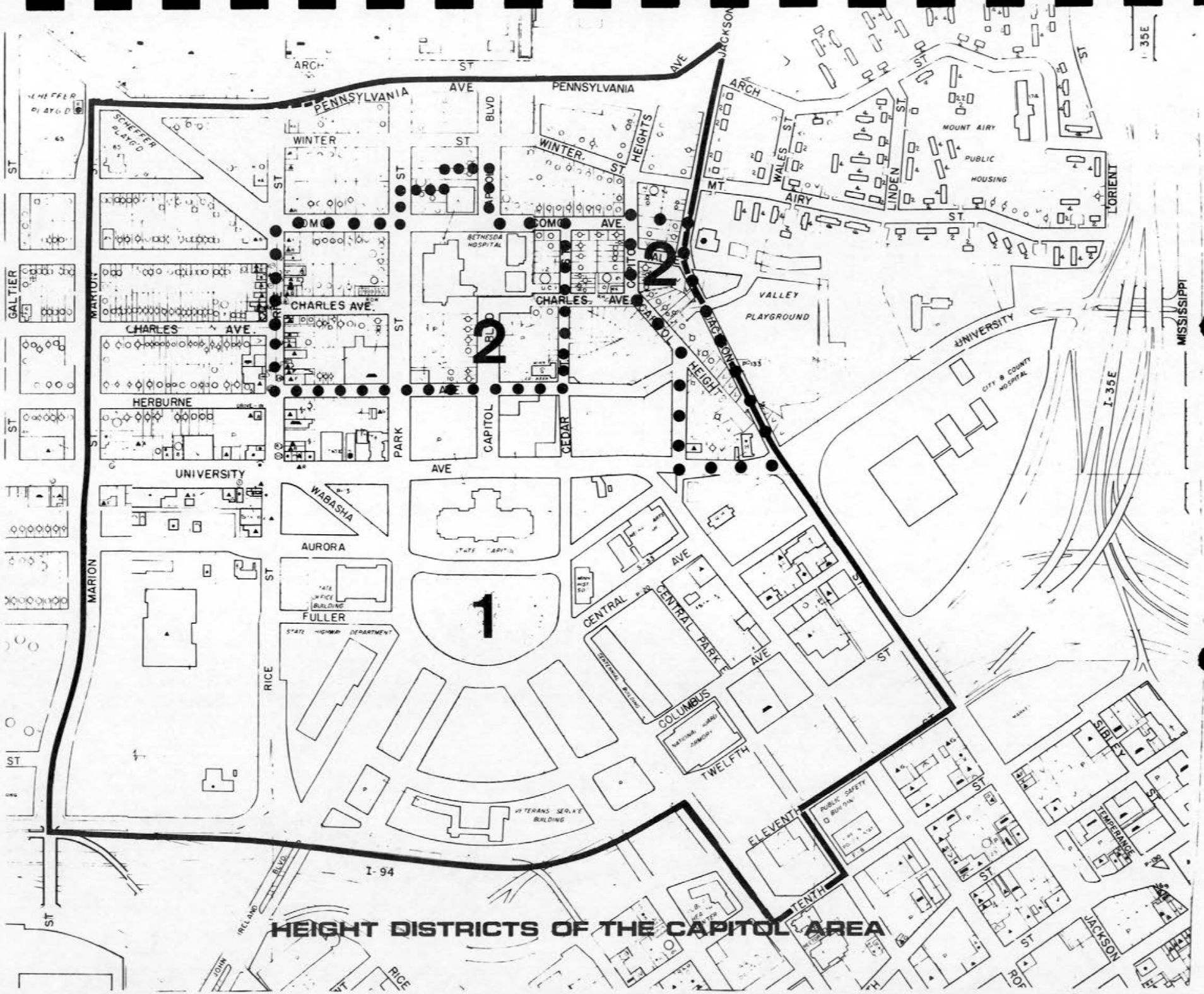
The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total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

Note C.

In Height District #2, multiple-family residential buildings less than four (4) stories in height shall conform to the area, bulk, and setback regulations for the RM-2 Height District # 1.

Note D.

In B-1 Business District, required minimum floor areas may be reduced to encourage certain building features which produce public benefits as follows:



HEIGHT DISTRICTS OF THE CAPITOL AREA

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

Note E.

The Commission shall require that all buildings in a Planned Development District substantially conform to the regulations for adjacent districts.

CAAPC 503. HEIGHT DISTRICTS. In order to preserve the State Capitol Building as the dominant structure in the Capitol Area, no building shall be constructed to a height greater than the maximum height permitted in the Height District, as shown on the attached map. Said maximum heights are as follows:

Height District 1: 944.0 feet above sea level

Height District 2: 966.0 feet above sea level

CHAPTER SIX

PARKING REGULATIONS

CAAPC 601. PARKING SPACES REQUIRED. There shall be provided in all zoning districts, at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction

with all land or building uses, shall be provided as hereinafter prescribed.

CAAPC 602. LOCATION OF OFF-STREET PARKING SPACES. Off-street parking for other than residential use shall be either on the same lot or within the same district and within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

CAAPC 603. RESIDENTIAL OFF-STREET PARKING. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of CAAPC 801-804 Accessory Building Regulations.

CAAPC 604. ELIMINATION OR REDUCTION OF OFF-STREET PARKING PROHIBITED. No area used or designated as required off-street parking shall be changed to any other use unless and until equal facilities are provided elsewhere subject to approval of the Commission.

CAAPC 605. JOINT OFF-STREET PARKING FACILITIES. Two or more buildings or uses may jointly provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately; provided, however, that where the operating hours of the buildings or uses providing such joint parking facilities do not overlap, the Commission may, upon written application, reduce the number of parking spaces otherwise required.

CAAPC 606. STORAGE PROHIBITED. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.

CAAPC 607. MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES. The minimum number of off-street parking spaces by type of use shall

be determined in accordance with the following schedule. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.

	USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
a.	GOVERNMENTAL	One (1) for every two hundred (200) square feet of usable floor area.
b.	RESIDENTIAL	
	Residential, One-Family, Two-Family and Townhouse	Two (2) for each dwelling unit.
	Residential, Multiple Family	One and one-half (1-½) for each dwelling unit.
	Housing for the Elderly	One (1) for each three (3) units. Should units revert to general occupancy, then one and one-half (1½) spaces per unit shall be provided.
	Boarding House	One and one-half (1½) per each dwelling unit plus one (1) for each two (2) roomers.

c. INSTITUTIONAL

Churches or Temples	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship
Hospitals	One and one-half (1½) for each one (1) bed.
Homes for the aged and convalescent homes	One (1) for each two (2) beds.
Elementary and Junior high schools	One (1) for each one (1) teacher, employee or administrator, in addition to the requirements of the auditorium.
Senior high schools	One (1) for each one (1) teacher, employee, or administrator, and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
Private Clubs or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.

Private tennis Clubs, or other similar uses	One (1) for each two (2) member families or individuals.
Theaters and auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees.
d. COMMERCIAL	
Planned commercial or shopping area located in any "B" District	One (1) for each one hundred (100) square feet of usable floor area, plus one (1) for each one (1) employee.
Auto wash	One (1) for each one (1) employee. In addition, forty (40) reservoir parking spaces shall be provided.
Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair.
Bowling Alleys	Five (5) for each one (1) bowling lane.

Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, and assembly halls without fixed seats	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building, or health codes.
Establishments for sale and consumption on the premises of beverages, food, or refreshments.	One (1) for each one hundred (100) square feet of usable floor space, plus one.
Furniture and appliance. household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses	One (1) for each eight hundred (800) square feet of usable floor area. (For the floor area used in processing space shall be provided for each one (1) person employed therein.)

Automobile service center	Two (2) for each lubrication stall, rack, or pit, and one (1) for each gasoline pump.
Laundromats and coin-operated dry cleaners	One (1) for each two (2) machines.
Mortuary establishment	One (1) for each fifty (50) square feet of assembly room usable floor space, parlors and slumber rooms.
Motel or other commercial lodging establishment	One (1) for each one (1) occupancy unit.
Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
Retail stores except as otherwise specified herein	One (1) for each one hundred and fifty (150) square feet of usable floor space.

e. OFFICES

Banks	One (1) for each one hundred (100) square feet of usable floor space.
Business offices or professional offices except as indicated in the following item.	One (1) for each two hundred (200) square feet of usable floor space.
Professional offices of doctors, dentists, or similar professions	One (1) for each one hundred (100) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, or similar use area.

CAAPC 608. CONSTRUCTION OF OFF-STREET PARKING SPACES. Wherever the off-street parking requirements require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

a. No parking lot shall be constructed unless and until a zoning permit therefor is issued by the Commission and a building permit is obtained from the City. Applications for a zoning permit shall be submitted in such form as may be determined by the Commission and shall be accompanied by two (2) sets of plans for the development and construction of the parking lot showing that the provisions of these regulations will be fully complied with.

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

Parking Pattern	Maneuver-ing Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Space Plus Maneu-vering Lane	Total Width of Two Tiers of Spaces Plus Maneu-vering Lane
0° (Parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft.6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft.6in.	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	50 ft.

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

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

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

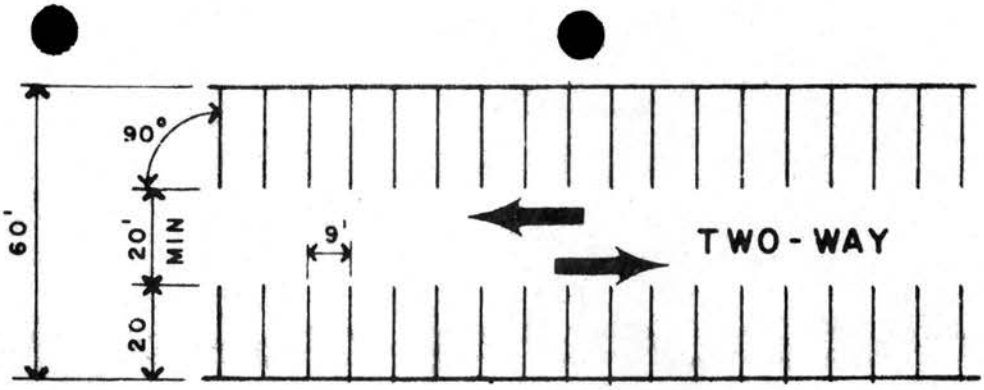
f. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than residential use shall be at least twenty-five (25) feet distant from any adjacent property located in any residential district.

g. The off-street parking area shall be provided with a continous and obscuring wall as required in CAAPC 901.

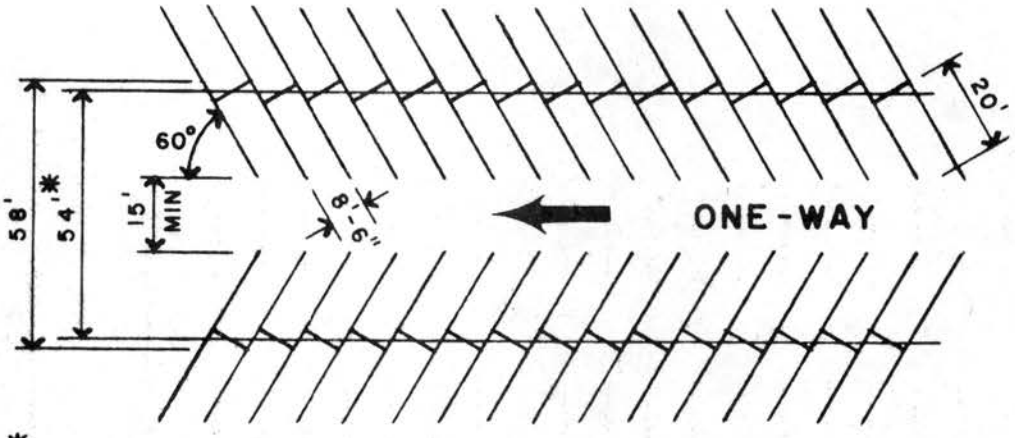
h. Wheel stops shall be required for each parking space in lots of three (3) or more car capacity.

i. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with a durable, dustless surfacing in accordance with specifications approved by the Commission. The parking area shall be surfaced within one (1) year of the date the permit is issued.

90 DEGREE

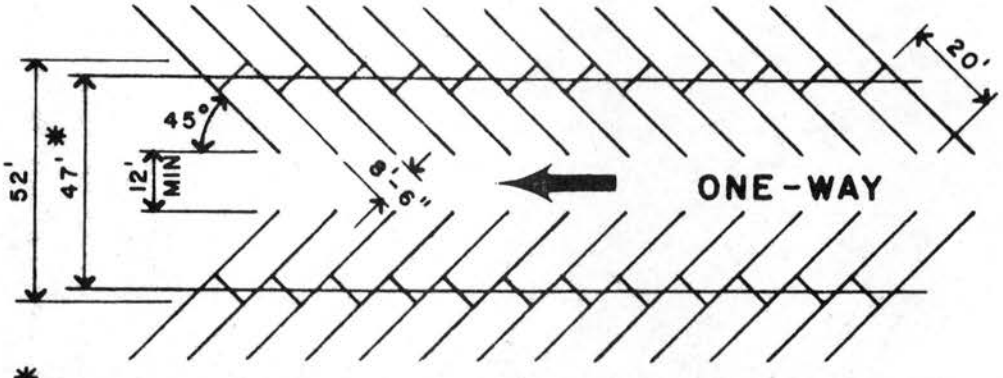


60 DEGREE



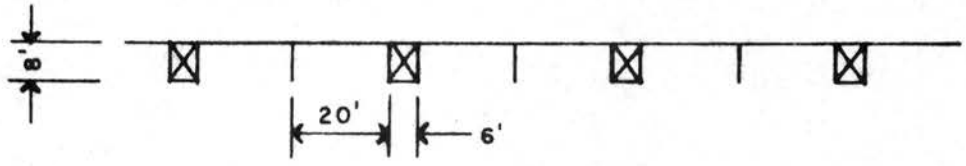
*OVERLAPPING DIMENSION

45 DEGREE



*OVERLAPPING DIMENSION (INCLUDING HERRINGBONE PATTERN)

PARALLEL



PARKING LAYOUTS

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

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

l. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

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

CHAPTER SEVEN

LOADING REGULATIONS

CAAPC 701. LOADING SPACE REQUIRED. On the same premises with every building, structure, or part thereof, involving the receipt and distribution of vehicles or materials or merchandise, there shall be provided and maintained on the zoning lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. No off-street loading space shall be located in any yard adjoining any residential use.

CAAPC 702. MINIMUM SIZE OF LOADING SPACE. Each loading space shall be at least ten by fifty (10' x 50') feet, with a clearance of at least fourteen (14') feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable, and dustless surface.

CAAPC 703. MINIMUM NUMBER OF LOADING SPACES. Every building for which adequate loading space is required shall provide such spaces in the number required herein:

USABLE FLOOR AREA (SQUARE FEET)	NUMBER OF LOADING SPACES REQUIRED
0 - 1400	- None
1401 - 20,000	- One (1) space
20,001 - 100,000	- One (1) space for each 20,000 square feet or fraction thereof
100,001 and over	- Five (5) spaces

CHAPTER EIGHT

ACCESSORY BUILDING REGULATIONS

CAAPC 801. APPLICATION. Accessory buildings in all Zoning Districts except as otherwise provided in these regulations shall be subject to the following regulations.

CAAPC 802. ATTACHED ACCESSORY BUILDINGS. When an accessory building is attached to a main building, it shall be subject to, and must conform to, all regulations applicable to the main building.

CAAPC 803. YARD LIMITATIONS.

a. Accessory buildings shall not be erected in any required yard, except a rear yard. All accessory buildings shall be set back at least three (3) feet from all interior lot lines.

b. An accessory building shall occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard, provided that in no instance shall the area of the accessory building exceed the ground floor area of the main building.

c. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such a rear lot line. In no instance shall an accessory building be located within a dedicated public right-of-way.

CAAPC 804. HEIGHT LIMITATIONS. Accessory buildings in any residential area, except in the RM-2 Multiple Family Residential District, Height District #2, shall not exceed one (1) story or fourteen (14) feet in height. In Height District #2, accessory buildings or structures used for the parking of motor vehicles shall not exceed three (3) stories or thirty (30) feet in height.

CHAPTER NINE

WALL AND FENCE REGULATIONS

CAAPC 901. WALL OR FENCE REQUIRED. For those Zoning Districts and uses listed below, there shall be provided and maintained on those sides of a zoning lot abutting or adjacent to a residential district an obscuring wall or fence, having a minimum height as required below:

USE	WALL/FENCE REQUIREMENT (height in feet)
a. Commercial District (B-1)	4 ft. 6 in.
b. Office Service District (OS-1)	4 ft. 6 in.
c. Hospital (ambulance and delivery areas)	6 ft. 0 in.
d. Utility building, station, and/or sub-station	6 ft. 0 in.

CAAPC 902. LOCATION OF WALL OR FENCE.

a. Required walls or fences shall be located on the lot line except where underground utilities interfere and except in instances where these regulations require conformance with front yard setback lines in abutting Residential Districts, in which cases the Commission shall establish the location of the wall or fence. When a yard is required, all land between the wall and property line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material, and ornamental trees. The ground shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

b. Required walls or fences may, upon approval of the Board, be located on the opposite side of an alley right-of-way from a non-residential zone when mutually agreeable to affected property owners. The uniformity of the required wall or fence in a given block shall be considered by the Board in reviewing such request.

CAAPC 903. OPENINGS. No wall or fence required by these regulations shall have openings for pedestrians, vehicular traffic, or other purposes, except as provided in these regulations and as may be approved by the Board.

CAAPC 904. CONSTRUCTION OF WALLS AND FENCES.

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

b. Masonry walls shall be erected on a concrete or cement block foundation which shall have a minimum foundation of forty-two (42) inches below grade, and shall not be of less width than the width of the wall.

c. Walls or fences may be constructed with decorative openings above grade, provided such openings are not larger than seventy-two (72) square inches each and do not comprise more than one-third (1/3) of the total area of the wall or fence.

CAAPC 905. VARIANCES. In consideration of a request to vary wall or fence requirements between non-residential and residential districts, the Commission shall make a determination on the following matters:

a. A determination as to whether or not the residential district is considered to be an area in transition and will become non-residential in the near future.

In such cases as it determines the residential district to be a future non-residential area, the Commission may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Commission shall made a determination as hereinbefore described.

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

CHAPTER TEN

EXTERIOR LIGHTING AND STRUCTURAL REGULATIONS

CAAPC 1001. EXTERIOR LIGHTING.

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

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

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

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

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

CAAPC 1002. ENTRANCEWAY REGULATIONS. In all residential districts, so-called entranceway structures, including but not limited to walls, columns, and gates, marking entrances to one-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in CAAPC 1003 Corner Clearance Regulations.

CAAPC 1003. CORNER CLEARANCE REGULATIONS. No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line equal to the minimum setback lines from their point of intersection.

CAAPC 1004. AMATEUR RADIO STATION TOWERS. Amateur radio station towers shall be permitted in all residential districts subject to the following conditions:

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

b. Said towers shall be located only in the rear yard portion of the lot and shall be provided setbacks from side lot lines equal to at least the greater of the two side yards required in these regulations.

CHAPTER ELEVEN

SIGN REGULATIONS

CAAPC 1101. INTENT. The purpose of this section is to regulate outdoor advertising and outdoor signs of all types in the Capitol Area. It is intended by the provisions of this section to control signs, to reduce hazards and traffic accidents, to relieve pedestrian and traffic congestion, to provide more open space, to preserve the dignity and beauty of the Capitol Area, and to insure that all signs are suitably integrated with the architectural design of any structure in the Capitol Area on which they are mounted or to which they relate.

CAAPC 1102. REQUIRED CONDITIONS. No sign shall be permitted in the Capitol Area except as provided in CAAPC 1103. All signs permitted by CAAPC 1103 shall satisfy the following conditions:

a. All signs shall conform to all applicable provisions of the Building Code of the City of Saint Paul.

b. No sign, except those established by the City of Saint Paul, Ramsey County, the State of Minnesota, or the United States, shall be located in, project into, or overhang a public right-of-way or dedicated public easement in any district.

c. All directional signs required for the purpose of orientation or direction, when established by the City of Saint Paul, Ramsey County, the State of Minnesota, or the United States, shall be permitted in all districts.

d. No ground signs shall be higher than fifteen (15) feet in any district.

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

f. No signs mounted on buildings or structures in any district shall project more than twenty-four (24) inches horizontally beyond the wall or face of that building or structure.

CAAPC 1103. PERMITTED SIGNS The following signs are permitted in the districts indicated on the following chart.

SIGNS PERMITTED BY DISTRICT

USE DISTRICTS	RM-2 MULTIPLE FAMILY	OS-1 OFFICE SERVICE	B-1 LOCAL BUSINESS	PD PLANNED DEVELOPMENT	G-1 GOVERNMENTAL
1. Permitted Non-Accessory Signs					
a. Advertising Sign	0	0	0	0	0
b. Billboard	0	0	0	0	0
c. Vehicle Business Sign	0	0	0	0	0
2. Permitted Accessory Signs					
a. Business Signs	0	1 50	1 100	1 200	0
b. Bulletin Board	1 12	0	0	0	1 12
c. Festoon Sign	0	0	0	0	0
d. Identification & Name Plate	1 2	1 6	1 6	1 6	1 6
e. Marquee	0	0	2 100	0	0
f. Real Estate	2 12	2 12	2 12	2 12	0
g. Real Estate Development	2 50	2 50	0	2 50	0
h. Temporary	0	1 12	1 12	1 12	0
i. Vehicle Business Sign	0	0	0	0	0
3. Structure Types					
a. Free Standing	X	X	X	X	X
b. Flashing or Moving	0	0	0	0	0
c. Projecting	0	X	X	X	0
d. Roof	0	0	0	0	0
e. Wall	X	X	X	X	X

1 — Maximum number of signs per building or per vacant zoning lot.
12 — Maximum square feet area each sign per building or vacant zoning lot.

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

"X" indicates permitted structure type.

CHAPTER TWELVE

EXCEPTIONS

CAAPC 1201. APPLICATION. The regulations for all Zoning Districts, except the Governmental District, shall be subject to the following interpretations and exceptions.

CAAPC 1202. ESSENTIAL SERVICES. Essential services shall be permitted as authorized and regulated by law and regulation, it being the intention hereof to exempt such essential services from the application of these regulations.

CAAPC 1203. VOTING PLACES. The provisions of these regulations shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a public election.

CAAPC 1204. EXISTING LOTS. Any lot existing and of record on the effective date of these regulations may be used for any principal use other than conditional uses for which special lot area requirements are specified in these regulations, permitted in the district in which such lot is located whether or not such lot complies with the lot area requirements of these regulations, provided that all other requirements prescribed in these regulations are complied with; and, provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of these regulations for required lot area for each additional dwelling unit.

CAAPC 1205. AREA OF LOTS ABUTTING STREETS AND ALLEYS. In calculating the area of a lot that adjoins a dedicated public alley or lane, for the purpose of applying lot area requirements of these regulations, one-half (½) the width of such alley or lane abutting the lot shall be considered as part of such lot.

CAAPC 1206. MULTIPLE DWELLINGS. For the purpose of side yard regulations, a two-family house or a multiple-dwelling shall be considered as one (1) building occupying one (1) lot.

CAAPC 1207. PORCHES. An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

CAAPC 1208. ARCHITECTURAL FEATURES. Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

CHAPTER THIRTEEN

NONCONFORMITIES

CAAPC 1301. NONCONFORMITIES IN GENERAL.

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

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

seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the district involved.

(3) To avoid hardship, nothing in these regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations and upon which actual building construction has been diligently carried on. (Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to re-building, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.)

CAAPC 1302. NONCONFORMING LOTS.

(1) In any district in which one-family dwellings are permitted, notwithstanding limitations imposed by other provisions of these regulations, a one-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of these regulations. This provision shall apply even though such lot fails to meet the requirements for area or width or both, that are applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board.

(2) If three (3) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the effective date of these regulations or amendments thereto,

and if all or part of the lots do not meet the requirements for lot width and area as established by these regulations, the lands involved shall be considered to be an undivided parcel for the purpose of these regulations, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by these regulations, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in these regulations.

CAAPC 1303. NONCONFORMING USE OF LAND. (Without Structures)

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

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

(b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of these regulations;

(c) If such nonconforming use of land ceases for any reason for a period of three (3) months or more, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

CAAPC 1304. NONCONFORMING STRUCTURES.

(1) Where a lawful structure exists at the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or

location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

b. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of these regulations.

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

CAAPC 1305. NONCONFORMING USES OF STRUCTURES AND LAND.

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

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

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

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

d. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and premises in combination, shall thereafter be used in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision;

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

CAAPC 1306. REPAIR AND MAINTENANCE.

(1) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50) percent of the current market value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of these regulations shall not be increased.

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

CAAPC 1307. CHANGE OF TENANCY OR OWNERSHIP. There may be a change of tenancy, ownership, or management of any existing nonconforming uses

of land, structures, and premises, provided there is no change in the nature or character of such nonconforming uses.

CHAPTER FOURTEEN

ADMINISTRATION

CAAPC 1401. DUTIES OF COMMISSION. The Commission shall accept applications for, and issue, any certificate or permit which is required by these regulations, keep and maintain all plans, files, and records pertaining thereto, and perform all other functions necessary for the orderly administration of this ordinance. The Commission may delegate any or all of these duties to any subcommittee or authorized representative.

CAAPC 1402. ZONING PERMIT REQUIRED. Except as otherwise provided in CAAPC 409-413, no land, building or structure, in any district, shall hereafter be changed to a use of a different class, and no building, structure or any part thereof shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved until the Commission has issued a Zoning Permit, certifying that the plans and intended use, including any conditional use, of land, buildings, and structures are in conformity with all provisions of these regulations.

CAAPC 1403. ZONING PERMIT; APPLICATION. Except as otherwise provided in CAAPC 409-413, all applications for zoning permits shall be submitted in writing and shall contain the following information:

(a) The legal description of the property in question;

(b) The fee owner of such property; and, in all cases where the applicant is not the fee owner of the property, the application shall state the nature of the applicant's interest in the property;

(c) A concise description of the proposed use, including accessory and conditional uses, if any;

(d) A site plan which clearly illustrates the following:

(i) The lot lines;

(ii) The location, size, and height of all buildings and structures, including walls, fences and the like;

(iii) The location of off-street parking or loading areas;

(iv) Adjacent streets, alleys, and driveways;

(v) The location of driveways, sidewalks, and the like;

(vi) Such other information as may be reasonably necessary to permit the Commission to determine whether the proposed use, including accessory and conditional uses, satisfies the requirements of these regulations.

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

CAAPC 1404. CONSIDERATION OF APPLICATIONS. Applications in the form prescribed in CAAPC 1403 shall be submitted to the Commission's Executive Secretary and shall be considered and acted upon not later than seventy-five (75) days following submission of the application; provided, however, that the Commission may in order to permit additional study of a proposal, postpone approval or denial of an application for an additional forty-five (45) days where it finds that the proposed use may significantly affect the beauty and dignity of the Capitol Area.

CAAPC 1405. VARIANCE. In granting a zoning permit, the Commission may grant a variance from the strict applications of the provisions of these regulations where by reason of exceptional narrowness, shallowness, shape, or area of the property in question or by reason of exceptional

topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided that in no case may a variance be granted which permits a use not otherwise permitted in the district in question; and further provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these regulations. In granting a variance, the Commission may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of these regulations. In granting or denying a variance, the Commission shall state the grounds upon which its decision is based.

CAAPC 1406. BUILDING PERMITS REQUIRED.

(1) Governmental District. No building, structure, or part thereof in the Governmental District shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved until it also has been issued, in addition to a Zoning Permit issued by the Commission , a Building Permit by the Commission, certifying that the plans of the building of the structure are in conformity with all provisions of the State Building Code.

(2) Other Districts. No building structure, or part thereof, in any district except the Governmental District, shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved until it also has been issued, in addition to a Zoning Permit issued by the Commission, a Building Permit by the City of Saint Paul, certifying that the plans of the building or structure are in conformity with all provisions of the City of Saint Paul Building Code.

CAAPC 1407. CERTIFICATE OF OCCUPANCY REQUIRED.

(1) No land, building, structure, or part thereof, in any district, shall be hereafter occupied by or for a use of a different class or type until a Certificate of Occupancy shall have been issued by the Commission, certifying that such use is in conformity with all provisions of these regulations.

(2) No land, building, structure, or part thereof, in any district, which is hereafter erected, constructed, reconstructed, altered, enlarged or moved shall be occupied or used until a Certificate of Occupancy shall have been issued by the Commission, certifying that such land, building, or structure is in conformity with all provisions of these regulations.

(3) A Certificate of Occupancy shall be issued by the Commission for an existing building, structure, or parts thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of these regulations.

(4) Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the site plan and when completed at the same time as such dwellings.

(5) The Commission may issue a temporary Certificate of Occupancy for the principal building on a project before full completion of fencing and parking, if, in its judgment, such items cannot be completed at the same time as the building. In all such instances, the Certificate of Occupancy shall be marked "Temporary - For One (1) Year Only" and shall not be renewable. As soon as the fencing and parking is fully completed and inspected and approved by the Commission, the "Temporary" Certificate shall

be cancelled and a permanent Certificate of Occupancy issued. If any portion of the required fencing or parking is not fully completed within one year following the date of the Temporary Certificate, the certificate shall automatically become null and void, and the use of any portion of the premises thereafter shall cease until a Certificate of Occupancy is issued.

CAAPC 1408. CERTIFICATE OF OCCUPANCY IN GOVERNMENTAL DISTRICT.

(1) No building, structure, or part thereof, in the Governmental District, which is hereafter erected, constructed, reconstructed, altered, enlarged, or moved shall be occupied or used unless it also has been issued a Certificate of Occupancy by the Commission, certifying that such building or structure is in conformity with the provisions of the State Building Code.

(2) No building, structure, or part thereof, in any district except the Governmental District, which is hereafter erected, constructed, reconstructed, altered, enlarged, or moved shall be occupied or used unless it also has been issued, in addition to a Certificate of Occupancy issued by the Commission, a Certificate of Occupancy by the City of Saint Paul, certifying that such building or structure is in conformity with the provisions of the applicable building code.

CAAPC 1409. FINAL INSPECTION. The holder of every Zoning Permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Commission immediately upon the completion of the work authorized by such permit, for a final inspection prior to issuance of a Certificate of Occupancy.

CAAPC 1410. FEES. Fees for inspection and the issuance of permits or certificates or copies thereof, required or issued under the provisions of these regulations, shall be collected by the Commission in advance of

issuance. The amount of such fees shall be established by resolution of the Commission and shall cover the cost of inspection and supervision resulting from enforcement of these regulations.

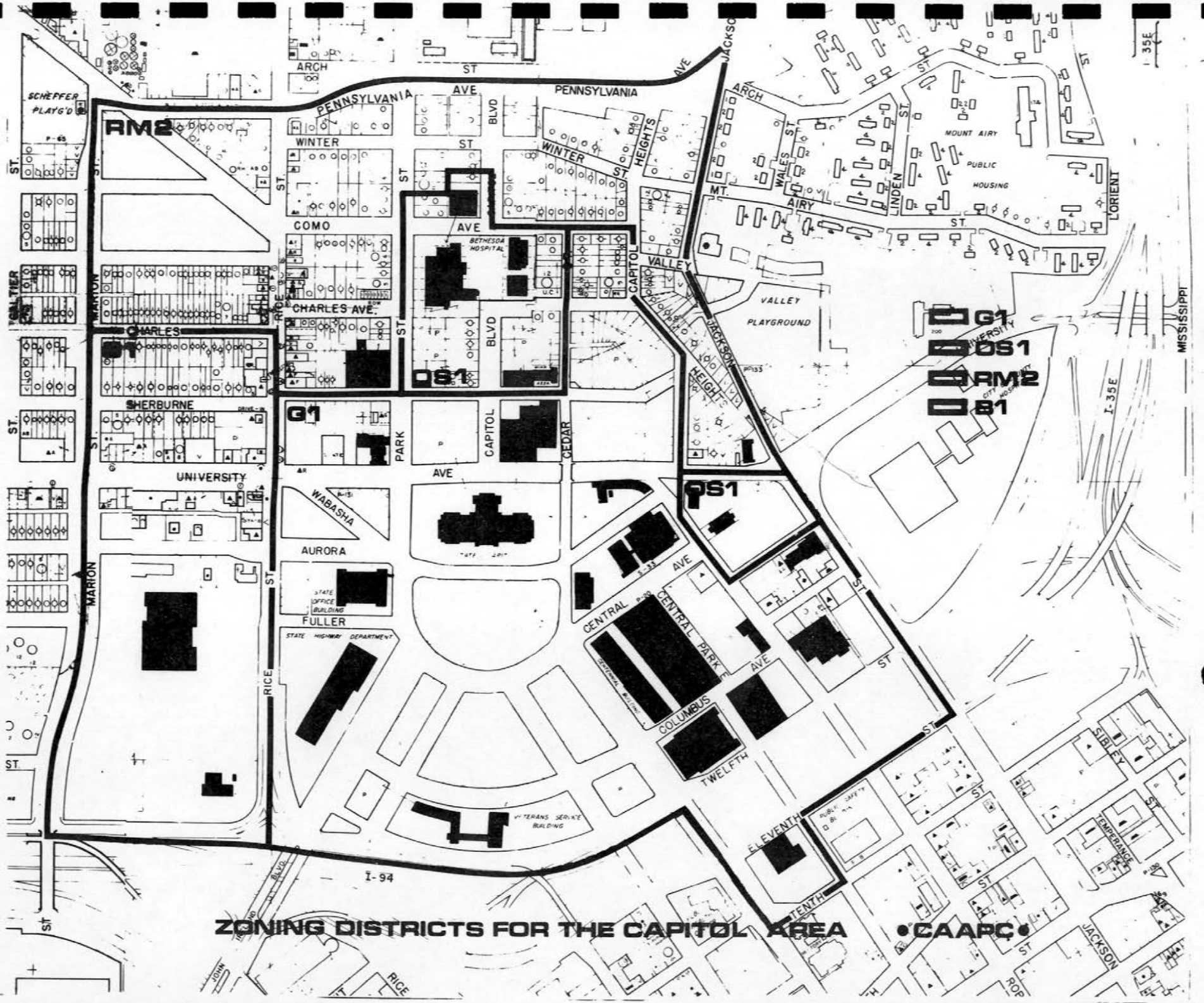
CHAPTER FIFTEEN

NOTICE AND AMENDMENT

CAAPC 1501. NOTICE. Upon receipt of an application for any certificate or permit required by these regulations, or for a variance, the Commission shall serve notice of such application by mailing a written notice thereof, including a description of the property and the permit or certificate in question, to all persons entitled to receive notice of Commission action pursuant to Minnesota Statutes §15.0412 and to the owners of property within 200 feet of the premises in question not less than ten (10) days prior to the meeting of the Commission at which such application shall be first considered.

CAAPC 1502. AMENDMENT. The property owner or other interested party may petition the Commission for an amendment to these regulations, including an alteration in the boundary of any zoning districts, or any modification of the permitted or conditional uses in any such district, or in any other respect, by submitting to the Commission a petition describing the property in question, the names and addresses of the petitioners, the desired amendment and the reasons therefor. The Commission may, upon its own initiative, propose any such amendment by giving notice of the proposed amendment in the manner provided by Minnesota Statutes §15.0412. Notice of any such proposed amendment shall be given in the manner provided in Minnesota Statutes §15.0412. The Commission shall consider any proposed amendment at any regular meeting held not less than thirty (30) nor more than ninety (90) days after notice of the amendment has been given in the

manner required above. No such amendment shall be adopted unless the Commission finds that adoption of such amendment is consistent with the Comprehensive Plan.



ZONING DISTRICTS FOR THE CAPITOL AREA •CAAPC•

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

NOV 26 1973 11:40 am

BY Eda Staudenmaier
AUTH. SIGNATURE

APPROVED AS TO FORM AND LEGALITY
Nov. 21 1973
WARREN SPANNAUS, ATTORNEY GENERAL
BY J Patrick Wilson
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 26 1973 11:30 am
Arlen I. Erdahl
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