

March 4, 2024

# CITY ISSUE FACT SHEET: ZONING AND LAND USE



## Potential Consequences of “Missing Middle Housing” Bill:

- No financial support is provided for infrastructure upgrades/expansions needed for increased density, shifting the costs on taxpayers.
- Residents would no longer be able to voice concerns regarding developments at public hearings.
- Cities may need to buy new equipment and resize infrastructure if new residential buildings are taller than what their existing infrastructure can handle.
- Solar panels on homes and businesses may be blocked by buildings as tall as 150 feet.

## Protecting Cities’ Zoning and Land Use Authority

Legislation has been introduced that would undermine the abilities of city officials and their residents to make their own decisions about zoning and land use. The “Missing Middle Housing” bill, HF 4009, SF 3964, and SF 3980, increases housing density and take away cities’ rights to make zoning and land use decisions that best fit their communities’ needs.

### WHAT’S IN THE BILL:

- Forces administrative approvals of projects that meet standards and prohibits public input in the approval process.
- Limits minimum lot size requirements to no greater than 2,500 square feet for first class cities and 4,000 square feet for all other cities except for cities with populations less than 10,000.
- Requires all cities to accept Accessory Dwelling Units on all residential lots regardless of size and allows property owners to subdivide their lots by right.
- Sets a base level for density allowed on any residential lot by right—regardless of size—at 2 units statewide and 4 units in first class cities.



# CITY ISSUE FACT SHEET

## Protecting Cities' Zoning and Land Use Authority (Continued)

### WHAT'S IN THE BILL (CONTINUED):

- Prohibits off-street parking from being required close to major transit stops and limits off-street parking minimum requirements to 1 spot per unit in other areas.
- Allows multi-family dwellings to be constructed in any zoning district that allows commercial activity as tall as the tallest commercial or residential structure within ¼ mile radius of the parcel up to 150 feet in height or the local height restriction, whichever is higher.
- Broadly prohibits design standards for residential development and eliminates minimum square footage and floor area ratio requirements.



### FOR MORE INFORMATION:

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### OUR ASKS/SOLUTIONS:

- **State framework around zoning and land use must allow for locally led reforms.**
- **Cities that have put in years of work to address zoning at the local level should not have to replace their locally led efforts with a state mandated framework.**
- **The state must provide tools and resources for cities to make progress toward housing targets based on real numbers and should not penalize cities for market forces outside their control.**
- **Framework should hold the developer community accountable to actually build units that are affordable.**
- **Projects for additional density must consider infrastructure capacity and provide cities with the ability to finance the infrastructure necessary to support new residential development without relying on the property tax base.**



# Consequences Cities and Residents Face from Housing Legislation

## Oppose the Missing Middle Housing Bill

Minnesotans should be aware of the potential consequences of housing legislation being pushed forward at the State Legislature. The legislation, known as the Missing Middle Housing bill, would take away cities' rights to make zoning and land use decisions that best fit their locally-identified needs. The legislation would also silence residents who have concerns over new developments being built in their neighborhoods.

Lawmakers may believe they know what is best for all Minnesota cities, but they have overlooked the consequences our cities and residents will be forced to deal with if the Missing Middle housing legislation becomes law.

### INSUFFICIENT INFRASTRUCTURE

The legislation would allow developers to build 6-10 types of "middle housing" (duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing) on any residential lot. Most cities' infrastructure including water and sewer systems does not currently support adding high-density buildings to residential lots.



### Consequence

**Cities would need to upgrade and/or expand their water and sewer infrastructure. The state does not plan to provide financial support for these infrastructure requirements, which means cities may have to turn to taxpayers to pay for necessary infrastructure upgrades.**



# Consequences (Continued)

## LIMITED COMMUNITY INPUT

This legislation would require cities to adopt an “administrative review process” that prohibits public hearings in most cases unless the proposed development impacts a lot located in a historic district. This required review process means city leaders would be forced to make decisions about new developments without hearing from impacted residents.



### Consequence

Residents would no longer be able to voice their concerns regarding new developments that affect their property and neighborhood during public comment periods of city council or other public hearings.

## PUBLIC SAFETY AND ENVIRONMENTAL IMPACTS

Cities would have to allow smaller homes to be built on single-family lots, regardless of lot size. They would also have to allow 2-10 units on lots as small as 2,500 square feet and allow multi-family dwellings to be constructed in any commercial area. The dwellings could be as tall as the tallest commercial or residential structure within ¼ mile radius up to 150 feet in height or the local height restriction, whichever is higher.



## MAKE YOUR VOICE HEARD

Contact your legislators to ask them to oppose the Missing Middle Housing bill.

**lmc.org**

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### Consequences

- **Emergency medical services and fire departments’ access to homes will be restricted if multiple units are on a lot that was originally designed for one home without adequate spacing, setbacks, or access to dwelling units.**
- **Many cities lack the equipment and infrastructure to support tall multifamily developments in areas that were not planned for building of that size and scale. These cities would have to buy new equipment to assist residents in an up to 150-foot building—adding another major expense to fire departments that are already struggling to afford up-to-date equipment.**
- **Solar panels on homes and businesses may be blocked by taller neighboring buildings.**