

**City of Ramsey  
Agenda  
Special City Council  
Tuesday, April 2, 2024  
6:00 pm**

**Council Chambers, 7550 Sunwood Drive NW**

Remote Attendance available at [www.cityoframsey.com/meetings](http://www.cityoframsey.com/meetings).  
Those joining remotely and requesting to speak are asked to use a webcam when speaking.

1. **Call to Order**
2. **Citizen Input**
3. **Approve Agenda**
4. **Consent Agenda**
5. **Council Business**
0. **Consider City's Position on MN Housing Legislation**
6. **Mayor/Council/Staff Input**
7. **Adjournment**

**CC Special Session****Meeting Date:** 04/02/2024**Primary Strategic Plan Initiative:** Not Applicable**Title:**

Consider City's Position on MN Housing Legislation

**Purpose/Background:**

Councilmembers Howell, Musgrove and Specht called for this special City Council meeting. In the current MN Legislative Session, there are multiple bills being considered that would impact local control over zoning regulations. Two bills specifically, HF4009 and HF4010 along with their companion Senate Files, have raised concern of Minnesota cities. Organizations like the League of Minnesota Cities, North Metro Mayors Association, individual cities and other organizations have provided written position statements and verbally testified on these housing bills. The purpose this evening is to consider the City of Ramsey's position on these bills. For reference, attached to the case are the House versions of each bill. Staff will also prepare a written statement or resolution to consider and upload that to the case prior to the meeting. The status of the House versions of these bills is outlined below.

**HF4009**

- February 19, 2024 introduced and referred to the Housing Finance and Policy Committee.
- February 22, 2024 First amendment adopted and re-referred to the State and Local Government Finance and Policy Committee.
- Since introduction, authors have been added and stricken from the bill.

**HF4010**

- February 19, 2024 introduced and referred to the Housing Finance and Policy Committee.
- March 20, 2024 Housing Finance and Policy adopted the H4010DE1 amendment and re-referred to the State and Local Government Finance and Policy Committee.

A third bill with recent action taken is SF1370. This bill was introduced in 2023 with the most recent action being in March of this year. On March 13, 2024 the bill was referred to the State and Local Government and Veterans Committee.

The League of Minnesota Cities provides legislative updates on their website. An article on SF1370 (partner file being HF1667) can be found [here](#). An article on HF4010 can be found [here](#). All legislative news articles from the League of Minnesota Cities can be found [here](#).

**Time Frame/Observations/Alternatives:**

Alternative 1: Do nothing and allow other interested organizations and cities to provide position statements and testimony.

Alternative 2: Direct staff to send a written statement to legislators opposing state legislation that restricts local zoning authority.

Alternative 3: Direct staff to send a written statement to legislators supporting state legislation that restricts local zoning authority.

Other alternatives include developing an action plan to collaborate with other cities regarding this legislation. A list of actions may include, but is not limited to:

1. QCTV feature piece on local council concerns regarding the "Missing Middle" housing bill(s), and the effects on local control and the impact it will have on insufficient infrastructure.
2. Social media efforts to educate the public on the bill(s) to include FAQ sheets from League of Minnesota Cities

- (LMC), with encouragement that the public contact bill authors and legislators in general.
3. Track bills with LMC information on the City Website.
  4. Submit letter from Ramsey City Council to local newspaper and legislators.
  5. Inform Ramsey Boards & Commissions of the bills and the impact they would have on their mission at the City.
  6. Initiate a broader multi-city coalition regarding the bills and send joint letter to legislators.
  7. Host a meeting with cities and their legislative representatives with and invite to respective media outlets.
  8. Request a meeting at the Capitol with the multi-city coalition and the authors of the bills.

**Recommendation:**

Staff recommends opposing state legislation that restricts local zoning authority and action items council deems necessary to advocate our message to legislators.

**Outcome/Action:**

Motion to direct staff to send a written statement to legislators opposing state legislation that restricts local zoning authority.

**Attachments**

- HF4009 as Introduced
- HF4009 Amendment #1
- HF4010 as Introduced
- HF4010 Amendment #1
- SF1370 as Introduced
- SF1370 Amendment #1
- LMC FAQs
- Other City Opposition Statements
- News Articles with City Opposition Statements
- Cities Opposing Missing Middle Bill
- City Coalition Letter Retaining Local Zoning Authority DRAFT

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Brian Hagen	Brian Hagen	03/28/2024 02:53 PM
Brian Hagen	Brian Hagen	04/02/2024 04:30 PM
Form Started By: Brian Hagen		Started On: 03/28/2024 01:21 PM
Final Approval Date: 04/02/2024		

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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4009

02/19/2024 Authored by Kraft, Howard, Nash, Elkins, Wolgamott and others
The bill was read for the first time and referred to the Committee on Housing Finance and Policy

1.1 A bill for an act
1.2 relating to local government; establishing minimum allowable densities on
1.3 residential lots in cities; requiring the authorization of middle housing types to be
1.4 built on residential lots; authorizing subdivision of residential lots; limiting parking
1.5 requirements established by cities; requiring the Minnesota Housing Finance
1.6 Agency to create a model ordinance for cities; limiting city aesthetic mandates on
1.7 residential building permits; proposing coding for new law in Minnesota Statutes,
1.8 chapter 462.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. [462.3575] CITY MINIMUM RESIDENTIAL DENSITIES AND
1.11 ASSOCIATED REQUIREMENTS.

1.12 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
1.13 the meanings given.

1.14 (b) "Accessory dwelling unit" means any building that contains one dwelling unit used,
1.15 intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or
1.16 occupied for living purposes and is located on the same property as an existing dwelling.
1.17 An accessory dwelling unit may be attached or detached from the existing dwelling.

1.18 (c) "Affordable housing" means a residential dwelling unit affordable to households at
1.19 or below 115 percent of the area median household income, for an owner-occupied unit, or
1.20 at or below 60 percent of the area median household income, for a unit that is leased. The
1.21 deed or declaration for the unit must also contain a restrictive covenant requiring the property
1.22 to remain affordable housing for at least ten years, if the unit is owner-occupied, or at least
1.23 30 years if the unit is leased.

2.1 (d) "All-electric and efficient home" means a residential dwelling unit that utilizes  
2.2 electricity as its sole source of energy for heating, hot water heating, cooling, and appliances  
2.3 and meets the most current minimum efficiency standards of a zero energy ready home  
2.4 under the Zero Energy Ready Home Program administered by United States Department  
2.5 of Energy.

2.6 (e) "City" means a home rule charter or statutory city.

2.7 (f) "Cottage housing" means residential dwelling units on a lot with a common open  
2.8 space that either:

2.9 (1) is owned in common; or

2.10 (2) has units owned as condominium units with property owned in common and a  
2.11 minimum of 20 percent of the lot size as open space.

2.12 (g) "Courtyard apartment" means a building with up to four attached residential dwelling  
2.13 units arranged on two or three sides of a yard or garden.

2.14 (h) "Duplex" means a two-family home, classified as an IRC-2 in the State Building  
2.15 Code and not meeting the definition of townhouse.

2.16 (i) "Fiveplex" means a building containing five residential dwelling units intended for  
2.17 nontransient occupancy and not meeting the definition of townhouse.

2.18 (j) "Fourplex" means a building containing four residential dwelling units intended for  
2.19 nontransient occupancy and not meeting the definition of townhouse.

2.20 (k) "Lot" means any contiguous parcel of land in the possession of, owned by, or recorded  
2.21 as the property of the same claimant or person.

2.22 (l) "Major transit stop" means a stop or station for a guideway or busway, as the terms  
2.23 are defined in section 473.4485, subdivision 1.

2.24 (m) "Middle housing" means buildings that are single-family detached homes and  
2.25 residential properties that are compatible in scale, form, and character with single-family  
2.26 detached homes. Middle housing includes all of the following housing types:

2.27 (1) duplexes;

2.28 (2) triplexes;

2.29 (3) fourplexes;

2.30 (4) fiveplexes;

2.31 (5) sixplexes;

3.1 (6) townhouses;

3.2 (7) stacked flats;

3.3 (8) courtyard apartments;

3.4 (9) cottage housing; and

3.5 (10) single-family detached homes.

3.6 (n) "Residential dwelling unit" or "unit" means a residential dwelling unit for the use of  
3.7 a single owner or tenant and applies to any type of residential structure unless otherwise  
3.8 specified.

3.9 (o) "Single-family detached home" means any building that contains one residential  
3.10 dwelling unit used, intended, or designed to be built, used, rented, leased, let, or hired out  
3.11 to be occupied, or occupied for living purposes that is not attached to another structure.

3.12 (p) "Sixplex" means a building containing six residential dwelling units intended for  
3.13 nontransient occupancy and not meeting the definition of townhouse.

3.14 (q) "Stacked flat" means a nontransient residential building of no more than three stories  
3.15 on a lot zoned for residential development in which each floor is a residential dwelling unit.

3.16 (r) "Townhouse" means a single-family residential dwelling unit constructed in a group  
3.17 of three or more attached units in which each unit extends from the foundation to the roof  
3.18 and with open space on at least two sides. Each single-family residential dwelling unit shall  
3.19 be considered a separate building. Separate building service utilities shall be provided to  
3.20 each single-family residential dwelling unit when required by the State Building Code.

3.21 (s) "Triplex" means a building containing three residential dwelling units intended for  
3.22 nontransient occupancy and not meeting the definition of townhouse.

3.23 Subd. 2. **Middle housing types permitted.** A city must authorize at least six types of  
3.24 middle housing other than single-family detached homes to be built on residential lots in  
3.25 the city to achieve the density requirements in this section.

3.26 Subd. 3. **Cities of the first class; required residential densities.** (a) A city of the first  
3.27 class must permit the development of at least four residential dwelling units on any residential  
3.28 lot that is more than one-half mile from a major transit stop, unless one of the following  
3.29 criteria are met:

3.30 (1) if all of the units are all-electric and efficient homes, the city must permit the  
3.31 development of at least six residential dwelling units on the lot;

4.1 (2) if at least two of the units are affordable housing, the city must permit the development  
4.2 of at least six residential dwelling units on the lot; or

4.3 (3) if all of the units are all-electric and efficient homes and at least two of the units are  
4.4 also affordable housing, the city must permit the development of at least eight residential  
4.5 dwelling units on the lot.

4.6 (b) A city of the first class must permit the development of at least six residential dwelling  
4.7 units on any residential lot that is one-half mile or less from a major transit stop, unless one  
4.8 of the following criteria are met:

4.9 (1) if all of the units are all-electric and efficient homes, the city must permit the  
4.10 development of at least eight residential dwelling units on the lot;

4.11 (2) if at least two of the units are affordable housing, the city must permit the development  
4.12 of at least eight residential dwelling units on the lot; or

4.13 (3) if all of the units are all-electric and efficient homes and at least two of the units are  
4.14 also affordable housing, the city must permit the development of at least ten residential  
4.15 dwelling units on the lot.

4.16 (c) The requirements of this subdivision apply regardless of the types of middle housing  
4.17 authorized by the city under subdivision 2.

4.18 **Subd. 4. Other cities; required residential densities.** (a) A city of the second, third,  
4.19 or fourth class must permit the development of at least two residential dwelling units on  
4.20 any residential lot that is more than one-half mile from a major transit stop, unless one of  
4.21 the following criteria are met:

4.22 (1) if all of the units are all-electric and efficient homes, the city must permit the  
4.23 development of at least three residential dwelling units on the lot;

4.24 (2) if at least two of the units are affordable housing, the city must permit the development  
4.25 of at least three residential dwelling units on the lot; or

4.26 (3) if all of the units are all-electric and efficient homes and at least two of the units are  
4.27 also affordable housing, the city must permit the development of at least four residential  
4.28 dwelling units on the lot.

4.29 (b) A city of the second, third, or fourth class must permit the development of at least  
4.30 four residential dwelling units on any residential lot that is one-half mile or less from a  
4.31 major transit stop, unless one of the following criteria are met:

5.1 (1) if all of the units are all-electric and efficient homes, the city must permit the  
5.2 development of at least six residential dwelling units on the lot;

5.3 (2) if at least two of the units are affordable housing, the city must permit the development  
5.4 of at least six residential dwelling units on the lot; or

5.5 (3) if all of the units are all-electric and efficient homes and at least two of the units are  
5.6 also affordable housing, the city must permit the development of at least eight residential  
5.7 dwelling units on the lot.

5.8 (c) The requirements of this subdivision apply regardless of the types of middle housing  
5.9 authorized by the city under subdivision 2.

5.10 Subd. 5. **Municipal standards.** (a) Any standards, performance conditions, or  
5.11 requirements imposed by a city for residential dwelling units permitted under subdivisions  
5.12 3 and 4 must directly relate to protecting public health, safety, and general welfare.

5.13 (b) A city may not use official controls to prohibit the application of this section, including  
5.14 imposing performance conditions, standards, requirements, ordinances, fees, exactions, and  
5.15 dedications on any residential dwelling unit or development that are more restrictive than  
5.16 those in this section or other law or rule.

5.17 Subd. 6. **Commercial district designation.** A city that does not have a major transit  
5.18 stop within the boundaries of the city must designate the boundaries of at least one  
5.19 commercial district in the city. The commercial district must be adjacent to residential  
5.20 property. The boundaries of the commercial district must be treated as a major transit stop  
5.21 for the purposes of determining properties to which the densities in subdivisions 3 and 4  
5.22 apply.

5.23 Subd. 7. **Accessory dwelling units authorized.** (a) An accessory dwelling unit may be  
5.24 built on any residential lot in a city, regardless of total lot size, street frontage, connectivity  
5.25 between the accessory dwelling unit and the primary dwelling on the lot, and whether the  
5.26 lot is occupied by the property owner, so long as the accessory dwelling unit is built in  
5.27 conformance with the State Building Code.

5.28 (b) A city may permit more than one accessory dwelling unit to be built on a residential  
5.29 lot.

5.30 Subd. 8. **Minimum lot size permitted.** (a) A city may, by ordinance, require a minimum  
5.31 lot size in accordance with this subdivision to which the density requirements of subdivisions  
5.32 3 and 4 apply.

5.33 (b) A minimum lot size for a city of the first class must not be greater than:

6.1 (1) 2,500 square feet for a single-family detached home, duplex, triplex, fourplex,  
6.2 fiveplex, sixplex, stacked flat, and courtyard apartment; or

6.3 (2) 1,200 square feet for a townhome and cottage housing.

6.4 (c) A minimum lot size for a city of the second, third, or fourth class must not be greater  
6.5 than:

6.6 (1) 4,000 square feet for a single-family detached home, duplex, triplex, fourplex,  
6.7 fiveplex, sixplex, stacked flat, and courtyard apartment; or

6.8 (2) 1,200 square feet for a townhome and cottage housing.

6.9 Subd. 9. **City official controls; limitations.** (a) City official controls establishing,  
6.10 directly or indirectly, the permitted size, scale, or form of a building may only impose the  
6.11 following limitations:

6.12 (1) building height maximums;

6.13 (2) yard or setback requirements;

6.14 (3) maximum lot coverage;

6.15 (4) impervious surface maximums;

6.16 (5) lot width minimums;

6.17 (6) lot area minimums; and

6.18 (7) a maximum number of residential units per lot.

6.19 (b) City official controls must not impose architectural features, minimum square footage,  
6.20 garage square footage, or floor area ratios and must not create practical difficulties in the  
6.21 placement of residential units on any lot.

6.22 (c) City official controls establishing, directly or indirectly, the maximum square footage,  
6.23 gross floor area, or other size standard for residential dwelling units must be increased by  
6.24 at least ten percent per single-family unit built on a lot where multiple single-family units  
6.25 will be developed. A city may opt not to adjust a height standard for single-family units  
6.26 entitled to other standard adjustments under this paragraph.

6.27 (d) A city must reduce a setback standard by at least one foot for an all-electric and  
6.28 efficient home.

6.29 Subd. 10. **Parking requirements limited.** (a) A city may not require off-street parking  
6.30 space for a residential dwelling unit that is one-half mile or less from a major transit stop.

7.1 (b) A city may not require more than one off-street parking space per residential dwelling  
7.2 unit that is over one-half mile from a major transit stop.

7.3 Subd. 11. **Affordable housing; replacement required.** Affordable housing on a  
7.4 residential lot may only be demolished or remodeled for the construction of middle housing  
7.5 if the middle housing development will create at least as many affordable housing units as  
7.6 exist in the structure to be demolished or remodeled.

7.7 Subd. 12. **Subdivision of lots permitted; administrative review process established.** (a)  
7.8 Notwithstanding any law, rule, or ordinance to the contrary, a city must permit a residential  
7.9 lot to which the density requirements of subdivisions 3 and 4 apply to be subdivided in a  
7.10 manner that allows all units to be built on the property to be single-family detached homes.

7.11 (b) A residential lot created from the subdivision of property under paragraph (a) that  
7.12 is smaller than a minimum lot size required pursuant to subdivision 8 is not subject to the  
7.13 density requirements under subdivisions 3 and 4.

7.14 (c) Notwithstanding any law, rule, or ordinance to the contrary, a city must permit units  
7.15 on residential lots created from the subdivision process under paragraph (a) to share water,  
7.16 wastewater, and sanitary sewer infrastructure.

7.17 (d) A city shall process an application to subdivide a residential lot in accordance with  
7.18 the procedures under subdivision 13.

7.19 Subd. 13. **Administrative design review process established.** (a) Notwithstanding  
7.20 section 462.358, subdivision 3b, or any other law, rule, or ordinance to the contrary, a city  
7.21 must establish an administrative design review process for building permits for middle  
7.22 housing development projects and subdivision applications under subdivision 12. The  
7.23 administrative review process must review and approve or deny such building permit and  
7.24 subdivision applications based on the application's alignment with the city's comprehensive  
7.25 plan and other applicable zoning requirements. The administrative review process shall not  
7.26 involve a public hearing unless one is required by state or federal law or the project involves  
7.27 or affects a lot located in a historic district under section 138.73. The city may hold a public  
7.28 hearing on a building permit or subdivision application under this section for requests for  
7.29 variances from city zoning requirements. Except as provided in paragraph (b), an application  
7.30 subject to the administrative design review process must be approved or disapproved within  
7.31 60 days following the receipt by the city of a completed application by the applicant. If the  
7.32 city fails to approve or disapprove an application within 60 days, the application shall be  
7.33 deemed approved.

8.1 (b) A city must specify in writing all requirements for an application for a building  
8.2 permit for middle housing or for a subdivision to be considered complete. The written  
8.3 completion requirements must accompany each application.

8.4 (c) An applicant may direct the city to toll the 60-day review period for an application  
8.5 for a building permit for middle housing or for a subdivision application under subdivision  
8.6 12. The applicant may also direct the city to begin to run the 60-day time period for an  
8.7 application that was previously tolled upon request by the applicant. A request under this  
8.8 paragraph must be in writing. A city may not charge a fee to the applicant for a request  
8.9 under this paragraph.

8.10 Subd. 14. **Model ordinance.** (a) On or before December 31, 2024, the commissioner of  
8.11 the Minnesota Housing Finance Agency must develop and publish a model ordinance for  
8.12 adoption by cities that addresses the requirements of this section. On or before July 1, 2025,  
8.13 a city must adopt the model ordinance under this subdivision or amend its official controls  
8.14 to be consistent with the requirements of this section as part of an alternative density plan  
8.15 under subdivision 15.

8.16 (b) The Minnesota Housing Finance Agency must convene an advisory group of  
8.17 stakeholders to provide information during the development of the model ordinance. The  
8.18 advisory group must represent expertise in city administration, housing affordability, housing  
8.19 construction, municipal land use planning and zoning, and any other topics that the agency  
8.20 determines are necessary.

8.21 Subd. 15. **Alternative density plans.** A city may develop an alternative density plan  
8.22 and submit the plan to the commissioner of the Minnesota Housing Finance Agency for  
8.23 approval. The commissioner may approve an alternative density plan under this subdivision  
8.24 only if the city demonstrates that the plan will result in an equal or greater amount of middle  
8.25 housing production that would occur with the adoption of the model ordinance under  
8.26 subdivision 14. The commissioner must approve or disapprove an alternative density plan  
8.27 within 120 days of the day of receipt of the plan by the commissioner.

8.28 Subd. 16. **Exception.** This section does not apply to any parcel located in a floodplain.

8.29 Subd. 17. **State Building Code; State Fire Code.** This section does not modify any  
8.30 requirement of the State Building Code or State Fire Code.

8.31 **EFFECTIVE DATE.** This section is effective July 1, 2025, except that subdivisions  
8.32 1, 14, and 15 are effective July 1, 2024.

9.1 **Sec. 2. [462.3576] LIMITATION ON AESTHETIC MANDATES FOR CITIES.**

9.2 A home rule charter or statutory city must not condition approval of a residential building  
9.3 permit, subdivision development, or planned unit development on the use of one or more  
9.4 of the following:

9.5 (1) specific materials for aesthetic reasons for property used for a residential purpose as  
9.6 defined by the State Building Code;

9.7 (2) minimum square footage or floor area ratios;

9.8 (3) architectural design elements, including but not limited to decks, balconies, porches,  
9.9 gables, roof pitch, and elevation design standards;

9.10 (4) garage square footage; or

9.11 (5) common space, pools, or any common property necessitating a homeowner's  
9.12 association.

9.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4009

02/19/2024 Authored by Kraft, Howard, Nash, Elkins, Wolgamott and others
The bill was read for the first time and referred to the Committee on Housing Finance and Policy
02/22/2024 Adoption of Report: Amended and re-referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to local government; establishing minimum allowable densities on
1.3 residential lots in cities; requiring the authorization of middle housing types to be
1.4 built on residential lots; authorizing subdivision of residential lots; limiting parking
1.5 requirements established by cities; requiring the Minnesota Housing Finance
1.6 Agency to create a model ordinance for cities; limiting city aesthetic mandates on
1.7 residential building permits; establishing requirements for multifamily residential
1.8 developments in cities; proposing coding for new law in Minnesota Statutes,
1.9 chapter 462.

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 Section 1. [462.3571] MULTIFAMILY RESIDENTIAL DEVELOPMENTS.

1.12 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
1.13 the meanings given them.

1.14 (b) "Affordable housing development" means a multifamily residential development in
1.15 which:

1.16 (1) at least 20 percent of the residential units are for households whose incomes do not
1.17 exceed 50 percent of the area median income; or

1.18 (2) at least 40 percent of the residential units are for households whose incomes do not
1.19 exceed 60 percent of the area median income.

1.20 The deed or declaration for an affordable residential unit must also contain a restrictive
1.21 covenant requiring the property to remain affordable housing for at least 30 years.

1.22 (c) "City" means a home rule charter or statutory city.

1.23 (d) "Residential unit" means a residential dwelling for the use of a single owner or tenant.

2.1 (e) "Structure" means anything constructed or installed for residential or commercial  
2.2 use which requires a location on a parcel of land.

2.3 Subd. 2. **Multifamily residential developments.** (a) Subject to compliance with all  
2.4 municipal standards, multifamily residential developments are a permitted use in any  
2.5 commercial zoning district. A multifamily residential development may not be constructed  
2.6 on a lot zoned for a single-family home unless otherwise authorized by law, rule, or  
2.7 ordinance.

2.8 (b) A multifamily residential development may be mixed use so long as at least 50  
2.9 percent of the square footage of the development is dedicated to residential use.

2.10 Subd. 3. **Compliance with comprehensive plan; zoning.** A multifamily residential  
2.11 development must be approved by a city if it is consistent with the comprehensive plan on  
2.12 the date of submission and complies with the requirements of this section and all state and  
2.13 municipal standards.

2.14 Subd. 4. **Applicable zoning standards.** (a) A city may not impose more restrictive  
2.15 standards on a multifamily residential development than those that apply to property zoned  
2.16 for the current use of the parcel.

2.17 (b) A city must not impose a height requirement on a multifamily residential development  
2.18 that is less than the tallest structure within a one-quarter mile radius of the parcel on which  
2.19 the development will be built, or the maximum height permitted under the city's official  
2.20 controls, whichever is higher, so long as the maximum height of the development is no  
2.21 more than 150 feet.

2.22 (c) A city must not impose a setback requirement on a multifamily residential  
2.23 development that is less than the smallest minimum setback distance required of a structure  
2.24 within a one-quarter mile radius of the parcel on which the development will be built.

2.25 Subd. 5. **Parking requirements limited.** A city may not require more than one off-street  
2.26 parking space per residential unit.

2.27 Subd. 6. **Affordable housing development; height requirements.** (a) An affordable  
2.28 housing development must be permitted to exceed both a maximum height requirement and  
2.29 a maximum floor area ratio limitation imposed by city official controls as provided in  
2.30 paragraphs (b) and (c). The authority in paragraphs (b) and (c) that will produce the tallest  
2.31 development with the most number of affordable housing units on the parcel shall be applied  
2.32 to the affordable housing development.

2.33 (b) An affordable housing development may either:

3.1 (1) exceed the height requirement for the zoning district where the affordable housing  
3.2 development will be located by 35 feet in height; or

3.3 (2) match the maximum allowed height in any zoning district within one mile of the  
3.4 affordable housing development, so long as the maximum height is no more than 150 feet.

3.5 (c) An affordable housing development must be permitted to do one of the following,  
3.6 whichever results in the largest development:

3.7 (1) exceed the maximum density as permitted by city standards or the city's  
3.8 comprehensive plan by 30 percent;

3.9 (2) exceed the lot coverage ratio by 30 percent;

3.10 (3) exceed the floor area ratio by 30 percent; or

3.11 (4) exceed the maximum impervious lot coverage area by 30 percent.

3.12 Subd. 7. **Administrative review process.** (a) Notwithstanding any law, rule, or ordinance  
3.13 to the contrary, a city must establish an administrative review process for building permit  
3.14 applications for multifamily housing development projects. The administrative review  
3.15 process must review and approve or deny such building permit applications based on the  
3.16 application's conformity with the city's comprehensive plan, other applicable zoning  
3.17 requirements, and state law. An application may not be approved contingent on the  
3.18 development being a part of planned unit development, the approval of a conditional use  
3.19 permit, the completion of a study, or other condition that is not related to conformity with  
3.20 the city's comprehensive plan, zoning requirements, and state law.

3.21 (b) An application denial must be in writing and must describe the reasons for denial  
3.22 and the ways the application or development design can be amended to receive approval at  
3.23 a future date. Nothing in this subdivision prevents an applicant who received a denial from  
3.24 submitting a new application for the same multifamily housing development, which shall  
3.25 be treated as a new submission by the city.

3.26 (c) The administrative review process shall not involve a public hearing unless one is  
3.27 required by state or federal law. Approval or denial of an application does not require  
3.28 approval by the city council or a subcommittee of the council.

3.29 (d) An application subject to the administrative review process under this subdivision  
3.30 must be approved or disapproved within 60 days following the receipt by the city of a  
3.31 completed application by the applicant. If the city fails to approve or disapprove an  
3.32 application within 60 days, the application shall be deemed approved. The city may not  
3.33 request an extension for review of the application from the applicant.

4.1 (e) A city may request that an applicant incorporate certain design elements into the  
4.2 development that go beyond the criteria in state law and city official controls. The applicant  
4.3 may incorporate those elements in the design of the development but is not required to do  
4.4 so.

4.5 Subd. 8. **Local funds.** Notwithstanding any law, rule, or ordinance to the contrary, a  
4.6 city may not impose requirements on a multifamily housing development that are more  
4.7 restrictive than the requirements in this section if a multifamily housing development is  
4.8 funded in whole, or in part, with local funds or is located in a tax increment financing district  
4.9 or other special district created by the city.

4.10 **EFFECTIVE DATE.** This section is effective January 1, 2025.

4.11 Sec. 2. **[462.3575] CITY MINIMUM RESIDENTIAL DENSITIES AND**  
4.12 **ASSOCIATED REQUIREMENTS.**

4.13 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
4.14 the meanings given them.

4.15 (b) "Accessory dwelling unit" means any building that contains one dwelling unit used,  
4.16 intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or  
4.17 occupied for living purposes and is located on the same property as an existing dwelling.  
4.18 An accessory dwelling unit may be attached or detached from the existing dwelling.

4.19 (c) "Affordable housing" means a residential dwelling unit affordable to households at  
4.20 or below 115 percent of the area median household income, for an owner-occupied unit, or  
4.21 at or below 60 percent of the area median household income, for a unit that is leased. The  
4.22 deed or declaration for the unit must also contain a restrictive covenant requiring the property  
4.23 to remain affordable housing for at least ten years, if the unit is owner-occupied, or at least  
4.24 30 years if the unit is leased.

4.25 (d) "All-electric and efficient home" means a residential dwelling unit that utilizes  
4.26 electricity as its sole source of energy for heating, hot water heating, cooling, and appliances,  
4.27 and meets the most current minimum efficiency standards of a zero energy ready home  
4.28 under the Zero Energy Ready Home program administered by United States Department  
4.29 of Energy.

4.30 (e) "City" means a home rule charter or statutory city.

4.31 (f) "Cottage housing" means residential dwelling units on a lot with a common open  
4.32 space that either:

- 5.1 (1) is owned in common; or
- 5.2 (2) has units owned as condominium units with property owned in common and a  
5.3 minimum of 20 percent of the lot size as open space.
- 5.4 (g) "Courtyard apartment" means a building with up to four attached residential dwelling  
5.5 units arranged on two or three sides of a yard or garden.
- 5.6 (h) "Duplex" means a two family home, classified as an IRC-2 in the State Building  
5.7 Code and not meeting the definition of townhouse.
- 5.8 (i) "Fiveplex" means a building containing five residential dwelling units intended for  
5.9 nontransient occupancy and not meeting the definition of townhouse.
- 5.10 (j) "Fourplex" means a building containing four residential dwelling units intended for  
5.11 nontransient occupancy and not meeting the definition of townhouse.
- 5.12 (k) "Lot" means any contiguous parcel of land in the possession of, owned by, or recorded  
5.13 as the property of the same claimant or person.
- 5.14 (l) "Major transit stop" means a stop or station for a guideway or for a busway, as the  
5.15 terms are defined in section 473.4485, subdivision 1.
- 5.16 (m) "Metropolitan area" has the meaning under section 473.121, subdivision 2.
- 5.17 (n) "Middle housing" means buildings that are single-family detached homes and  
5.18 residential properties that are compatible in scale, form, and character with single-family  
5.19 detached homes. Middle housing includes all of the following housing types:
- 5.20 (1) duplexes;
- 5.21 (2) triplexes;
- 5.22 (3) fourplexes;
- 5.23 (4) fiveplexes;
- 5.24 (5) sixplexes;
- 5.25 (6) townhouses;
- 5.26 (7) stacked flats;
- 5.27 (8) courtyard apartments;
- 5.28 (9) cottage housing; and
- 5.29 (10) single-family detached homes.

6.1 (o) "Residential dwelling unit" or "unit" means a residential dwelling unit for the use of  
6.2 a single owner or tenant, and applies to any type of residential structure unless otherwise  
6.3 specified.

6.4 (p) "Single-family detached home" means any building that contains one residential  
6.5 dwelling unit used, intended, or designed to be built, used, rented, leased, let, or hired out  
6.6 to be occupied, or occupied for living purposes that is not attached to another structure.

6.7 (q) "Sixplex" means a building containing six residential dwelling units intended for  
6.8 nontransient occupancy and not meeting the definition of townhouse.

6.9 (r) "Stacked flat" means a nontransient residential building of no more than three stories  
6.10 on a lot zoned for residential development in which each floor is a residential dwelling unit.

6.11 (s) "Townhouse" means a single-family residential dwelling unit constructed in a group  
6.12 of three or more attached units in which each unit extends from the foundation to the roof  
6.13 and with open space on at least two sides. Each single-family residential dwelling unit shall  
6.14 be considered to be a separate building. Separate building service utilities shall be provided  
6.15 to each single-family residential dwelling unit when required by the Minnesota State Building  
6.16 Code.

6.17 (t) "Triplex" means a building containing three residential dwelling units intended for  
6.18 nontransient occupancy and not meeting the definition of townhouse.

6.19 Subd. 2. **Middle housing types permitted.** Any city in the metropolitan area and any  
6.20 city outside of the metropolitan area with a population of 10,000 or more must authorize at  
6.21 least six types of middle housing other than single-family detached homes to be built on  
6.22 residential lots in the city to achieve the density requirements in this section.

6.23 Subd. 3. **Cities of the first class; required residential densities.** (a) A city of the first  
6.24 class must permit the development of at least four residential dwelling units on any residential  
6.25 lot that is more than one-half mile from a major transit stop, unless one of the following  
6.26 criteria are met:

6.27 (1) if all of the units are all-electric and efficient homes, the city must permit the  
6.28 development of at least six residential dwelling units on the lot;

6.29 (2) if at least two of the units are affordable housing, the city must permit the development  
6.30 of at least six residential dwelling units on the lot; or

6.31 (3) if all of the units are all-electric and efficient homes and at least two of the units are  
6.32 also affordable housing, the city must permit the development of at least eight residential  
6.33 dwelling units on the lot.

7.1 (b) A city of the first class must permit the development of at least six residential dwelling  
7.2 units on any residential lot that is one-half mile or less from a major transit stop, unless one  
7.3 of the following criteria are met:

7.4 (1) if all of the units are all-electric and efficient homes, the city must permit the  
7.5 development of at least eight residential dwelling units on the lot;

7.6 (2) if at least two of the units are affordable housing, the city must permit the development  
7.7 of at least eight residential dwelling units on the lot; or

7.8 (3) if all of the units are all-electric and efficient homes and at least two of the units are  
7.9 also affordable housing, the city must permit the development of at least ten residential  
7.10 dwelling units on the lot.

7.11 (c) The requirements of this subdivision apply regardless of the types of middle housing  
7.12 authorized by the city under subdivision 2.

7.13 Subd. 4. **Greater Minnesota small cities; required residential densities.** A city with  
7.14 a population of less than 10,000 that is located outside of the metropolitan area must permit  
7.15 the development of at least two residential dwelling units on any residential lot.

7.16 Subd. 5. **Other cities; required residential densities.** (a) A city to which the  
7.17 requirements of subdivisions 3 and 4 do not apply must permit the development of at least  
7.18 two residential dwelling units on any residential lot that is more than one-half mile from a  
7.19 major transit stop, unless one of the following criteria are met:

7.20 (1) if all of the units are all-electric and efficient homes the city must permit the  
7.21 development of at least three residential dwelling units on the lot;

7.22 (2) if at least one of the units is affordable housing, the city must permit the development  
7.23 of at least three residential dwelling units on the lot; or

7.24 (3) if all of the units are all-electric and efficient homes and at least one of the units is  
7.25 also affordable housing, the city must permit the development of at least four residential  
7.26 dwelling units on the lot.

7.27 (b) A city subject to this subdivision must permit the development of at least four  
7.28 residential dwelling units on any residential lot that is one-half mile or less from a major  
7.29 transit stop, unless one of the following criteria are met:

7.30 (1) if all of the units are all-electric and efficient homes, the city must permit the  
7.31 development of at least six residential dwelling units on the lot;

8.1 (2) if at least two of the units are affordable housing, the city must permit the development  
8.2 of at least six residential dwelling units on the lot; or

8.3 (3) if all of the units are all-electric and efficient homes and at least two of the units are  
8.4 also affordable housing, the city must permit the development of at least eight residential  
8.5 dwelling units on the lot.

8.6 (c) The requirements of this subdivision apply regardless of the types of middle housing  
8.7 authorized by the city under subdivision 2.

8.8 Subd. 6. **Municipal standards.** (a) Any standards, performance conditions, or  
8.9 requirements imposed by a city for residential dwelling units permitted under subdivisions  
8.10 3, 4, and 5 must directly relate to protecting public health, safety, and general welfare.

8.11 (b) A city may not use official controls to prohibit the application of this section, including  
8.12 imposing performance conditions, standards, requirements, ordinances, fees, exactions, and  
8.13 dedications on any residential dwelling unit or development that are more restrictive than  
8.14 those in this section or other law or rule.

8.15 Subd. 7. **Commercial district designation.** A city with a population of 10,000 or more  
8.16 that does not have a major transit stop within the boundaries of the city must designate the  
8.17 boundaries of at least one commercial district in the city. The commercial district must be  
8.18 adjacent to residential property. The boundaries of the commercial district must be treated  
8.19 as a major transit stop for the purposes of determining properties to which the densities in  
8.20 subdivisions 3 and 5 apply.

8.21 Subd. 8. **Accessory dwelling units authorized.** (a) An accessory dwelling unit may be  
8.22 built on any residential lot in a city, regardless of total lot size, street frontage, connectivity  
8.23 between the accessory dwelling unit and the primary dwelling on the lot, and whether the  
8.24 lot is occupied by the property owner, so long as the accessory dwelling unit is built in  
8.25 conformance with the Minnesota State Building Code.

8.26 (b) A city may permit more than one accessory dwelling unit to be built on a residential  
8.27 lot.

8.28 (c) An accessory dwelling unit qualifies as a residential dwelling unit for the purposes  
8.29 of subdivisions 3, 4, and 5.

8.30 Subd. 9. **Minimum lot size permitted.** (a) A city may, by ordinance, require a minimum  
8.31 lot size in accordance with this subdivision to which the density requirements of subdivisions  
8.32 3 and 5 apply.

8.33 (b) A minimum lot size for a city of the first class must not be greater than:

9.1 (1) 2,500 square feet for a single-family detached home, duplex, triplex, fourplex,  
9.2 fiveplex, sixplex, stacked flat, and courtyard apartment; or

9.3 (2) 1,200 square feet for a townhome and cottage housing.

9.4 (c) A minimum lot size for a city subject to subdivision 5 must not be greater than:

9.5 (1) 4,000 square feet for a single-family detached home, duplex, triplex, fourplex,  
9.6 fiveplex, sixplex, stacked flat, and courtyard apartment; or

9.7 (2) 1,200 square feet for a townhome and cottage housing.

9.8 (d) This subdivision does not apply to a city located outside of the metropolitan area  
9.9 with a population of less than 10,000.

9.10 Subd. 10. City official controls; limitations. (a) City official controls establishing,  
9.11 directly or indirectly, the permitted size, scale, or form of a building may only impose the  
9.12 following limitations:

9.13 (1) building height maximums;

9.14 (2) yard or setback requirements;

9.15 (3) maximum lot coverage;

9.16 (4) impervious surface maximums;

9.17 (5) lot width minimums;

9.18 (6) lot area minimums; and

9.19 (7) a maximum number of residential units per lot.

9.20 (b) City official controls must not impose architectural features, minimum square footage,  
9.21 garage square footage, or floor area ratios, and must not create practical difficulties in the  
9.22 placement of residential units on any lot.

9.23 (c) City official controls establishing, directly or indirectly, the maximum square footage,  
9.24 gross floor area, or other size standard for residential dwelling units must be increased by  
9.25 at least ten percent per single-family unit built on a lot where multiple single-family units  
9.26 will be developed. A city may opt not to adjust a height standard for single-family units  
9.27 entitled to other standard adjustments under this paragraph.

9.28 (d) A city must reduce a setback standard by at least one foot for an all-electric and  
9.29 efficient home.

10.1 Subd. 11. **Parking requirements limited.** (a) A city may not require off-street parking  
10.2 space for a residential dwelling unit that is one-half mile or less from a major transit stop.

10.3 (b) A city may not require more than one off-street parking space per residential dwelling  
10.4 unit that is over one-half mile from a major transit stop.

10.5 Subd. 12. **Affordable housing; replacement required.** Affordable housing on a  
10.6 residential lot may only be demolished, in whole or in part, for the construction of middle  
10.7 housing if the middle housing development will create at least as many affordable housing  
10.8 units as exist in the structure to be demolished.

10.9 Subd. 13. **Subdivision of lots permitted; administrative review process established.** (a)  
10.10 Notwithstanding any law, rule, or ordinance to the contrary, a city must permit a residential  
10.11 lot to which the density requirements of subdivisions 3, 4, and 5 apply to be subdivided in  
10.12 a manner that allows all units to be built on the property to be single-family detached homes.

10.13 (b) A residential lot created from the subdivision of property under paragraph (a) that  
10.14 is smaller than a minimum lot size required pursuant to subdivision 9 is not subject to the  
10.15 density requirements under subdivisions 3, 4, and 5.

10.16 (c) A city shall process an application to subdivide a residential lot in accordance with  
10.17 the procedures under subdivision 14.

10.18 Subd. 14. **Administrative design review process established.** (a) Notwithstanding  
10.19 section 462.358, subdivision 3b, or any other law, rule, or ordinance to the contrary, a city  
10.20 must establish an administrative design review process for building permits for middle  
10.21 housing development projects and subdivision applications under subdivision 13. The  
10.22 administrative review process must review and approve or deny such building permit and  
10.23 subdivision applications based on the application's alignment with the city's comprehensive  
10.24 plan and other applicable zoning requirements. The administrative review process shall not  
10.25 involve a public hearing unless one is required by state or federal law or the project involves  
10.26 or affects a lot located in a historic district under section 138.73. The city may hold a public  
10.27 hearing on a building permit or subdivision application under this section for requests for  
10.28 variances from city zoning requirements. Except as provided in paragraph (b), an application  
10.29 subject to the administrative design review process under this paragraph must be approved  
10.30 or disapproved within 60 days following the receipt by the city of a completed application  
10.31 by the applicant. If the city fails to approve or disapprove an application within 60 days,  
10.32 the application shall be deemed approved.

11.1 (b) A city must specify in writing all requirements for an application for a building  
11.2 permit for middle housing or for a subdivision to be considered complete. The written  
11.3 completion requirements must accompany each application.

11.4 (c) An applicant may direct the city to toll the 60-day review period for an application  
11.5 for a building permit for middle housing or for a subdivision application under subdivision  
11.6 13. The applicant may also direct the city to begin to run the 60-day time period for an  
11.7 application that was previously tolled upon request by the applicant. A request under this  
11.8 paragraph must be in writing. A city may not charge a fee to the applicant for a request  
11.9 under this paragraph.

11.10 Subd. 15. **Model ordinance.** (a) On or before December 31, 2024, the commissioner of  
11.11 the Minnesota Housing Finance Agency must develop and publish a model ordinance for  
11.12 adoption by cities that addresses the requirements of this section. On or before July 1, 2025,  
11.13 a city must adopt the model ordinance under this subdivision or amend its official controls  
11.14 to be consistent with the requirements of this section as part of an alternative density plan  
11.15 under subdivision 16.

11.16 (b) The Minnesota Housing Finance Agency must convene an advisory group of  
11.17 stakeholders to provide information during the development of the model ordinance. The  
11.18 advisory group must represent expertise in city administration, housing affordability, housing  
11.19 construction, municipal land use planning and zoning, and any other topics that the agency  
11.20 determines are necessary.

11.21 Subd. 16. **Alternative density plans.** A city may develop an alternative density plan  
11.22 and submit the plan to the commissioner of the Minnesota Housing Finance Agency for  
11.23 approval. The commissioner may approve an alternative density plan under this subdivision  
11.24 only if the city demonstrates that the plan will result in an equal or greater amount of middle  
11.25 housing production that would occur with the adoption of the model ordinance under  
11.26 subdivision 15. The commissioner must approve or disapprove an alternative density plan  
11.27 within 120 days of the day of receipt of the plan by the commissioner.

11.28 Subd. 17. **Exception.** Nothing in this section authorizes a residential dwelling unit that  
11.29 is prohibited by state or federal law, or an ordinance adopted pursuant to such a state or  
11.30 federal law, that protects floodplains, areas of critical concern, wild and scenic rivers, or  
11.31 that otherwise restrict residential dwelling units to protect the environment or scenic areas.

11.32 Subd. 18. **State Building Code; State Fire Code.** This section does not modify any  
11.33 requirement of the State Building Code or State Fire Code.

12.1 **EFFECTIVE DATE.** This section is effective July 1, 2025, except that subdivisions  
12.2 1, 15, and 16 are effective July 1, 2024, and that subdivisions 4 and 5 are effective July 1,  
12.3 2026.

12.4 Sec. 3. **[462.3576] LIMITATION ON AESTHETIC MANDATES FOR CITIES.**

12.5 A home rule charter or statutory city must not condition approval of a residential building  
12.6 permit, subdivision development, or planned unit development on the use of one or more  
12.7 of the following:

12.8 (1) specific materials for aesthetic reasons for property used for a residential purpose as  
12.9 defined by the State Building Code;

12.10 (2) minimum square footage or floor area ratios;

12.11 (3) architectural design elements including, but not limited to, decks, balconies, porches,  
12.12 gables, roof pitch, and elevation design standards;

12.13 (4) garage square footage; or

12.14 (5) common space, pools, or any common property necessitating a homeowner's  
12.15 association.

12.16 **EFFECTIVE DATE.** This section is effective July 1, 2024.

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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4010

02/19/2024 Authored by Kozlowski, Howard, Agbaje, Hollins, Wolgamott and others
The bill was read for the first time and referred to the Committee on Housing Finance and Policy

1.1 A bill for an act
1.2 relating to local government; establishing requirements for multifamily residential
1.3 developments in cities; proposing coding for new law in Minnesota Statutes,
1.4 chapter 462.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 462.3571 MULTIFAMILY RESIDENTIAL DEVELOPMENTS.

1.7 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
1.8 the meanings given.

1.9 (b) "Affordable housing development" means a multifamily residential development in
1.10 which:

1.11 (1) at least 20 percent of the residential units are for households whose incomes do not
1.12 exceed 50 percent of the area median income; or

1.13 (2) at least 40 percent of the residential units are for households whose incomes do not
1.14 exceed 60 percent of the area median income.

1.15 The deed or declaration for an affordable residential unit must also contain a restrictive
1.16 covenant requiring the property to remain affordable housing for at least 30 years.

1.17 (c) "City" means a home rule charter or statutory city.

1.18 (d) "Residential unit" means a residential dwelling for the use of a single owner or tenant.

1.19 Subd. 2. Multifamily residential developments. (a) Multifamily residential
1.20 developments are a permitted use in any zoning district that is not zoned as industrial or
1.21 agricultural, subject to compliance with all municipal standards.

2.1 (b) A multifamily residential development may be mixed use so long as at least 50  
2.2 percent of the square footage of the development is dedicated to residential use.

2.3 Subd. 3. **Proximity to certain transportation infrastructure.** A multifamily residential  
2.4 development must not be located less than 500 feet from a federal interstate highway, airport,  
2.5 or rail line. The limitation under this subdivision does not apply to a state trunk highway,  
2.6 county state-aid highway, or other local road.

2.7 Subd. 4. **Compliance with comprehensive plan; zoning.** A multifamily residential  
2.8 development must be approved by a city if it is consistent with the comprehensive plan on  
2.9 the date of submission and complies with all state and municipal standards.

2.10 Subd. 5. **Applicable zoning standards.** (a) A city may not impose more restrictive  
2.11 standards to a multifamily residential development than those that apply to property zoned  
2.12 for the current use of the parcel.

2.13 (b) A city must not impose a height requirement on a multifamily residential development  
2.14 that is less than the tallest structure within a one-quarter mile radius of the parcel on which  
2.15 the development will be built or the maximum height permitted under the city's official  
2.16 controls, whichever is higher, so long as the maximum height of the development is no  
2.17 more than 150 feet.

2.18 (c) A city must not impose a setback requirement on a multifamily residential  
2.19 development that is less than the smallest minimum setback distance required of a structure  
2.20 within a one-quarter mile radius of the parcel on which the development will be built.

2.21 Subd. 6. **Parking requirements limited.** A city may not require more than one off-street  
2.22 parking space per residential unit.

2.23 Subd. 7. **Affordable housing development; height requirements.** (a) An affordable  
2.24 housing development must be permitted to exceed both a maximum height requirement and  
2.25 a maximum floor area ratio limitation imposed by city official controls as provided in  
2.26 paragraphs (b) and (c). The authority in paragraphs (b) and (c) that produces the tallest  
2.27 development with the most number of affordable housing units on the parcel shall be applied  
2.28 to the affordable housing development.

2.29 (b) An affordable housing development may either:

2.30 (1) exceed the height requirement for the zoning district where the affordable housing  
2.31 development will be located by 35 feet in height; or

2.32 (2) match the maximum allowed height in any zoning district within one mile of the  
2.33 affordable housing development, so long as the maximum height is no more than 150 feet.

3.1 (c) An affordable housing development must be permitted to do one of the following,  
3.2 whichever results in the largest development:

3.3 (1) exceed the maximum density as permitted by city standards or the city's  
3.4 comprehensive plan by 30 percent;

3.5 (2) exceed the lot coverage ratio by 30 percent;

3.6 (3) exceed the floor area ratio by 30 percent; or

3.7 (4) exceed the maximum impervious lot coverage area by 30 percent.

3.8 Subd. 8. **Administrative review process.** (a) Notwithstanding any law, rule, or ordinance  
3.9 to the contrary, a city must establish an administrative review process for building permit  
3.10 applications for multifamily residential development projects. The administrative review  
3.11 process must review and approve or deny such building permit applications based on the  
3.12 application's conformity with the city's comprehensive plan, other applicable zoning  
3.13 requirements, and state law. An application may not be approved contingent on the  
3.14 development being a part of planned unit development, the approval of a conditional use  
3.15 permit, the completion of a study, or other condition that is not related to conformity with  
3.16 the city's comprehensive plan, zoning requirements, and state law.

3.17 (b) An application denial must be in writing and must describe the reasons for denial  
3.18 and the ways the application or development design can be amended to receive approval at  
3.19 a future date. Nothing in this subdivision prevents an applicant who received a denial from  
3.20 submitting a new application for the same multifamily residential development, which shall  
3.21 be treated by the city as a new submission.

3.22 (c) The administrative review process shall not involve a public hearing unless one is  
3.23 required by state or federal law. Approval or denial of an application does not require  
3.24 approval by the city council or a subcommittee of the council.

3.25 (d) An application subject to the administrative review process under this subdivision  
3.26 must be approved or denied within 60 days following the receipt by the city of a completed  
3.27 application by the applicant. If the city fails to approve or deny an application within 60  
3.28 days, the application shall be deemed approved. The city may not request an extension for  
3.29 review of the application from the applicant.

3.30 (e) A city may request that an applicant incorporate certain design elements into the  
3.31 development that go beyond the criteria in state law and city official controls. The applicant  
3.32 may incorporate those elements in the design of the development but is not required to do  
3.33 so.

4.1        Subd. 9. **Local funds.** Notwithstanding any law, rule, or ordinance to the contrary, a  
4.2        city may not impose requirements on a multifamily residential development that are more  
4.3        restrictive than the requirements in this section if a multifamily residential development is  
4.4        funded in whole, or in part, with local funds or is located in a tax increment financing district  
4.5        or other special district created by the city.

4.6        **EFFECTIVE DATE.** This section is effective January 1, 2025.

1.1 ..... moves to amend H.F. No. 4010 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. ~~[462.3571]~~ MULTIFAMILY RESIDENTIAL DEVELOPMENTS.

1.4 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have  
1.5 the meanings given them.

1.6 (b) "Affordable housing development" means a multifamily residential development in  
1.7 which:

1.8 (1) at least 20 percent of the residential units are for households whose incomes do not  
1.9 exceed 50 percent of the greater of the statewide or area median income; or

1.10 (2) at least 40 percent of the residential units are for households whose incomes do not  
1.11 exceed 60 percent of the greater of the statewide or area median income.

1.12 The deed or declaration for an affordable residential unit must also contain a restrictive  
1.13 covenant requiring the property to remain affordable housing for at least 30 years.

1.14 (c) "City" means a home rule charter or statutory city.

1.15 (d) "Commercial use" means the use of land or buildings, in whole or in part, for the  
1.16 sale, lease, rental, or trade of products, goods, and services.

1.17 (e) "Cottage housing" means residential dwelling units on a lot with a common open  
1.18 space that either:

1.19 (1) is owned in common; or

1.20 (2) has units owned as condominium units with property owned in common and a  
1.21 minimum of 20 percent of the lot size as open space.

2.1 (f) "Courtyard apartment" means a building with up to four attached residential dwelling  
2.2 units arranged on two or three sides of a yard or garden.

2.3 (g) "Duplex" means a two family home, classified as an IRC-2 in the State Building  
2.4 Code and not meeting the definition of townhouse.

2.5 (h) "Fiveplex" means a building containing five residential dwelling units intended for  
2.6 nontransient occupancy and not meeting the definition of townhouse.

2.7 (i) "Fourplex" means a building containing four residential dwelling units intended for  
2.8 nontransient occupancy and not meeting the definition of townhouse.

2.9 (j) "Environmental justice area" has the meaning under section 116.065, subdivision 1.

2.10 (k) "Metropolitan area" has the meaning under section 473.121, subdivision 2.

2.11 (l) "Multifamily residential development" means a single residential building with at  
2.12 least 13 units or a mixed-use building with commercial use on the ground floor and at least  
2.13 half of the usable square footage is for residential use. "Multifamily residential development"  
2.14 does not include the following housing types:

2.15 (1) duplexes;

2.16 (2) triplexes;

2.17 (3) fourplexes;

2.18 (4) fiveplexes;

2.19 (5) sixplexes;

2.20 (6) townhouses;

2.21 (7) stacked flats;

2.22 (8) courtyard apartments;

2.23 (9) cottage housing; and

2.24 (10) single-family detached homes.

2.25 (m) "Residential unit" means a residential dwelling for the use of a single owner or  
2.26 tenant.

2.27 (n) "Single-family detached home" means any building that contains one residential  
2.28 dwelling unit used, intended, or designed to be built, used, rented, leased, let, or hired out  
2.29 to be occupied, or occupied for living purposes that is not attached to another structure.

3.1 (o) "Sixplex" means a building containing six residential dwelling units intended for  
3.2 nontransient occupancy and not meeting the definition of townhouse.

3.3 (p) "Stacked flat" means a nontransient residential building of no more than three stories  
3.4 on a lot zoned for residential development in which each floor is a residential dwelling unit.

3.5 (q) "Structure" means anything constructed or installed for residential or commercial  
3.6 use which requires a location on a parcel of land. "Structure" does not include  
3.7 nonconformities.

3.8 (r) "Townhouse" means a single-family residential dwelling unit constructed in a group  
3.9 of three or more attached units in which each unit extends from the foundation to the roof  
3.10 and with open space on at least two sides. Each single-family residential dwelling unit shall  
3.11 be considered to be a separate building. Separate building service utilities shall be provided  
3.12 to each single-family residential dwelling unit when required by the Minnesota State Building  
3.13 Code.

3.14 (s) "Triplex" means a building containing three residential dwelling units intended for  
3.15 nontransient occupancy and not meeting the definition of townhouse.

3.16 Subd. 2. **Multifamily residential developments.** (a) Subject to compliance with all  
3.17 municipal zoning standards, multifamily residential developments shall be a permitted use  
3.18 in any zoning district that allows for a commercial use, except for:

3.19 (1) industrial zoning districts where a commercial use is not allowed; or

3.20 (2) industrial zoning districts that are located in an environmental justice area.

3.21 (b) A multifamily residential development may not be constructed on a lot zoned for a  
3.22 single-family detached home unless otherwise authorized by law, rule, or ordinance.

3.23 (c) A city may require a conditional use permit for a multifamily residential development  
3.24 only if the specific circumstances of the development raise concerns related to the public  
3.25 health, safety, and general welfare.

3.26 Subd. 3. **Applicable zoning standards.** (a) A multifamily residential development must  
3.27 comply with any standards, performance conditions, or requirements, including the adequacy  
3.28 of existing public infrastructure, imposed by a city to promote the public health, safety, and  
3.29 general welfare.

3.30 (b) A city must not impose a height requirement on a multifamily residential development  
3.31 that is less than the following:

3.32 (1) in a city of the first class, 75 feet;

4.1 (2) in a city of the second class, 45 feet;

4.2 (3) in a city of the third class in the metropolitan area, 45 feet; or

4.3 (4) in a city of the third class outside of the metropolitan area, 35 feet.

4.4 (c) A city must not impose a setback requirement on a multifamily residential  
4.5 development that is greater than the smallest required minimum setback distance of any  
4.6 other structure in the same zoning district of the parcel on which the development will be  
4.7 built.

4.8 (d) A city may impose a height or setback requirement that is different from the  
4.9 requirements in this subdivision if such requirements would result in a multifamily residential  
4.10 development that would substantially vary in compatibility and scale with surrounding  
4.11 properties.

4.12 (e) This subdivision does not apply to a city of the fourth class.

4.13 Subd. 4. **Parking requirements limited.** A city may not require more than one off-street  
4.14 parking space per residential unit, except that additional disability parking spaces may be  
4.15 required to meet the requirements of the Americans with Disabilities Act.

4.16 Subd. 5. **Affordable housing development; height and mass requirements.** An  
4.17 affordable housing development must be permitted to exceed one or more maximum  
4.18 dimensional standards imposed by city official zoning controls as a zoning density bonus.  
4.19 A zoning density bonus offered by a city for an affordable housing development may include  
4.20 one or more of the following dimensional standards above the maximum base zoning  
4.21 regulations:

4.22 (1) a building height increase of at least 35 feet;

4.23 (2) an increased floor area ratio;

4.24 (3) an increased number of units per acre;

4.25 (4) an increased total number of units;

4.26 (5) a higher percentage of lot coverage; or

4.27 (6) other dimensional standards that increase building size by at least 30 percent more  
4.28 than what is allowed for market-rate multifamily residential developments.

4.29 Subd. 6. **Administrative review process.** (a) Notwithstanding any law, rule, or ordinance  
4.30 to the contrary, a city must establish an administrative review process subject to the

5.1 procedures in section 15.99 for a multifamily residential development meeting the  
5.2 requirements of this section.

5.3 (b) An application reviewed through an administrative review process or other process  
5.4 may not be approved contingent on factors not related to the protection of public health,  
5.5 safety, and welfare; the completion of a study; or the development being a part of a planned  
5.6 unit development if the multifamily residential development complies with this section.

5.7 Subd. 7. **Exceptions.** (a) Nothing in this section authorizes a multifamily residential  
5.8 development that is prohibited by state or federal law or rule, or is prohibited under an  
5.9 ordinance adopted pursuant to such a state or federal law or rule, that protects floodplains,  
5.10 areas of critical or historic concern, wild and scenic rivers, shore land, or that otherwise  
5.11 restrict residential units to protect and preserve the public health, the environment, or scenic  
5.12 areas.

5.13 (b) A multifamily residential development may not be inconsistent with approved plans  
5.14 under chapter 103B.

5.15 **EFFECTIVE DATE.** This section is effective January 1, 2025."

5.16 Amend the title accordingly

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-THIRD SESSION**

**S.F. No. 1370**

(SENATE AUTHORS: PORT and Mitchell)

DATE	D-PG	OFFICIAL STATUS
02/08/2023	733	Introduction and first reading Referred to Housing and Homelessness Prevention
03/22/2023	2199	Comm report: To pass
	2199	Second reading
	11498	Rule 47, returned to Housing and Homelessness Prevention
03/13/2024		Author added Mitchell Comm report: To pass as amended and re-refer to State and Local Government and Veterans

- 1.1 A bill for an act
- 1.2 relating to housing; expanding eligible uses for housing infrastructure bonds;
- 1.3 amending Minnesota Statutes 2022, section 462A.37, subdivision 2.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2022, section 462A.37, subdivision 2, is amended to read:
- 1.6 Subd. 2. **Authorization.** (a) The agency may issue up to \$30,000,000 in aggregate
- 1.7 principal amount of housing infrastructure bonds in one or more series to which the payment
- 1.8 made under this section may be pledged. The housing infrastructure bonds authorized in
- 1.9 this subdivision may be issued to fund loans, or grants for the purposes of clause (4), on
- 1.10 terms and conditions the agency deems appropriate, made for one or more of the following
- 1.11 purposes:
- 1.12 (1) to finance the costs of the construction, acquisition, and rehabilitation of supportive
- 1.13 housing for individuals and families who are without a permanent residence;
- 1.14 (2) to finance the costs of the acquisition and rehabilitation of foreclosed or abandoned
- 1.15 housing to be used for affordable rental housing and the costs of new construction of rental
- 1.16 housing on abandoned or foreclosed property where the existing structures will be demolished
- 1.17 or removed;
- 1.18 (3) to finance that portion of the costs of acquisition of property that is attributable to
- 1.19 the land to be leased by community land trusts to low- and moderate-income home buyers;
- 1.20 (4) to finance the acquisition, improvement, and infrastructure of manufactured home
- 1.21 parks under section 462A.2035, subdivision 1b;

2.1 (5) to finance the costs of acquisition, rehabilitation, adaptive reuse, or new construction  
2.2 of senior housing;

2.3 (6) to finance the costs of acquisition and rehabilitation of federally assisted rental  
2.4 housing and for the refinancing of costs of the construction, acquisition, and rehabilitation  
2.5 of federally assisted rental housing, including providing funds to refund, in whole or in part,  
2.6 outstanding bonds previously issued by the agency or another government unit to finance  
2.7 or refinance such costs; ~~and~~

2.8 (7) to finance the costs of acquisition, rehabilitation, adaptive reuse, or new construction  
2.9 of single-family housing; and

2.10 (8) to finance the costs of the construction of multifamily rental housing for households  
2.11 with incomes at or below fifty percent of area median income.

2.12 (b) Among comparable proposals for permanent supportive housing, preference shall  
2.13 be given to permanent supportive housing for veterans and other individuals or families  
2.14 who:

2.15 (1) either have been without a permanent residence for at least 12 months or at least four  
2.16 times in the last three years; or

2.17 (2) are at significant risk of lacking a permanent residence for 12 months or at least four  
2.18 times in the last three years.

2.19 (c) Among comparable proposals for senior housing, the agency must give priority to  
2.20 requests for projects that:

2.21 (1) demonstrate a commitment to maintaining the housing financed as affordable to  
2.22 seniors;

2.23 (2) leverage other sources of funding to finance the project, including the use of  
2.24 low-income housing tax credits;

2.25 (3) provide access to services to residents and demonstrate the ability to increase physical  
2.26 supports and support services as residents age and experience increasing levels of disability;

2.27 (4) provide a service plan containing the elements of clause (3) reviewed by the housing  
2.28 authority, economic development authority, public housing authority, or community  
2.29 development agency that has an area of operation for the jurisdiction in which the project  
2.30 is located; and

2.31 (5) include households with incomes that do not exceed 30 percent of the median  
2.32 household income for the metropolitan area.

3.1 To the extent practicable, the agency shall balance the loans made between projects in the  
3.2 metropolitan area and projects outside the metropolitan area. Of the loans made to projects  
3.3 outside the metropolitan area, the agency shall, to the extent practicable, balance the loans  
3.4 made between projects in counties or cities with a population of 20,000 or less, as established  
3.5 by the most recent decennial census, and projects in counties or cities with populations in  
3.6 excess of 20,000.

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-THIRD SESSION**

**S.F. No. 1370**

(SENATE AUTHORS: PORT and Mitchell)

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	11498	Rule 47, returned to Housing and Homelessness Prevention
03/13/2024	12159a	Comm report: To pass as amended and re-refer to State and Local Government and Veterans
	12197	Author added Mitchell

1.1 A bill for an act

1.2 relating to housing; amending provisions relating to building permit processing

1.3 and fees; amending provisions relating to land use and planning; prohibiting

1.4 counties and municipalities from enacting ordinances prohibiting emergency shelter

1.5 facilities; establishing requirements for municipalities to allow multifamily

1.6 residential developments; defining middle housing; requiring permitting middle

1.7 housing types in residential areas; authorizing accessory dwelling units; limiting

1.8 off-street parking requirements for residential development; limiting aesthetic

1.9 mandates on residential project approvals; limiting requirements for homeowners

1.10 associations on residential project approvals; amending Minnesota Statutes 2022,

1.11 sections 15.99, subdivisions 1, 2; 326B.153, by adding a subdivision; 394.25, by

1.12 adding subdivisions; 462.357, by adding a subdivision; proposing coding for new

1.13 law in Minnesota Statutes, chapter 462.

1.14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.15 Section 1. Minnesota Statutes 2022, section 15.99, subdivision 1, is amended to read:

1.16 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms shall

1.17 have the meanings given.

1.18 (b) "Agency" means a department, agency, board, commission, or other group in the

1.19 executive branch of state government; a statutory or home rule charter city, county, town,

1.20 or school district; any metropolitan agency or regional entity; and any other political

1.21 subdivision of the state.

1.22 (c) "Request" means a written application for a building permit, or a written application

1.23 related to zoning, septic systems, watershed district review, soil and water conservation

1.24 district review, or the expansion of the metropolitan urban service area, for a permit, license,

1.25 or other governmental approval of an action. A request must be submitted in writing to the

1.26 agency on an application form provided by the agency, if one exists. The agency may reject

2.1 as incomplete a request not on a form of the agency if the request does not include  
2.2 information required by the agency. A request not on a form of the agency must clearly  
2.3 identify on the first page the specific permit, license, or other governmental approval being  
2.4 sought. No request shall be deemed made if not in compliance with this paragraph.

2.5 (d) "Applicant" means a person submitting a request under this section. An applicant  
2.6 may designate a person to act on the applicant's behalf regarding a request under this section  
2.7 and any action taken by or notice given to the applicant's designee related to the request  
2.8 shall be deemed taken by or given to the applicant.

2.9 Sec. 2. Minnesota Statutes 2022, section 15.99, subdivision 2, is amended to read:

2.10 Subd. 2. **Deadline for response.** (a) Except as otherwise provided in this section, section  
2.11 462.358, subdivision 3b, or 473.175, or chapter 505, and notwithstanding any other law to  
2.12 the contrary, an agency must approve or deny within 60 days a written request for a building  
2.13 permit, or a written request relating to zoning, septic systems, watershed district review,  
2.14 soil and water conservation district review, or expansion of the metropolitan urban service  
2.15 area for a permit, license, or other governmental approval of an action. Failure of an agency  
2.16 to deny a request within 60 days is approval of the request. If an agency denies the request,  
2.17 it must state in writing the reasons for the denial at the time that it denies the request.

2.18 (b) When a vote on a resolution or properly made motion to approve a request fails for  
2.19 any reason, the failure shall constitute a denial of the request provided that those voting  
2.20 against the motion state on the record the reasons why they oppose the request. A denial of  
2.21 a request because of a failure to approve a resolution or motion does not preclude an  
2.22 immediate submission of a same or similar request.

2.23 (c) Except as provided in paragraph (b), if an agency, other than a multimember governing  
2.24 body, denies the request, it must state in writing the reasons for the denial at the time that  
2.25 it denies the request. If a multimember governing body denies a request, it must state the  
2.26 reasons for denial on the record and provide the applicant in writing a statement of the  
2.27 reasons for the denial. If the written statement is not adopted at the same time as the denial,  
2.28 it must be adopted at the next meeting following the denial of the request but before the  
2.29 expiration of the time allowed for making a decision under this section. The written statement  
2.30 must be consistent with the reasons stated in the record at the time of the denial. The written  
2.31 statement must be provided to the applicant upon adoption.

3.1 Sec. 3. Minnesota Statutes 2022, section 326B.153, is amended by adding a subdivision  
3.2 to read:

3.3 Subd. 5. **Valuation.** The commissioner must establish a cost-per-square-foot valuation  
3.4 of residential buildings for the purpose of setting building permit fees by municipalities.  
3.5 Residential buildings include one- and two-family buildings, townhouse buildings, and  
3.6 accessory buildings.

3.7 Sec. 4. Minnesota Statutes 2022, section 394.25, is amended by adding a subdivision to  
3.8 read:

3.9 Subd. 11. **Emergency shelter facility.** (a) "Emergency shelter facility" means a facility  
3.10 that provides a safe, sanitary, accessible, and suitable emergency shelter for individuals and  
3.11 families experiencing homelessness, regardless of whether the facility provides emergency  
3.12 shelter during the day, overnight, or both. The emergency shelter facility must conform  
3.13 with the State Building Code under chapter 326B and the State Fire Code under chapter  
3.14 299F.

3.15 (b) A county shall not enact, amend, or enforce a zoning ordinance that prohibits  
3.16 emergency shelter facilities. A county may prohibit an emergency shelter facility in areas  
3.17 zoned for residential, agricultural, or heavy industrial uses, or as required by law to conform  
3.18 with the State Building Code, State Fire Code, or other state requirements.

3.19 Sec. 5. Minnesota Statutes 2022, section 394.25, is amended by adding a subdivision to  
3.20 read:

3.21 Subd. 12. **Homeowners associations.** (a) A county must not condition approval of a  
3.22 residential building permit, residential subdivision development, or residential planned unit  
3.23 development on the creation of a homeowners association or on the inclusion of any terms  
3.24 in a homeowners association bylaws, articles of incorporation, or any other governing  
3.25 document that is not required under state law.

3.26 (b) A county must not require that a residential property be part of a homeowners  
3.27 association or provide an incentive for such membership. The county must also not require  
3.28 or incentivize a homeowners association to adopt terms or conditions not required under  
3.29 state law.

4.1 Sec. 6. Minnesota Statutes 2022, section 462.357, is amended by adding a subdivision to  
4.2 read:

4.3 Subd. 1j. **Emergency shelter facility.** (a) "Emergency shelter facility" means a facility  
4.4 that provides a safe, sanitary, accessible, and suitable emergency shelter for individuals and  
4.5 families experiencing homelessness, regardless of whether the facility provides emergency  
4.6 shelter during the day, overnight, or both. The emergency shelter facility must conform  
4.7 with the State Building Code under chapter 326B and the State Fire Code under chapter  
4.8 299F.

4.9 (b) A municipality shall not enact, amend, or enforce a zoning ordinance that prohibits  
4.10 emergency shelter facilities. A municipality may prohibit an emergency shelter facility in  
4.11 areas zoned for residential, or agricultural, or heavy industrial uses, or as required by law  
4.12 to conform with the State Building Code, State Fire Code, or other state requirements.

4.13 Sec. 7. **[462.3571] MULTIFAMILY RESIDENTIAL DEVELOPMENTS.**

4.14 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
4.15 the meanings given.

4.16 (b) "Affordable housing development" means a multifamily residential development in  
4.17 which:

4.18 (1) at least 20 percent of the residential units are for households whose incomes do not  
4.19 exceed 50 percent of the area median income; or

4.20 (2) at least 40 percent of the residential units are for households whose incomes do not  
4.21 exceed 60 percent of the area median income.

4.22 The deed or declaration for an affordable residential unit must also contain a restrictive  
4.23 covenant requiring the property to remain affordable housing for at least 30 years.

4.24 (c) "Municipality" means a home rule charter city, statutory city, or town.

4.25 (d) "Multifamily residential development" means a single residential building with more  
4.26 than eight dwelling units or a mixed-use building with commercial use on the ground floor  
4.27 and at least half of the usable square footage is for residential uses. Multifamily residential  
4.28 development is not middle housing as defined in section 462.3575, subdivision 1.

4.29 (e) "Residential unit" means a residential dwelling for the use of a single owner or tenant.

4.30 Subd. 2. **Multifamily residential developments.** (a) Multifamily residential  
4.31 developments are a permitted use in any mixed-use, multifamily, or commercial zoning  
4.32 district, subject to compliance with all municipal standards.

5.1 (b) A multifamily residential development may be mixed use so long as at least 50  
5.2 percent of the usable square footage of the development is dedicated to residential use.

5.3 Subd. 3. **Applicable zoning standards.** (a) A municipality must not impose a height  
5.4 requirement on a multifamily residential development that is less than the tallest commercial  
5.5 or residential building within a one-quarter mile radius of the parcel on which the  
5.6 development will be built or the maximum height permitted under the municipality's official  
5.7 controls, whichever is higher.

5.8 (b) A municipality must not impose a setback requirement on a multifamily residential  
5.9 development that is more than the smallest minimum setback distance required of a new  
5.10 building within a one-quarter mile radius of the parcel on which the development will be  
5.11 built.

5.12 Subd. 4. **Parking requirements limited.** A municipality may not require more than one  
5.13 off-street parking space per residential unit.

5.14 Subd. 5. **Affordable housing development; height requirements.** (a) Subject to section  
5.15 462.358, subdivision 2a, an affordable housing development must be permitted to exceed  
5.16 both a maximum height requirement and a maximum floor area ratio limitation imposed by  
5.17 municipality official controls as provided in paragraphs (b) and (c). The authority in  
5.18 paragraphs (b) and (c) that produces the tallest development with the most number of  
5.19 affordable housing units on the parcel shall be applied to the affordable housing development.

5.20 (b) An affordable housing development may either:

5.21 (1) exceed the height requirement for the zoning district where the affordable housing  
5.22 development will be located by 35 feet in height; or

5.23 (2) match the maximum allowed height in any zoning district within one mile of the  
5.24 affordable housing development.

5.25 (c) In addition to all previous allowances, an affordable housing development must be  
5.26 permitted to do one of the following, whichever results in the largest development:

5.27 (1) exceed the maximum floor area ratio or dwelling unit count permitted by municipality  
5.28 standards or the municipality's comprehensive plan by 30 percent, whichever allows for  
5.29 greater density;

5.30 (2) exceed the lot coverage ratio by 30 percent;

5.31 (3) exceed the floor area ratio by 30 percent; or

5.32 (4) exceed the maximum impervious lot coverage area by 30 percent.

6.1 (d) A municipality that does not approve a project under section 462.358, subdivision  
 6.2 2a, must provide the applicant with written justification and reasons for the disapproval  
 6.3 within seven days of the disapproval. Where insufficient infrastructure is the reason for  
 6.4 disapproval, a municipality must include credentialed evidence in the written justification.

6.5 Subd. 6. **State Building Code; State Fire Code.** This section is subject to the  
 6.6 requirements under the State Building Code under chapter 326B and the State Fire Code  
 6.7 under chapter 299F.

6.8 Sec. 8. **[462.3575] MINIMUM RESIDENTIAL DENSITIES AND ASSOCIATED**  
 6.9 **REQUIREMENTS.**

6.10 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
 6.11 the meanings given.

6.12 (b) "Accessory dwelling unit" means a smaller, independent residential dwelling unit  
 6.13 located on the same lot as a dwelling. An accessory dwelling unit may be attached or detached  
 6.14 from the existing dwelling. Accessory dwelling unit does not include sacred communities  
 6.15 and micro-unit dwellings under section 327.30 and temporary family health care dwellings  
 6.16 under section 462.3593.

6.17 (c) "Affordable housing" means a residential dwelling unit affordable to households at  
 6.18 or below 115 percent of the area median household income, for an owner-occupied unit, or  
 6.19 at or below 60 percent of the area median household income, for a unit that is leased. The  
 6.20 deed or declaration for the unit must also contain a restrictive covenant requiring the property  
 6.21 to remain affordable housing for at least ten years if the unit is owner-occupied, or at least  
 6.22 30 years if the unit is leased.

6.23 (d) "All-electric and efficient home" means a residential dwelling unit that utilizes  
 6.24 electricity or a combination of electricity and thermal energy as its sole source of energy  
 6.25 for heating, hot water heating, cooling, and appliances and meets the most current minimum  
 6.26 efficiency standards of a zero energy ready home under the Zero Energy Ready Home  
 6.27 Program administered by United States Department of Energy.

6.28 (e) "Cottage housing" means residential dwelling units on a lot with a common open  
 6.29 space that either:

6.30 (1) is owned in common; or

6.31 (2) has units owned as condominium units with property owned in common and a  
 6.32 minimum of 20 percent of the lot size as open space.

7.1 (f) "Courtyard apartment" means a building with up to four attached residential dwelling  
7.2 units arranged on two or three sides of a yard or garden.

7.3 (g) "Duplex" means a two-family home, classified as an IRC-2 in the State Building  
7.4 Code and not meeting the definition of townhouse.

7.5 (h) "Fiveplex" means a building containing five residential dwelling units intended for  
7.6 nontransient occupancy and not meeting the definition of townhouse.

7.7 (i) "Fourplex" means a building containing four residential dwelling units intended for  
7.8 nontransient occupancy and not meeting the definition of townhouse.

7.9 (j) "Lot" means any contiguous parcel of land in the possession of, owned by, or recorded  
7.10 as the property of the same claimant or person.

7.11 (k) "Major transit stop" means a stop or station for a guideway or busway, as the terms  
7.12 are defined in section 473.4485, subdivision 1.

7.13 (l) "Middle housing" means buildings that are single-family detached homes and  
7.14 residential properties that are compatible in scale, form, and character with single-family  
7.15 detached homes. Middle housing includes all of the following housing types:

7.16 (1) duplexes;

7.17 (2) triplexes;

7.18 (3) fourplexes;

7.19 (4) fiveplexes;

7.20 (5) sixplexes;

7.21 (6) townhouses;

7.22 (7) stacked flats;

7.23 (8) courtyard apartments;

7.24 (9) cottage housing;

7.25 (10) single-family detached homes; and

7.26 (11) twin homes.

7.27 (m) "Municipality" means a home rule charter city, statutory city, or town.

7.28 (n) "Residential dwelling unit" or "unit" means a residential dwelling unit for the use of  
7.29 a single owner or tenant and applies to any type of residential structure unless otherwise  
7.30 specified.

8.1 (o) "Single-family detached home" means any building that contains one residential  
8.2 dwelling unit used, intended, or designed to be built, used, rented, leased, let, or hired out  
8.3 to be occupied, or occupied for living purposes that is not attached to another structure.

8.4 (p) "Sixplex" means a building containing six residential dwelling units intended for  
8.5 nontransient occupancy and not meeting the definition of townhouse.

8.6 (q) "Stacked flat" means a nontransient residential building of no more than three stories  
8.7 on a lot zoned for residential development in which each floor is a residential dwelling unit.

8.8 (r) "Townhouse" means a single-family residential dwelling unit constructed in a group  
8.9 of three or more attached units in which each unit extends from the foundation to the roof  
8.10 and with open space on at least two sides. Each single-family residential dwelling unit shall  
8.11 be considered a separate building. Separate building service utilities shall be provided to  
8.12 each single-family residential dwelling unit when required by the State Building Code.

8.13 (s) "Triplex" means a building containing three residential dwelling units intended for  
8.14 nontransient occupancy and not meeting the definition of townhouse.

8.15 Subd. 2. **Middle housing types permitted.** A municipality must authorize at least six  
8.16 types of middle housing other than single-family detached homes to be built on residential  
8.17 lots in single-family zones in the municipality to achieve the density requirements in this  
8.18 section.

8.19 Subd. 3. **Cities of the first class; required residential densities.** (a) Subject to section  
8.20 462.358, subdivision 2a, a city of the first class must permit the development of at least four  
8.21 residential dwelling units on any residential lot that is more than one-half mile from a major  
8.22 transit stop, unless one of the following criteria are met:

8.23 (1) if all of the units are all-electric and efficient homes, the city must permit the  
8.24 development of at least six residential dwelling units on the lot;

8.25 (2) if at least two of the units are affordable housing, the city must permit the development  
8.26 of at least six residential dwelling units on the lot; or

8.27 (3) if all of the units are all-electric and efficient homes and at least two of the units are  
8.28 also affordable housing, the city must permit the development of at least eight residential  
8.29 dwelling units on the lot.

8.30 (b) Subject to section 472.358, subdivision 2a, a city of the first class must permit the  
8.31 development of at least six residential dwelling units on any residential lot that is one-half  
8.32 mile or less from a major transit stop, unless one of the following criteria are met:

9.1 (1) if all of the units are all-electric and efficient homes, the city must permit the  
 9.2 development of at least eight residential dwelling units on the lot;

9.3 (2) if at least two of the units are affordable housing, the city must permit the development  
 9.4 of at least eight residential dwelling units on the lot; or

9.5 (3) if all of the units are all-electric and efficient homes and at least two of the units are  
 9.6 also affordable housing, the city must permit the development of at least ten residential  
 9.7 dwelling units on the lot.

9.8 (c) The requirements of this subdivision apply regardless of the types of middle housing  
 9.9 authorized by the city under subdivision 2.

9.10 (d) A municipality that does not approve a project under section 462.358, subdivision  
 9.11 2a, must provide the applicant with written justification and reasons for the disapproval  
 9.12 within seven days of the disapproval. Where insufficient infrastructure is the reason for  
 9.13 disapproval, a municipality must include credentialed evidence in the written justification.

9.14 Subd. 4. **Other cities and towns; required residential densities.** (a) Subject to section  
 9.15 462.358, subdivision 2a, a city of the second, third, or fourth class or town must permit the  
 9.16 development of at least two residential dwelling units on any residential lot that is more  
 9.17 than one-half mile from a major transit stop, unless one of the following criteria are met:

9.18 (1) if all of the units are all-electric and efficient homes, the city or town must permit  
 9.19 the development of at least three residential dwelling units on the lot;

9.20 (2) if at least two of the units are affordable housing, the city or town must permit the  
 9.21 development of at least three residential dwelling units on the lot; or

9.22 (3) if all of the units are all-electric and efficient homes and at least two of the units are  
 9.23 also affordable housing, the city or town must permit the development of at least four  
 9.24 residential dwelling units on the lot.

9.25 (b) Subject to section 462.358, subdivision 2a, a city of the second, third, or fourth class  
 9.26 or town must permit the development of at least four residential dwelling units on any  
 9.27 residential lot that is one-half mile or less from a major transit stop, unless one of the  
 9.28 following criteria are met:

9.29 (1) if all of the units are all-electric and efficient homes, the city or town must permit  
 9.30 the development of at least six residential dwelling units on the lot;

9.31 (2) if at least two of the units are affordable housing, the city or town must permit the  
 9.32 development of at least six residential dwelling units on the lot; or

10.1 (3) if all of the units are all-electric and efficient homes and at least two of the units are  
10.2 also affordable housing, the city or town must permit the development of at least eight  
10.3 residential dwelling units on the lot.

10.4 (c) The requirements of this subdivision apply regardless of the types of middle housing  
10.5 authorized by the city or town under subdivision 2.

10.6 (d) A municipality that does not approve a project under section 462.358, subdivision  
10.7 2a, must provide the applicant with written justification and reasons for the disapproval  
10.8 within seven days of the disapproval. Where insufficient infrastructure is the reason for  
10.9 disapproval, a municipality must include from a public works director or a similarly qualified  
10.10 person evidence in the written justification.

10.11 Subd. 5. **Municipal standards.** (a) Municipal official controls must not impose standards  
10.12 that create practical difficulties in the placement or building of residential units on any lot.

10.13 (b) Any standards, performance conditions, or requirements imposed by a municipality  
10.14 for residential dwelling units permitted under this section must allow for all missing middle  
10.15 types authorized under subdivision 2 to be built.

10.16 (c) Any limits or restrictions on missing middle development must directly relate to  
10.17 protecting public health, safety, and general welfare.

10.18 Subd. 6. **Accessory dwelling units authorized.** (a) An accessory dwelling unit may be  
10.19 built on any residential lot in a municipality, regardless of total lot size, street frontage,  
10.20 connectivity between the accessory dwelling unit and the primary dwelling on the lot, and  
10.21 whether the lot is occupied by the property owner.

10.22 (b) A municipality may permit more than one accessory dwelling unit to be built on a  
10.23 residential lot.

10.24 Subd. 7. **Minimum lot size permitted.** (a) A municipality may, by ordinance, require  
10.25 a minimum lot size in accordance with this subdivision to which the density requirements  
10.26 of subdivisions 3 and 4 apply.

10.27 (b) A minimum lot size for a city of the first class must not be greater than:

10.28 (1) 2,500 square feet for a single-family detached home, duplex, triplex, fourplex,  
10.29 fiveplex, sixplex, stacked flat, and courtyard apartment; or

10.30 (2) 1,200 square feet for a townhome and cottage housing.

10.31 (c) A minimum lot size for a city of the second, third, or fourth class or a town must not  
10.32 be greater than:

11.1 (1) 4,000 square feet for a single-family detached home, duplex, triplex, fourplex,  
11.2 fiveplex, sixplex, stacked flat, and courtyard apartment; or

11.3 (2) 1,200 square feet for a townhome and cottage housing.

11.4 Subd. 8. **Parking requirements limited.** (a) A municipality may not require an off-street  
11.5 parking space for a residential dwelling unit that is one-half mile or less from a major transit  
11.6 stop. A municipality may require that disability parking spaces be provided in compliance  
11.7 with the Americans with Disabilities Act.

11.8 (b) A municipality may not require more than one off-street parking space per residential  
11.9 dwelling unit that is over one-half mile from a major transit stop, except that additional  
11.10 disability parking spaces may be required to meet the requirements of the Americans with  
11.11 Disabilities Act.

11.12 Subd. 9. **Affordable housing; replacement required.** For cities of the first class,  
11.13 affordable housing on a residential lot may only be demolished or remodeled for the  
11.14 construction of middle housing if the middle housing development will create at least as  
11.15 many affordable housing units as exist in the structure to be demolished or remodeled. This  
11.16 subdivision does not apply to housing in a blighted area defined under section 469.002,  
11.17 subdivision 11.

11.18 Subd. 10. **Alternative density plans.** A municipality that adopts zoning controls prior  
11.19 to June 30, 2025, that would allow for residential construction leading to an increase in  
11.20 density of more than 100 percent in single family zones as permitted uses is not subject to  
11.21 the requirements in this section.

11.22 Subd. 11. **Exception.** This section does not apply to any parcel located in a floodplain.

11.23 Subd. 12. **State Building Code; State Fire Code.** This section is subject to the  
11.24 requirements under the State Building Code under chapter 326B and the State Fire Code  
11.25 under chapter 299F.

11.26 Sec. 9. **[462.3576] LIMITATION ON AESTHETIC MANDATES FOR CITIES.**

11.27 A municipality must not condition approval of a residential building permit, residential  
11.28 subdivision development, or residential planned unit development on the use of one or more  
11.29 of the following, unless to conform with state and local historic district requirements, the  
11.30 State Building Code in chapter 326B, and the State Fire Code in chapter 299F:

11.31 (1) specific materials for aesthetic reasons;

12.1 (2) residential building or accessory structure to a residential building minimum square  
12.2 footage or floor area ratios;

12.3 (3) design elements for aesthetic reasons including, but not limited to, decks, balconies,  
12.4 porches, gables, roof pitch, and elevation design standards;

12.5 (4) garage square footage; or

12.6 (5) common space, pools, or any common property necessitating a homeowner's  
12.7 association.

12.8 Sec. 10. **[462.3577] MUNICIPALITIES; HOMEOWNERS ASSOCIATIONS.**

12.9 (a) A municipality must not condition approval of a residential building permit, residential  
12.10 subdivision development, or residential planned unit development on the creation of a  
12.11 homeowners association or on the inclusion of any terms in a homeowners association  
12.12 bylaws, articles of incorporation, or any other governing document that is not required under  
12.13 state law.

12.14 (b) A municipality must not require that a residential property be part of a homeowners  
12.15 association or provide an incentive for such membership. The municipality must also not  
12.16 require or incentivize a homeowners association to adopt terms or conditions not required  
12.17 under state law.

12.18 Sec. 11. **EFFECTIVE DATE.**

12.19 This act is effective July 1, 2025.

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:

**Daniel Lightfoot**  
LMC Intergovernmental  
Relations Representative  
(651) 281-1295  
dlightfoot@lmc.org

[lmc.org](http://lmc.org)



### 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**

March 6, 2024



### 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.**

# CITY OF VICTORIA

Victoria, MN  Est. 1915

March 5, 2024

To: Representative Jim Nash  
349 State Office Building  
St. Paul, MN 55155

**RE: HF 4009**

Dear Representative Nash:

Thank you for your dedication to address the important issues of middle housing, lifecycle housing, and housing availability. As the City of Victoria, we share your commitment to ensuring that every individual and family can find their North Star home and hope it is within Victoria, Carver County, or our surrounding neighbors.

While we appreciate the efforts being made to address the housing crisis and commend the collaboration with cities and developers, we also believe that certain aspects of House File 4009 (HF 4009) require careful reconsideration and modification to better align with the unique needs and challenges faced by local communities.

Victoria, with its challenging soil conditions, multiple waterways, and shoreland districts, places an importance on protecting our natural resources, and waterways. The proposed density and provisions regarding Accessory Dwelling Units (ADUs) may inadvertently compromise our ability to safeguard our natural spaces effectively. For example, with Victoria's heavy clay soils, having multiple primary structures in close proximity may create erosion and drainage issues for those living in these homes. These are items not addressed within the State Building Code, but as stewards of our communities, it is imperative we have the flexibility to address the distinct geographic features and characteristics of our area while tackling the housing crisis.

Acting as stewards of our community, we firmly believe in transparency throughout every aspect of the public process. Limiting public hearings restricts the voices of constituents. It is important to ensure that every resident has a meaningful opportunity to contribute to decisions made by their government.

We also acknowledge the challenges facing rural or suburban communities like ours, where public transit options are limited and where vehicle ownership is still required to get to work, school, and local businesses. It is crucial for us to provide adequate parking for our future residents, and we urge you to consider granting cities the flexibility to meet the parking needs of our constituents, both current and future. Further, as an area experiencing rapid growth amidst aging state roadway infrastructure, congestion and traffic patterns are important considerations in our development plans. Limiting conditional uses and precluding the ability to request important safety measures, such as traffic studies, impedes our ability to prioritize the safety and well-being of our residents, business patrons, and community members.

# CITY OF VICTORIA

Victoria, MN  Est. 1915

Overall, our concerns to HF 4009 stems from our commitment to safety, environmental preservation, and fostering inclusive communities for current and future generations. We strongly believe that modifications to the bill are necessary to afford cities like ours the flexibility required to build resilient, safe, and thriving communities.

Thank you for considering our concerns and for your dedication to finding solutions that benefit all communities across our state. We are in this together and welcome any questions or future conversation about HF 4009.

Sincerely,



Debra McMillan  
Mayor, City of Victoria

# **COUNCIL MEMO**

Agenda Item # 9.6

**Meeting Date:** April 1, 2024  
**Agenda Section:** Ordinances & Resolutions  
**Item Description:** RES/Resolution Supporting Retention of City Zoning Authority  
**Submitted By:** Doug Borglund, Community Development Director

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## **BACKGROUND INFORMATION**

As the City Council is aware there have been a number of bills circulating in the legislative process this year in St. Paul at the State Capital. Many of the bills that have been proposed take stock in advancing efforts to increase production of affordable housing supply and construction. Many of these proposed preemption bills are focused on addressing affordable housing both rental and ownership across the State and would preempt local zoning and land use regulations.

The City of Anoka as a community and its housing stock is already near 50% rental and 80% of its housing stock is already affordable. Anoka has small lots already. Anoka has higher in density already. Anoka's market rate rent can be considered affordable. Anoka's home values are affordable overall. How will the proposed legislative changes help the City of Anoka?

If some of the bills being considered pass. The results could include loss of local control including the ability for communities and its citizens across the State to provide public input as part of the development approval process. The proposed laws are of preemptive nature to say the least and would include many mandates that may not be realistic, practical, and costly.

Enclosed is a resolution that has been put forth by the League of Minnesota Cities for consideration that would be shared as part of the ongoing legislative process this Spring.

## **FINANCIAL IMPACT**

NA

## **REQUESTED COUNCIL ACTION**

Staff is recommending the City Council approve the proposed resolution as presented.

## **REQUIRED VOTE**

A majority vote of the City Council is required.



2015 First Avenue, Anoka MN 55303  
Phone: (763) 576-2700 Website: [www.anokaminnesota.com](http://www.anokaminnesota.com)

**CITY OF ANOKA, MINNESOTA  
RESOLUTION**

**RES-2024-XXXX**

**A RESOLUTION SUPPORTING RETENTION OF CITY ZONING AUTHORITY**

**WHEREAS**, decisions about local zoning and land use that best fit community needs are best left to city residents and officials;

**WHEREAS**, cities use zoning and land use regulations to balance property usage, plan for community growth, dedicate space and capacity for public infrastructure to support development (roads, parks and trails, transportation, sewer, stormwater, water, etc.), mitigate flooding and erosion, and preserve natural resources among others;

**WHEREAS**, the Minnesota State Legislature, in an attempt to address housing availability and affordability challenges, is considering measures that would preempt city authority to regulate land use and zoning and assign that authority to state government;

**WHEREAS**, passage of those measures would inadequately address housing availability and affordability challenges;

**WHEREAS**, a rigid framework for land use and zoning mandated by the state makes little sense and cities require flexibility to address their own unique circumstances;

**WHEREAS**, provisions of the proposed state measures would place the fiscal burden for infrastructure cost of new residential development on the shoulders of existing homeowners and renters in our local communities;

**WHEREAS**, building of multiple housing units on a single residential lot with inadequate spacing, as allowed in the proposed zoning preemption measures, could result in service delivery problems like limiting emergency medical services and fire departments' access to city neighborhoods;

**WHEREAS**, provisions would also silence local residents from their concerns regarding proposed developments during public comment periods of city council and other public meetings;

**AND, WHEREAS**, cities across the state have already put in years of work to address zoning issues, and continue to do so, with the help of community engagement.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANOKA, MINNESOTA AS FOLLOWS:**

The City of Anoka opposes state proposals that seek to preempt local zoning and land use decision-making when it comes to residential development;

Supports constructive policy alternatives to incentivize and bolster city efforts for addressing housing challenges;

And, advocates for a city-state partnership to consider reforms that are proven to address housing availability and affordability and that ensure efforts can be locally led and shaped.

Adopted by the Anoka City Council this the 1st day of April, 2024.

ATTEST:

\_\_\_\_\_  
Amy T. Oehlers, City Clerk

\_\_\_\_\_  
Phil Rice, Mayor



February 20, 2024 (2:39 p.m.)

Attn. Rep. Zack Stephenson (DFL) District: 35A  
449 State Office Building \*  
St. Paul, MN 55155

&

Attn. Rep. Jim Abeler  
5 University Avenue W.  
Minnesota Senate Bldg., Room 2207  
St. Paul, MN 55155

***RE: Proposed Bills: HF 4009 and SF 3964***

Dear Representative Stephenson & Representative Abeler,

The 2 proposed bills HF 4009 and SF 3964 being proposed and heard this afternoon addressing middle housing and many other land use elements primarily allow various types of multi-unit housing to be built by right without discretionary review processes. It would require cities to allow between 2-6 (or more if certain conditions are met) residential units on each lot regardless of size and other local factors like infrastructure capacity, public safety and emergency responder access, and other public health and safety concerns. Local authority would be limited to issuing permits that meet certain rigid descriptions with no ability for public hearings, local City Council approval, or for additional conditions addressing variable of a site to be applied.

As one example from the proposed bill would allow building up to multi-family dwellings to potentially be up to up to 150' in height in large areas of a city is not a reasonable change. Buildings of that size and density of that magnitude carry a host of fire, water, sewer, emergency response, stormwater, and neighborhood impacts. These bills would not only allow those to be built by right, but would prohibit any form of public hearing or City Council decision on the matter, even for residents directly affected.

Local government responsibilities for a wide range of other issues are not addressed, including fire and emergency services access, capacity and equipment, environmental review, infrastructure capacity, stormwater management, state wetland and shoreland regulations, non-conforming lots, blighted areas, potential nuisance situations, direct impact on neighboring properties through watershed and solar access, and other issues.

These proposed bills completely eliminate any form of public ability to petition government to address their concerns regarding certain developments that materially impacts their property and/or community. Further, it provides no way for citizens of Anoka to seek recourse and make their voice heard before their local elected officials.

Anoka as a community and its housing stock is already near 50% rental and 80% of its housing stock is already affordable. Anoka has small lots already. Anoka is higher in density already. Anoka's market rate rent can be considered affordable. Anoka's home values are affordable.

How will the proposed legislative changes help the City of Anoka? This will only result in a loss of local control and a loss for the citizens of Anoka to participate in the future of their community going forward.

***Doug Borglund***

**Doug Borglund**  
Community Development Director  
City of Anoka  
2015 First Avenue North  
Anoka, MN 55303

(763) 576-2723  
[dborglund@ci.anoka.mn.us](mailto:dborglund@ci.anoka.mn.us)



# City of Waconia

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March 18, 2024

Representative Jim Nash  
349 State Office Building  
St. Paul, MN 55155

Dear Representative Nash,

On behalf of the City Council, we are writing to express our concerns and opposition with respect to the legislation that is proposed in House File 4009. Our concerns and opposition stem from the preemption of city zoning and land use authorities, removal of public input in the residential development process, ignore long range goals established in our comprehensive plan and lack of consideration that development has on the city's ability to support development by infrastructure such as water, sewer, and storm water utilities.

The bill as proposed creates a broad-brush approach that limits local policy makers such as the City Council and Planning Commission in determining the best approach to meeting the local housing needs of our community. As you know, Waconia is a desirable place to live, and our local growth goals have reflected the demand that the market has brought to our community. We have demonstrated and supported flexibility in providing for development to respond to market conditions as well as enacted policies that financially, and through regulation, that reward more affordable and varied housing options in our community.

The legislation proposed removes the balance and compatibility that we have sought to have developed in Waconia and removes local input and consideration to the unique characteristics, capability and capacity of our infrastructure, and demand on public safety resources to serve the public.

We encourage you to oppose this legislation, and rather work with local communities on policy, incentives, or other tools that municipalities can utilize to further achieve broader state level goals as it relates to housing in Waconia. We invite you to meet with the City Council to further dialogue on how the city can be an active partner in these discussions and hear our concerns regarding the impacts that this legislation would have on the future of Waconia.

Regards,

Nicole Waldron, Mayor

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City Hall  
201 South Vine Street  
Waconia, MN 55387  
952-442-2184

Public Services  
310 10<sup>th</sup> Street East  
Waconia, MN 55387  
952-442-2615

Fire Station  
26 Maple Street South  
Waconia, MN 55387  
952-442-2316

Safari Island Community Center  
1600 Community Drive  
Waconia, MN 55387  
952-442-0695

Ice Arena  
1250 Oak Avenue  
Waconia, MN 55387  
952-442-RINK (7465)

[https://www.swnewsmedia.com/chanhassen\\_villager/news/opinion/letters\\_to\\_the\\_editor/letter-strong-concerns-over-housing-bills/article\\_89d450aa-e562-11ee-ab7e-eb7885bd5773.html](https://www.swnewsmedia.com/chanhassen_villager/news/opinion/letters_to_the_editor/letter-strong-concerns-over-housing-bills/article_89d450aa-e562-11ee-ab7e-eb7885bd5773.html)

## Letter: Strong concerns over housing bills

Mar 21, 2024



Photo by fotografierende on Unsplash

As the mayors of Carver, Chanhassen, Chaska and Victoria, we all share strong concerns about several housing bills, including HF 4009, SF 1370 and SF 3980, which are advancing quickly through the state legislature.

The proposed legislation would severely limit the ability for residents and businesses to provide feedback and be a part of the public process that has traditionally been part of the residential development process in our communities.



This legislation would broadly preempt city zoning and land use authority and ignore long range local comprehensive plans. It lacks consideration for how cities utilize zoning and land use to ensure the health, safety and welfare for residents and scale infrastructure to support new housing density.

Other concerning elements of these bills include:

- Allowing duplex conversion of any existing home or lot.
- Allowing multi-family dwellings to be constructed by right, meaning there's no opportunity for public feedback, in any commercially zoned district or multifamily area. Imposing new height restrictions could result in buildings as tall as 150 ft throughout our communities.
- Limiting minimum parking requirements while requiring higher density. This could result in developers underbuilding parking resulting in spillover onto city streets that were not designed to accommodate dense on-street parking.

Our cities have spent decades carefully planning development. We each have comprehensive plans which reflect the unique needs of our communities. All of our locally-led efforts included countless hours invested by residents and community officials. If this legislation passes, these plans will be replaced with a one-size-fits-all state-mandated framework.

Special interest groups and some legislators claim this legislation would help promote affordable housing and result in the construction of more affordable starter homes. Unfortunately, this is a misleading narrative due to the market realities of supply and demand and market forces outside city control. While we appreciate the efforts being made to address the housing crisis, we believe certain aspects of the proposed legislation must be modified to better align with the unique needs and challenges faced by our local communities.

If these bills become state statute, they will forever change land use, planning and development across our communities and throughout the state. Not only will local control be lost; so too will your voice because "by right" will replace local zoning authority and the public hearing process.

We have all connected with our State Representatives and State Senators, many of whom have experience serving as local elected officials, to let them know we have serious concerns with the proposed housing bills. If this proposed legislation concerns you too, we encourage you to make your voices heard by asking questions and sharing your feedback.



**Courtney Johnson** – Mayor, City of Carver

**Elise Ryan** – Mayor, City of Chanhassen

**Mark Windschitl** – Mayor, City of Chaska

**Debra McMillan** – Mayor, City of Victoria



# Relaxing zoning is a housing solution with consequences

As suburban mayors, we understand the need but must emphasize why local control is needed.

Opinion editor's note: This article was submitted by several Twin Citiesarea mayors. Their names are below.

...

In the last few years, the suburbs of Minneapolis and St. Paul have seen tremendous growth fueled by low interest rates and cities working with developers to build singlefamily homes, townhouses and multifamily units. Many cities like ours have worked with builders to grant exemptions from current zoning to encourage smaller lots to provide greater access to attainable homeownership. However, the prices of these homes on smaller lots continued to climb. The promise of lower price points from builders has yet to come to fruition.

We know that one key component to promoting homeownership is to curate and protect naturally occurring affordable housing (NOAH). One of the ways to promote NOAH is to create opportunities for people older than 55 to downsize.

Currently, more than 1,000 seniors are waiting to get into county-owned affordable housing in Dakota County alone. When seniors downsize, their homes become important housing stock for the next generation of homeowners. The new metrowide sales tax to support housing will be crucial in increasing opportunities for seniors. However, those projects could be at risk because of new legislative initiatives.

As mayors, we are invested in ensuring that our communities retain the ability to shape our future and maintain local control. Evan Ramstad's recent column in the Star Tribune ("Relaxed zoning could be on its way," March 3) advocates for legislation that would significantly alter the landscape of housing development in Minnesota, and while the intention to address the pressing need for more housing is commendable, the approach proposed raises critical concerns.

The proposed legislation, HF 4009 and SF 3964, seeks to eliminate single-family zoning in cities with populations exceeding 10,000 and strip municipalities' authority to regulate aspects of housing such as parking, aesthetics and lot subdivisions. While the bill aims to increase housing affordability, it does so at the expense of communities, which must tailor development to their unique needs. It also does nothing to guarantee that these new units are owner-occupied, which we know is most households' main wealth-building generator.

Undoubtedly, Minnesota faces a housing shortage that impedes our economic growth. However, addressing this issue should not come at the cost of relinquishing local control over zoning decisions.

Zoning regulations serve a vital purpose in ensuring our residents' health, safety and welfare, as well as preserving the character and integrity of our neighborhoods. Additionally, local zoning ordinances play a crucial role in safeguarding natural habitats and promoting sustainable development practices, thereby protecting the environment for future generations.

Moreover, the proposed legislation overlooks the potential consequences of its sweeping changes. While proponents argue that liberalizing zoning will increase housing availability and affordability, the reality may be more nuanced. There is a risk that hastily implemented measures could result in unintended consequences, including overdevelopment and strain on infrastructure that was carefully planned and expensive to fix if overburdened.

Furthermore, the bill needs to adequately consider the input of local communities and residents whom these changes directly impact. Decisions about housing development should be made through a collaborative process that incorporates the perspectives and concerns of

all stakeholders through the public hearing process in planning commissions and city councils rather than imposed through top-down mandates from the Legislature.

As we contemplate solutions to Minnesota's housing challenges, we must prioritize strategies that balance promoting development and preserving the unique character of our communities. This requires a nuanced approach that empowers local governments to make informed decisions tailored to their specific circumstances rather than imposing one-size-fits-all mandates from the state level.

As mayors, we remain committed to advocating for policies that empower our cities to chart our path forward while addressing the pressing needs of our residents. We must work together to find solutions that promote sustainable development, economic growth and vibrant communities across Minnesota.

The suburban mayors who submitted this article are Luke Hellier of Lakeville, Anne Burt of Woodbury, Chris Kostick of Credit River, Tim Sanders of Blaine, Brad Wiersum of Minnetonka, Jeff Wosje of Plymouth and Kirt Briggs of Prior Lake.

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## **COLUMN: Missing Middle Housing Bills are missing the mark**

By Keith Wettschreck Guest Columnist

Mar 27, 2024

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The State Legislature is set to consider several bills this month to address the housing shortage in Minnesota. Known as the Missing Middle Housing Bills, they are meant to clear a path for more affordable and attainable housing options throughout the state.

While everyone can agree that addressing these housing issues is vital, the proposed Missing Middle Housing legislation is missing the mark – and the outcome may have long-lasting impacts to St. Michael neighborhoods. The proposed bills (HF 4009/HF 4010 and SF 3964/SF 3980/SF 1310/SF 3303/SF 1370) do not consider how cities utilize zoning and land use to ensure appropriately sized infrastructure (streets/traffic and underground water and sewer) to support new housing density.

For decades, cities like St. Michael have planned for growth and infrastructure according to our comprehensive plan. The addition of duplex, triplex, or fourplex dwelling units on any residential lot by right will increase the demand for sewer, water, stormwater, and road capacity beyond what was planned. And, there is not a clear answer on who will pay for the upsizing of infrastructure – existing taxpayers?

The proposed bills do very little, if anything, to create homeownership opportunities. In fact, they may work against it.

St. Michael has long held that opportunities to own a home are important. Home ownership creates stability in the community and is the starting point of generational wealth. City officials have worked to ensure those opportunities exist in St. Michael with a large variety of housing types and densities having been built in recent decades.

Additionally, the proposed bills would replace existing zoning and land use authorities – such as the St. Michael Planning Commission and City Council – with an overly broad and rigid framework that eliminates the ability for cities to account for and be responsive to local conditions.

In addition, the opportunity for public input in the residential development process would be removed. The legislation would essentially silence the voices of residents and city leaders at the local level.

The proposed bills would allow construction of duplexes, triplexes, and fourplexes in single-family areas without regard for existing zoning ordinances, the environment, the character of the neighborhood, or impacts to traffic and infrastructure. While housing is a statewide issue, addressing affordability and availability must continue to be locally driven to account for each city's respective needs.

In St. Michael, we are fortunate to have established great relationships with the state lawmakers who represent us. They have historically been supportive partners to the city and have worked tirelessly to advocate for St. Michael and the surrounding communities they represent.

The city has reached out to each of them about our concerns with the proposed legislation. We are working to ensure that the voices of St. Michael residents continue to be heard. If you share these concerns, we encourage you to do the same and contact Senator Eric Lucero [sen.eric.lucero@mnsenate.gov](mailto:sen.eric.lucero@mnsenate.gov) and

Representative Walter Hudson [rep.walter.hudson@house.mn.gov](mailto:rep.walter.hudson@house.mn.gov)

Rigid, state-mandated frameworks that lack consideration for how cities plan for and pay for infrastructure to support new residential development will create serious consequences for St. Michael and all cities across the state. We are hopeful the state will choose to partner with cities and recognize the importance of allowing decisions to be made at the local level with resident input.

*- Keith Wettschreck is the mayor of the city of St. Michael. He can be reached at [keithw@stmichaelmn.gov](mailto:keithw@stmichaelmn.gov).*

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## **Albertville discusses concerns about Middle Housing Bill**

Council approves plans for a 105,157-square-foot warehouse

By Jessica Charpentier [jessica.charpentier@apgecm.com](mailto:jessica.charpentier@apgecm.com)

Mar 28, 2024

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At the March 18 Albertville City Council meeting, Wright County Commissioner Jeanne Holland updated the council about concerns regarding the Missing Middle Housing Bill, which is going through the Minnesota State Legislature.

Also during the meeting, the council approved plans for a 105,157-square-foot warehouse/distribution industrial building.

### **Missing Middle Housing Bill**

The Missing Middle Housing Bill has been making its way through the Minnesota Legislature and many cities have voiced concerns about the bill. Commissioner Holland spoke about Wright County Commissioner Nadine Schoen, Wright County Commissioner Tina Diedrick, St. Michael City Administrator Steven Bot and her visiting Senator Eric Lucero (R-St. Michael) to discuss the topic.

Another meeting was coordinated with Lucero which included Albertville City Administrator Adam Nafstad, Bot, St. Michael Community Development Director Marc Weigle, Holland, Schoen and Monticello Mayor Lloyd Hilgart.

The Middle Housing Bill is meant to combat the housing shortage and would restrict local government zoning authority by allowing duplex, triplex and fourplex units on many lots.

The bill was authored by Representative Larry Kraft (DFL-St. Louis Park) and Sen. Nicole Mitchell (DFL-Woodbury). The bill would affect minimum and maximum lot size restrictions for residential developments.

This could cause an increased demand for sewer, water and utilities on lots that were designated for smaller developments. According to Nafstad, an amendment to the bill by Lucero (SF 3303) would also eliminate local government aesthetic standards and limitations on the size of garage and accessory structures on lots.

“We told him we would like his amendment to be taken out. He said at this point because it’s omnibus, he doesn’t think it can be taken out and was pretty adamant about that. He said if he wouldn’t of presented this bill, somebody else would and he wanted to be at the table for this discussion,” Holland said.

According to Holland, Lucero said he has been getting a lot of feedback from constituents in favor of the bill. Holland stated many cities have expressed problems with the bill.

“This bill, if passed at the state – they are not responsible for the end product, they’re not responsible for any of the detrimental issues that arise from it, they’re not responsible for the utility provision for increased density, they’re not responsible for anything. That all falls back to the city without the authority to make the decisions locally,” City Planner Al Brixius said.

## **Medart Industrial Development**

Medart Inc., an automobile parts facility, is seeking approval from the council for a 105,157-square-foot warehouse/distribution industrial building. In August 2022, the council approved plans by Medart Inc. for a self-storage facility, but the plans have not moved forward.

To move forward with the warehouse/industrial building, the planning and zoning commission and the city council will need to repeal the self-storage facility plans.

Medart Inc. is seeking approval to combine lots one and two of the development site into one lot. Phase one of the project will be the office/warehouse and phase two will be a future 70,000 to 84,000-square-foot warehouse expansion.

“The PUD gives us opportunity to allow for a variety of uses, there’s some flexibilities that are being requested,” Al Brixius said.

Flexibilities include allowing the loading area to be near a public street and for proof of parking to meet the city’s parking requirements. The phase one parking stalls will be 73, which is below the required 121 stalls but is based on Medart’s phase one parking needs.

Medart Inc. is also asking for a fire lane portion of the site to remain unpaved until 2035 to allow Medart time to pave the fire lane at the same time as the phase two warehouse expansion.

Albertville is asking for changes to the plans including more landscape screening in the southern loading area and screening along the western edge of the west parking lot to block headlights directed towards the public street, which Medart Inc. has agreed to do.

The council approved the development plans.

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Jessica Charpentier  
Community Editor



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## 'Missing middle' housing bill concerns city officials

By Jacqueline Devine [jdevine@swpub.com](mailto:jdevine@swpub.com)

Mar 6, 2024

1 of 3



The Minnesota State Capitol Building

File photo/ Southwest News Media

A bill that would supersede local zoning rules and would allow developers to legally build up to a sixplex, apartment buildings, townhouses and cottage housing in residential neighborhoods, is raising eyebrows in cities of 10,000 or more, including Prior Lake.

The bill stems from the state's critical housing shortage and will support diverse "missing middle" affordable housing options such as duplexes, fourplexes, sixplexes, cottage cour



and multiplexes. The bill was recently amended and approved by the Housing Finance and Policy Committee. The bill awaits its first hearing in the Senate.

At the Feb. 27 Prior Lake City Council meeting, Mayor Kirt Briggs brought up some concerns within the bill that would eliminate local control at the city level.

“There is a bill circulating in the House, soon in the Senate, that would bring lasting and significant consequences to every homeowner and tax-payer in cities across Minnesota,” Briggs said. “This bill is a preemption that puts in place one-size fits all zoning in our current existing neighborhoods. What it does is, if it passes into law, it will eliminate city authority to oversee local planning and zoning in residential neighborhoods.”

According to legislation, the bills — HF 4009 and SF 3964 — would essentially eliminate single-family zoning in Minnesota towns with a population above 10,000. It also takes away the ability of towns and cities to shape housing with rules about parking and aesthetics, or whether lots can be subdivided.

“The law would give a for-profit developer the full right to purchase your neighbor’s home, tear it down and replace it with a fourplex,” Briggs said. “While the law gives the developer the full protection of statute to do just that, it also strips each and everyone one of us a right that we all enjoy today, which is the right to a public hearing so that I could bring my voice of support or opposition to this new development.”

Briggs argued that the bill could potentially create infrastructure issues because as the bill sits now, there would be no need to adjust sewer/water pipes and developers would retrofit the current single family home water main and sewer to accommodate up to six more housing units.

“The unplanned density would sit on top of our existing infrastructure. If demand exceeds capacity and if you put too many of these high density units on that infrastructure, tax payers would be left with one of two unpleasant realities,” Briggs said. “It would allow for the degradation of the public safety or incur the cost burden of retrofitting that infrastructure that was brought on by the new and unplanned for growth.”

City Manager Jason Wedel added that even though the underlying premise of the bill is to create more affordable housing, nowhere in the bill does it state it will require any of the



new homes to be more affordable.

“A home in Prior Lake can be removed and a sixplex can be built in its place and each one of those units could be very expensive,” Wedel explained. “It would not lead to any affordability, it would just put more stress and strain on our existing sewer pipes, water pipes and our streets.”

Wedel said that the City already has a process in place called the comprehensive planning process that designates parts of the city to build higher density homes.

“We have a process in place that we’ve been following for decades in which certain areas of the city are designated for these higher densities,” Wedel said. “Our infrastructure is sized to accommodate those higher densities in those locations. As part of that comprehensive process, there is a public hearing component where property owners can come in and have their voices heard.”

Wedel added that the proposed bill will eliminate the comprehensive planning process all together and the City and property owners would not be able to do anything about it.

“This proposed bill just eliminates that entire comprehensive plan and blows it out the water,” Wedel said. “It says you can now build density as a for-profit developer wherever you want and the city could do nothing about it and adjoining property managers will have no say in the matter. It’s very scary and it’s definitely something that we need to have our public raise up their voices and have our legislators hear from them.”

Briggs then urged residents to reach out to their local legislators and voice their concerns.

“Council and citizens of Prior Lake, the time has come for your voice to be heard on this issue,” he said. “Please tell your state representative and local representatives to not vote for any legislation that would take your voice away.”





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## Mayors tell Walz to say no on land use changes

**Dan Netter** ([https://finance-commerce.com/authors/dnetter/](#)) // March 21, 2024 // **4 Minute Read**

[l-walz-to-say-no-on-land-use-%20on%20land%20use%20changes\)](#)

[subject=Mayors+tell+Walz+to+say+no+on+land+use+changes&body=On Wednesday, a group of mayors from throughout the Twin Cities metro met with Gov. Tim Walz and told him about their concerns about bills at the Legislature that would... You can read the content in details following link https%3A%2F%2Ffinance-commerce.com%2F2024%2F03%2Fmayors-tell-walz-to-say-no-on-land-use-changes%2F\)](#)

▶ Listen to this article

On Wednesday, a group of mayors from throughout the Twin Cities metro met with Gov. Tim Walz and told him about their concerns about bills at the Legislature that would make sweeping changes to land use regulations at the state level.

The bill in question is House File 4009, sponsored by Rep. Larry Kraft, DFL-St. Louis Park. Put forward last month, the bill will make it difficult for city officials to prevent the building of denser housing, up to six-plex homes, on lots that previously were zoned for single-family homes.

The Senate is considering a similar bill, SF 3964.

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### Upcoming business events

Friday, March 22

Wednesday, March 27

7:30am [Roseville Business Council](#)

11:30am [Strategic Decision-Making in](#)

Thursday, March 28

1:00pm [Building Transformation For](#)

Tuesday, April 2

9:00am [The Impact of ULI Minnesota](#)

11:30am [1st Tuesday Featuring Tim H](#)

Thursday, April 4

8:00am [New Development Througho](#)

Events shown in time zone: Central Time - Chicago

Cal

**See the full list of events here**

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Lakeville Mayor Luke Hellier said in an interview with Finance & Commerce that Walz was “open” to the concerns brought forth by the mayors about the proposed changes.

Hellier said the mayors were concerned the bill would preempt the comprehensive plans that are developed over years by cities. Cities, Hellier asserted, are best equipped to handle their zoning issues, not legislators.

Hellier said legislators believe that removing public hearings will create a sudden rush of development. Ultimately, he said, cities are still going to struggle with the lack of capital and high labor costs.

Prior Lake Mayor Kirt Briggs said all plans in a city’s comprehensive plan flow from the zoning that a city assigns. If the bill is passed, he said, those plans get turned upside down.

One requirement from HF 4009 is that cities need to allow multifamily units to be built in districts that are zoned commercial. Five percent of Prior Lake is zoned for commercial development. This requirement would create a challenge for the city, Briggs said.

“Commercial land allows a city like Prior Lake to diversify our property tax base,” Briggs said. “We are doing all that we can to attract commercial business, and therefore the inability to safeguard land for that use challenges our economic stability.”

Beyond feeling the bill preempts comprehensive plans, Hellier also said the bill does not consider the way sewer and septic infrastructure is used in more rural cities and outer ring suburbs. Hellier points to Inver Grove Heights, which he said is fully developed and 40% of their homes use septic for plumbing. If you took a single-family home with a septic system and developed it into a six-plex, the septic would become overwhelmed.

“I think some of the technical engineering aspect of what they’re trying to do doesn’t make sense,” Hellier said.

The bills have support from a coalition of groups including the Minnesota Realtors, organized labor groups, business groups, nonprofit developers and some local officials.

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3/20/2024

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3/20/2024

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Kraft said in an interview last month that the entire state is facing a shortage of housing, so “we need a lens that looks at how we solve this statewide.”

“I really appreciate local control, but no city can resolve this issue on their own,” Kraft said. “If you have this island approach with cities then what could wind up happening is the things that they try to do to ... build more housing can get swamped if other cities aren’t doing the same thing. We’re not mandating things, we’re saying ‘more needs to be allowed.’”

At least Apple Valley, Lakeville, Shorewood and Excelsior have passed resolutions against the bills. Most of the resolutions were provided by the League of Minnesota Cities.

At least three counties, Scott, Carver and Dakota, have also passed resolutions and sent letters saying the bills “ignore long-range comprehensive plans” created by the cities, as well as disregard how infrastructure is scaled to support housing density.

*Do you know of another city council or municipal board that passed a resolution either in support or against the preemption of local zoning? Contact Dan Netter at [dnetter@finance-commerce.com](mailto:dnetter@finance-commerce.com) (<mailto:dnetter@finance-commerce.com>)*

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Minnetonka	Joint Letter from Mayors 3/11 Star Tribune Opinion Exchange	
Plymouth	Joint Letter from Mayors 3/11 Star Tribune Opinion Exchange	Column by Mayor Wosje on 3/14 in the Hometown Source Sun-Sailor Paper
Prior Lake	Joint Letter from Mayors 3/11 Star Tribune Opinion Exchange	City Manager Jason Wedel added that even though the underlying premise of the bill is to create more affordable housing, nowhere in the bill does it state it will require any of these new homes to be more affordable. Mayor Briggs brought up at 2/27 council meeting.
Andover		Action on Tuesday night 4/2
Oak Grove	Supportive of opposing	
Anoka	3/18 leg input to CC	Historic districts
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Waconia	Letter	Letter from Mayor Waldron on 3/18 on behalf of city council to Rep. Nash
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		alert about legislation and its repercussions on the city website under news
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Elko New Market	Joint Letter	
Monticello		
St. Michael		Mayor Wettschreck 3/27 column in Hometown Source Press and News
Albertville		Discussion at 3/18 council meeting
Wright County Commissioners		Discussed and drafted letter opposing at 3/6 meeting
Hastings		Historic districts
Red Wing		Historic districts
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Coalition letter

## **Governor Walz and all Minnesota Legislators**

### **Re: Retention of City Zoning Authority**

We would like to thank you for your dedication in addressing the important issues of middle housing, lifecycle housing, and housing availability. As the cities of \_\_\_\_\_, we share your commitment to ensuring that every individual and family can find their home and hope it is within Minnesota.

While we appreciate the efforts being made to address the housing crisis, we also believe the proposed legislation being considered does not align with the unique needs and challenges faced by local communities across the state.

Local zoning authority allows cities to implement regulations that go beyond the structure someone lives in, allowing cities to plan for their needs whether it is with infrastructure or environmental protections. If passed in any form, the current legislation will cause grievance and undue hardship for our cities by changing local control on setbacks, limiting parking requirements, mandating types of housing on residential lots, authorizing subdivision of residential lots, mandating local minimum densities, controlling replacement of affordable housing while simultaneously commandeering the use of private property, restricting the use of appliances and removing both the public and elected officials from the review process among many other detrimental items in the legislation.

Furthermore, this legislation does nothing to guarantee or increase affordable housing but may in fact increase the unaffordability and unattainability of home ownership by mandating and prioritizing efficiency over affordability.

Allowances under the proposed legislation will inadvertently negatively impact aspects of our community we look to protect. Through zoning we can minimize these impacts on the natural environment and neighboring properties. Limiting conditional uses and precluding the ability to request important safety measures, such as traffic studies, impedes our ability to prioritize the safety and well-being of our residents, business patrons, and community members.

Infrastructure, as you are aware, is costly to implement and can take years of planning to provide decades of service to our communities. The provisions being proposed may cause infrastructure to become inadequate earlier than anticipated thus not allowing utilization of its full useful life.

Serving as stewards of our respective communities, we firmly believe in transparency throughout every aspect of the public process and that it is important to ensure that every resident has a meaningful opportunity to contribute to decisions made by their government. Limiting public hearings not only restricts the voices of constituents but removes the ability of public comment to affect positive change to development proposals that benefit both the proposed development and the existing community surrounding new development.

Our concerns about legislative bills HF 4009/SF 3964, HF 4010/SF 3980 and SF 1370 stem from our commitment to safety, environmental preservation, and stable communities for current and

future generations. We strongly believe further pursuit of this legislation, or any modification thereof is detrimental to building resilient, safe, and thriving communities.

We welcome any questions or future conversation about housing related legislation.

Respectfully,

The City Council of Ramsey

The City Council of \_\_\_\_\_

The City Council of \_\_\_\_\_

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