

Subject Certain housing authorized

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Overview

This bill creates requirements for municipalities relating to zoning and approval of residential development.

Summary

Section	Description
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1	[462.3572] Certain housing authorized.
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Subd. 1. Definitions. Defines the following terms for the purpose of the section: “accessory dwelling unit,” “applicant,” “bulk control,” “commercially zoned district,” “greenfield lot,” “lot,” “metropolitan area,” “mixed housing,” “multifamily affordable housing development,” “multifamily residential development,” “municipality,” “request,” “residential unit,” “single-family home,” and “townhouse.”

Subd. 2. Applicability. Limits the applicability of the section to municipalities with 5,000 or more in population, except that municipalities with greater than 2,500 in population in the metropolitan area are subject to the requirements of the section. Also states that subdivisions 4, 5, 7, 11, 12, and 13 apply to all municipalities.

Subd. 3. Administrative approvals. Requires a municipality to establish an administrative review process subject to the 60-day rule for approving multifamily residential developments in areas zoned for multifamily residential developments or commercial areas that permit such developments.

The administrative approval process for single-family homes must apply to mixed housing in zones that allow for such housing. The municipality may require certain documentation for mixed housing so long as the time period for the administrative approval process is the same as a single-family home.

Development agreement conditions must comply with the requirements of the section.

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Requests processed under this subdivision must be processed as permitted uses.

Subd. 4. Residential design standards. Prohibits certain design standards from being imposed by ordinance or as a condition of approval of any request related to residential buildings with four or fewer residential units. Properties in a historic district are exempt from the subdivision.

Subd. 5. Homeowners associations. Prohibits a municipality from conditioning the approval of a residential building permit or conditional use permit, residential subdivision development or residential planned unit development, or any other permit related to residential development on the creation of a homeowners association, the inclusion of a requirement that necessitates a homeowners association, inclusion of terms in a homeowners association governing document, or a change to a rule or regulation governing the homeowners association or its members. A municipality may adopt or enforce ordinances relating to the maintenance or insurance of common elements.

Subd. 6. Mixed housing districts; greenfield development. Requires a municipality to adopt zoning ordinances and rules that allow mixed housing as a permitted use on at least 33 percent of the buildable area within the municipality that is zoned for single family housing. A municipality must prioritize lots for mixed housing in close proximity to transit, schools and parks, and commercial areas.

A municipality must not impose a minimum lot size on a greenfield lot larger than 1/8 of an acre, and must not impose a minimum lot size larger than 1,500 square feet on a townhouse developed on a greenfield lot or in a zoning district that permits mixed housing.

Prohibits a municipality from imposing bulk and size requirements that prevent mixed housing and townhouses from being constructed within certain parameters.

Prohibits a municipality from imposing larger lot size requirements than those in the subdivision on a lot that is not connected to municipal water or sewer.

Subd. 7. Accessory dwelling units. Requires a municipality to allow at least one accessory dwelling unit to be a permitted use on any residential lot with a single-family home, so long as the accessory dwelling unit is built in conformance with minimum spacing requirements for emergency services access and the smallest residential setback in the zoning district.

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A municipality may require an accessory dwelling unit to remain part of the same parcel and may prohibit the accessory dwelling unit from being sold separately from the primary dwelling on the lot.

Subd. 8. Multifamily residential developments in commercial districts. Requires a municipality to adopt zoning ordinances and rules that allow multifamily residential developments as a permitted use on at least 33 percent of the buildable area in commercially zoned districts. Such developments may be required to include ground floor commercial space, except in a multifamily affordable housing development. Prohibits a municipality from imposing a height limitation on such developments that is less than the tallest commercial building or multifamily residential development authorized by zoning standards on January 1, 2026, in the same zoning district. Setback, lot coverage, or other bulk control requirements on such developments must not be more restrictive than those for commercial buildings in the same zoning district.

Authorizes a municipality to adopt an ordinance mandating multifamily residential developments comply with certain height restrictions in a residential zoning district, so long as the maximum height of the proposed multifamily residential development is not less than 35 feet.

Subd. 9. Additional requirements. Provides a menu of options for cities to select from to increase housing density, alter automobile parking requirements, and incentivize the development of housing. A city must select a certain number of options, depending on the classification of the city.

Subd. 10. Public information. Requires a municipality to publicly post its compliance with subdivisions 6, 8, and 9. The posting must include a specific zoning map, a description of compliance with certain siting prioritization requirements, and a list of adopted ordinances.

Subd. 11. Infrastructure. Allows a municipality to require a development to comply with standards, performance conditions, or requirements imposed by the municipality to promote public health, safety, and general welfare.

A municipality may not permit a development that is prohibited by state or federal law or rule that protects floodplains, areas of critical or historic concern, wild and scenic rivers, or shoreland, or that otherwise restrict residential units to protect and preserve the public health, the environment, or scenic areas.

Subd. 12. Official controls; limitations. States that a municipality must not use official controls to prohibit the application of the section.

Authorizes a municipality to impose requirements in other law or statutes.

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Clarifies that the requirements in the section are not intended to conflict with the metropolitan governance chapter of the Minnesota Statutes, except that minimum residential density requirements in this section control over conflicting provisions in chapter 473 if the requirements would result in increased residential density.

Subd. 13. Interim ordinance prevention. Prohibits the enactment of an interim ordinance to prohibit or delay the application of the section.

Effective January 1, 2028.



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