

1.1 Senator moves to amend S.F. No. 4254 as follows:

1.2 Delete everything after the enacting clause and insert:

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

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

1.6 (b) "Agency" means a department, agency, board, commission, or other group in the
1.7 executive branch of state government; a statutory or home rule charter city, county, town,
1.8 or school district; any metropolitan agency or regional entity; and any other political
1.9 subdivision of the state.

1.10 (c) "Request" means a written application for a building permit, or a written application
1.11 related to zoning, septic systems, watershed district review, soil and water conservation
1.12 district review, or the expansion of the metropolitan urban service area, for a permit, license,
1.13 or other governmental approval of an action. A request must be submitted in writing to the
1.14 agency on an application form provided by the agency, if one exists. The agency may reject
1.15 as incomplete a request not on a form of the agency if the request does not include
1.16 information required by the agency. A request not on a form of the agency must clearly
1.17 identify on the first page the specific permit, license, or other governmental approval being
1.18 sought. No request shall be deemed made if not in compliance with this paragraph.

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

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

1.24 Subd. 2. **Deadline for response.** (a) Except as otherwise provided in this section, section
1.25 462.358, subdivision 3b, or 473.175, or chapter 505, and notwithstanding any other law to
1.26 the contrary, an agency must approve or deny within 60 days a written request for a building
1.27 permit, or a written request relating to zoning, septic systems, watershed district review,
1.28 soil and water conservation district review, or expansion of the metropolitan urban service
1.29 area for a permit, license, or other governmental approval of an action. Failure of an agency
1.30 to deny a request within 60 days is approval of the request. If an agency denies the request,
1.31 it must state in writing the reasons for the denial at the time that it denies the request.

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

2.6 (c) Except as provided in paragraph (b), if an agency, other than a multimember governing
2.7 body, denies the request, it must state in writing the reasons for the denial at the time that
2.8 it denies the request. If a multimember governing body denies a request, it must state the
2.9 reasons for denial on the record and provide the applicant in writing a statement of the
2.10 reasons for the denial. If the written statement is not adopted at the same time as the denial,
2.11 it must be adopted at the next meeting following the denial of the request but before the
2.12 expiration of the time allowed for making a decision under this section. The written statement
2.13 must be consistent with the reasons stated in the record at the time of the denial. The written
2.14 statement must be provided to the applicant upon adoption.

2.15 **Sec. 3. [462.3571] MULTIFAMILY RESIDENTIAL DEVELOPMENTS.**

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

2.18 (b) "Affordable housing development" means a multifamily residential development in
2.19 which:

2.20 (1) at least 20 percent of the residential units are for households with incomes that do
2.21 not exceed 50 percent of the greater of the statewide or area median income; or

2.22 (2) at least 40 percent of the residential units are for households with incomes that do
2.23 not exceed 60 percent of the greater of the statewide or area median income.

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

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

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

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

2.30 (g) "Metropolitan area" has the meaning under section 473.121, subdivision 2.

3.1 (h) "Multifamily residential development" means a single residential building with at
3.2 least 13 units or a mixed-use building with commercial use on the ground floor and at least
3.3 half of the usable square footage is for residential use.

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

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

3.7 Subd. 2. **Multifamily residential developments.** (a) Subject to compliance with all
3.8 municipal zoning standards, multifamily residential developments shall be an allowed use
3.9 in a zoning district that allows a commercial use, except for industrial zoning districts that
3.10 are located in an environmental justice area.

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

3.13 (c) A city may establish local controls or ordinances to require that (1) multifamily
3.14 residential developments constructed under this section that replace existing commercial
3.15 or industrial structures be mixed use and include at least the same square footage of
3.16 commercial space as the previous structure, and (2) multifamily residential developments
3.17 constructed under this section in undeveloped commercial areas be mixed use.

3.18 (d) This subdivision does not apply to a blighted area as defined in section 469.002,
3.19 subdivision 11.

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

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

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

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

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

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

3.30 (c) A city must not impose a setback requirement on a multifamily residential
3.31 development that is greater than the smallest required minimum setback distance of any

4.1 other structure in the same zoning district of the parcel on which the development will be
4.2 built.

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

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

4.8 Subd. 4. **Parking requirements limited.** A city may not require more than one off-street
4.9 parking space per residential unit in a multifamily residential development constructed
4.10 under this section within 1/4 mile of a major transit stop, except that additional disability
4.11 parking spaces may be required to meet the requirements of the Americans with Disabilities
4.12 Act.

4.13 Subd. 5. **Affordable housing development; restrictive covenant; zoning density**
4.14 **bonus.** (a) The deed or declaration for an affordable residential unit must also contain a
4.15 restrictive covenant requiring the property to remain affordable housing for at least 30 years.

4.16 (b) An affordable housing development must be permitted to exceed one or more
4.17 maximum dimensional standards imposed by city official zoning controls as a zoning density
4.18 bonus. A zoning density bonus offered by a city for an affordable housing development
4.19 may include one or more of the following dimensional standards above the maximum base
4.20 zoning regulations:

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

4.22 (2) an increased floor area ratio;

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

4.24 (4) an increased total number of units;

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

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

4.28 Subd. 6. **Exceptions.** (a) Nothing in this section authorizes a multifamily residential
4.29 development that is prohibited by state or federal law or rule, or is prohibited under an
4.30 ordinance adopted pursuant to such a state or federal law or rule, that protects floodplains,
4.31 areas of critical or historic concern, wild and scenic rivers, shore land, or that otherwise

5.1 restrict residential units to protect and preserve the public health, the environment, or scenic
5.2 areas.

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

5.5 Subd. 7. **State Building Code; State Fire Code.** This section is subject to the
5.6 requirements under the State Building Code under chapter 326B and the State Fire Code
5.7 under chapter 299F.

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

5.9 Amend the title accordingly