



S.F. No. 2286 – Limiting the zoning authority of municipalities related to multifamily and mixed-use developments in commercial zones (as proposed to be modified by the A-3 amendment)

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This bill limits the power of municipalities to regulate certain kinds of multifamily developments in commercial zoning districts.

Subdivision 1 provides definitions, including defining a “multifamily residential development” to mean a multifamily building with at least 13 units or a mixed-use building with commercial uses on the ground floor.

Subdivision 2, paragraphs (a) and (b) require municipalities to permit multifamily residential developments in any commercial district, except those that permit heavy industry. Municipalities must approve or deny multifamily residential developments under the process and limitations provided in subdivisions 3 and 4.

Paragraph (c) provides that, except for the restrictions on zoning authority in subdivisions 3, 4, and 6, municipalities may still require multifamily residential developments to comply with other municipal standards.

Paragraph (d) clarifies that this section does not authorize housing that is otherwise restricted by certain state and federal laws.

Paragraph (e) permits municipalities to require multifamily residential developments to provide ground floor commercial space if the development is replacing existing commercial or industrial buildings. This provision does not apply to affordable housing developments.

Paragraph (f) limits municipal authority to impose controls on developments with less than 300 units to address traffic, noise, or nuisance concerns.

Subdivision 3, paragraph (a) provides that the limitations on municipal zoning authority in subdivision 3 apply to all multifamily residential developments permitted by subdivision 2.



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Paragraph (b) requires municipal regulations to relate directly to public health, safety, and general welfare.

Paragraph (c) requires municipalities to allow a floor area ratio of 2.5 or greater.

Paragraph (d) requires first class cities, Saint Cloud, and municipalities in the seven-county metropolitan area to permit building heights of at least 75 feet above grade.

Paragraph (e) requires all other municipalities to allow building heights at least as tall as the tallest existing commercial or residential building in the municipality built after January 1, 1975, or the tallest height allowed in the same zoning district, whichever is higher.

Paragraph (f) requires municipalities to allow multifamily residential developments to use the same setback and lot coverage requirements as commercial buildings in the same district.

Paragraph (g) prohibits municipalities from imposing more restrictive standards on a multifamily residential development than those that would apply to a commercial development.

Paragraph (f) prohibits municipalities from requiring a multifamily residential development to use specific construction materials or methods, except as required by the State Building Code or state or federal law.

Paragraph (i) prohibits municipalities from requiring a minimum number of parking spaces, on or off-street, in connection with a multifamily residential development.

Paragraph (k) permits municipalities to deviate from the requirements contained in paragraphs (b) through (i) if it would result in greater residential density.

Subdivision 4 requires municipalities to establish and follow an administrative process to review requests related to the developments allowed by subdivision 2. Decisions, including those related to a building permit or subdivision request, must be made under the timeline provided in Minnesota Statutes, section 15.99, which requires decisions to be made within 60 days of receiving a request. Under current law, neither building permits nor subdivision requests are subject to the 60-day time limit in section 15.99.

Paragraph (b) allows applicants to pause or restart the 60-day time limit without paying a fee.

Paragraph (c) requires municipalities to specify in writing what requirements an application must meet to start the 60-day time limit and prohibits municipalities from conditioning the start of the time limit on the applicant to waiving any rights, forgoing the process established in this subdivision, or consenting to exactions, dedications, or fees.

Paragraph (d),

Clause 1 requires municipalities to approve or deny a request for a building permit or proposed subdivision based on alignment with the municipality's comprehensive plan, applicable zoning requirements, and subdivision regulations.

Clause 2 prohibits municipalities from requiring a conditional use permit or planned unit development agreement, except to address identified and documented risks to health or safety.

Clause 3 prohibits municipalities from requiring more than one community meeting prior to the approval of a request, unless required by state or federal law, or if the lot is in a historic district.

Clause 4 requires municipalities to provide applicants with a development agreement at least three days before issuing a final approval.

Subdivision 5 requires municipalities to permit affordable housing developments to exceed the standards that would be applicable to market rate housing, including: (1) a building height increase of at least 35 feet or 30 percent, whichever is greater; (2) an increase of at least 30 percent in floor area ratio, units per acre, total number of units, or maximum lot coverage; or (3) increases in other dimensional standards that increase building size by at least 30 percent more than what is allowed for market rate multifamily developments in the jurisdiction.

Subdivision 6 prohibits municipalities from using their powers in ways that block the application of this section.

Subdivision 7 prohibits municipalities from enacting interim ordinances to delay or prohibit the application of this section. Section 462.355 permits adoption of an interim ordinance in certain circumstances to regulate or prevent new development for up to one year while a municipality studies an issue.