



Inver Grove Heights City Council
Monday, March 4, 2024 at 6:00 PM
8150 Barbara Avenue, Inver Grove Heights, MN 55077

AGENDA

NOTICE OF REMOTE ATTENDANCE: Councilmember T'Kach is expected to attend this meeting remotely from Puebla 263, Colonia Roma Norte, 06700 Mexico City, Mexico. Mayor Dietrich is expected to attend this meeting remotely from 101 Caribbean Dr., Corpus Christi, TX 78418.

NOTICE TO RESIDENTS: Individuals may submit written public comments in advance of the meeting by emailing comments to Rebecca Kiernan (rkiernan@ighmn.gov). Comments received prior to 4:00 p.m. on Monday, March 4, 2024, will be provided to the Council at or before the March 4, 2024 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Discussion Items**
 - A. Multiple Family Zoning Ordinance Amendments
 - B. Pending Legislation Preempting Local Zoning Controls
 - C. CLOSED SESSION Pursuant to Minn. Stat. Sec. 13D.05, subd. (3)(c)(3)
(Consider Offer to Purchase Land)
4. **Adjourn**

This document is available upon a three (3) business day request in alternate formats such as braille, large print, audio recording, etc. Please contact Rebecca Kiernan, City Clerk, at 651.450.2513 or rkiernan@ighmn.gov.



Request for Council Action

SUBJECT: Multiple Family Zoning Ordinance Amendments

MEETING DATE: March 4, 2024

ITEM TYPE: Discussion Items

CONTACT: Allan Hunting, City Planner, 651.450.2554

ACTION REQUESTED

The Council is asked to receive an overview and then provide comment and input on proposed updates to the City's multifamily zoning code regulations.

BACKGROUND

In 2023, the City retained consulting firm WSB to review and suggest updates or changes to the City's zoning code, specifically as it relates to multiple family zoning districts (R-3A, R-3B and R-3C). This is intended to be the first section of code reviewed and updated, and falls in line with one of the Council's 2023 priorities regarding simplifying and streamlining City Code. There are many additional sections of the zoning code that will benefit from a similar process in the coming months and years.

It should be noted that this effort was undertaken, and largely completed, prior to the introduction of the legislation to be discussed as part of the next agenda item. If that legislation passes, several additional changes to the City's residential zoning code would be required to bring the City into compliance.

The current set of guidelines regulating multiple family developments are in a few different sections of the City Code, which creates unnecessary complexity when both staff and developers look for the standards. Because there are regulations in multiple sections of the code, inconsistencies have developed over the years as changes were made to some sections but not others. Another reason for the proposed update is to bring the R-3A, R-3B and R-3C sections into compliance with the density allowed in the different multiple family land use categories of the Comprehensive Plan. When a new comprehensive plan is adopted every 10 years, local governments are expected to update their zoning codes to make sure they are consistent with the comprehensive plan, but this does not appear to have been completed with the most recent comp plan update.

The following are the major themes and/or substantive policy changes found in the proposed ordinance, a copy of which is attached:

1. Combining Sections & Improving Definitions for Ease and Clarity

After review and discussion, the multifamily sections have structurally been combined with the specific performance standards initially found in other sections of the zoning code so that specific multiple family regulations are housed in one location. For example, the R-3 districts have their own set of standards, but there are other sections of the code with specific standards for apartment projects and townhome projects. This is confusing for the public, developers and even staff to keep tracking all the sections of the code that apply to multifamily developments. There were also

inconsistencies in some of the setback and building separation requirements. The proposed ordinance reorganizes and streamlines certain text to make the zoning code easier to understand and utilize. Specific performance standards that transcend several zoning districts, like exterior material requirements, trash screening, and landscaping standards, exist in other sections of the zoning code and would be referenced, rather than repeated, in the multifamily sections.

The proposed ordinance also includes some fine-tuning of existing definitions relating to dwelling units and three specific types of dwelling units: single-family detached, single-family attached, and multiple family. Each type of unit is then broken into the potential uses; for example, under single-family attached, duplexes and townhouse are listed, rather than as separate definitions. For the most part, this recommendation is structural and does not significantly change the meaning or the text of the differing residential products. The goal is to bring all the dwelling unit types under one section of definitions, thereby making it easier for ordinance users to find.

2. Establishing Consistency in Density

The proposed ordinance would amend the current zoning code to be consistent with the City's Comprehensive Plan as it relates to allowable densities in each of the multifamily zoning districts. Additionally, there is less emphasis on the type of structure proposed and more focus on the density of units allowed per acre. For example, the code would not require that a structure be built as a townhouse, or a duplex or a triplex, so long as the overall density of the development and appropriate performance standards are all met. The one exception is in the R-3A zoning district, which is proposed to continue having a limit on the number of units per building at 4 per building.

The proposed densities are as follows:

Zoning District	Corresponding Comp Plan Guiding	Current Density in Zoning Code	Proposed Density in Zoning Code
R-3A	Low-Medium Density Residential (LMDR), 4-8 units per acre	up to 6 units per acre	4 to 8 units per acre
R-3B	Medium Density Residential (MDR), 8 - 12 units per acre	7 to 12 units per acre	8 to 12 units per acre
R-3C	High Density Residential (HDR), 12-35 units per acre	more than 12 units per acre	12 to 35 units per acre

3. Permitted vs. Conditional Use

Currently, city code states that multifamily housing is a conditional use in each of the multifamily zoning districts, whereas it might be expected to be a permitted use. When a specific zoning district is established for a specific use, it seems reasonable that that use would be permissible rather than conditional. The code provides enough performance standards and requires a site plan approval, thereby providing for a public review process that includes both the Planning Commission and the City Council, without also requiring developers to go through the process of obtaining a Conditional Use Permit (CUP).

Allowing projects by CUP can sometimes create a false sense of approval/denial. A conditional use means the use is allowed with conditions by right but the Planning Commission or City Council may add additional conditions to meet particular situations that may be specific to that project. As long as a development proposal meets the performance standards of the zoning ordinance and is consistent with the Comprehensive Plan, a conditional use permit process is not a means to deny a project.

The consultant reviewed the zoning codes of several peer communities, including Woodbury, Eagan, Lakeville, Cottage Grove, Rosemount, and Plymouth. Only Woodbury currently requires a CUP for multifamily housing the way Inver Grove Heights does. With rigorous but fair standards, the zoning code can ensure that multifamily developments meet community standards without the need for a longer approval process that ultimately ends up with the same resulting project.

4. Parking Requirements

The current requirement for multiple family housing is 2.5 parking stalls per unit. For townhomes, two stalls per unit must be enclosed and the remaining 0.5 can be made available on the driveway or elsewhere within the project for visitor parking. Apartments just need to have 2.5 stalls per unit; which can be any combination of enclosed, underground or surface parking. These requirements have been the subject of discussion and requests for flexibility on recent multifamily developments. Research showed that the parking requirements in other communities are varied. Many require 2 parking stalls, although Woodbury does require 2.5 stalls like Inver Grove Heights.

The proposed ordinance would reduce the required parking for all multifamily developments from 2.5 to 2 parking stalls per unit. It is also recommended that one of the two stalls be enclosed, which is a change from the current requirement for apartments. Staff is also suggesting adding a one-stall of visitor parking for each 6 units in the development. The visitor parking standard would be for any multiple dwelling project.

5. Building Height

Building height maximums were also reviewed to see how Inver Grove Heights compares with other metro-area communities. There appears to be some trends in apartment building design to have projects with four or more stories rather than the three-story buildings that have been common in suburban areas. Inver Grove Heights' current building height maximum of 35 ft. is at the lower end of the building height standards, when compared to the other six communities researched. In several cases, primarily related to apartments, communities had higher height restrictions so that a 4-story building would be permitted. On the other hand, many of the communities had a 35' height for townhomes. Inver Grove Heights allows a variation from the 35' height standard by CUP and at this time no change is being recommended with this proposed ordinance. The maximum building height in the Northwest Area is 70 feet. Should additional residential development occur, possibly along I-494 outside the Northwest Area, the City may want to explore taller buildings within that interstate corridor.

FISCAL IMPACT

N/A

RECOMMENDATION

ATTACHMENTS

1. Multiple Family Ordinance Revision - clean version
2. Multiple Family Ordinance Revision - edit version
3. Off Street Parking code changes for Multiple Family Developments

ORDINANCE NO. 2024-XX

INVER GROVE HEIGHTS, DAKOTA COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE INVER GROVE HEIGHTS CITY CODE TITLE 10-ZONING REGULATIONS, CHAPTER 2, SECTION 10-2-2, CHAPTER 9C, SECTION 10-9C-1, CHAPTER 9C, SECTION 10-9C-2, CHAPTER 9C, SECTION 10-9C-3, CHAPTER 13, ARTICLE J, SECTION 10-13J-5, AND CHAPTER 15.

THE INVER GROVE HEIGHTS XXXX BOARD ORDAINS:

Section 1. AMENDMENT.

Inver Grove Heights City Code Title 10 Zoning Regulations, Chapter 2, Section 10-2-2, DEFENITIONS.

DWELLING UNIT:

- A. A residential building or portion thereof intended for occupancy by one family but not including hotels, motels, or the like. A one-family detached dwelling shall include a manufactured home, as defined in this section, provided the manufactured home has received HUD certification and meets the construction and safety standards promulgated by the United States Department of Housing and Urban Development (HUD) in effect at the time application is made for a building permit. All one-family, detached dwellings, including manufactured homes that meet the definition of dwelling, shall comply with the following:
 - 1. A permanent, full perimeter foundation system that complies with the Minnesota state building code.
 - 2. Sheet metal siding is not permitted.
 - 3. Siding shall be at least six inches (6") above finished grade.
 - 4. A minimum width of twenty-four feet (24').
 - 5. A minimum of one thousand (1,000) square feet of usable floor area for human habitation, excluding garage space.
- B. Subsection A2 of this definition shall not apply to approved earth sheltered homes. Dwellings other than manufactured homes shall comply with the Minnesota state building code. Manufactured homes shall comply with the HUD standards in effect at the time application is made for building permit and with the Minnesota state building code insofar as the foundation is concerned.
- C. There are three (3) principal types:
 - 1. *Single-family detached*: A free-standing residential building designed for or occupied by one family only.
 - 2. *Single-family attached*: A residential building containing two or more dwelling units with at least one common wall.
 - a. *Duplex*: A residential building designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
 - b. *Twin Home*: A residential building designed exclusively for or occupied exclusively by no more than two (2) families living independently of each other, with each unit located on a separate, single parcel of record, with the party wall separating the units acting as a dividing line.
 - 3. *Multiple-family*: A residential building designed for or occupied by three or more families, either wholly (attached) or partially as part of a large structure (detached), with separate housekeeping and cooking facilities for each.

- a. *Townhouse*: A residential building containing three or more horizontally attached dwelling units with at least one common wall, each unit so oriented as to have all exits open to the outside.

NURSING HOME:

A state licensed building or that part of a facility which provides nursing care to five or more persons. A nursing home does not include a facility or part of a facility that is a hospital, clinic, doctor's office, diagnostic or treatment center or a residential program licensed by the State of Minnesota.

Section 2. AMENDMENT.

10-9C-1: R-3A MULTIPLE-FAMILY RESIDENTIAL DISTRICT:

A. Purpose: The R-3A residential district is established for residential buildings ranging from four (4) to eight (8) dwelling units per acre in areas which are provided with full urban services. Structures may have no more than 4 units per building.

B. Allowable Uses: See table in Section 10-6-1 of this title for a listing of allowable uses within the R-3A residential district.

C. Site Plan Review: All development within the R-3 residential district shall comply with Title 10, Chapter 15, Article J, Site Plan Review.

D. Minimum Standards: The following standards apply in the R-3A multiple-family residential district and are the minimum requirements unless otherwise noted:

1. Bulk Standards:

Lot area	5,455 square feet per unit
Lot width	100 feet
Height (maximum)	35 feet or by CUP
Building coverage (maximum)	20 percent
Impervious surface (maximum)	40 percent

2. Minimum Setbacks:

	Principal Structure	Accessory Buildings
Front yard setback except if adjacent to a principal arterial, arterial, or collector road as noted below. (if site abuts more than one public street, each public side street shall be treated as frontage)	30 feet	30 feet
Side yard setback	20 feet	15 feet
Rear yard setback	30 feet	15 feet
Any yard along a principal arterial.	50 feet	50 feet
Any yard along a minor arterial or collector street.	40 feet	30 feet
Any yard along local street.	30 feet	30 feet
Front of building along a private road easement (measured from back of curb)	20 feet	15 feet
Any yard other than a front along a private road easement (measured from back of curb)	20 feet	15 feet

3. Minimum Distance Between Structures: In addition to the setback requirements of Section 10-9C-2 of this article, the following minimum distances shall be maintained between structures:
 - a. A minimum of twenty feet (20') shall be maintained between the sidewalls of end unit structures.
 - b. Where the rear of a structure faces the rear of an adjoining structure, the minimum distance shall be sixty feet (60').
 - c. Where the rear of a structure faces the sidewall or front of an adjoining structure, the minimum distance shall be forty feet (40').

E. Platted Additions: The following platting standards apply in the R-3A multiple-family residential district:

1. Density: All developments shall be built in platted additions to the city having a maximum density of eight (8) dwelling units per acre.
2. Recreational Space: At least twenty percent (20%) of the open space shall be reserved for playgrounds and/or recreational space.

F. Other Requirements:

1. The developer of each multiple-family development shall be responsible for building and developing the open space into finished, graded, and fully developed areas.
2. All internal private roadways shall be a minimum of twenty-eight feet (28') face to face with parking on two sides or twenty-four feet (24') face to face with parking on one side.
3. All areas not occupied by structures, parking or driving surfaces shall be landscaped and maintained with vegetation.
4. All parking and driving surfaces shall be surfaced with concrete or asphalt and shall be defined by continuous concrete perimeter curbing.
5. Sidewalks shall be provided from parking areas, loading zones, and recreation areas to the entrances of the buildings.
6. Garages and other accessory structures shall be architecturally compatible in construction and appearance with the main building.
7. Any dumpster, garbage or waste container shall comply with Section 10-15-9.
8. All exterior vertical surfaces of a multiple residential structure and accessory structure shall comply with Section 10-15-17.

Section 3. AMENDMENT.

10-9C-2: R-3B MULTIPLE-FAMILY RESIDENTIAL DISTRICT:

A. Purpose: The R-3B residential district is established for residential buildings ranging from eight (8) to twelve (12) dwelling units per acre, in areas which are provided with full urban services.

B. Allowable Uses: See table in Section 10-6-1 of this title for a listing of allowable uses within the R-3B residential district.

C. Site Plan Review: All development within the R-3 district shall comply with Title 10, Chapter 15, Article J, Site Plan Review.

D. Minimum Standards: The following standards apply in the R-3B multiple-family residential district and are the minimum requirements unless otherwise noted:

1. Bulk Standards:

Lot area	3,630 square feet per unit
Lot width	100 feet
Height (maximum)	35 feet or by CUP
Building coverage (maximum)	20 percent
Impervious surface (maximum)	40 percent

2. Minimum Setbacks:

	Principal Structure	Accessory Buildings
Front yard setback except if adjacent to a principal arterial, arterial, or collector road as noted below. (if site abuts more than one public street, each public side street shall be treated as frontage)	30 feet	30 feet
Side yard setback	20 feet	15 feet
Rear yard setback	30 feet	15 feet
Any yard along a principal arterial.	50 feet	50 feet
Any yard along a minor arterial or collector street.	40 feet	30 feet
Any yard along local street.	30 feet	30 feet
Front of building along a private road easement. (measured from back of curb)	20 feet	15 feet
Any yard other than a front along a private road easement. (measured from back of curb)	20 feet	15 feet

3. Minimum Distance Between Structures: In addition to the setback requirements of Section 10-9C-2 of this article, the following minimum distances shall be maintained between structures:
 - a. A minimum of twenty feet (20') shall be maintained between the sidewalls of end unit structure.
 - b. Where the rear of a structure faces the rear of an adjoining structure, the minimum distance shall be sixty feet (60').
 - c. Where the rear of a structure faces the sidewall or front of an adjoining structure, the minimum distance shall be forty feet (40').

E. Platted Additions: The following platting standards apply in the R-3B multiple-family residential district:

1. Density: All developments shall be built in platted additions to the city having a maximum density of twelve (12) dwelling units per acre.
2. Recreational Space: At least twenty percent (20%) of the open space shall be reserved for playgrounds and/or recreational space.

F. Other Requirements:

1. The developer of each multiple-family development shall be responsible for building and developing the open space into finished, graded, and fully developed areas.
2. All internal private roadways shall be a minimum of twenty-eight feet (28') face to face with parking on two sides or twenty-four feet (24') face to face with parking on one side.
3. All areas not occupied by structures, parking or driving surfaces shall be landscaped and maintained with vegetation.
4. All parking and driving surfaces shall be surfaced with concrete or asphalt and shall be defined by continuous concrete perimeter curbing.
5. Sidewalks shall be provided from parking areas, loading zones, and recreation areas to the entrances of the buildings.
6. Garages and other accessory structures shall be architecturally compatible in construction and appearance with the main building.
7. Any dumpster, garbage or waste container shall comply with Section 10-15-9.
8. All exterior vertical surfaces of a multiple residential structure and accessory structure shall comply with Section 10-15-17.

Section 4. AMENDMENT.

10-9C-3: R-3C MULTIPLE-FAMILY RESIDENTIAL DISTRICT:

A. Purpose: The R-3C residential district is established for residential buildings ranging from twelve (12) to thirty-five (35) dwelling units per acre, in areas which are provided with full urban services.

B. Allowable Uses: See table in Section 10-6-1 of this title for a listing of allowable uses within the R-3C residential district.

C. Site Plan Review: All development within the R-3 district shall comply with Title 10, Chapter 15, Article J, Site Plan Review.

D. Minimum Standards: The following standards apply in the R-3C multiple-family residential district and are the minimum requirements unless otherwise noted:

1. Bulk Standards:

Lot area	1.0 acre minimum
Lot width	100 feet
Height (maximum)	35 feet or by CUP
Building coverage (maximum)	20 percent
Impervious surface (maximum)	40 percent

2. Minimum Setbacks:

	Principal Structure	Accessory Buildings
Front yard setback except if adjacent to a principal arterial, arterial, or collector road as noted below. (if site abuts more than one public street, each public side street shall be treated as frontage)	30 feet	30 feet
Side yard setback	20 feet	15 feet
Rear yard setback	30 feet	15 feet
Any yard along a principal arterial.	50 feet	50 feet
Any yard along a minor arterial or collector street.	40 feet	30 feet
Any yard along local street.	30 feet	30 feet
Front of building along a private road easement. (measured from back of curb)	20 feet	15 feet
Any yard other than a front along a private road easement. (measured from back of curb)	20 feet	15 feet

3. Minimum Distance Between Structures: In addition to the setback requirements of Section 10-9C-2 of this article, the following minimum distances shall be maintained between structures:
- A minimum of thirty feet (30') shall be maintained between the sidewalls of end unit structures.
 - Where the rear of a structure faces the rear of an adjoining structure, the minimum distance shall be sixty feet (60').
 - Where the rear of a structure faces the sidewall or front of an adjoining structure, the minimum distance shall be forty feet (40').

E. Platted Additions: The following platting standards apply in the R-3C multiple-family residential district:

- Density: All developments shall be built in platted additions to the city having a maximum density of thirty-five (35) units per acre.
- Recreational Space: At least twenty percent (20%) of the open space shall be reserved for playgrounds and/or recreational space.

F. Other Requirements:

1. The developer of each multiple-family development shall be responsible for building and developing the open space into finished, graded, and fully developed areas.
2. All internal private roadways shall be a minimum of twenty-eight feet (28') face to face with parking on two sides or twenty-four feet (24') face to face with parking on one side.
3. All areas not occupied by structures, parking or driving surfaces shall be landscaped and maintained with vegetation.
4. All parking and driving surfaces shall be surfaced with concrete or asphalt and shall be defined by continuous concrete perimeter curbing.
5. Sidewalks shall be provided from parking areas, loading zones, and recreation areas to the entrances of the buildings.
6. Garages and other accessory structures shall be architecturally compatible in construction and appearance with the main building.
7. Screening for Waste Containers: Any dumpster, garbage or waste container shall comply with 10-15-9.
8. All exterior vertical surfaces of a multiple residential structure and accessory structure shall comply with Section 10-15-17.

Section 5. AMENDMENT.

Inver Grove Heights City Code Title 10 Zoning Regulations, Chapter 15.

ARTICLE B. TREE PROTECTION AND PRESERVATION DURING LAND ALTERATION

ARTICLE C. SIGNS AND BILLBOARDS

ARTICLE D. ADULT USES

ARTICLE E. TOWERS AND ANTENNAS

ARTICLE F. MANUFACTURED HOMES AND PARKS

ARTICLE G. ADVERTISING BENCHES

ARTICLE H. SITE PLAN REVIEW

This is from section 10-6-1 Land Uses in All Residential Districts (table segment)

P = Permitted Use

C = Conditionally Permitted Use

A = Accessory Use

Use	Zoning District												
	A	E-1	E-2	R-1A	R-1B	R-1C	R-2	R-3A	R-3B	R-3C	R-4	MF-PUD	MU-PUD
Permitted uses:													
Multiple-family dwelling:													
Up to 4 units in a building; 4 to 8 units per acre								P				P	P
8 to 12 units per acre									P			P	P
12 to 35 units per acre										P		P	P
On site sale of farm animals and permitted nondomestic animals (provided a portion are raised on the premises)	P												
Outdoor skills and environmental education center/open area and nature centers		P											
Personal gardens	P	P	P	P	P	P	P	P	P	P	P	P	P
Seasonal agricultural products stands (see section 10-15-27 of this title)	P	C											
Single-family dwellings, 1 per lot	P	P	P	P	P	P	P						
Twin homes							P	P					
Duplex							P	P					

ORDINANCE NO. 2024-XX

INVER GROVE HEIGHTS, DAKOTA COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 2, SECTION 10-2-2, CHAPTER 9, SECTION 10-9C-1, CHAPTER 9, SECTION 10-9C-2, CHAPTER 9, SECTION 10-9C-3, CHAPTER 13, ARTICLE J, SECTION 10-13J-5, AND CHAPTER 15 OF THE INVER GROVE HEIGHTS CITY CODE TITLE 10- ZONING REGULATIONS.

THE INVER GROVE HEIGHTS XXXX BOARD ORDAINS:

Section 1. AMENDMENT. Inver Grove Heights City Code Title 10 Zoning Regulations, Chapter 2, Section 10-2-2 is hereby amended with the following underlined words to be added and the following ~~stricken~~ words to be removed from Section 10-2-2 relative to definitions.

~~DWELLING~~/DWELLING UNIT:

- A. ~~A building, or one or more portions thereof, occupied or intended to be occupied exclusively for residential purposes, which includes a bathroom and complete toilet facilities, which are arranged, designed or used as living quarters for one family or household, but not including rooms in motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins, trailer coaches, recreational vehicles, or any type of lodging rooms. A residential building or portion thereof intended for occupancy by one family but not including hotels, motels, or the like.~~ A one-family detached dwelling shall include a manufactured home, as defined in this section, provided the manufactured home has received HUD certification and meets the construction and safety standards promulgated by the United States Department of Housing and Urban Development (HUD) in effect at the time application is made for a building permit. All one-family, detached dwellings, including manufactured homes that meet the definition of dwelling, shall comply with the following:
 - 1. A permanent, full perimeter foundation system that complies with the Minnesota state building code.
 - 2. Sheet metal siding is not permitted.
 - 3. Siding shall be at least six inches (6") above finished grade.
 - 4. A minimum width of twenty-four feet (24').
 - 5. A minimum of one thousand (1,000) square feet of usable floor area for human habitation, excluding garage space.
- B. Subsection A2 of this definition shall not apply to approved earth sheltered homes. Dwellings other than manufactured homes shall comply with the Minnesota state building code. Manufactured homes shall comply with the HUD standards in effect at the time application is made for building permit and with the Minnesota state building code insofar as the foundation is concerned.
- C. There are three (3) principal types: two (2) principal types of "dwelling units", single-family and multiple-family. Multiple-family dwelling units are grouped into two-family, duplex, twin home, townhouse, condominium, cooperative and apartment groups.
 - 1. Single-family detached: A free-standing residential building designed for or occupied by one family only.
 - 2. Single-family attached: A residential building containing two or more dwelling units with at least one common wall.

- a. Duplex: A residential building designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
- b. Twin Home: A residential building designed exclusively for or occupied exclusively by no more than two (2) families living independently of each other, with each unit located on a separate, single parcel of record, with the party wall separating the units acting as a dividing line.
- 3. Multiple-family: A residential building designed for or occupied by three or more families, either wholly (attached) or partially as part of a large structure (detached), with separate housekeeping and cooking facilities for each.
 - a. Townhouse: A residential building containing three or more horizontally attached dwelling units with at least one common wall, each unit so oriented as to have all exits open to the outside.
 - b. Apartment: A room or suite of rooms, available for rent which is occupied as a residence by a single family, or a group of individuals living together as a single-family unit.
 - c. Condominium: A form of individual ownership within a multi-family building with joint responsibility for maintenance and repairs of the land or other common property.
 - d. Cooperative: A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.

~~Condominium: A form of individual ownership within a multi-family building with joint responsibility for maintenance and repairs of the common property. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant also owns a share of the land and other common property.~~

~~Cooperative: A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the total enterprise.~~

~~Multiple Dwelling Unit Building/ Apartment: A residential building containing three (3) or more dwelling units, most commonly occupied by tenants in a rental arrangement, with common walls, and separate housekeeping and cooking facilities for each.~~

~~Single-Family Dwelling: A freestanding residence structure designed for or occupied by one family only. In addition to a single family occupying a single-family dwelling, supervised student housing may occupy the dwelling as an interim use subject to:~~

- ~~1. Up to eight (8) students, with the number determined by the formula in the interim use section of this code, under the general supervision of the single family occupying the dwelling, pursuant to a program sponsored by an organization, holding a tax status of 501(c)(3) that promotes education provided students are participating in an educational program located in Dakota County.~~

~~Townhouse: Three (3) or more horizontally attached townhouse dwelling units, separated by party walls, and shall not exceed eight (8) such townhouse dwelling units per structure.~~

~~Twin Home: A building designed exclusively for or occupied exclusively by no more than two (2) families living independently of each other, with each unit located on a separate, single parcel of record, with the party wall separating the units acting as a dividing line.~~

~~Two-Family Dwelling Or Duplex: A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.~~

NURSING HOME:

~~A state licensed building or that part of a with facilities facility which provides nursing care to five or more persons. A nursing home does not include a facility or part of a facility that is a hospital, clinic, doctor's office, diagnostic or treatment center or a residential program licensed by the State of Minnesota. for the care of children, the aged, and infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the commissioner of health.~~

Section 2. AMENDMENT. Inver Grove Heights City Code Title 10 Zoning Regulations, Chapter 9C, Section 10-9C-1 is hereby amended with the following underlined words to be added and the following stricken words to be removed from Section 10-9C-1 relative to the R-3A multiple-family residential district.

10-9C-1: R-3A MULTIPLE-FAMILY RESIDENTIAL DISTRICT:

A. Purpose: The R-3A residential district is established for residential buildings ~~for multi-family dwellings in three (3) and four (4) unit buildings with densities ranging from four (4) to eight (8) up to six (6)~~ dwelling units per acre in areas which are provided with full urban services. Structures may have no more than 4 units per building.

~~B. Performance Standards: See Chapter 15, article B, "Townhouses", and Chapter 15, article C, "Apartments; Multiple Dwellings; Condominiums; Cooperatives", of this title for applicable performance standards.~~

B. Allowable Uses: See table in Section 10-6-1 of this title for a listing of allowable uses within the R-3A residential district.

C. Site Plan Review: All development within the R-3 residential district shall comply with Title 10, Chapter 15, Article J, Site Plan Review.

D. C. Bulk Minimum Standards: The following standards apply in the R-3A multiple-family residential district and are the minimum requirements unless otherwise noted:

1. ~~Minimum~~ Bulk Standards:

Lot area	7,260 <u>5,455</u> square feet per unit
Lot width	100 feet
Front yard setback	30 feet
Side yard setback	20 feet
Rear yard setback	30 feet
Height (maximum)	35 feet or by CUP
Building coverage (maximum)	20 percent
Impervious surface (maximum)	40 percent

2. ~~Additional Street And Lot Line~~ Minimum Setbacks:

	Principal Structure	Parking Lot	Accessory Buildings
<u>Front yard setback except if adjacent to a principal arterial, arterial, or collector road as noted below. (if site abuts more than one public street, each public side street shall be treated as frontage)</u>	<u>30 feet</u>		<u>30 feet</u>
<u>Side yard setback</u>	<u>20 feet</u>		<u>15 feet</u>
<u>Rear yard setback</u>	<u>30 feet</u>		<u>15 feet</u>
Any <u>yard</u> side along a principal arterial, major arterial or minor arterial (100-foot right-of-way or greater)	50 feet	20 feet	50 feet
Any <u>yard</u> side along an a minor arterial or community collector street. (60 to 80 foot right-of-way)	40 feet	20 feet	30 feet
Any side along neighborhood collector street (60 to 80 foot right-of-way)	40 feet	20 feet	30 feet
Any <u>yard</u> side along local street. (60-foot right-of-way)	40 <u>30</u> feet	20 feet	30 feet
Interior side or rear lot line	30 feet	10 feet	10 feet
<u>Front of building along a private road easement (measured from back of curb)</u>	<u>20 feet</u>		<u>15 feet</u>
<u>Any yard other than a front along a private road easement (measured from back of curb)</u>	<u>20 feet</u>		<u>15 feet</u>

3.—Special Requirements: The following special requirements shall be used in computing the minimum required lot area in the R-3A zoning district:

a.—Ponding areas, marshlands, areas having slopes over twenty percent (20%) or similar unbuildable areas shall not be given more than ten percent (10%) credit in computing the minimum required lot area for multiple dwellings.

b.—Where garages are buried to the extent that the site area normally covered by garages can be occupied by other uses, each of the preceding requirements shall be reduced by three hundred (300) square feet per dwelling unit.

~~D. Allowable Uses: See table in section 10-6-1 of this title for a listing of allowable uses within the R-3A residential district. (Ord. 1098, 11-8-2004)~~

3. Minimum Distance Between Structures: In addition to the setback requirements of Section 10-9C-2 of this article, the following minimum distances shall be maintained between structures:
 - a. A minimum of twenty feet (20') shall be maintained between the sidewalls of end unit structures.
 - b. Where the rear of a structure faces the rear of an adjoining structure, the minimum distance shall be sixty feet (60').
 - c. Where the rear of a structure faces the sidewall or front of an adjoining structure, the minimum distance shall be forty feet (40').

E. Platted Additions: The following platting standards apply in the R-3A multiple-family residential district:

1. Density: All developments shall be built in platted additions to the city having a maximum density of eight (8) dwelling units per acre.
2. Recreational Space: At least twenty percent (20%) of the open space shall be reserved for playgrounds and/or recreational space.

F. Other Requirements:

1. The developer of each multiple-family development shall be responsible for building and developing the open space into finished, graded, and fully developed areas.
2. All internal private roadways shall be a minimum of twenty-eight feet (28') face to face with parking on two sides or twenty-four feet (24') face to face with parking on one side.
3. All areas not occupied by structures, parking or driving surfaces shall be landscaped and maintained with vegetation.
4. All parking and driving surfaces shall be surfaced with concrete or asphalt and shall be defined by continuous concrete perimeter curbing.
5. Sidewalks shall be provided from parking areas, loading zones, and recreation areas to the entrances of the buildings.
6. Garages and other accessory structures shall be architecturally compatible in construction and appearance with the main building.
7. Any dumpster, garbage or waste container shall comply with Section 10-15-9.
8. All exterior vertical surfaces of a multiple residential structure and accessory structure shall comply with Section 10-15-17.

Section 3. AMENDMENT. Inver Grove Heights City Code Title 10 Zoning Regulations, Chapter 9C, Section 2, is hereby amended with the following underlined words to be added and the following ~~stricken~~ words to be removed from Section 10-9C-2 relative to the R-3B multiple-family residential district.

10-9C-2: R-3B MULTIPLE-FAMILY RESIDENTIAL DISTRICT:

A. Purpose: The R-3B residential district is established for residential buildings ~~for multi-family (whether rental or cooperative or condominium) with up to seven (7) units per building with densities ranging from eight (8) to up to twelve (12) dwelling units per acre~~, in areas which are provided with full urban services.

~~B. Performance Standards: See Chapter 15, article B, "Townhouses" and Chapter 15, article C, "Apartments; Multiple Dwellings; Condominiums; Cooperatives" of this title for applicable performance standard.~~

B. Allowable Uses: See table in Section 10-6-1 of this title for a listing of allowable uses within the R-3B residential district.

C. Site Plan Review: All development within the R-3 district shall comply with Title 10, Chapter 15, Article J, Site Plan Review.

D. C. Bulk Minimum Standards: The following standards apply in the R-3B multiple-family residential district and are the minimum requirements unless otherwise noted:

1. Minimum Bulk Standards:

Lot area	3,630 square feet per unit
Lot width	100 feet
Front yard setback	30 feet
Side yard setback	20 feet
Rear yard setback	30 feet
Height (maximum)	35 feet or by CUP
Building coverage (maximum)	20 percent
Impervious surface (maximum)	40 percent

2. Additional Street And Lot Line Minimum Setbacks:

	Principal Structure	Parking Lot	Accessory Buildings
<u>Front yard setback except if adjacent to a principal arterial, arterial, or collector road as noted below. (if site abuts more than one public street, each public side street shall be treated as frontage)</u>	<u>30 feet</u>		<u>30 feet</u>
<u>Side yard setback</u>	<u>20 feet</u>		<u>15 feet</u>
<u>Rear yard setback</u>	<u>30 feet</u>		<u>15 feet</u>
Any <u>yard</u> side along a principal arterial. major arterial or minor arterial (100-foot right-of-way or greater)	50 feet	20 feet	50 feet
Any <u>yard</u> side along an <u>a minor arterial or community collector street. (60 to 80-foot right-of-way)</u>	40 feet	20 feet	30 feet
Any side along neighborhood collector street (60 to 80-foot right-of-way)	40 feet	20 feet	30 feet
Any <u>yard</u> side along local street. (60-foot right-of-way)	40 <u>30 feet</u>	20 feet	30 feet
Interior side or rear lot line	30 feet	10 feet	10 feet
<u>Front of building along a private road easement. (measured from back of curb)</u>	<u>20 feet</u>		<u>15 feet</u>
<u>Any yard other than a front along a private road easement. (measured from back of curb)</u>	<u>20 feet</u>		<u>15 feet</u>

3. ~~Special Requirements:~~ The following special requirements shall be used in computing the minimum required lot area in the R-3B zoning district:

- a. ~~Ponding areas, marshlands, areas having slopes over twenty percent (20%) or similar unbuildable areas shall not be given more than ten percent (10%) credit in computing the minimum required lot area for multiple dwellings.~~

- ~~b. Where garages are buried to the extent that the site area normally covered by garages can be occupied by other uses, each of the preceding requirements shall be reduced by three hundred (300) square feet per dwelling unit.~~

~~—D. Allowable Uses: See table in section 10-6-1 of this title for a listing of allowable uses within the R-3B residential district. (Ord. 1098, 11-8-2004)~~

3. Minimum Distance Between Structures: In addition to the setback requirements of Section 10-9C-2 of this article, the following minimum distances shall be maintained between structures:
 - a. A minimum of twenty feet (20') shall be maintained between the sidewalls of end unit structure.
 - b. Where the rear of a structure faces the rear of an adjoining structure, the minimum distance shall be sixty feet (60').
 - c. Where the rear of a structure faces the sidewall or front of an adjoining structure, the minimum distance shall be forty feet (40').

E. Platted Additions: The following platting standards apply in the R-3B multiple-family residential district:

1. Density: All developments shall be built in platted additions to the city having a maximum density of twelve (12) dwelling units per acre.
2. Recreational Space: At least twenty percent (20%) of the open space shall be reserved for playgrounds and/or recreational space.

F. Other Requirements:

1. The developer of each multiple-family development shall be responsible for building and developing the open space into finished, graded, and fully developed areas.
2. All internal private roadways shall be a minimum of twenty-eight feet (28') face to face with parking on two sides or twenty-four feet (24') face to face with parking on one side.
3. All areas not occupied by structures, parking or driving surfaces shall be landscaped and maintained with vegetation.
4. All parking and driving surfaces shall be surfaced with concrete or asphalt and shall be defined by continuous concrete perimeter curbing.
5. Sidewalks shall be provided from parking areas, loading zones, and recreation areas to the entrances of the buildings.
6. Garages and other accessory structures shall be architecturally compatible in construction and appearance with the main building.
7. Any dumpster, garbage or waste container shall comply with Section 10-15-9.
8. All exterior vertical surfaces of a multiple residential structure and accessory structure shall comply with Section 10-15-17.

Section 4. AMENDMENT. Inver Grove Heights City Code Title 10 Zoning Regulations, Chapter 9C, Section 10-9C-3 is hereby amended with the following underlined words to be added and the following stricken words to be removed from Section 10-9C-3~~1~~ relative to the R-3C multiple-family residential district.

10-9C-3: R-3C MULTIPLE-FAMILY RESIDENTIAL DISTRICT:

A. Purpose: The R-3C residential district is established for residential buildings for multi-family with more than seven (7) units per building (whether rental or cooperative or condominium) and densities ranging from greater than twelve (12) to thirty-five (35) dwelling units per acre, in areas which are provided with full urban services.

~~B. Performance Standards: See Chapter 15, article B, "Townhouses", and Chapter 15, article C, "Apartments; Multiple Dwellings; Condominiums; Cooperatives", of this title for applicable performance standards.~~

B. Allowable Uses: See table in Section 10-6-1 of this title for a listing of allowable uses within the R-3C residential district.

C. Site Plan Review: All development within the R-3 district shall comply with Title 10, Chapter 15, Article J, Site Plan Review.

~~D. C. Bulk~~ Minimum Standards: The following standards apply in the R-3C multiple-family residential district and are the minimum requirements unless otherwise noted:

1. Minimum Bulk Standards:

Lot area	2,000-square feet per unit <u>1.0 acre minimum</u>
Lot width	100 feet
Front yard setback	30 feet
Side yard setback	20 feet
Rear yard setback	30 feet
Height (maximum)	35 feet or by CUP
Building coverage (maximum)	20 percent
Impervious surface (maximum)	40 percent

2. ~~Additional Street And Lot Line~~ Minimum Setbacks:

	Principal Structure	Parking Lot	Accessory Buildings
<u>Front yard setback except if adjacent to a principal arterial, arterial, or collector road as noted below. (if site abuts more than one public street, each public side street shall be treated as frontage)</u>	<u>30 feet</u>		<u>30 feet</u>
<u>Side yard setback</u>	<u>20 feet</u>		<u>15 feet</u>
<u>Rear yard setback</u>	<u>30 feet</u>		<u>15 feet</u>
Any <u>yard</u> side along a principal arterial. major arterial or minor arterial (100 foot right-of-way or greater)	50 feet	20 feet	50 feet
Any <u>yard</u> side along an <u>a minor arterial or community collector street. (60 to 80 foot right-of-way)</u>	40 feet	20 feet	30 feet
Any side along neighborhood collector street (60 to 80 foot right of way)	40 feet	20 feet	30 feet
Any <u>yard</u> side along local street. (60 foot right-of-way)	40 <u>30</u> feet	20 feet	30 feet
Interior side or rear lot line	30 feet	10 feet	10 feet
<u>Front of building along a private road easement. (measured from back of curb)</u>	<u>20 feet</u>		<u>15 feet</u>
<u>Any yard other than a front along a private road easement. (measured from back of curb)</u>	<u>20 feet</u>		<u>15 feet</u>

3. ~~Special Requirements:~~ The following special requirements shall be used in computing the minimum required lot area in the R-3A zoning district:

~~_____ a. Ponding areas, marshlands, areas having slopes over twenty percent (20%) or similar unbuildable areas shall not be given more than ten percent (10%) credit in computing the minimum required lot area for multiple dwellings.~~

~~_____ b. Where garages are buried to the extent that the site area normally covered by garages can be occupied by other uses, each of the preceding requirements shall be reduced by three hundred (300) square feet per dwelling unit.~~

~~D. Allowable Uses: See table in section 10-6-1 of this title for a listing of allowable uses within the R-3A residential district. (Ord. 1098, 11-8-2004)~~

3. Minimum Distance Between Structures: In addition to the setback requirements of Section 10-9C-2 of this article, the following minimum distances shall be maintained between structures:
 - a. A minimum of thirty feet (30') shall be maintained between the sidewalls of end unit structures.
 - b. Where the rear of a structure faces the rear of an adjoining structure, the minimum distance shall be sixty feet (60').
 - c. Where the rear of a structure faces the sidewall or front of an adjoining structure, the minimum distance shall be forty feet (40').

E. Platted Additions: The following platting standards apply in the R-3C multiple-family residential district:

1. Density: All developments shall be built in platted additions to the city having a maximum density of thirty-five (35) units per acre.
2. Recreational Space: At least twenty percent (20%) of the open space shall be reserved for playgrounds and/or recreational space.

F. Other Requirements:

1. The developer of each multiple-family development shall be responsible for building and developing the open space into finished, graded, and fully developed areas.
2. All internal private roadways shall be a minimum of twenty-eight feet (28') face to face with parking on two sides or twenty-four feet (24') face to face with parking on one side.
3. All areas not occupied by structures, parking or driving surfaces shall be landscaped and maintained with vegetation.
4. All parking and driving surfaces shall be surfaced with concrete or asphalt and shall be defined by continuous concrete perimeter curbing.
5. Sidewalks shall be provided from parking areas, loading zones, and recreation areas to the entrances of the buildings.
6. Garages and other accessory structures shall be architecturally compatible in construction and appearance with the main building.
7. Screening for Waste Containers: Any dumpster, garbage or waste container shall comply with 10-15-9.
8. All exterior vertical surfaces of a multiple residential structure and accessory structure shall comply with Section 10-15-17.

Section 5. AMENDMENT. Inver Grove Heights City Code Title 10 Zoning Regulations, Chapter 15 is hereby amended with the following underlined words to be added and the following ~~stricken~~ words to be removed relative to performance standards.

ARTICLE ~~B.~~ TOWNHOUSES

ARTICLE ~~C.~~ APARTMENTS; MULTIPLE DWELLINGS; CONDOMINIUMS; COOPERATIVES

ARTICLE B. ~~D.~~ TREE PROTECTION AND PRESERVATION DURING LAND ALTERATION

ARTICLE C. ~~E.~~ SIGNS AND BILLBOARDS

ARTICLE D. ~~F.~~ ADULT USES

ARTICLE E. ~~G.~~ TOWERS AND ANTENNAS

ARTICLE F. ~~H.~~ MANUFACTURED HOMES AND PARKS

ARTICLE G. ~~I.~~ ADVERTISING BENCHES

ARTICLE H. ~~J.~~ SITE PLAN REVIEW

This is from section 10-6-1 Land Uses in All Residential Districts (table segment)

P = Permitted Use

C = Conditionally Permitted Use

A = Accessory Use

Use	Zoning District												
	A	E-1	E-2	R-1A	R-1B	R-1C	R-2	R-3A	R-3B	R-3C	R-4	MF-PUD	MU-PUD
Permitted uses:													
Multiple-family dwelling:													
3 to 4 units Up to 4 units in a building; 4 to 8 units per acre								C P				C P	P
3 to 7 units 8 to 12 units per acre									C P			C P	P
7+ units 12 to 35 units per acre										C P		C P	P
On site sale of farm animals and permitted nondomestic animals (provided a portion are raised on the premises)	P												
Outdoor skills and environmental education center/open area and nature centers		P											
Personal gardens	P	P	P	P	P	P	P	P	P	P	P	P	P
Seasonal agricultural products stands (see section 10-15-27 of this title)	P	C											
Single-family dwellings, 1 per lot	P	P	P	P	P	P	P						
Twin homes							P	P ¹					
<u>Duplex</u> Two-family dwellings							P	P					

Notes:

1. Regulations found in chapter 15, article B of this title apply.
2. Size, type, location, number and other details are regulated in chapter 15, article E of this title.
3. Off street parking regulated in chapter 15, article A of this title.

ARTICLE A. OFF STREET PARKING AND LOADING

SECTION:

10-15A-1: Purpose; Site Plan Required

10-15A-2: Reduction Of Existing Parking And Loading Spaces

10-15A-3: Off Street Parking Regulations

10-15A-4: Off Street Loading And Unloading Regulations

10-15A-1: PURPOSE; SITE PLAN REQUIRED:

Regulation of off street parking and loading spaces in this article is to alleviate or prevent congestion of the public right of way and so to promote the safety and general welfare of the public by establishing minimum requirements for off street parking, loading and unloading from motor vehicles in accordance with the utilization of various parcels of land and structures. All applications for a building permit in all districts shall be accompanied by a site plan drawn to scale and dimensioned indicating the location of off street parking and loading spaces in compliance with the requirements of this article. (Ord. 1098, 11-8-2004)

10-15A-2: REDUCTION OF EXISTING PARKING AND LOADING SPACES:

Off-street parking spaces and loading spaces shall not be reduced in number unless said number equals or exceeds the requirements set forth in this article. (Ord. 1098, 11-8-2004)

10-15A-3: OFF STREET PARKING REGULATIONS:

A. Application And Interpretation Of Provisions:

1. Application: The regulations and requirements set forth in this article shall apply to the required and nonrequired off-street parking facilities in all use districts.
2. Floor Area:
 - a. The term "floor area", for the purpose of calculating the number of off-street parking spaces, shall be the net usable floor area of the various floors devoted to retail sales, services, office spaces, processing, and fabrication, exclusive of hallways, utility space, and storage areas other than warehousing.
 - b. Floor area is based on ninety percent (90%) of gross floor area, or actual usable area, as defined in subsection A2a of this section.

3. Standard Restaurant: A "standard restaurant" shall be considered an eating establishment where food is served and consumed by a customer while seated at a counter or table.

4. Benches In Places Of Public Assembly: In stadiums, churches and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty two inches (22") of such seating facility shall be counted as one seat for the purpose of determining required parking. (Ord. 1098, 11-8-2004)

B. Location: Required off-street parking in the E and R districts shall be on the same lot as the principal building. Required off street parking shall meet the following setback requirements:

1. Within all E and R districts, all vehicles and recreational vehicles normally owned or kept by the occupants on the premises must have a garage stall or open parking space on the same lot as the principal use served. Subject to the restrictions and prohibitions contained in this section, open parking spaces accessory to one- and two-family structures may be located anywhere on the lot containing the principal structure provided however, parking may not be located in a rear yard within five feet (5') of an interior side lot line or within eight feet (8') of rear lot line.

2. Within all R-1A, R-1B, R-1C and R-2 districts, parking of a vehicle and/or recreational vehicle on grass or unpaved areas in the front yard is prohibited.

a. For the purposes of this section only, front yard means the area located between:

(1) The curb or edge of street pavement and

(2) A line coincidental with the front line of the house or garage (whichever is farthest from the street) continued and extended to the side lot lines.

b. Within all R-1A, R-1B, R-1C and R-2 districts, parking of vehicles excluding recreational vehicles in the front yard is allowed only on a driveway, or parking pad that is directly contiguous to the driveway. A parking pad shall be constructed of bitumen, concrete or paving blocks and shall conform to maximum impervious surface standards. All parking spaces shall maintain a minimum five-foot (5') side yard setback.

c. Subject to the restrictions and prohibitions contained in this subsection, within all R-1A, R-1B, R-1C and R-2 districts, parking of recreational vehicles in the front yard is allowed only on a driveway, or parking pad that is directly contiguous to the driveway and that is on the side of the recreational vehicle parking line that is farther from the front door of the house than the other side of the recreational vehicle parking line. No more than two (2) recreational vehicles shall be allowed in the front yard in the R-1C district. A parking pad shall be constructed of bitumen, concrete or paving blocks and

shall conform to maximum impervious surface standards. All parking spaces shall maintain a minimum five-foot (5') side yard setback.

d. The following exception shall apply:

(1) Parking of automobiles may be allowed on grass in the front yard only during the winter parking ban period from November 1 through March 30. (Ord. 1315, 5-23-2016, eff. 5-23-2016)

~~3. Within the B-1 district, parking spaces and/or garages shall be located in areas other than a required yard, except that parking may be located in a rear yard to within eight feet (8') of the rear lot line and in a side yard to within five feet (5') of an interior lot line.~~

~~4. Within the B-2, B-3 and B-4 and P districts, off street parking spaces shall not be less than ten feet (10') from a street right of way line nor less than five feet (5') from any interior side lot line or rear lot, except where a side lot line or rear lot line is abutting an E or R district, then off street parking shall be not less than ten feet (10') from said lot lines.~~

~~5. Within I-1 districts, off street parking spaces shall be not less than ten feet (10') from any street right of way line nor less than five feet (5') from any interior side lot line or rear lot line, except when a side or rear lot line is abutting an R, E or P district, then off street parking shall be not less than ten feet (10') from said lot lines.~~

~~6. Within any I-2 district, off street parking spaces shall be not less than ten feet (10') from any street right of way nor less than five feet (5') from any interior side or rear yard; except where a front, side or rear yard is across the street from or abutting an E, R, or P district, no parking shall be less than twenty feet (20') from said lot lines. (Ord. 1098, 11-8-2004; amd. Ord. 1279, 6-9-2014, eff. 11-1-2014)~~

C. Use Of Parking Facilities:

1. No motor vehicle bearing a commercial license and no commercially licensed trailer shall be parked or stored in a residential district except when loading, unloading, or rendering a service, except that one vehicle not over one ton capacity may be parked at the residence of the owner or operator of said vehicle.

2. Under no circumstances shall parking facilities accessory to residential structures be used for open air storage of commercial vehicles.

3. Required off street parking space in all districts shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for lease, rent or sale.

D. Joint Parking Facilities: Required parking facilities serving two (2) or more uses may be located on the same lot or in the same structure except in R and E districts, provided that the total number of parking spaces so furnished shall be not less than the sum total of the separate requirements for each use during any peak hour parking period when the parking

facility is utilized at the same time by two (2) or more uses. Conditions required for joint use are:

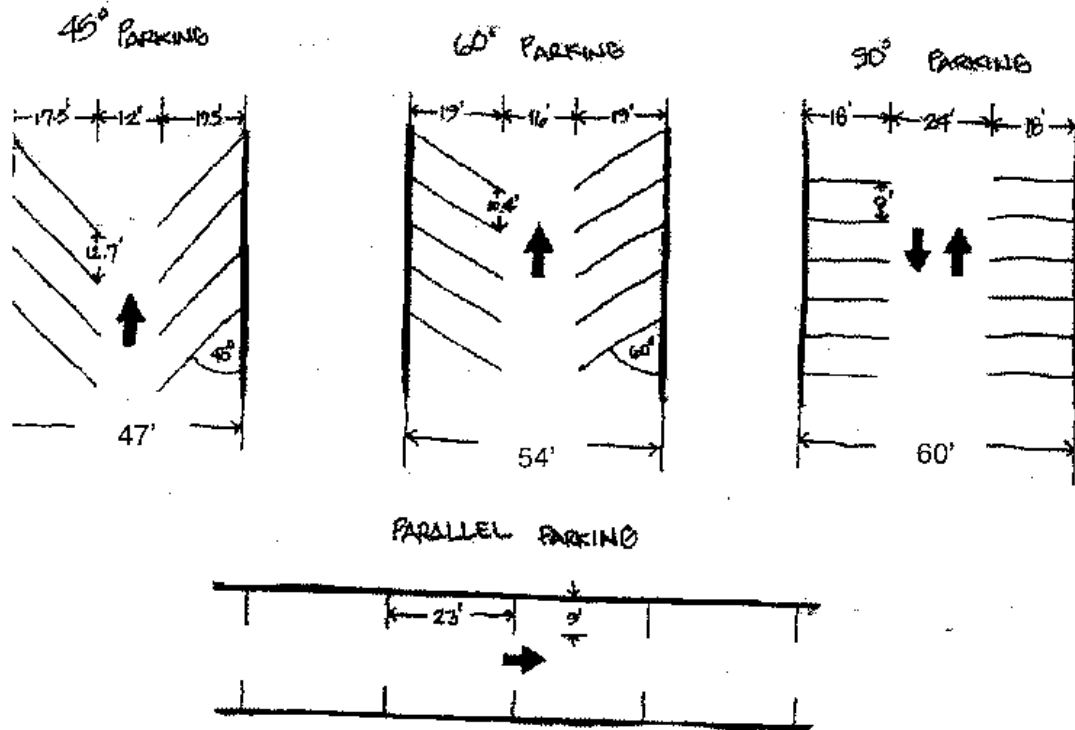
1. The proposed joint parking space is within four hundred feet (400') of the use it will serve; and
2. The applicant(s) shall show that there is no substantial conflict in the principal operating hours of the two (2) or more buildings or uses for which joint use of off-street parking facilities is proposed; and
3. A properly drawn legal instrument approved by the city attorney, executed by the parties concerned for joint use of off-street parking facilities, shall be filed with the clerk. Said instrument may be a three (3) or more party agreement including the city.

E. Land Banking Of Parking Spaces: Parking spaces intended for future building expansion or anticipated needs may be required by the city for land banking. Areas to be land banked should be designed to integrate with existing parking area for space and aisle design, access points, landscaping provisions, and necessary stormwater control. The approved site plan shall designate land banked parking areas and shall not be used for computing required open space standards.

F. Off Site Control Of Parking Facilities: When required accessory off street parking facilities are provided elsewhere than on the lot on which the principal use served is located, written authority for using such property for off street parking shall be filed with the city so as to maintain the required number of off street parking spaces during the existence of said principal use. No such parking facility, at its closest point, shall be located more than one hundred feet (100') from the property nor more than four hundred feet (400') from the principal use or building served.

G. Design, Setback And Maintenance Requirements:

1. Parking Space And Aisle Size And Related Setbacks:
 - a. Parking spaces shall be designed, constructed and maintained with the following dimensions: (Ord. 1098, 11-8-2004)



Dimension	0 Degrees	45 Degrees	60 Degrees	75 Degrees	90 Degrees
Stall width parallel to aisle1	9.0	12.7	10.4	9.3	9.0
Stall length of line	23.0	25.0	22.0	20.0	18
Stall depth	na	17.5	19.0	19.5	18
Aisle width between stall lines	13.0	12.0	16.0	23.0	24.0

*All measurements are in feet.

Note:

1. Required handicap stalls and ramps shall be per state code.

b. Parking and related facilities shall have the following minimum setbacks:

*All measurements are in feet.

Front yard setback of parking to Right-of-Way or lot line	R-3 and MF-PUD districts	30 10
	B-1 districts	30
	B-2, B-3, B-4, MU-PUD, COMM-PUD, and P districts	10
	OP and OFFICE-PUD districts	30
	Industrial districts	10, 20 feet when opposite R, P or E districts or uses
Side and rear yard setback of parking to Right-of-Way or lot line	R-3 and MF-PUD districts	5 10
	B-1 districts	5 side, 8 rear
	B-2, B-3, B-4, MU-PUD, COMM-PUD, and P districts	5, 10 feet when abutting E or R uses or districts
	I-1 districts	5, 10 feet when abutting E, P or R uses or districts

	I-2 districts	5, 20 feet when abutting E, P or R uses or districts
Front lot line to drive (landscape area)	R-3 and MF-PUD districts	10
	B-1 districts	30
	B-2, B-3, B-4, MU-PUD, COMM-PUD, and P districts	10
	OP and OFFICE-PUD districts	30
	Industrial districts	10
Side and rear lot line to drive	R-3 and MF-PUD districts	5 10
	B-1 districts	5 side, 8 rear
	B-2, B-3, B-4, MU-PUD, COMM-PUD, and P districts	5, 10 feet when abutting E or R uses or districts
	Industrial districts	5, 10 feet when abutting E or R uses or districts
Parking lot or drive aisle setback to principal structure	Non-Residential districts	5

	R-3 and MF-PUD districts	10
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Note:

1. Joint or combined parking facilities on separate lots, as authorized and when constructed adjacent to a common lot line separating 2 or more parking areas, are not required to observe the parking area setback from such common lot line.

(Ord. 1098, 11-8-2004; amd. 2008 Code)

2. Calculating Space: When the determination of the number of required off-street parking spaces results in a fraction, each fraction of one-half (1/2) or more shall constitute another space.

3. Access: Parking areas shall be designed so as to provide access to a public alley or street. All off-street parking spaces shall have access off driveways and not directly off a public street. Design criteria shall be as approved by the city engineer.

4. Surfacing: All of the area intended to be utilized for a parking space and driveways shall be hard surfaced with bitumin or concrete. This requirement also applies to open sale lots.

5. Curbing: All open off-street parking areas designed to have head-in parking along any lot line shall provide a tire bumper or curb (as found necessary by the city engineer) of adequate height and properly located to ensure that no part of any car will project beyond the required setbacks as established in this article, and to ensure proper storm water management.

6. Lighting: If lighting is provided, it shall be accomplished in such a manner as to have no direct source of light visible from the public right of way or adjacent land as provided in this article.

H. Signs: Signs located in any parking area necessary for orderly operation of traffic movement shall be in addition to accessory signs permitted in this article.

I. Sale Or Separation Of Parking Areas: Property that constitutes required off street parking area may not be separated, through sale or other means, from the property containing the principal use for which the parking area is required.

J. Minimum Number Of Required Parking Spaces: The minimum number of required parking spaces for allowed uses in the city shall be as established in the following table. When a use is not specifically listed in the table, the required number of parking spaces shall be established by the most similar use listed in the table, as determined by the city. (Ord. 1098, 11-8-2004)

Principal Use or Structure Served	Required Number of Parking Spaces (Open or Enclosed)
Residential	
Single-and two-family dwelling	2 spaces per dwelling unit
Structure containing 3 or more dwelling units	Two spaces per dwelling unit, one of which must be enclosed garage parking. A driveway leading to a garage may be counted as a parking space, provided the driveway is at least nine feet by twenty feet (9'x20') in size. Guest parking shall be provided within the overall multiple-family development at one (1) stall per six (6) units and will be available for use by all multiple-family dwelling units. For townhouse developments, enclosed garage spaces required to satisfy off street parking requirements shall be attached to the unit.
Daycare nursery	1 space for each employee, plus 1 off street loading space for each 6 students
Nursing homes, rest homes, homes for the aged and for children	1 space for each 6 beds, plus 1 for each employee on the largest shift
Housing developments for the elderly	1 1/2 spaces per dwelling unit
Elderly assisted living facility	1/2 space per unit, plus 1 space for each employee on peak shift
Institutional	
Elementary-junior high schools	1 space for each employee, plus 1 space per 2 classrooms

Senior high schools	1 space for every 5 students based on design capacity, plus 1 space per employee
Colleges	1 space for every 2 students, plus 1 space per employee
Churches, auditoriums, stadiums, arenas, mortuaries	1 space for each 3 1/2 seats based on the design capacity
Community center, post office, YMCA, YWCA, health club, library, private club, museum	10 spaces, plus 1 space for each 300 square feet of floor area in excess of 2,000 square feet of floor area in the principal structure
Hospitals	1 space for each 3 beds, plus 1 space for each employee on the largest shift
Golf courses, country clubs	4 spaces per green, plus 1 space per employee on the largest shift, plus 50 percent of the required spaces for accessory uses (driving range, bars, restaurants, tennis courts, etc.)
Commercial/Industrial	
Auto repair (major), bus terminals, boat and marine sales, bottling companies, garden supply stores, building material sales, shop for trade employing 6 people or less	8 spaces, plus 1 space for each 800 feet of floor area over 1,000 square feet
Banks, financial institutions	1 space for each 250 square feet, plus 6 stacking spaces for each drive-up window
Bowling alley	6 spaces for each alley
Car wash, automatic or self-service	5 stacking spaces for each washing lane, plus 1 space for each employee
Convenience store with gas sales	1 space per fuel nozzle

Furniture store, appliance store, auto sales, warehouse under 15,000 square feet	1 space for each 500 square feet
Golf driving range and minigolf	1 space per tee/hole, plus 1 space per employee on the largest work shift
Hotel or motel	1 space per room, plus 1 space per employee on the largest shift, plus 1 space for 3 persons of design capacity of each public meeting and /or banquet room, plus 50 percent of the spaces otherwise required for accessory uses (e.g., restaurants and bars)
Marinas	1 1/2 spaces per berth, plus 1 space per employee on largest shift
Medical clinics and complexes	1 1/2 spaces per examining room, plus 1 space per employee on largest shift
Manufacturing, fabrication or processing of a product or material	At least 4 spaces, plus 1 additional space for each 800 square feet; 1 additional space shall be provided for each 2,500 square feet or fraction thereof of land devoted to outside storage
Motor service station	3 spaces, plus 2 spaces for each service bay
Movie theaters	1 space for each 4 seats of design capacity
Office building and professional offices	1 space for each 200 square feet
Restaurants, cafes, bars, nightclubs, dance halls	1 space for each 3 seats based on design capacity
Retail stores	
Less than 10,000 square feet	1 space for each 150 square feet
10,000 square feet and above	1 space for each 200 square feet

Shopping centers in a B-4 zoning district	
Less than 400,000 square feet	1 space for each 250 square feet
400,000 to 600,000 square feet	1 space for each 225 square feet
More than 600,000 square feet	1 space for each 200 square feet
Skating rinks, public auction house	15 spaces, plus 1 space for each 200 square feet of floor area over 2,000 square feet
Tennis, racquetball, handball courts	6 spaces per court, plus 50 percent of the required spaces for accessory use
Warehouse over 15,000 square feet	1 space for each 2,000 square feet
Uses not covered by this schedule	Spaces as required for the most similar limited use, or as determined by the council

(Ord. 1098, 11-8-2004; amd. 2008 Code)

10-15A-4: OFF STREET LOADING AND UNLOADING REGULATIONS:

A. Application And Interpretation: The regulations and requirements set forth in this section shall apply to the required and nonrequired loading and unloading facilities in all the districts. In the application of the requirements of this section, a fractional number of one-half (1/2) or more shall constitute another space.

B. Size: Berths required shall be not less than twelve feet (12') in width and twenty-five feet (25') in length. All loading berths shall permit a height of fourteen feet (14') or more.

C. Access: Each loading berth shall be located with appropriate means to access a public street or alley in a manner which will least interfere with traffic.

D. Location: All loading berths shall be twenty-five feet (25') or more from the intersection of two (2) street right of way lines. Loading berths shall not occupy any yard requirement bordering a street.

E. Surfacing: All loading berths and accessways shall be improved with a durable material.

F. Use Of Loading Berths: Required loading berths or access drives shall not be used for the storage of goods or inoperable vehicles nor be included as a part of the area necessary to meet the off-street parking area.

G. Number Of Required Loading Berths:

Use	Number of Required Loading Berths
Auditoriums, convention halls, public buildings, hospitals, schools, hotels, sports arenas	1 loading berth 25 feet in length for each building having 1,000 to 10,000 square feet of floor area, 1 additional loading berth 50 feet in length for each building having in excess of 10,000 square feet of floor space
Retail sales and service stores, offices	At least 1 loading berth 25 feet in length for each building having 6,000 square feet of floor area or more, plus 1 additional loading berth 50 feet in length for each 25,000 square feet of floor area up to 100,000 square feet
Manufacturing, fabrication, processing and warehousing	At least 1 loading berth 25 feet in length for each building having 3,000 square feet or fraction thereof, plus 1 loading berth 50 feet in length for each 25,000 square feet of floor area up to 100,000 square feet, plus 1 loading berth for each 50,000 square feet of floor area over the first 100,000 square feet of floor area. The operator of the business shall have the option to declare the length of the berths required for buildings above 100,000 square feet of floor area; except, that 1/2 or more of the total number of berths required shall be 50 feet in length

There shall be provided adequate off street loading space in connection with any structure which requires receipt or distribution of materials by vehicles.

(Ord. 1098, 11-8-2004)



Request for Council Action

SUBJECT: Pending Legislation Preempting Local Zoning Controls

MEETING DATE: March 4, 2024

ITEM TYPE: Discussion Items

CONTACT: Kris Wilson, City Administrator, 651.450.2511

ACTION REQUESTED

The Council is asked to receive a presentation regarding significant legislation being considered by the Minnesota legislature, and discuss possible advocacy steps in response.

BACKGROUND

Proposed legislation is moving through the Minnesota House and Senate that would enact significant mandates and preemptions on local zoning authority, with the stated goal of spurring the construction of more housing throughout Minnesota. The bill has bipartisan support among legislators (it passed out of the Housing Finance and Policy Committee on a unanimous vote) and is also backed by a broad coalition of builder and real estate associations, housing and environmental advocacy groups, etc.

Multiple bills on this subject have been introduced, but at this time it appears that H.F. 4009 has been selected as the primary piece of legislation to move through the legislative process, with amendments being added on to incorporate specific provisions of other, related bills. A copy of the latest version of the bill is attached.

The bill includes a broad range of mandates and preemptions that establish a baseline of zoning requirements statewide. Some provisions are made applicable to just cities of the first class (such as Minneapolis and St. Paul), others are specific to cities in the metro area, and there are also provisions that limit some parts to cities with a population of 10,000 or more. As a city of approximately 36,000 residents in the metropolitan area, Inver Grove Heights would be subject to the vast majority of the provisions in the bill.

The bill is divided into two primary sections or parts:

Section 1: Making it easier to build more multifamily housing.

Section 2: Eliminating “single-family zoning” and making it easier to build a variety of housing types (duplexes, triplexes, four, five and six plexes, plus ADUs) on smaller lots, while also restricting city zoning codes from imposing architectural standards or sizable parking requirements.

In both Sections 1 & 2, the legislation requires cities to be even more lenient (with density, height, set-backs, etc.) for developments that meet certain standards of affordability and/or energy efficiency.

There are numerous concerns with the bill from a local government perspective, but one overarching concern that staff has identified is that, at this time, the bill is not limited to areas served by municipal water and sewer – meaning it could require the City to permit much smaller lots and higher density developments in areas of IGH that are dependent on private wells and septic systems.

The following is a breakdown of the key provisions of the bill by section, per staff's understanding at the time this memo was prepared.

Section 1: Multi-Family Residential Developments

1. **Permitted in Commercial Zoning Districts.** The bill would require that multifamily residential developments be “a permitted use in any commercial zoning district.” For Inver Grove Heights, this could mean that land long designated for expanding retail, restaurant and consumer services for our residents, such as the area around Target, could be fully built out with multifamily housing developments with no Council approval needed. In already developed areas of the City, such as along Cahill Ave, older commercial buildings could be replaced with multifamily housing of a significantly different scale than what currently exists, again with no Council approval needed.
2. **Height & Set-Back Requirements Based on Surrounding Structures.** The bill would require that multifamily residential developments be allowed to be at least as tall as “the tallest structure within a one-quarter mile radius of the parcel on which the development will be built . . . so long as the maximum height of the development is no more than 150 feet.” (Note: a 150 ft. tall building translates to approximately 13.85 stories.)
3. **Limitation on Parking Requirements.** The bill would limit cities to requiring no more than one off-street parking space per residential unit, regardless of the size of the units, and with no requirement for visitor parking.
4. **Additional Required Leniency for Affordable Multi-Family Residential.** The bill would require cities to allow affordable housing developments to either exceed the standard height requirement by 35 feet or to match the maximum allowed height in a zoning district within one mile of the affordable housing development, so long as the maximum height is no more than 150 feet. IGH City Code currently limits the height of buildings to 35 feet in most of the City and 70 feet in the NWA, unless a Conditional Use Permit (CUP) is obtained to allow more height. Additionally, the bill would require cities to allow an affordable housing development to exceed either the maximum density, the lot coverage ratio, the floor area ratio or the maximum impervious lot coverage by 30 percent, depending on which allowance results in the largest development.
5. **Prohibitions on Public Processes.** The bill would require cities to use an administrative review process (i.e. a staff review only) for building permit applications for multifamily housing development projects. It further states that “an application may not be approved contingent on the development being a part of a planned unit development, the approval of a conditional use permit, the completion of a study, or other condition that is not related to conformity with the city’s comprehensive plan, zoning requirements and state law.” The first part of this requirement does not appear to be an issue for IGH, as all building permit reviews and approvals are currently handled at the staff level. However, we do currently require that any development within the Northwest Area (NWA) be part of a planned unit development and that all multifamily housing developments obtain a conditional use permit. It would appear that this

bill overrides both of those existing IGH requirements.

Section 2: City Minimum Residential Densities and Associated Requirements

1. **Middle Housing Types.** The bill states that all cities in the metropolitan area, and any city outside the metropolitan area with a population of 10,000 or more, “must authorize at least six types of middle housing other than single-family detached homes to be built on residential lots in the city”. The bill includes a list of nine types of middle housing, from which a city must authorize at least six. The nine are: duplex, triplex, fourplex, fiveplex, sixplex, townhouse, stacked flats, courtyard apartments and cottage housing. Definitions for each type are included in the bill.
2. **Required Residential Densities.** For a metro-area city the size of Inver Grove Heights, the bill includes the following mandates.
 - On land more than one-half mile from a major transit stop, cities –
 - Must allow at least 2 residential dwelling units on any residential lot.
 - If all units are all-electric and efficient *or* if at least one unit is affordable – must allow at least 3 units
 - If all units are all-electric and efficient *and* at least one unit is affordable – must allow at least 4 units
 - On land one-half mile or less from a major transit stop, cities –
 - Must allow at least 4 residential dwelling units on any residential lot
 - If all units are all-electric and efficient *or* if at least two units are affordable – must allow at least 6 units
 - If all units are all-electric and efficient *and* at least two units are affordable – must allow at least 8 units

If a city over 10,000 population does not have a major transit stop, the city must “designate the boundaries of at least one commercial district in the city” to be “treated as a major transit stop” for the purposes of applying the above densities. The commercial district so designated must be adjacent to residential property. Staff’s initial review of the definition of a “major transit stop” and general knowledge of the transit service currently available in Inver Grove Heights, suggests that we do not have a “major transit stop” and would therefore have to designate a commercial area to comply with this section.

3. **Accessory Dwelling Units.** The bill requires that Accessory Dwelling Units (ADUs) be allowed on any residential lot in the city. Inver Grove Heights currently allows ADUs but has a number of standards related to their size, required parking, and that the property owner must reside in either the primary dwelling unit or the ADU. The bill prohibits such restrictions and only allows for cities to require that the ADU meet the state building code.
4. **Minimum Lot Size.** The bill restricts cities from establishing a minimum lot size greater than 4,000 square feet for any single-family detached home, duplex, triplex, fourplex, fiveplex, sixplex, stacked flat or courtyard apartment. The minimum lot size for a townhome or cottage housing can be no more than 1,200 square feet.

The Inver Grove Heights zoning code currently has minimum lot sizes that are significantly larger than this for the portion of the city that is outside of the NWA. Currently, the minimum lot size in the R-1A zoning district is 40,000 square feet, in the R-1B it is 20,000 square feet, and

in the R-1C it is 12,000 square feet. However, there is no minimum lot size for residential lots in the NWA, and this has resulted in the development of housing on notably smaller lots. For example, many of the lots in the Canvas development (in the northeast quadrant of 70th St. and Hwy 3 / S. Robert Trail) are around 3,500 square feet.

5. **Limitations on Official City Controls.** The bill states that cities may regulate building height maximums, yard or setback requirements, maximum lot coverage, impervious service maximums, lot width and lot area minimums, and a maximum number of residential units per lot. However, as noted throughout this memo, there are numerous exceptions, limitations and apparent contradictions elsewhere in the bill that limit cities' ability to control these same items.

Furthermore, the bill prohibits cities from imposing "architectural features, minimum square footage, garage square footage, or floor area ratios". Inver Grove Heights does not currently have garage square footage minimums – we do even require garages on single-family lots – but we do have a minimum square footage of 1,000 square feet for a single-family home, and it appears that could not be enforced if this bill becomes law.

6. **Parking Requirements Limited.** The bill restricts cities from requiring more than one off-street parking space per unit on land that is more than one-half mile from a major transit stop and restricts cities from having any off-street parking requirements for a residential dwelling unit that is one-half mile or less from a major transit stop. The IGH zoning code currently only requires one off-street parking space per single family home, so that would be in compliance with the provisions of this bill for land more than one-half mile from a major transit stop.
7. **Subdivision of Lots Permitted, Administrative Review Process Established.** The bill requires cities to allow the subdivision of existing lots to allow units to be built in accordance with other provisions of the bill. Staff does not fully understand the current wording, but it would appear to require that a city allow existing lots that are larger than the new minimum standards to be subdivided down to those new minimums, with only a staff approval process and no public process.
8. **Administrative Design Review Process Established.** Similar to the provision in Section 1 related to multifamily housing, Section 2 also places restrictions on any public process – but in this Section it covers both building permits and subdivision applications. Subdivisions applications are currently taken through a public process in Inver Grove Heights, providing surrounding property owners with notice and an opportunity to comment.

FISCAL IMPACT

RECOMMENDATION

ATTACHMENTS

1. HF 4009 (as of Feb 28 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.

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

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

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

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

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

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

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

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

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

(b) An affordable housing development may either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) "Cottage housing" means residential dwelling units on a lot with a common open 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.



Request for Council Action

SUBJECT: **CLOSED SESSION Pursuant to Minn. Stat. Sec. 13D.05, subd. (3)(c)(3) (Consider Offer to Purchase Land)**

MEETING DATE: March 4, 2024
ITEM TYPE: Discussion Items
CONTACT: Bridget Nason, City Attorney

ACTION REQUESTED

The Council is asked to move to a closed session to develop or consider offers or counteroffers for the purchase of real property.

BACKGROUND

The Council is asked to make a motion to close the meeting pursuant to Minnesota Statutes, Section 13D.05, subdivision 3(c) (3) in order to develop or consider offers or counteroffers for the purchase of the real property located at 6971 Dickman Trail, and property located on Dickman Trail and legally described as Lots 14-17, OM Johnson Addition.

FISCAL IMPACT

n/a

RECOMMENDATION

Staff recommends a motion to close the meeting as described above.

ATTACHMENTS

None