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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 1356

02/24/2025 Authored by Smith and Liebling
The bill was read for the first time and referred to the Committee on Elections Finance and Government Operations

1.1 A bill for an act
1.2 relating to local government; permitting certain municipalities to extend zoning
1.3 authority to unincorporated territory; amending Minnesota Statutes 2024, sections
1.4 462.357, subdivision 1; 462.358, subdivision 1a.

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

1.6 Section 1. Minnesota Statutes 2024, section 462.357, subdivision 1, is amended to read:

1.7 Subdivision 1. Authority for zoning. (a) For the purpose of promoting the public health,
1.8 safety, morals, and general welfare, a municipality may by ordinance regulate on the earth's
1.9 surface, in the air space above the surface, and in subsurface areas, the location, height,
1.10 width, bulk, type of foundation, number of stories, size of buildings and other structures,
1.11 the percentage of lot which may be occupied, the size of yards and other open spaces, the
1.12 density and distribution of population, the uses of buildings and structures for trade, industry,
1.13 residence, recreation, public activities, or other purposes, and the uses of land for trade,
1.14 industry, residence, recreation, agriculture, forestry, soil conservation, water supply
1.15 conservation, conservation of shorelands, as defined in sections 103F.201 to 103F.221,
1.16 access to direct sunlight for solar energy systems as defined in section 216C.06, flood control
1.17 or other purposes, and may establish standards and procedures regulating such uses. To
1.18 accomplish these purposes, official controls may include provision for purchase of
1.19 development rights by the governing body in the form of conservation easements under
1.20 chapter 84C in areas where the governing body considers preservation desirable and the
1.21 transfer of development rights from those areas to areas the governing body considers more
1.22 appropriate for development. No regulation may prohibit earth sheltered construction as
1.23 defined in section 216C.06, subdivision 14, relocated residential buildings, manufactured
1.24 homes built in conformance with sections 327.31 to 327.35, or industrialized or modular

2.1 buildings for residential use built in conformance with Minnesota Rules, chapter 1361, that  
 2.2 comply with all other zoning ordinances promulgated pursuant to this section. The regulations  
 2.3 may divide the surface, above surface, and subsurface areas of the municipality into districts  
 2.4 or zones of suitable numbers, shape, and area. The regulations shall be uniform for each  
 2.5 class or kind of buildings, structures, or land and for each class or kind of use throughout  
 2.6 such district, but the regulations in one district may differ from those in other districts. The  
 2.7 ordinance embodying these regulations shall be known as the zoning ordinance and shall  
 2.8 consist of text and maps.

2.9 (b) A city may by ordinance extend the application of its zoning regulations to  
 2.10 unincorporated territory located within two miles of its limits in any direction, but not in a  
 2.11 county or town ~~which~~ that has adopted zoning regulations; ~~provided that where,~~ except as  
 2.12 provided in paragraph (c). If two or more noncontiguous municipalities have boundaries  
 2.13 less than four miles apart, each is authorized to control the zoning of land on its side of a  
 2.14 line equidistant between the two noncontiguous municipalities unless a town or county in  
 2.15 the affected area has adopted zoning regulations. Any city may thereafter enforce such  
 2.16 regulations in the area to the same extent as if such property were situated within its corporate  
 2.17 limits, until the county or town board adopts a comprehensive zoning regulation which  
 2.18 includes the area.

2.19 (c) A city with a population over 100,000 according to the most recent federal census  
 2.20 that is outside the jurisdictions in section 473.121, subdivision 2, may extend the application  
 2.21 of its zoning regulations to unincorporated territory located within two miles of its limits  
 2.22 in any direction in a county or town that has adopted zoning regulations.

2.23 Sec. 2. Minnesota Statutes 2024, section 462.358, subdivision 1a, is amended to read:

2.24 Subd. 1a. **Authority.** (a) To protect and promote the public health, safety, and general  
 2.25 welfare, to provide for the orderly, economic, and safe development of land, to preserve  
 2.26 agricultural lands, to promote the availability of housing affordable to persons and families  
 2.27 of all income levels, and to facilitate adequate provision for transportation, water, sewage,  
 2.28 storm drainage, schools, parks, playgrounds, and other public services and facilities, a  
 2.29 municipality may by ordinance adopt subdivision regulations establishing standards,  
 2.30 requirements, and procedures for the review and approval or disapproval of subdivisions.  
 2.31 The regulations may contain varied provisions respecting, and be made applicable only to,  
 2.32 certain classes or kinds of subdivisions. The regulations shall be uniform for each class or  
 2.33 kind of subdivision.

3.1        (b) A municipality may by resolution extend the application of its subdivision regulations  
3.2        to unincorporated territory located within two miles of its limits in any direction but not in  
3.3        a town which has adopted subdivision regulations; ~~provided that where,~~ except as provided  
3.4        in paragraph (c). If two or more noncontiguous municipalities have boundaries less than  
3.5        four miles apart, each is authorized to control the subdivision of land equal distance from  
3.6        its boundaries within this area.

3.7        (c) A city with a population over 100,000 according to the most recent federal census  
3.8        that is outside the jurisdictions in section 473.121, subdivision 2, may extend the application  
3.9        of its subdivision regulations to unincorporated territory located within two miles of its  
3.10       limits in any direction in a town that has adopted subdivision regulations.