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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1840

03/04/2021

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The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act

1.2 relating to local government; limiting municipal planning and zoning controls;

1.3 amending Minnesota Statutes 2020, sections 15.99, subdivisions 1, 2; 394.307,

1.4 subdivision 9; 462.352, subdivision 5; 462.3593, subdivision 9; proposing coding

1.5 for new law in Minnesota Statutes, chapter 462.

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

1.7 Section 1. Minnesota Statutes 2020, section 15.99, subdivision 1, is amended to read:

1.8 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms shall

1.9 have the meanings given.

1.10 (b) "Agency" means a department, agency, board, commission, or other group in the

1.11 executive branch of state government; a statutory or home rule charter city, county, town,

1.12 or school district; any metropolitan agency or regional entity; and any other political

1.13 subdivision of the state.

1.14 (c) "Request" means a written application for a building permit, or a written application

1.15 related to zoning, septic systems, watershed district review, soil and water conservation

1.16 district review, or the expansion of the metropolitan urban service area, for a permit, license,

1.17 or other governmental approval of an action. A request must be submitted in writing to the

1.18 agency on an application form provided by the agency, if one exists. The agency may reject

1.19 as incomplete a request not on a form of the agency if the request does not include

1.20 information required by the agency. A request not on a form of the agency must clearly

1.21 identify on the first page the specific permit, license, or other governmental approval being

1.22 sought. No request shall be deemed made if not in compliance with this paragraph.

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

2.5 Sec. 2. Minnesota Statutes 2020, section 15.99, subdivision 2, is amended to read:

2.6 Subd. 2. **Deadline for response.** (a) Except as otherwise provided in this section, section
 2.7 462.358, subdivision 3b, or 473.175, or chapter 505, and notwithstanding any other law to
 2.8 the contrary, an agency must approve or deny within 60 days a written request for a building
 2.9 permit, or a written request relating to zoning, septic systems, watershed district review,
 2.10 soil and water conservation district review, or expansion of the metropolitan urban service
 2.11 area for a permit, license, or other governmental approval of an action. Failure of an agency
 2.12 to deny a request within 60 days is approval of the request. If an agency denies the request,
 2.13 it must state in writing the reasons for the denial at the time that it denies the request.

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

2.19 (c) Except as provided in paragraph (b), if an agency, other than a multimember governing
 2.20 body, denies the request, it must state in writing the reasons for the denial at the time that
 2.21 it denies the request. If a multimember governing body denies a request, it must state the
 2.22 reasons for denial on the record and provide the applicant in writing a statement of the
 2.23 reasons for the denial. If the written statement is not adopted at the same time as the denial,
 2.24 it must be adopted at the next meeting following the denial of the request but before the
 2.25 expiration of the time allowed for making a decision under this section. The written statement
 2.26 must be consistent with the reasons stated in the record at the time of the denial. The written
 2.27 statement must be provided to the applicant upon adoption.

2.28 Sec. 3. Minnesota Statutes 2020, section 394.307, subdivision 9, is amended to read:

2.29 Subd. 9. **Opt-out.** A county ~~may by resolution~~ is not permitted to opt-out of the
 2.30 requirements of this section.

2.31 **EFFECTIVE DATE.** This section is effective retroactively from September 1, 2018.

3.1 Sec. 4. Minnesota Statutes 2020, section 462.352, subdivision 5, is amended to read:

3.2 Subd. 5. **Comprehensive municipal plan.** (a) "Comprehensive municipal plan" means
 3.3 a compilation of policy statements, goals, standards, and maps for guiding the physical,
 3.4 social and economic development, both private and public, of the municipality and its
 3.5 environs, and may include, but is not limited to, the following: statements of policies, goals,
 3.6 standards, a land use plan, including proposed densities for development, a community
 3.7 facilities plan, a transportation plan, and recommendations for plan execution. A
 3.8 comprehensive plan represents the planning agency's recommendations for the future
 3.9 development of the community.

3.10 (b) As part of the comprehensive municipal plan, municipalities are encouraged to enact
 3.11 public policy to facilitate the development of unsubsidized affordable housing. These policies
 3.12 may include but are not limited to the municipal plan authorizing smaller lot sizes for
 3.13 single-family homes, allowing the construction of duplexes through fourplexes on lots that
 3.14 would otherwise be zoned exclusively for single-family houses, and allowing for mixed-use
 3.15 development.

3.16 Sec. 5. **[462.3575] LIMITING REGULATIONS ON RESIDENTIAL**
 3.17 **DEVELOPMENT.**

3.18 Subdivision 1. **Application.** This section applies to official controls adopted under
 3.19 sections 462.357, 462.358, and 462.3595.

3.20 Subd. 2. **Planned unit development.** (a) A municipality shall not require a planned unit
 3.21 development agreement in lieu of a proposed residential development if the proposed
 3.22 residential development complies with the existing city zoning ordinances, subdivision
 3.23 regulation, or qualifies as a conditional use.

3.24 (b) A municipality shall not require planned unit development agreement conditions
 3.25 that exceed the requirements in the State Building Code under chapter 326B.

3.26 (c) A planned unit development agreement must be made available to the public by
 3.27 posting the agreement on the website of the municipality at least seven days prior to the
 3.28 governing body's review of the agreement. If the municipality does not have a website, a
 3.29 copy of the planned unit development agreement must be available for review at the city
 3.30 hall building of the municipality. If the agreement is approved by the governing body, the
 3.31 agreement cannot be modified unless all parties to the agreement concur.

3.32 Subd. 3. **Limitation on aesthetic mandates.** A municipality shall not condition approval
 3.33 of a building permit, subdivision development, or planned unit development on the use of

4.1 specific materials, design, amenities, or other aesthetic conditions that are not required by
4.2 the State Building Code under chapter 326B.

4.3 Subd. 4. **Garages.** A municipality shall not require more than one garage as defined in
4.4 section 325F.82, subdivision 3, for a single-family dwelling.

4.5 Sec. 6. Minnesota Statutes 2020, section 462.3593, subdivision 9, is amended to read:

4.6 Subd. 9. **Opt-out.** A municipality ~~may by ordinance~~ is not permitted to opt-out of the
4.7 requirements of this section.

4.8 **EFFECTIVE DATE.** This section is effective retroactively from September 1, 2018.