S.F. No. 2100, as introduced - 87th Legislative Session (2011-2012) [12-4573]

SENATE STATE OF MINNESOTA EIGHTY-SEVENTH LEGISLATURE

S.F. No. 2100

(SENATE AUTHORS: MICHEL)

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DATE D-PG OFFICIAL STATUS

02/27/2012 3959 Introduction and first reading

Referred to Local Government and Elections

1.1 A bill for an act
1.2 relating to local government; providing for a longer public notice period in a
1.3 zoning ordinance or amendment for large projects; amending Minnesota Statutes
1.4 2010, section 462.357, subdivision 3, by adding a subdivision.

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

Section 1. Minnesota Statutes 2010, section 462.357, subdivision 3, is amended to read:

Subd. 3. **Public hearings.** No zoning ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the planning agency or by the governing body. Except as provided in subdivision 3a, a notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

Sec. 2. Minnesota Statutes 2010, section 462.357, is amended by adding a subdivision to read:

Sec. 2.

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Subd. 3a. Large projects. The notice of the time, place, and purpose of the hearing
on a proposed ordinance or amendment relating to a large project must be published at
<u>least 60 days before the day of the hearing</u> . At the time the notice is published, all project
information must be easily accessed in one step, available at the city or town hall, and
available on the municipality's Web site, if the municipality maintains a Web site. In
addition, the notice must be mailed at least 60 days before the day of the hearing to each
owner of affected property and property situated wholly or partly within 350 feet of the
property to which the ordinance or amendment relates. "Large project" means a project
with an estimated cost that is ten times the average assessed value of properties within 350
feet of the property to which the amendment relates. For the purposes of this subdivision,
a written request governed by section 15.99 is not complete until the day following the
conclusion of the hearing required by this subdivision.

Sec. 2. 2