

CHAPTER 462

HOUSING, REDEVELOPMENT, PLANNING, ZONING

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462.352 DEFINITIONS.

[For text of subds 1 to 3, see M.S.1984]

Subd. 5. "Comprehensive municipal plan" means a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to sections 472B.03 to 472B.07, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the planning agency's recommendations for the future development of the community.

[For text of subd 6, see M.S.1984]

Subd. 7. "Transportation plan" means a compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the various modes of transportation of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to sections 472B.03 to 472B.07, such as streets and highways, mass transit, railroads, air transportation, trucking and water transportation, and includes a major thoroughfare plan.

[For text of subd 8, see M.S.1984]

Subd. 9. "Capital improvement program" means an itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, including public improvements in or related to air space and subsurface areas necessary for mined underground space development pursuant to sections 472B.03 to 472B.07, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the municipality, and such other information on capital improvements as may be pertinent.

Subd. 10. "Official map" means a map adopted in accordance with section 462.359 which may show existing and proposed future streets, roads, and highways of the municipality and county, the area needed for widening of existing streets, roads, and highways of the municipality and county, existing and proposed air space and subsurface areas necessary for mined underground space development pursuant to sections 472B.03 to 472B.07, and existing and future county state aid highways and state trunk highway rights-of-way. An official map may also show the location of existing and future public land and facilities within the municipality. In counties in the metropolitan area as defined in section 473.121, official maps may for a period of up to five years designate the boundaries of areas reserved for purposes of soil conservation, water supply conservation, flood control and surface water drainage

and removal including appropriate regulations protecting such areas against encroachment by buildings, other physical structures or facilities.

[For text of subds 11 to 14, see M.S.1984]

Subd. 15. "Official controls" or "controls" means ordinances and regulations which control the physical development of a city, county or town or any part thereof including air space and subsurface areas necessary for mined underground space development pursuant to sections 472B.03 to 472B.07, or any detail thereof and implement the general objectives of the comprehensive plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.

[For text of subd 16, see M.S.1984]

Subd. 17. **Property rights.** The words "area," "interest in real property," "ground," "land," "lot," "parcel," "property," "real estate," "real property," "site," "territory," and "tract," and other terms describing real property shall include within their meaning, but not be limited to, air space and subsurface areas necessary for mined underground space development pursuant to sections 472B.03 to 472B.07.

History: 1985 c 194 s 17-22

462.355 PREPARATION, ADOPTION, AND AMENDMENT OF COMPREHENSIVE MUNICIPAL PLAN.

[For text of subd 1, see M.S.1984]

Subd. 2. **Procedure for plan adoption and amendment.** The planning agency may, unless otherwise provided by charter or ordinance consistent with the municipal charter, recommend to the governing body the adoption and amendment from time to time of a comprehensive municipal plan. The plan may be prepared and adopted in sections, each of which relates to a major subject of the plan or to a major geographical section of the municipality. The governing body may propose the comprehensive municipal plan and amendments to it by resolution submitted to the planning agency. Before adopting the comprehensive municipal plan or any section or amendment of the plan, the planning agency shall hold at least one public hearing thereon. A notice of the time, place and purpose of the hearing shall be published once in the official newspaper of the municipality at least ten days before the day of the hearing.

Subd. 3. **Adoption by governing body.** A proposed comprehensive plan or an amendment to it may not be acted upon by the governing body until it has received the recommendation of the planning agency or until 60 days have elapsed from the date an amendment proposed by the governing body has been submitted to the planning agency for its recommendation. Unless otherwise provided by charter, the governing body may by resolution by a two-thirds vote of all of its members adopt and amend the comprehensive plan or portion thereof as the official municipal plan upon such notice and hearing as may be prescribed by ordinance.

[For text of subd 4, see M.S.1984]

History: 1985 c 62 s 1,2

462.357 PROCEDURE FOR PLAN EFFECTUATION; ZONING.

Subdivision 1. **Authority for zoning.** For the purpose of promoting the public health, safety, morals and general welfare, a municipality may by ordinance regulate

on the earth's surface, in the air space above the surface, and in subsurface areas, the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands, as defined in section 105.485, access to direct sunlight for solar energy systems as defined in section 116J.06, flood control or other purposes, and may establish standards and procedures regulating such uses. No regulation may prohibit earth sheltered construction as defined in section 116J.06, subdivision 2, or manufactured homes built in conformance with sections 327.31 to 327.35 that comply with all other zoning ordinances promulgated pursuant to this section. The regulations may divide the surface, above surface, and subsurface areas of the municipality into districts or zones of suitable numbers, shape and area. The regulations shall be uniform for each class or kind of buildings, structures or land and for each class or kind of use throughout such district, but the regulations in one district may differ from those in other districts. The ordinance embodying these regulations shall be known as the zoning ordinance and shall consist of text and maps. A city may by ordinance extend the application of its zoning regulations to unincorporated territory located within two miles of its limits in any direction, but not in a county or town which has adopted zoning regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the zoning of land on its side of a line equidistant between the two noncontiguous municipalities unless a town or county in the affected area has adopted zoning regulations. Any city may thereafter enforce such regulations in the area to the same extent as if such property were situated within its corporate limits, until the county or town board adopts a comprehensive zoning regulation which includes the area.

Subd. 2. **General requirements.** At any time after the adoption of a land use plan for the municipality, the planning agency, for the purpose of carrying out the policies and goals of the land use plan, may prepare a proposed zoning ordinance and submit it to the governing body with its recommendations for adoption. Subject to the requirements of subdivisions 3, 4 and 5, the governing body may adopt and amend a zoning ordinance by a two-thirds vote of all its members. If the comprehensive municipal plan is in conflict with the zoning ordinance, the zoning ordinance supersedes the plan.

[For text of subds 3 to 8, see M.S.1984]

History: 1985 c 62 s 3; 1985 c 194 s 23

462.358 PROCEDURE FOR PLAN EFFECTUATION; SUBDIVISION REGULATIONS.

[For text of subd 1a, see M.S.1984]

Subd. 2a. **Terms of regulations.** The standards and requirements in the regulations may address without limitation: the size, location, grading, and improvement of lots, structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply, storm drainage, lighting, sewers, electricity, gas, and other utilities; the planning and design of sites; access to solar energy; and the protection and conservation of flood plains, shore lands, soils, water, vegetation, energy, air quality, and geologic and ecologic features. The regulations shall require that subdivisions

be consistent with the municipality's official map if one exists and its zoning ordinance, and may require consistency with other official controls and the comprehensive plan. The regulations may prohibit certain classes or kinds of subdivisions in areas where prohibition is consistent with the comprehensive plan and the purposes of this section, particularly the preservation of agricultural lands. The regulations may prohibit, restrict or control development for the purpose of protecting and assuring access to direct sunlight for solar energy systems. The regulations may prohibit, restrict, or control surface, above surface, or subsurface development for the purpose of protecting subsurface areas for existing or potential mined underground space development pursuant to sections 472B.03 to 472B.07, and access thereto. The regulations may prohibit the issuance of building permits for any tracts, lots, or parcels for which required subdivision approval has not been obtained. The regulations may permit the municipality to condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the municipality of a cash deposit, certified check, irrevocable letter of credit, or bond in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be constructed or installed according to the specifications of the municipality. The regulations may permit the municipality to condition its approval on compliance with other requirements reasonably related to the provisions of the regulations and to execute development contracts embodying the terms and conditions of approval. The municipality may enforce such agreements and conditions by appropriate legal and equitable remedies.

[For text of subds 2b to 10, see M.S.1984]

History: 1985 c 194 s 24

462.445 POWERS, DUTIES.

[For text of subds 1 to 12, see M.S.1984]

Subd. 13. **Interest reduction program.** The authority to authorize payment of interest reduction assistance pursuant to subdivisions 10, 11 and 12 shall expire on January 1, 1987. Interest reduction assistance payments authorized prior to January 1, 1987 may be paid after January 1, 1987.

[For text of subd 14, see M.S.1984]

History: 1Sp1985 c 14 art 8 s 19