

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 232

(SENATE AUTHORS: DRAHEIM)

DATE
01/12/2023

D-PG

Introduction and first reading
Referred to State and Local Government and Veterans

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to local government; limiting municipal planning and zoning controls;
1.3 amending Minnesota Statutes 2022, section 462.352, subdivision 5; proposing
1.4 coding for new law in Minnesota Statutes, chapter 462.

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

1.6 Section 1. Minnesota Statutes 2022, section 462.352, subdivision 5, is amended to read:

1.7 Subd. 5. **Comprehensive municipal plan.** (a) "Comprehensive municipal plan" means
1.8 a compilation of policy statements, goals, standards, and maps for guiding the physical,
1.9 social and economic development, both private and public, of the municipality and its
1.10 environs, and may include, but is not limited to, the following: statements of policies, goals,
1.11 standards, a land use plan, including proposed densities for development, a community
1.12 facilities plan, a transportation plan, and recommendations for plan execution. A
1.13 comprehensive plan represents the planning agency's recommendations for the future
1.14 development of the community.

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

2.1 Sec. 2. **[462.3575] LIMITING REGULATIONS ON RESIDENTIAL**
2.2 **DEVELOPMENT.**

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

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

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

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

2.17 Subd. 3. **Limitation on aesthetic mandates.** A municipality shall not condition approval
2.18 of a building permit, subdivision development, or planned unit development on the use of
2.19 specific materials, design, amenities, or other aesthetic conditions that are not required by
2.20 the State Building Code under chapter 326B.

2.21 Subd. 4. **Exception.** This section shall not apply to a proposed residential development
2.22 that is to be developed by the municipality itself.