

1.1 Senator moves to amend the SCS3259A-4 amendment to S.F. No. 3259 as
1.2 follows:

1.3 Page 1, delete article 2 and insert:

1.4 "ARTICLE 2

1.5 **LIMITING REGULATIONS ON RESIDENTIAL DEVELOPMENT**

1.6 Section 1. Minnesota Statutes 2020, section 326B.106, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 1a. **Payback requirement; residential energy code.** Notwithstanding subdivision
1.9 1, paragraph (d), the commissioner may not adopt a new residential energy code or
1.10 amendments to an existing residential energy code unless the commissioner has determined
1.11 that any increased cost to residential construction or remodeling per unit due to
1.12 implementation of the proposed changes will be offset within five years by savings resulting
1.13 from the change. This subdivision does not apply to residential energy code changes
1.14 necessary to protect the immediate health, safety, and welfare of the public.

1.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.16 Sec. 2. Minnesota Statutes 2020, section 462.357, subdivision 1, is amended to read:

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

2.1 homes built in conformance with sections 327.31 to 327.35, or modular buildings for
2.2 residential use built in conformance with Minnesota Rules, chapter 1361, that comply with
2.3 all other zoning ordinances promulgated pursuant to this section. The regulations may divide
2.4 the surface, above surface, and subsurface areas of the municipality into districts or zones
2.5 of suitable numbers, shape, and area. The regulations shall be uniform for each class or kind
2.6 of buildings, structures, or land and for each class or kind of use throughout such district,
2.7 but the regulations in one district may differ from those in other districts. The ordinance
2.8 embodying these regulations shall be known as the zoning ordinance and shall consist of
2.9 text and maps. 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 has adopted zoning regulations; provided that where two or more
2.12 noncontiguous municipalities have boundaries less than four miles apart, each is authorized
2.13 to control the zoning of land on its side of a line equidistant between the two noncontiguous
2.14 municipalities unless a town or county in the affected area has adopted zoning regulations.
2.15 Any city may thereafter enforce such regulations in the area to the same extent as if such
2.16 property were situated within its corporate limits, until the county or town board adopts a
2.17 comprehensive zoning regulation which includes the area.

2.18 Sec. 3. **[462.3575] LIMITING REGULATIONS ON RESIDENTIAL**
2.19 **DEVELOPMENT.**

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

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

2.26 (b) A planned unit development agreement must be made available to the public by
2.27 posting the agreement on the website of the municipality at least seven days prior to the
2.28 governing body's review of the agreement. If the municipality does not have a website, a
2.29 copy of the planned unit development agreement must be available for review at the city
2.30 hall building of the municipality. If the agreement is approved by the governing body, the
2.31 agreement cannot be modified unless all parties to the agreement concur.

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

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

3.3 Subd. 4. **Limitation on square footage.** A municipality shall not impose a minimum
3.4 square footage requirement.

3.5 Subd. 5. **Exception.** This section shall not apply to a proposed residential development
3.6 that is to be developed by the municipality itself.

3.7 Sec. 4. **RESIDENTIAL BUILDING CODE.**

3.8 Notwithstanding Minnesota Statutes, section 326B.106, subdivision 1, paragraph (c),
3.9 the commissioner of labor and industry may not adopt a new residential building code or
3.10 amendments to the existing residential building code prior to January 1, 2026, unless
3.11 approved by law. This section shall not apply to building code changes necessary to protect
3.12 the immediate health, safety, and welfare of the public.

3.13 **EFFECTIVE DATE.** This section is effective the day following final enactment."