

## **S.F. No. 3259 – Modifies provisions related to local land use and building permits (First Engrossment)**

**Author:** Senator Rich Draheim

**Prepared by:** Joan White, Senate Counsel (651/296-3814)

**Date:** March 21, 2022

---

### **Article 1 Planning and Zoning**

**Section 1 (462.352, subd. 5)** amends the comprehensive municipal plan definition, by adding a new paragraph encouraging municipalities to enact public policy to facilitate the development of unsubsidized affordable housing.

### **Article 2 Limiting Regulations on Residential Development**

**Section 1 (326B.106, subd 1a)** prohibits the commissioner of labor and industry from adopting a new residential energy code or amendments to an existing residential energy code unless certain conditions are met. This section is effective the day following final enactment.

**Section 2 (462.357, subd 1)** amends the municipal planning act, specifically the authority for zoning, by adding that no regulation may prohibit modular buildings for residential use that comply with rule.

**Section 3 (462.3575)** is a new section of law that limits regulations on residential development.

**Subdivision 1** provides that these provisions are applicable to zoning ordinances, subdivision regulations, and conditional use permits.

**Subdivision 2** relate to planned unit developments (PUD).

**Paragraph (a)** prohibits a municipality from requiring a planned unit development agreement in lieu of a proposed residential development if the proposed residential development complies with existing ordinances.

**Paragraph (b)** requires a PUD agreement to be make available to the public at least seven days prior to the governing body's review to the agreement. If the agreement is approved by

the governing body, the agreement cannot be modified unless all parties to the agreement concur.

**Subdivision 3** prohibits a municipality from conditioning approval of a building permit, subdivision development, or planned unit development on the use of specific materials, design or other aesthetic conditions not required by the State Building Code.

**Subdivision 4** prohibits a municipality from imposing a minimum square footage requirement.

**Subd 5** states that this section does not apply to a proposed residential development that is to be developed by the municipality.

**Section 4** prohibits the commissioner of labor and industry from adopting a new residential building code or amendments to the existing code prior to January 1, 2026, unless approved by law. This section does not apply to building code changes necessary to protect the immediate health, safety, and welfare of the public. This section is effective the day following final enactment.

### **Article 3 Municipal Dedication Fees**

**Section 1 (462.358, subd 2b)** relates to cash payments received by the municipality in lieu of land for parks and open spaces. This section requires the municipality to maintain records detailing the purpose for which cash payments were obtained and the manner in which the funds are spent. The records must be readily available to the applicant upon request. Further, under paragraph (g), the municipality must maintain records demonstrating the manner in which each cash payment was used.

### **Article 4 Building Permit Deadlines**

**Sections 1 and 2 (15.99, subds. 1 and 2)** amend the 60-day rule, which means under current law, agencies generally have only 60 days to approve or deny a written application related to zoning and other issues listed in statute. These sections expand the 60-day rule to include an application for a building permit. If an agency does not approve or deny the permit or request additional information within 15 days of the request, it is deemed approved.

### **Article 5 Building Permit Fees**

**Section 1 (326B.153, subd 5)** requires the commissioner of labor and industry to establish a cost per square foot calculation of new one and two family, townhouse, and accessory utility buildings for the purpose of setting building permit fees by municipalities.