

1.1 Senator ..... moves to amend S.F. No. 3080 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**  
1.4 **LIMITING REGULATIONS ON RESIDENTIAL DEVELOPMENT**

1.5 Section 1. Minnesota Statutes 2022, section 462.357, is amended by adding a subdivision  
1.6 to read:

1.7 Subd. 7a. **Two-family property; permitted use.** A two-family property is a permitted  
1.8 use in all areas zoned for single-family residential use and in any residential subdivision  
1.9 development provided the two-family property complies with all municipal standards. For  
1.10 the purposes of this subdivision, a two-family property includes but is not limited to a duplex  
1.11 or a single-family property with an accessory dwelling unit. Any standards, performance  
1.12 conditions, or requirements imposed by the municipality for properties permitted under this  
1.13 subdivision must reasonably relate to protecting the public health, safety, and general welfare.

1.14 Sec. 2. **[462.3575] LIMITING REGULATIONS ON RESIDENTIAL**  
1.15 **DEVELOPMENT.**

1.16 Subdivision 1. **Application.** This section applies to official controls adopted under  
1.17 sections 462.357, 462.358, and 462.3595 governing residential development.

1.18 Subd. 2. **Planned unit development.** (a) A municipality must not require a planned unit  
1.19 development agreement in lieu of a proposed residential development if the proposed  
1.20 residential development complies with existing city zoning ordinances or subdivision  
1.21 regulations, or qualifies as a conditional use.

1.22 (b) A planned unit development agreement must be made available to the public by  
1.23 posting the agreement on the website of the municipality at least seven days prior to the  
1.24 governing body's review of the agreement. If the municipality does not have a website, a  
1.25 copy of the planned unit development agreement must be available for review at the city  
1.26 hall building of the municipality.

1.27 (c) If the agreement is approved by the governing body, the agreement cannot be modified  
1.28 unless all parties to the agreement concur.

1.29 Subd. 3. **Limitation on aesthetic mandates.** A municipality must not condition approval  
1.30 of a residential building permit, subdivision development, or planned unit development on  
1.31 the use of specific materials for aesthetic reasons for property subject to the Minnesota  
1.32 Residential Code under Minnesota Rules, chapter 1309.

2.1 Subd. 4. **Limitation on square footage; accessory structures.** (a) A municipality must  
2.2 not require a minimum square footage for a residential building or accessory structure to a  
2.3 residential building.

2.4 (b) A municipality must not require more than one garage stall for a single-family  
2.5 dwelling.

## 2.6 **ARTICLE 2**

### 2.7 **MUNICIPAL DEDICATION FEES**

2.8 Section 1. Minnesota Statutes 2022, section 462.358, subdivision 2b, is amended to read:

2.9 Subd. 2b. **Dedication.** (a) The regulations may require that a reasonable portion of the  
2.10 buildable land, as defined by municipal ordinance, of any proposed subdivision be dedicated  
2.11 to the public or preserved for public use as streets, roads, sidewalks, sewers, electric, gas,  
2.12 and water facilities, stormwater drainage and holding areas or ponds and similar utilities  
2.13 and improvements, parks, recreational facilities as defined in section 471.191, playgrounds,  
2.14 trails, wetlands, or open space. The requirement must be imposed by ordinance or under  
2.15 the procedures established in section 462.353, subdivision 4a.

2.16 (b) If a municipality adopts the ordinance or proceeds under section 462.353, subdivision  
2.17 4a, as required by paragraph (a), the municipality must adopt a capital improvement budget  
2.18 and have a parks and open space plan or have a parks, trails, and open space component in  
2.19 its comprehensive plan subject to the terms and conditions in this paragraph and paragraphs  
2.20 (c) to (i).

2.21 (c) The municipality may choose to accept a cash fee as set by ordinance from the  
2.22 applicant for some or all of the new lots created in the subdivision, based on the average  
2.23 fair market value of the unplatted land for which park fees have not already been paid that  
2.24 is, no later than at the time of final approval or under the city's adopted comprehensive plan,  
2.25 to be served by municipal sanitary sewer and water service or community septic and private  
2.26 well as authorized by state law. For purposes of redevelopment on developed land, the  
2.27 municipality may choose to accept a cash fee based on fair market value of the land no later  
2.28 than the time of final approval. "Fair market value" means the value of the land as determined  
2.29 by the municipality annually based on tax valuation or other relevant data. If the  
2.30 municipality's calculation of valuation is objected to by the applicant, then the value shall  
2.31 be as negotiated between the municipality and the applicant, or based on the market value  
2.32 as determined by the municipality based on an independent appraisal of land in a same or  
2.33 similar land use category.

3.1 (d) In establishing the portion to be dedicated or preserved or the cash fee, the regulations  
3.2 shall give due consideration to the open space, recreational, or common areas and facilities  
3.3 open to the public that the applicant proposes to reserve for the subdivision.

3.4 (e) The municipality must reasonably determine that it will need to acquire that portion  
3.5 of land for the purposes stated in this subdivision as a result of approval of the subdivision.

3.6 (f) Cash payments received must be placed by the municipality in a special fund to be  
3.7 used only for the purposes for which the money was obtained. The municipality must  
3.8 maintain records detailing the purposes for which the money was obtained and the manner  
3.9 in which the municipality spent the money to further those purposes. The municipality must  
3.10 make the records readily available to the applicant upon request.

3.11 (g) Cash payments received must be used only for the acquisition and development or  
3.12 improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space  
3.13 based on the approved park systems plan. Cash payments must not be used for ongoing  
3.14 operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or  
3.15 open space. The municipality must maintain records demonstrating the manner in which  
3.16 the municipality used each cash payment.

3.17 (h) The municipality must not deny the approval of a subdivision based solely on an  
3.18 inadequate supply of parks, open spaces, trails, or recreational facilities within the  
3.19 municipality.

3.20 (i) Previously subdivided property from which a park dedication has been received,  
3.21 being resubdivided with the same number of lots, is exempt from park dedication  
3.22 requirements. If, as a result of resubdividing the property, the number of lots is increased,  
3.23 then the park dedication or per-lot cash fee must apply only to the net increase of lots.

3.24 (j) The municipality may accept a combination of buildable land and cash fees to satisfy  
3.25 the municipality's dedication requirements set by ordinance pursuant to this subdivision or  
3.26 the procedures established in section 462.353, subdivision 4a. The municipality may require  
3.27 buildable land, cash fees, or a combination of both, to be dedicated for the purposes described  
3.28 in paragraph (a), the total value of which must not exceed ten percent of the fair market  
3.29 value of the proposed subdivision. Land in the proposed subdivision that is not buildable  
3.30 may be dedicated, and the value of that land is not factored into the ten percent limit on the  
3.31 total value of the dedication. Land in the proposed subdivision that is dedicated because of  
3.32 its current or potential use for regional trails applies to the ten percent limit on the total  
3.33 value of the dedication unless the land is already dedicated for street, road, or right-of-way  
3.34 purposes.

4.1 (k) The municipality must not require a dedication of land for streets, roads, or  
4.2 right-of-way to a width that exceeds the minimum engineering standards for urban roadways,  
4.3 as adopted in administrative rules by the commissioner of transportation for the municipal  
4.4 state-aid street system, as provided under sections 162.09, subdivision 1, and 162.155.

4.5 (l) A dedication of land for a street that is not a collector or arterial street must not exceed  
4.6 the amount of land required to construct the street with a curb-to-curb width of 32 feet and  
4.7 associated utilities and sidewalks, if sidewalks are included in the plan for the proposed  
4.8 subdivision. The municipality must apply guidance established by national traffic engineering  
4.9 organizations when designing these streets.

### 4.10 **ARTICLE 3**

#### 4.11 **BUILDING PERMIT DEADLINES**

4.12 Section 1. Minnesota Statutes 2022, section 15.99, subdivision 1, is amended to read:

4.13 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms shall  
4.14 have the meanings given.

4.15 (b) "Agency" means a department, agency, board, commission, or other group in the  
4.16 executive branch of state government; a statutory or home rule charter city, county, town,  
4.17 or school district; any metropolitan agency or regional entity; and any other political  
4.18 subdivision of the state.

4.19 (c) "Request" means a written application for a building permit, or a written application  
4.20 related to zoning, septic systems, watershed district review, soil and water conservation  
4.21 district review, or the expansion of the metropolitan urban service area, for a permit, license,  
4.22 or other governmental approval of an action. A request must be submitted in writing to the  
4.23 agency on an application form provided by the agency, if one exists. The agency may reject  
4.24 as incomplete a request not on a form of the agency if the request does not include  
4.25 information required by the agency. A request not on a form of the agency must clearly  
4.26 identify on the first page the specific permit, license, or other governmental approval being  
4.27 sought. No request shall be deemed made if not in compliance with this paragraph.

4.28 (d) "Applicant" means a person submitting a request under this section. An applicant  
4.29 may designate a person to act on the applicant's behalf regarding a request under this section  
4.30 and any action taken by or notice given to the applicant's designee related to the request  
4.31 shall be deemed taken by or given to the applicant.

5.1 Sec. 2. Minnesota Statutes 2022, section 15.99, subdivision 2, is amended to read:

5.2 Subd. 2. **Deadline for response.** (a) Except as otherwise provided in this section, section  
5.3 462.358, subdivision 3b, or 473.175, or chapter 505, and notwithstanding any other law to  
5.4 the contrary, an agency must approve or deny within 60 days a written request for a building  
5.5 permit, or a written request relating to zoning, septic systems, watershed district review,  
5.6 soil and water conservation district review, or expansion of the metropolitan urban service  
5.7 area for a permit, license, or other governmental approval of an action. Failure of an agency  
5.8 to deny a request within 60 days is approval of the request. If an agency denies the request,  
5.9 it must state in writing the reasons for the denial at the time that it denies the request.

5.10 (b) When a vote on a resolution or properly made motion to approve a request fails for  
5.11 any reason, the failure shall constitute a denial of the request provided that those voting  
5.12 against the motion state on the record the reasons why they oppose the request. A denial of  
5.13 a request because of a failure to approve a resolution or motion does not preclude an  
5.14 immediate submission of a same or similar request.

5.15 (c) Except as provided in paragraph (b), if an agency, other than a multimember governing  
5.16 body, denies the request, it must state in writing the reasons for the denial at the time that  
5.17 it denies the request. If a multimember governing body denies a request, it must state the  
5.18 reasons for denial on the record and provide the applicant in writing a statement of the  
5.19 reasons for the denial. If the written statement is not adopted at the same time as the denial,  
5.20 it must be adopted at the next meeting following the denial of the request but before the  
5.21 expiration of the time allowed for making a decision under this section. The written statement  
5.22 must be consistent with the reasons stated in the record at the time of the denial. The written  
5.23 statement must be provided to the applicant upon adoption.

## 5.24 ARTICLE 4

### 5.25 BUILDING PERMIT FEES

5.26 Section 1. Minnesota Statutes 2022, section 326B.153, is amended by adding a subdivision  
5.27 to read:

5.28 Subd. 5. **Valuation.** The commissioner must establish a cost-per-square-foot valuation  
5.29 of residential buildings for the purpose of setting building permit fees by municipalities.  
5.30 Residential buildings include both new and additions to one- and two-family buildings,  
5.31 townhouse buildings, and accessory buildings.

6.1 **ARTICLE 5**  
6.2 **OAK GROVE, NOWTHEN LAND USE EXCEPTIONS REPEALED**

6.3 Section 1. **METROPOLITAN COUNCIL.**

6.4 The Metropolitan Council must review and amend as appropriate its metropolitan  
6.5 development guide, policy plans, and system statements to make them consistent with the  
6.6 effect of the repeal of the special laws in section 2.

6.7 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
6.8 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,  
6.9 Scott, and Washington.

6.10 Sec. 2. **REPEALER.**

6.11 Laws 2017, First Special Session chapter 3, article 3, section 126; and Laws 2018, chapter  
6.12 214, article 2, section 46, are repealed.

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