

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

**S.F. No. 3077**

(SENATE AUTHORS: DRAHEIM)

DATE  
03/22/2023

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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; adding conforming industrialized or modular buildings

1.3 for residential use to the structures that may not be prohibited by regulation;

1.4 amending Minnesota Statutes 2022, section 462.357, subdivision 1.

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

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

1.7 Subdivision 1. **Authority for zoning.** For the purpose of promoting the public health,

1.8 safety, morals, and general welfare, a municipality may by ordinance regulate on the earth's

1.9 surface, in the air space above the surface, and in subsurface areas, the location, height,

1.10 width, bulk, type of foundation, number of stories, size of buildings and other structures,

1.11 the percentage of lot which may be occupied, the size of yards and other open spaces, the

1.12 density and distribution of population, the uses of buildings and structures for trade, industry,

1.13 residence, recreation, public activities, or other purposes, and the uses of land for trade,

1.14 industry, residence, recreation, agriculture, forestry, soil conservation, water supply

1.15 conservation, conservation of shorelands, as defined in sections 103F.201 to 103F.221,

1.16 access to direct sunlight for solar energy systems as defined in section 216C.06, flood control

1.17 or other purposes, and may establish standards and procedures regulating such uses. To

1.18 accomplish these purposes, official controls may include provision for purchase of

1.19 development rights by the governing body in the form of conservation easements under

1.20 chapter 84C in areas where the governing body considers preservation desirable and the

1.21 transfer of development rights from those areas to areas the governing body considers more

1.22 appropriate for development. No regulation may prohibit earth sheltered construction as

1.23 defined in section 216C.06, subdivision 14, relocated residential buildings, ~~or~~ manufactured

1.24 homes built in conformance with sections 327.31 to 327.35, or industrialized or modular

2.1 buildings for residential use built in conformance with Minnesota Rules, chapter 1361, that  
2.2 comply with all other zoning ordinances promulgated pursuant to this section. The regulations  
2.3 may divide the surface, above surface, and subsurface areas of the municipality into districts  
2.4 or zones of suitable numbers, shape, and area. The regulations shall be uniform for each  
2.5 class or kind of buildings, structures, or land and for each class or kind of use throughout  
2.6 such district, but the regulations in one district may differ from those in other districts. The  
2.7 ordinance embodying these regulations shall be known as the zoning ordinance and shall  
2.8 consist of text and maps. A city may by ordinance extend the application of its zoning  
2.9 regulations to unincorporated territory located within two miles of its limits in any direction,  
2.10 but not in a county or town which has adopted zoning regulations; provided that where two  
2.11 or more noncontiguous municipalities have boundaries less than four miles apart, each is  
2.12 authorized to control the zoning of land on its side of a line equidistant between the two  
2.13 noncontiguous municipalities unless a town or county in the affected area has adopted  
2.14 zoning regulations. Any city may thereafter enforce such regulations in the area to the same  
2.15 extent as if such property were situated within its corporate limits, until the county or town  
2.16 board adopts a comprehensive zoning regulation which includes the area.