

This Document can be made available  
in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **947**

February 13, 2007

Authored by Howes

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs

1.1 A bill for an act  
1.2 relating to local government; limiting local government requirements for use of  
1.3 certain nonconforming lots; amending Minnesota Statutes 2006, sections 394.36,  
1.4 by adding a subdivision; 462.357, subdivision 1e.

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

1.6 Section 1. Minnesota Statutes 2006, section 394.36, is amended by adding a  
1.7 subdivision to read:

1.8 Subd. 5. **Ownership of lot or parcel not relevant.** A county shall not refuse to  
1.9 issue a permit or other approval for use, development, sale, or other disposition of a lot or  
1.10 parcel of land based upon the ownership of the lot or parcel. A conforming lot or parcel of  
1.11 land shall retain its conforming status regardless of the identity of the owner or the owner's  
1.12 title to an adjoining lot or parcel of land.

1.13 Sec. 2. Minnesota Statutes 2006, section 462.357, subdivision 1e, is amended to read:

1.14 Subd. 1e. **Nonconformities.** (a) Any nonconformity, including the lawful use or  
1.15 occupation of land or premises existing at the time of the adoption of an additional control  
1.16 under this chapter, may be continued, including through repair, replacement, restoration,  
1.17 maintenance, or improvement, but not including expansion, unless:

1.18 (1) the nonconformity or occupancy is discontinued for a period of more than one  
1.19 year; or

1.20 (2) any nonconforming use is destroyed by fire or other peril to the extent of greater  
1.21 than 50 percent of its market value, and no building permit has been applied for within  
1.22 180 days of when the property is damaged. In this case, a municipality may impose

2.1 reasonable conditions upon a building permit in order to mitigate any newly created  
2.2 impact on adjacent property.

2.3 (b) Any subsequent use or occupancy of the land or premises shall be a conforming  
2.4 use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon  
2.5 nonconformities reasonable regulations to prevent and abate nuisances and to protect the  
2.6 public health, welfare, or safety. This subdivision does not prohibit a municipality from  
2.7 enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or  
2.8 similar adults-only businesses, as defined by ordinance.

2.9 (c) Notwithstanding paragraph (a), a municipality shall regulate the repair,  
2.10 replacement, maintenance, improvement, or expansion of nonconforming uses and  
2.11 structures in floodplain areas to the extent necessary to maintain eligibility in the National  
2.12 Flood Insurance Program and not increase flood damage potential or increase the degree  
2.13 of obstruction to flood flows in the floodway.

2.14 (d) A municipality shall not refuse to issue a permit or other approval for use,  
2.15 development, sale, or other disposition of a lot or parcel of land based upon the ownership  
2.16 of the lot or parcel of land. A conforming lot or parcel of land shall retain its conforming  
2.17 status regardless of the identity of the owner or the owner's title to an adjoining lot or  
2.18 parcel of land.