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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1254**

February 22, 2007

Authored by Hosch

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; requiring notice and a public hearing before
1.3 adopting an interim ordinance; amending Minnesota Statutes 2006, sections
1.4 394.34; 462.355, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2006, section 394.34, is amended to read:

1.7 **394.34 INTERIM ZONING.**

1.8 If a county is conducting or in good faith intends to conduct studies within a
1.9 reasonable time, or has held or is holding a hearing for the purpose of considering a
1.10 comprehensive plan or official controls or an amendment, extension, or addition to either,
1.11 or in the event new territory for which no zoning may have been adopted, may be annexed
1.12 to a municipality, the board in order to protect the public health, safety, and general welfare
1.13 may adopt as an emergency measure a temporary interim zoning map or temporary interim
1.14 zoning ordinance, the purpose of which shall be to classify and regulate uses and related
1.15 matters as constitutes the emergency. ~~Such interim resolution shall be limited to one year
1.16 from the date it becomes effective and to one year to renewal thereafter.~~ The board may
1.17 adopt the interim regulation only after a public hearing is held at least ten days after notice
1.18 is published in the official newspaper. The regulation is effective on the date stated in the
1.19 regulation or the date the regulation is adopted, whichever is later, and for as long as
1.20 stated in the regulation but not more than one year. An interim regulation may not halt,
1.21 delay, or impede a use, development, or subdivision for which a complete application is
1.22 pending before the county. The completeness of the application is determined by county
1.23 ordinance. An interim regulation cannot extend the time deadline for agency action in

2.1 section 15.99 with respect to a complete application submitted to the county before the
2.2 effective date of the regulation.

2.3 Sec. 2. Minnesota Statutes 2006, section 462.355, subdivision 4, is amended to read:

2.4 Subd. 4. **Interim ordinance.** (a) If a municipality is conducting studies or has
2.5 authorized a study to be conducted or has held or has scheduled a hearing for the purpose
2.6 of considering adoption or amendment of a comprehensive plan or official controls
2.7 as defined in section 462.352, subdivision 15, or if new territory for which plans or
2.8 controls have not been adopted is annexed to a municipality, the governing body of the
2.9 municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for
2.10 the purpose of protecting the planning process and the health, safety and welfare of its
2.11 citizens. The interim ordinance may regulate, restrict, or prohibit any use, development,
2.12 or subdivision within the jurisdiction or a portion thereof for a period not to exceed one
2.13 year from the date it is effective.

2.14 ~~(b) If a proposed interim ordinance purports to regulate, restrict, or prohibit activities~~
2.15 ~~relating to livestock production, a public hearing must be held following a ten-day notice~~
2.16 ~~given by publication in a newspaper of general circulation in the municipality before the~~
2.17 ~~interim ordinance takes effect. The municipality may adopt the ordinance only after a~~
2.18 ~~public hearing held at least ten days after notice is published in the official newspaper.~~
2.19 ~~The ordinance is effective on the date stated in the ordinance or the date the ordinance is~~
2.20 ~~adopted, whichever is later.~~

2.21 (c) The period of an interim ordinance applicable to an area that is affected by
2.22 a city's master plan for a municipal airport may be extended for such additional periods
2.23 as the municipality may deem appropriate, not exceeding a total additional period of 18
2.24 months. ~~In all other cases, no interim ordinance may halt, delay, or impede a subdivision~~
2.25 ~~that has been given preliminary approval, nor may any interim ordinance extend the~~
2.26 ~~time deadline for agency action set forth in section 15.99 with respect to any application~~
2.27 ~~filed prior to the effective date of the interim ordinance.~~ The governing body of the
2.28 municipality may extend the interim ordinance after a public hearing and written findings
2.29 have been adopted based upon one or more of the conditions in clause (1), (2), or (3).
2.30 The public hearing must be held at least 15 days but not more than 30 days before the
2.31 expiration of the interim ordinance, and notice of the hearing must be published at least
2.32 ten days before the hearing. The interim ordinance may be extended for the following
2.33 conditions and durations, but, except as provided in clause (3), an interim ordinance may
2.34 not be extended more than an additional 18 months:

3.1 (1) up to an additional 120 days following the receipt of the final approval or review
3.2 by a federal, state, or metropolitan agency when the approval is required by law and the
3.3 review or approval has not been completed and received by the municipality at least 30
3.4 days before the expiration of the interim ordinance;

3.5 (2) up to an additional 120 days following the completion of any other process
3.6 required by a state statute, federal law, or court order, when the process is not completed at
3.7 least 30 days before the expiration of the interim ordinance; or

3.8 (3) up to an additional one year if the municipality has not adopted a comprehensive
3.9 plan under this section at the time the interim ordinance is enacted.

3.10 (d) An interim ordinance does not extend the time deadline for agency action in
3.11 section 15.99 with respect to any complete application submitted to the municipality
3.12 before the effective date of the interim ordinance. An interim ordinance may not halt,
3.13 delay, or impede consideration of a use, development, or subdivision for which a complete
3.14 application is pending before the municipality. An application is complete if it meets the
3.15 requirements for an application in the municipal ordinance. Except as otherwise provided
3.16 in section 15.99, an application deemed incomplete must be returned to the applicant with
3.17 an explanation detailing the incomplete portions and providing an opportunity to correct
3.18 the deficiency.