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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **1916**

March 12, 2007

Authored by Brod

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 planning and zoning; providing that ownership of contiguous parcels  
1.3 of property is not relevant for certain purposes; amending Minnesota Statutes  
1.4 2006, sections 394.36, 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 issue  
1.9 a permit for construction of a single-family residence based upon the common ownership  
1.10 of a contiguous nonconforming lot or parcel, provided that contiguous nonconforming lots  
1.11 or parcels under the same ownership contain no more than three residential structures.  
1.12 A conforming lot or parcel of land shall retain its conforming status regardless of the  
1.13 ownership of title to an adjoining nonconforming lot or parcel of land. Nothing in this  
1.14 subdivision shall be construed to prohibit the application of other applicable statutes,  
1.15 ordinances, or regulations in furtherance of health, safety, or welfare, nor allow an increase  
1.16 in the nonconformity of a lot or parcel. A county shall not prohibit the sale of a residential  
1.17 lot based upon the common ownership of a contiguous nonconforming lot or parcel.

1.18 EFFECTIVE DATE. This section is effective July 1, 2007.

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

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

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

2.3 (2) any nonconforming use is destroyed by fire or other peril to the extent of greater  
2.4 than 50 percent of its market value, and no building permit has been applied for within  
2.5 180 days of when the property is damaged. In this case, a municipality may impose  
2.6 reasonable conditions upon a building permit in order to mitigate any newly created  
2.7 impact on adjacent property.

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

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

2.19 (d) A municipality shall not refuse to issue a permit for construction of  
2.20 a single-family residence based upon the common ownership of a contiguous  
2.21 nonconforming lot or parcel, provided that contiguous nonconforming lots or parcels  
2.22 under the same ownership contain no more than three residential structures. A conforming  
2.23 lot or parcel of land shall retain its conforming status regardless of the ownership of title  
2.24 to an adjoining nonconforming lot or parcel of land. Nothing in this subdivision shall be  
2.25 construed to prohibit the application of other applicable statutes, ordinances, or regulations  
2.26 in furtherance of health, safety, or welfare, nor allow an increase in the nonconformity of a  
2.27 lot or parcel. A municipality shall not prohibit the sale of a residential lot or parcel.

2.28 **EFFECTIVE DATE.** This section is effective July 1, 2007.