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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **2687**

February 12, 2008

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The bill was read for the first time and Interim introduction, referred to 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 nonconforming parcel not relevant. A county must not  
1.9 make a permit or other approval for use, development, or sale or other disposition of a  
1.10 nonconforming lot or parcel of land dependent on the ownership, or the relationship of  
1.11 the buyer to the seller, of the lot or parcel.

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

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

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

1.19 (2) any nonconforming use is destroyed by fire or other peril to the extent of greater  
1.20 than 50 percent of its market value, and no building permit has been applied for within  
1.21 180 days of when the property is damaged. In this case, a municipality may impose  
1.22 reasonable conditions upon a building permit in order to mitigate any newly created  
1.23 impact on adjacent property.

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

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

2.12 (d) A municipality must not make a permit or other approval for use, development,  
2.13 or sale or disposition of a nonconforming lot or parcel of land dependent on the ownership,  
2.14 or the relationship of the buyer to the seller, of the lot or parcel.