



**NORTH DAKOTA
PLANNING ASSOCIATION**
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Engrossed HB1500 Recommend “Do Not Pass”

March 11, 2025

Committee Hearing: Engrossed HB1500
Senate Industry and Business

Chairman Barta and Committee Members:

There have been many drafts of this bill, since it was first introduced in 2017. Many of the concerns that the North Dakota Planning Association has brought up across multiple legislative sessions, have been addressed in the current version of the bill. However, the bill is still unnecessary and would erode local zoning authority.

Each community should be able to determine the approach to non-conforming structures that best supports the community’s work toward achieving its stated long-range goals. Some communities have adopted language similar to what is contained in this bill. Many have not.

Where a property owner may experience a hardship, due to local zoning regulations, a property owner may apply for a zoning variance and for the particular details of their case to be considered thoughtfully by their local elected officials. This is not an issue that requires state involvement.

While we are not advocating for the bill to be passed, if the bill is to be passed, please note the change in section 6 to be amended as attached. A subsection was added last session which re-numbered section 1. However the reference to 1(c) in Section 6 was not updated to reflect the re-numbering.

Thank you,

North Dakota Planning Association Board
Rachel Laqua, President

- 1 (6) Violate existing sanitary or health standards imposed by the local health
- 2 district;
- 3 (7) Pose a risk to public health or safety;
- 4 (8) Encroach upon a public right of way; or
- 5 (9) Encroach upon any neighboring property.
- 6 2. Under subsection 1, expansion of a nonconforming structure is prohibited unless the
- 7 expansion is in compliance with applicable zoning regulations and state laws and
- 8 rules. The zoning authority shall determine whether a proposed expansion is in
- 9 compliance.
- 10 3. Under subsection 1, a nonconforming structure may not be moved unless the
- 11 movement or relocation will bring the structure into compliance with all applicable
- 12 zoning regulations.
- 13 4. Notwithstanding subsection 1, the zoning authority shall regulate the repair,
- 14 replacement, improvement, maintenance, restoration, rebuilding, or expansion of
- 15 nonconforming uses and structures in floodplain areas to the extent necessary to
- 16 maintain eligibility in the national flood insurance program and adhere fully to all
- 17 applicable floodplain management ordinances without increasing flood damage
- 18 potential or increasing the degree of obstruction to floodflows in the floodway.
- 19 5. Notwithstanding subsections 1, 2, and 3, the zoning authority may create a less
- 20 restrictive ordinance or regulation.
- 21 6. Unless the county determines the repair, replacement, improvement, maintenance,
- 22 restoration, rebuilding, of a nonconforming structure will violate subdivision^d c of
- 23 subsection 1, the county shall issue a building permit to a property owner that meets
- 24 the qualifications under subsection 1.
- 25 7. For purposes of this section, "nonconforming structure" means a structure that was
- 26 legal before a change in law made the structure nonconforming.

27 **SECTION 2.** Section 40-47-05.1 of the North Dakota Century Code is created and enacted
28 as follows:

29 **40-47-05.1. Zoning - Nonconforming structure.**

- 30 1. Notwithstanding any other provision of law or zoning ordinance, a nonconforming
- 31 structure devoted to residential use and located in a residential zoning district may be

Repeat this change for cities (47) and townships (58)