

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1222

Page 1, line 11, replace "A" with "An application for a"

Page 1, line 11, replace "obtained" with "submitted"

Page 1, line 17, remove the second "or"

Page 1, line 19, after "damage" insert "; or

(5) Violate existing building and fire codes"

Page 2, line 5, remove "maintenance,"

Page 2, line 5, after the third underscored comma insert "maintenance, restoration, rebuilding,"

Page 2, line 12, remove "If a property owner is not authorized to repair, replace, improve, maintain, restore, or"

Page 2, replace lines 13 and 14 with "Unless the county can demonstrate to the district court that the repair, replacement, improvement, maintenance, rebuilding, or restoration of a structure will violate subdivision c of subsection 1, the county shall issue a building permit to a property owner that meets the qualifications under subsection 1."

Page 2, line 22, replace "A" with "An application for a"

Page 2, line 22, replace "obtained" with "submitted"

Page 2, line 28, remove the second "or"

Page 2, line 30, after "damage" insert "; or

(5) Violate existing building and fire codes"

Page 3, line 8, remove "maintenance,"

Page 3, line 8, after the third underscored comma insert "maintenance, restoration, rebuilding,"

Page 3, line 15, remove "If a property owner is not authorized to repair, replace, improve, maintain, restore, or"

Page 3, replace lines 16 and 17 with "Unless the city can demonstrate to the district court that the repair, replacement, improvement, maintenance, rebuilding, or restoration of a structure will violate subdivision c of subsection 1, the city shall issue a building permit to a property owner that meets the qualifications under subsection 1."

Page 3, line 25, replace "A" with "An application for a"

Page 3, line 25, replace "obtained" with "submitted"

Page 3, line 31, remove the second "or"

Page 4, line 2, after "damage" insert "; or

(5) Violate existing building and fire codes"

Page 4, line 10, remove "maintenance,"

Page 4, line 10, after the third underscored comma insert "maintenance, restoration, rebuilding,"

Page 4, line 17, remove "If a property owner is not authorized to repair, replace, improve, maintain, restore, or"

Page 4, replace lines 18 and 19 with "Unless the township can demonstrate to the district court that the repair, replacement, improvement, maintenance, rebuilding, or restoration of a structure will violate subdivision c of subsection 1, the township shall issue a building permit to a property owner that meets the qualifications under subsection 1."

Renumber accordingly

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1222

Introduced by

Representatives Vetter, Dockter, Ertelt, Hatlestad, M. Johnson, K. Koppelman, Marschall,
Sanford

Senators O. Larsen, Meyer, Vedaa

- 1 A BILL for an Act to create and enact sections 11-33-17.1, 40-47-05.1, and 58-03-14.1 of the
2 North Dakota Century Code, relating to nonconforming structures.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Section 11-33-17.1 of the North Dakota Century Code is created and enacted
5 as follows:

6 **11-33-17.1. Zoning - Nonconforming structure.**

- 7 1. Notwithstanding any other provision of law or local zoning ordinance, a structure
8 devoted to residential use may be repaired, replaced, improved, maintained, restored,
9 or rebuilt in its entirety even though the structure is damaged beyond fifty percent of its
10 value if:
11 a. AAn application for a building permit is ~~obtained~~submitted within six months of
12 the date the damage occurs;
13 b. Restoration begins within one year of the date the damage occurred; and
14 c. The new structure will not:
15 (1) Occupy a portion of the lot which was not occupied by the damaged
16 structure;
17 (2) Have more square footage than the damaged structure;
18 (3) Exceed the height or number of stories of the damaged structure;~~or~~
19 (4) Diminish the number of off-street parking spaces located on the property
20 from the number of spaces before the damage; or
21 (5) Violate existing building and fire codes.

2. Under subsection 1, expansion of a nonconforming structure is prohibited unless the expansion is in compliance with applicable state and local zoning regulations. The local zoning authority shall determine whether a proposed expansion is in compliance.
3. Under subsection 1, a nonconforming structure may not be moved unless the movement or relocation will bring the structure into compliance with all applicable zoning regulations.
4. Notwithstanding subsection 1, the local zoning authority shall regulate the repair, replacement, ~~maintenance~~, improvement, maintenance, restoration, rebuilding, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the national flood insurance program and adhere fully to all applicable floodplain management ordinances without increasing flood damage potential or increasing the degree of obstruction to floodflows in the floodway.
5. Notwithstanding subsections 1, 2, and 3, the local zoning authority may create a less restrictive ordinance or regulation.
6. ~~If a property owner is not authorized to repair, replace, improve, maintain, restore, or rebuild a structure under subsection 1, the county shall compensate the owner for the fair market value of the property before the damage occurred.~~ Unless the county can demonstrate to the district court that the repair, replacement, improvement, maintenance, rebuilding, or restoration of a structure will violate subdivision c of subsection 1, the county shall issue a building permit to a property owner that meets the qualifications under subsection 1.

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

40-47-05.1. Zoning - Nonconforming structure.

1. Notwithstanding any other provision of law or local zoning ordinance, a structure devoted to residential use may be repaired, replaced, improved, maintained, restored, or rebuilt in its entirety even though the structure is damaged beyond fifty percent of its value if:
 - a. ~~A~~ An application for a building permit is ~~obtained~~ submitted within six months of the date the damage occurs;
 - b. Restoration begins within one year of the date the damage occurred; and

1 c. The new structure will not:

2 (1) Occupy a portion of the lot which was not occupied by the damaged
3 structure;

4 (2) Have more square footage than the damaged structure;

5 (3) Exceed the height or number of stories of the damaged structure;~~or~~

6 (4) Diminish the number of off-street parking spaces located on the property
7 from the number of spaces before the damage; or

8 (5) Violate existing building and fire codes.

9 2. Under subsection 1, expansion of a nonconforming structure is prohibited unless the
10 expansion is in compliance with applicable state and local zoning regulations. The
11 local zoning authority shall determine whether a proposed expansion is in compliance.

12 3. Under subsection 1, a nonconforming structure may not be moved unless the
13 movement or relocation will bring the structure into compliance with all applicable
14 zoning regulations.

15 4. Notwithstanding subsection 1, the local zoning authority shall regulate the repair,
16 replacement, ~~maintenance~~, improvement, maintenance, restoration, rebuilding, or
17 expansion of nonconforming uses and structures in floodplain areas to the extent
18 necessary to maintain eligibility in the national flood insurance program and adhere
19 fully to all applicable floodplain management ordinances without increasing flood
20 damage potential or increasing the degree of obstruction to floodflows in the floodway.

21 5. Notwithstanding section 40-47-13 and subsections 1, 2, and 3, the local zoning
22 authority may create a less restrictive ordinance or regulation.

23 6. ~~If a property owner is not authorized to repair, replace, improve, maintain, restore, or~~
24 ~~rebuild a structure under subsection 1, the city shall compensate the owner for the fair~~
25 ~~market value of the property before the damage occurred.~~ Unless the city can
26 demonstrate to the district court that the repair, replacement, improvement,
27 maintenance, rebuilding, or restoration of a structure will violate subdivision c of
28 subsection 1, the city shall issue a building permit to a property owner that meets the
29 qualifications under subsection 1.

30 **SECTION 3.** Section 58-03-14.1 of the North Dakota Century Code is created and enacted
31 as follows:

58-03-14.1. Zoning - Nonconforming structure.

1. Notwithstanding any other provision of law or local zoning ordinance, a structure devoted to residential use may be repaired, replaced, improved, maintained, restored, or rebuilt in its entirety even though the structure is damaged beyond fifty percent of its value if:
 - a. ~~A~~An application for a building permit is ~~obtained~~submitted within six months of the date the damage occurs;
 - b. Restoration begins within one year of the date the damage occurred; and
 - c. The new structure will not:
 - (1) Occupy a portion of the lot which was not occupied by the damaged structure;
 - (2) Have more square footage than the damaged structure;
 - (3) Exceed the height or number of stories of the damaged structure; ~~or~~
 - (4) Diminish the number of off-street parking spaces located on the property from the number of spaces before the damage; ~~or~~
 - (5) Violate existing building and fire codes.
2. Under subsection 1, expansion of a nonconforming structure is prohibited unless the expansion is in compliance with applicable state and local zoning regulations. The local zoning authority shall determine whether a proposed expansion is in compliance.
3. Under subsection 1, a nonconforming structure may not be moved unless the movement or relocation will bring the structure into compliance with all applicable zoning regulations.
4. Notwithstanding subsection 1, the local zoning authority shall regulate the repair, replacement, ~~maintenance~~, improvement, ~~maintenance~~, restoration, rebuilding, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the national flood insurance program and adhere fully to all applicable floodplain management ordinances without increasing flood damage potential or increasing the degree of obstruction to floodflows in the floodway.
5. Notwithstanding subsections 1, 2, and 3, the local zoning authority may create a less restrictive ordinance or regulation.

- 1 6. ~~If a property owner is not authorized to repair, replace, improve, maintain, restore, or~~
2 ~~rebuild a structure under subsection 1, the township shall compensate the owner for~~
3 ~~the fair market value of the property before the damage occurred.~~Unless the township
4 can demonstrate to the district court that the repair, replacement, improvement,
5 maintenance, rebuilding, or restoration of a structure will violate subdivision c of
6 subsection 1, the township shall issue a building permit to a property owner that meets
7 the qualifications under subsection 1.

