

# Planning and Zoning ND Townships

2025 NDTOA Annual Meeting

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# Hello

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The background features abstract, overlapping green geometric shapes, primarily triangles and polygons, in various shades of green, creating a modern, layered effect on the right side of the slide.

# I am not an Attorney

Just a poor planner

# NDCC- Township Planning and Zoning

- ▶ From NDCC Title 58, Pertaining to Townships, Chapter 58-03, Powers of Township and of Electors of the Township 58-03-12. Basis for township zoning regulations and restrictions. The regulations and restrictions established in any township zoning district must be made in accordance with a comprehensive plan with reasonable consideration as to the character of such district, its peculiar suitability for particular uses, the normal growth of the municipality, and the various types of occupations, industries, and land uses within the area, and must be designed to facilitate traffic movement, encourage orderly growth and development of the municipality and adjacent areas, .....The comprehensive plan must be a statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control.

# What goes into a Comprehensive Plan?



Community profile



Goals, objectives, and policies



Land use plan



Transportation plan

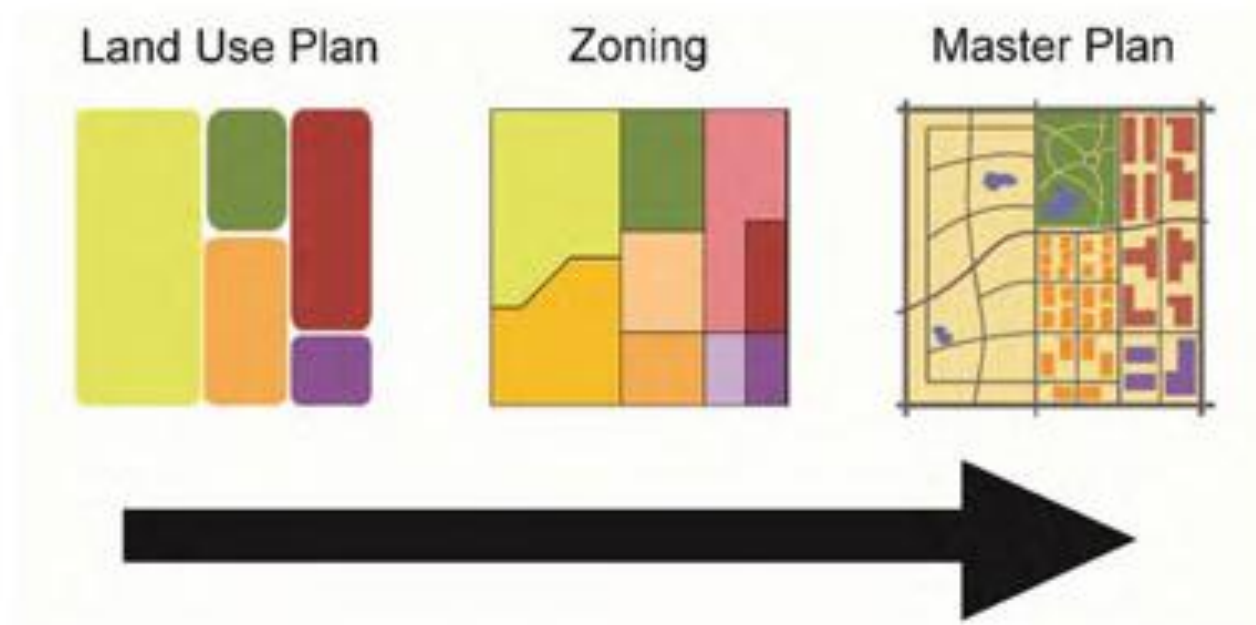


Optional elements



Implementation plan

Directly translates into 'zones'



# Benefits

- ▶ Guide for all future zoning decisions. Not **arbitrary** decision making.
- ▶ The PROCESS helps the township and its residents to think through their future.
- ▶ Creates direct connection between future land uses and infrastructure planning.
- ▶ People, including developers, can see a visualization of you future intended land uses. NO SURPRISES!!
- ▶ The process is as, or more, important than the final document to the township.

# Zoning Ordinance

NDPA Training - Devils Lake

4/7/15



# Zoning Defined

## ► Zoning

- The separation or division of a municipality into districts
- The regulation of buildings and structures in districts in accordance with their construction and the nature and extent of their use
- The dedication of such districts to particular uses designed to serve the general welfare
- **Is the “tool” or “teeth”, etc. of enacting the policies adopted in a comprehensive plan**

# Zoning - who needs it



Must have a direct relationship with a plan, Comprehensive, Master, etc.

Plan must address land use policies



We have never had or needed it before, why now?



Zoning infringes on my property rights, right?



What really are property rights?

Even playing field - predictability

Protect property values

Your property rights over your neighbors?

# Zoning Authority

- ▶ Any government enabled to establish ZA must:
  - ▶ Use a comprehensive plan as the basis for land use regulation
  - ▶ Go through a public hearing process before adopting a zoning ordinance
    - ▶ Same goes for adopting the comprehensive plan

# Purpose

- ▶ Legal purpose for zoning is to promote the general health, welfare and safety of citizens.
- ▶ Enabling legislation can be found in Chapter 58-03 (Township) of NDCC.
- ▶ Township Enabling Legislation: §58-03-11. Establishment of zoning districts - Uniformity. For the purpose of promoting the health, safety, morals, or the general welfare, or to secure the orderly development of approaches to municipalities, the board of township supervisors may establish one or more zoning districts and within such districts may, subject to the provisions of chapter 54-21.3 and section 58-03-11.1, regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. All such regulations and restrictions must be uniform throughout each district, but the regulations and restrictions in one district may differ from those in other districts. The board of township supervisors may establish institutional controls that address environmental concerns with the state department of health as provided in section 23-20.3-03.1.

# Zoning Authority

- ▶ Cities - Autonomous zoning authority within its borders, can establish ET zoning
- ▶ Townships - organized townships are enabled by the NDCC to establish zoning ordinances if they so choose, if not, the county may take over ZA
  - ▶ A township which has relinquished zoning authority may be zoned by the County
  - ▶ May also “take back” or reacquire ZA through a prescribed process but is not simple and takes time.
- ▶ Counties - Empowered to zone areas outside of cities and/or townships (unless township has relinquished ZA)

# Zoning Authority

- ▶ Authority allows cities to
  - ▶ Establish ET zoning
    - ▶ 1-4,999 - ½ mile city, half mile joint
    - ▶ 5,000-24,999 - 1 mile city, 1 mile joint
    - ▶ 25,000+ - 2 miles city, 2 miles joint

The outer half is under township ZA, if they have adopted ordinances. If not, it is under county ZA.

# Components of a Zoning Ordinance



## Zoning Map

Simply a map of the jurisdiction with the ZA that shows the location of different zoning districts



## Zoning Text

Sets out land use rules and regulations pertaining to each district shown on the map (Ag, residential, commercial, etc.)

# Zoning Text

- ▶ Is the definition of the zones or districts shown on the Zoning Map
- ▶ Each district should reference the Zoning Map for location
- ▶ Zoning District Regulations
  - ▶ Purpose of District
  - ▶ Permitted and Conditional Uses
  - ▶ Dimensional Standards
  - ▶ Special Regulations (road dedication and maintenance) and reference to related ordinances
  - ▶ If it's not listed, it is NOT ALLOWED!!!\*\*\*\*\*



# Administration and Enforcement

- ▶ Zoning Administrator
  - ▶ Appointed official tasked with day-to-day administration of zoning ord.
  - ▶ Point of contact
  - ▶ Can be employee, citizen volunteer, or consultant



# Enforcement



Where the rubber meets the road



EVERYONE must comply with the adopted zoning ordinance, no exceptions



Zoning ordinance is only as good as its enforcement



Zoning is not a guide; it is a law and should be administered the same as a law of any other kind.

# Zoning Amendments



All jurisdictions exercising ZA are constantly changing and evolving, the zoning ordinance must be updated to mirror these changes (additional districts, overlays, etc)



The process of amending the zoning ordinance is the same public hearing process that is required to adopt the original.



REQUIRES AN APP, A PUBLIC HEARING AND TIME!



# Current Zoning Issues

- ▶ Data Farms
- ▶ Commercial Scale Wind Farms
- ▶ Solar Arrays/Farms
- ▶ Industrial Scale Battery Storage
- ▶ Small Scale Nuclear
- ▶ Oil and Gas/Pipelines
- ▶ CAFO's
- ▶ Ethanol Plants
- ▶ Soybean Crushing Plants
- ▶ Rural Residential Developments
- ▶ Others?

# Clear as MUD

Townships have the authority and the right to control what happens within their jurisdiction.

Townships are the most “local” form of government in North Dakota and has the most direct effect on individual property.

Residents have the greatest ability to impact planning and zoning decisions.

Don't let others dictate the future of your township.

# Questions?

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