

Devils Lake Planning Commission
8-17-17

Members present: Wyatt Hanson, Vonda Markestad, Ray Sletteland, Terry Thompson, Kevin Davidson, Larry Liere, Tom Traynor, Dick Johnson, Mike Grafsgaard, Gary Martinson.

Others present: Steven Zimmer, Tom Bertsch.

Larry called the meeting to order. Kevin made a motion to approve the minutes of the last meeting. Motion 2nd by Terry. Carried.

At the last meeting, it was decided to have Steven Zimmer, planning consultant, review what other cities do with issues of getting mortgages for residential homes in commercial zoning districts.

Steven said all cities run into the same situation with residential homes located in a commercial zoning district and a good share of the cities don't make any concessions in the zoning regulations to deal with stricter banking practices making it difficult to get a mortgage in that situation. Fargo and Bismarck did recently adopt an ordinance changing the non-conforming language to allow homes in a commercial zoning district to be sold, remodeled, or expanded. Bismarck staff indicated this change in their ordinance satisfies all requirements from mortgage companies and they have had no issues since the new ordinance was passed. Steven recommended to consider adding that same language to our ordinance if they wish to keep homes in a commercial zone.

Ray asked how many areas in the city have homes in a commercial zone.

Gary said there are several areas and over the past few years, there have been a number of instances where individuals have had difficulty getting a conventional mortgage or have not been able to get a mortgage at all because the banks don't lend for homes in a commercial zone. He said he likes the idea of changing the language to allow people to fix up their homes in a commercial district, since that is what we already allow. The language used by Fargo and Bismarck does not specifically say that homes could be re-built if they were destroyed, but that could be added to our ordinance change if the planning commission wished.

Tom Bertsch said his concern is that the banks view only the commercial zoning and he wants them to view it as a home.

Gary said it would take a public hearing for the planning commission and city commission to make a change in the ordinance.

Kevin thought this language was on the right path to getting mortgage companies on board with financing homes located in a commercial zoning district.

Mike suggested having a planning hearing at the end of the month and then have the two readings of an ordinance change at the September city commission meetings.

Gary said the proposed language should include “re-built.”

Dick made a motion to set up the necessary public hearings to amend the zoning ordinance to allow a home in a commercial zoning district to be sold, remodeled, extended, expanded, enlarged or rebuilt. Motion 2nd by Vonda. Carried.

The city attorney will draft the zoning ordinance change to reflect this language:

Chapter 17.76 - SPECIAL PROVISIONS, Section 17.76.010 – Nonconforming Uses:

F. Residential Uses in Nonresidential Districts: The other provisions of this section notwithstanding, any structure that is devoted to a nonconforming residential use may be sold, remodeled, extended, expanded, enlarged and rebuilt, provided that after the remodeling, extension, expansion, enlargement or rebuilding, the structure may not be used to accommodate a greater number of dwelling units than the structure accommodated prior to the improvement.

The planning commission hearing to address this change will be held at 7:00 am on August 31.

Meeting adjourned.

Respectfully submitted,

Helen Carlson
Recording Secretary