



North Dakota House Political Subdivisions

Chairman – Jason Dockter

January 27, 2020

Testimony: Brian K. Billingsley, AICP
Community & Economic Development Director
Email: brian.billingsley@minotnd.org
Phone: 701-857-4147

House Bill 1222 Urging a “Do Not Pass” Recommendation

I am writing on behalf of The City of Minot to express our **opposition** to HB 1222 (Non-Conforming Uses). We assert the bill undermines the basic purpose of municipal zoning, which is the separation of non-harmonious uses.

North Dakota’s cities are unique and have different needs. Unfortunately, this legislation promotes a “one-size fits all” approach for the zoning of our cities. City governments should have the independence to determine how to handle non-conforming uses without governmental interference. In Minot, we have a significant amount of non-conforming residential uses with commercial zoning. We also have several grandfathered multi-family buildings in single-family residential neighborhoods. Allowing these non-conforming residential uses to rebuild after a disaster will detract new businesses from locating in our commercial zones and infuriate single-family homeowners in low-density residential neighborhoods.

The ultimate goal of the zoning code is to achieve uniformity of property uses within each zoning district, which can only be accomplished by the elimination of uses that do not conform to the specifications of district regulations. This bill will encourage urban sprawl into rural farmsteads at an accelerated rate and make infill development more expensive and arduous.

Commercial property owners will argue that allowing the residential properties to continue in their neighborhood will devalue their property. Residential property owners tend to complain about traffic, lighting, and noises generated by neighboring commercial uses. Eliminating non-conforming residential uses in commercial districts will alleviate complaints made upon our business community, raise commercial property values, and foster new economic development.

Protecting the investment of homeowners of a nonconforming use and achieving uniformity of land use within zoning districts is difficult to balance. To prevent nonconforming uses from becoming blighted properties, the Minot zoning code allows for routine maintenance and repair, so long as such

activities do not constitute an expansion or enlargement. As a last resort, a property owner has the right to file a rezoning application and go before the City Council to address their situation.

Lastly, the City of Minot asserts Section 40-47-05.1.6 is a terrible way to force cities to adopt a State mandated public policy. It requires a city to compensate a property owner when a residential building is damaged beyond 50% of its value and the owner is refused a building permit to replace or repair the building. The City of Minot follows all Federal and State regulations and mandates and we feel this provision is unnecessary. To force a city to pay a property owner for damages that his or her insurance company is obligated to cover is a waste of the taxpayer's money.

For these reasons, we strongly urge your committee to recommend a "do not pass" on HB 1222.

Sincerely,



Brian K. Billingsley, AICP
Community & Economic Development Director

Cc: Mayor Shaun Sipma
Minot City Council
Harold Stewart, City Manager
Shane Goettle, Special Assistant City Attorney
Blake Crosby, North Dakota League of Cities
Natalie Pierce, North Dakota Planning Association