

ORDINANCE NO. 1531

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 3, APPENDIX B,
AND TO ENACT SECTION 5.1, APPENDIX B,
OF THE CODE OF THE CITY OF JAMESTOWN PERTAINING TO SUBDIVISION
DEFINITIONS AND AUTHORITY TO AUTHORIZE LOT COMBINATIONS

WHEREAS, City of Jamestown desires to promote the orderly construction and renovation on existing subdivided property;

WHEREAS, City of Jamestown has enacted Appendix B to the Code of the City of Jamestown to govern the subdivision of property;

WHEREAS, City of Jamestown recognizes that for the development of residential and commercial buildings it is advantageous to create a separate process to allow owners to build over multiple lots; and

WHEREAS, City of Jamestown desires to allow owners of two or more contiguous lots the ability to combine lots for zoning purposes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, NORTH DAKOTA, to amend and re-enact Section 3 and enact Section 5.1, Appendix B, of the Code of the City of Jamestown as follows:

Section 3 – Definitions

For the purpose of these regulations certain words and terms used herein are defined as follows and shall have these meanings, unless it shall be apparent from the context that different meanings are intended:

- (1) *City council.* The city council of the City of Jamestown
- (2) *Lot Line Adjustment.* The relocation of the lot line between two adjoining lots located in the same subdivision with the consent of the owners of record.
- (3) *Lot Combination.* A combination of two (2) or more previously platted lots or existing partial lots into a single lot whose boundaries coincide with the lot lines shown on the recorded plat of the subdivision.
- (4) *Lot Split.* The subdivision of an existing lot which results in the creation of two or more new lots.

- (5) *Planning commission.* The city planning commission of the City of Jamestown.
- (6) *Subdivision.* The division of a tract or parcel of land into lots for the purpose, whether immediate or future, of sale or of building development, any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights-of-ways, whether public or private, for access to or from such lots, and the creation of new or enlarged parks, playgrounds, plazas or open spaces. Lot line adjustments and lot splits shall be included in the definition of a subdivision. Lot combinations shall be considered a subdivision as set forth in Section 5.1 of Appendix B.
- (7) *Subdivision, Major.* Any subdivision that does not meet the definition of a "Minor Subdivision". A major subdivision plat includes the processing of a preliminary plat and a final plat as stipulated in Appendix B of the Code of the City of Jamestown.
- (8) *Subdivision, Minor.* A subdivision that meets all of the following criteria:
 - a. Does not require the dedication of rights-of-way.
 - b. Does not land-lock or otherwise impair convenient ingress and egress to the subject tract or any adjacent property.
 - c. Does not fall within the corridors of any planned or proposed street as shown in the adopted Land Use and Transportation Plan.

A minor subdivision plat must comply with the final plat requirements as stipulated in Appendix B of the Code of the City of Jamestown. Preliminary plat requirements and procedures do not apply to a minor subdivision.
- (9) *Subdivider.* Any person, firm, corporation, partnership or association who causes land to be divided, platted or planned, into a subdivision for himself or others.

Section 5.1 – Lot Combinations

A. Authority

The Planning Commission, in its sole discretion shall have the authority to approve lot combinations with the recommendation of the Zoning Administrator when finding:

- (1) The lots proposed to be combined are all located within the same subdivision and zoning district;

- (2) The lots proposed to be combined are not subject to different variances;
- (3) The lots proposed to be combined or any other resulting lots outside of the combined lots otherwise cannot create a lot or new partial lot of insufficient size to build a structure in compliance with applicable zoning;
- (4) The lots proposed to be combined have the exact same owner;
- (5) The proposed lot combination will not affect the general character of the neighborhood;
- (6) Consolidation of the lots does not affect access to water, sewer, utility, stormwater, or public right of ways;
- (7) The lots are contiguous and the proposed lot combination does not change the exterior lots lines of the combined lot as determined by a review of the existing plat; and
- (8) The owner of the lots complies with all requirements of this Section.

If the proposed lot combination does not meet all of the above criteria, then the lot combination must be approved through the Minor or Major Subdivision process.

B. Procedure

The Zoning Administrator shall create and revise from time to time an application and require the payment of a fee as set by the City Council of the City of Jamestown. Upon receipt of the completed application and fee, the Zoning Administrator shall review, seeking guidance of the City Engineer or other City officials as needed. The Zoning Administrator may request additional documentation from the owner. If the Zoning Administrator is satisfied that the application meets the requirements of Lot Combination set forth in Section 5.1A, the Zoning Administrator shall place the item on the agenda at the next Planning Commission meeting for a hearing. Notice of the hearing must be published no later than 5 days prior to the scheduled meeting. At the hearing, the Zoning Administrator shall make a recommendation to the Planning Commission. Any member of the public may address the Planning Commission regarding the application at the hearing. At the conclusion of the hearing, the Planning Commission must approve, disapprove, or take any other action the Planning Commission deems appropriate. If the Planning Commission authorizes the combination, the Zoning Administrator shall require the owner(s) to sign an Affidavit and Covenant restricting the partial sale of the combined lot. The lot(s) shall not be deemed to be combined for zoning or other purposes until the Affidavit and Covenant have been recorded at the Stutsman County Recorder's Office.

C. Appeal Procedure

Any aggrieved party may file an appeal with the City Council of the City of Jamestown within 7 days of the decision. Upon notification of the appeal, the City Council shall conduct a hearing at a City Council meeting within 60 days from the notice of the appeal unless otherwise agreed to by the parties. Notice of the meeting must be provided to all interest parties. Notice must be mailed at least 7 days prior to the scheduled meeting. The decision of the City Council shall be final.

D. Repeal of Lot Combination

If the owner of any combined lot desires to repeal the combination, the owner must comply with all applicable provisions for a subdivision.

ATTEST:

Sarah Hellekson
City Administrator

APPROVED:

Dwaine Heinrich
Mayor

Introduced by Council Member Steele
Seconded by Council Member Phillips
First Reading: April 23, 2020
Second Reading: May 4, 2020
Final Passage: May 4, 2020
Roll Call No. 6 showed: 4 ayes, 0 nays, 1 absent.