

ORDINANCE NO. 1506

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 3 AND 7  
AND  
TO ENACT SECTION 6.1 OF APPENDIX B,  
OF THE CODE OF THE CITY OF JAMESTOWN  
PERTAINING TO MINOR SUBDIVISIONS AND LOT MERGERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, NORTH DAKOTA, that Sections 3 and 7, Appendix B, of the Code of the City of Jamestown are hereby amended and re-enacted 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) *Planning commission.* The city planning commission of the City of Jamestown.
- (3) *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.
- (4) *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.
- (5) *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.

- (6) *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 7 – Design Standards.**

The preliminary plat, final plat, and minor subdivision submittals shall conform to such of the following design standards as are applicable, unless variations are permitted by the planning commission as provided in Section 18, hereof:

Subsections (1) through (19) (Same as parent volume.)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JAMESTOWN, NORTH DAKOTA, that Section 6.1, Appendix B, of the Code of the City of Jamestown is hereby enacted as follows:

**Section 6.1 – Minor Subdivision Criteria and Procedure.**

Minor subdivision applications may be exempt from the regulations outlined in Sections 6(1), 6(3), 6(4), 6(5), 6(6), 9, 10, 11, and 12 of Appendix C of the Municipal Code if the following criteria are met:

A. Minor Subdivision Criteria

- a. The resulting lots shall conform to the minimum area and dimensional standards (width and depth) established by zoning district requirements for the property,
- b. The subdivision does not require the dedication of rights-of-way,
- c. The subdivision does not land-lock or otherwise impair convenient ingress and egress to the subject tract or any adjacent property,
- d. The subdivision does not fall within the corridors of any planned or proposed street as shown in the adopted Land Use and Transportation Plan,
- e. The subdivision is not repeated at the same general location as a means to avoid or circumvent the normal platting process,
- f. The subdivision does not endanger the health safety or welfare of the public. An example of this would be if a newly created lot requires an access point to a street that may be too close to a corner or street intersection and not at a safe location.

B. Minor Subdivision Procedure

Applications for minor subdivisions will be processed under the following procedure:

- a. The applicant shall submit a completed application and fee to the Zoning Administrator with required submittal items.
  - i. Any proposed minor subdivision under this ordinance must be accompanied by a filing fee. Such fee may be established from time to time by resolution of the city council, to be paid to the City Auditor by the applicant and shall be used to help defray expenses of giving notice of the hearing and other expenses connected therewith. Any costs incurred in excess of the above fee shall be charged to the applicant. The City of Jamestown and any of its agencies are hereby exempt from the provisions of this section.
  - ii. Submittal shall follow the plat requirements as detailed in Section 13 and 14 of Appendix B of the City Ordinances.
- b. The application will be reviewed by the Zoning Administrator and City Engineer to determine if the minor subdivision criteria have been met and if the application is complete.
- c. The Planning Commission shall hold a hearing to consider the minor subdivision application and, after the close of the public hearing, shall recommend approval or denial of the application, based on whether it complies with the adopted Land Use and Transportation Plan and the standards contained in appendices B and C of the Code of the City of Jamestown.
- d. After receiving the recommendation of the Planning Commission, the City Council shall act to approve or deny the application. A public hearing before the City Council is not required.
- e. The minor subdivision plat shall then be recorded with the Stutsman County Recorder.

C. Monuments

Specified materials and locations of all monuments must be provided in accordance with North Dakota Century Code Chapters 40-50.1 (Platting of Townsites) and 47-20.1 (Survey and Recordation Act).

ATTEST:

Sarah Hellekson, City Administrator

APPROVED:

Katie Andersen, Mayor

Introduced by Council Member Phillips

Seconded by Council Member Gumke

First Reading: April 2, 2018

Seconded Reading: May 7, 2018

Final Passage: May 7, 2018

Roll Call No. 6 showed: 4 ayes, 0 nays, 1 absent.