

ORDINANCE NO. 2025

**AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 52,
RELATING TO LOT MODIFICATION DEFINITIONS AND PROCEDURE**

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
DICKINSON, NORTH DAKOTA, AS FOLLOWS:

SECTION 1: Section 52-1. Definitions of Chapter 52 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 52-1. - Definitions.

Lot modification means an administrative lot line adjustment, lot split or lot combination as defined herein as an adjustment of an existing lot line by relocation of a common boundary.

Lot combination means an administrative combination of two or more platted lots into a lesser number of lots whose boundaries coincide with the lot lines shown on the recorded plat of the subdivision that meets the following criteria:

- a. In residential zoning districts, the new lot area may not meet or exceed 17,000 square feet for High Density Residential (R-3), one (1) acre for Low Density Residential (R-1), Medium Density Residential (R-2), or Mobile Home (MH), or meet or exceed ten (10) acres in the Rural Residential (RR) zoning district;
- b. In the Limited Commercial (LC) zoning district, the new lot area may not meet or exceed 12,000 square feet;
- c. The subject lot must not have been rezoned within the past one (1) year;
- d. Does not involve the vacation of existing easements; and
- e. Does not involve lots within more than one zoning classification.

Lot line adjustment means an administrative adjustment of an existing platted lot line between two adjoining lots by relocation of a common boundary that meets the following criteria:

- a. Does not involve lots within more than one zoning classification;
- b. Is not one lot line adjustment in a series of lot line adjustments proposed for contiguous lots as a way to circumvent the proper subdivision plat process;
- c. Both of the resulting parcels conform to the minimum lot area, width and depth for the zoning district in which the property is located, or will when combined with an adjacent parcel as part of the same lot modification action; and
- d. The resulting parcels can be legally described with no more than two directional descriptors (e.g. the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). For lot line adjustments between irregularly-shaped parcels or to transfer an irregularly-shaped portion of a lot to an adjacent land owner, the administrator or designee may waive this requirement, provided the resulting parcels can be legally described as the original lot number combined with a letter (e.g., Lot 1 would become Lots 1A, 1B and 1C).

Lot split means an administrative division of ~~a~~[one](#) previously platted lot into not more than four lots that meets the following criteria:

- a. The lot split does not involve the creation of new utility easements or improvements;
- b. The lot split does not require the dedication of public rights-of-way for the purpose of gaining access to the property; minor dedications maybe allowed by the City Engineer;
- c. All parcels conform to the minimum lot area, width and depth for the zoning district in which the property is located;
- d. [The subject property must not have been rezoned within the past one \(1\) year;](#)
- e. The resulting parcels can be legally described with no more than two directional descriptors (e.g., the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). For an irregularly-shaped lot, the administrator or designee may waive this requirement, provided the resulting parcels can be legally described as the original lot number combined with a letter (e.g., Lot 1 would become Lots 1A, 1B and 1C), and, provided that any line dividing the parcel along a common wall is a straight line from the front property line to the back property line among the common wall; and
- f. The property has not previously been divided through the lot split provisions of this chapter.

SECTION 2: Section 52-4. Procedure of Chapter 52 of the Municipal Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 52-4. - Procedure.

(b)Lot modifications, lot line adjustments, lot splits and lot combinations.

- 1) The purpose of this subsection is to provide for approval of lot modifications that meet specific criteria and for the waiver of standard platting requirements specified elsewhere in this chapter. This process is intended to facilitate the further division of previously platted lots, the combination of previously platted lots or for the adjustment of an existing lot line by relocation of a common boundary.
- 2) Any person having a legal interest in the property may file an application for a lot modification. For an adjustment of an existing lot line, an affidavit from all affected property owners indicating their consent must also be submitted.
- 3) An application for a lot modification shall be submitted to the City [Planner](#) ~~Planning Director~~, along with the applicable fee; a certificate of survey prepared by a registered land surveyor showing the parcel or lot, the proposed modification, and all existing building or structures; a legal description of the original parcel and a legal description of the resulting parcels.
- 4) Applications for lot combinations and lot line adjustments in all zoning districts and for lot splits in all zoning districts will be reviewed by the City [Planner](#) ~~Planning Director in consultation with the~~ [and](#) City Engineer or designees. No

hearing or review by either the Planning Commission or Board of City Commissioners shall be required. [The irregular plat must be signed by the City Planner and City Engineer or designees prior to recording.](#)

SECTION 3: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

SECTION 5: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading: _____, 2025

Second Reading: _____, 2025

Final Passage: _____, 2025