

**CITY OF BLACKDUCK
BELTRAMI COUNTY, MINNESOTA**

ORDINANCE 15B-2010

**AN ORDINANCE AMENDMENT REGARDING USE OF PRE-EXISTING LOTS OF
RECORD, NON-CONFORMING STRUCTURES AND USES, AND SETTING UP
ESCROW ACCOUNTS FOR PLATS**

THE CITY COUNCIL OF BLACKDUCK ORDAINS THE FOLLOWING AMENDMENTS TO
SECTIONS 4.3, 4.4, and 11.7 OF THE LAND USE AND SUBDIVISION ORDINANCE:

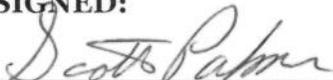
4.3 Use of Pre-Existing Lots.

- ~~2. A lot, pre-existing for which a Deed, recorded Contract for Deed or other legal conveyance or plat has been executed prior the effective date of the Ordinance shall be deemed a buildable lot without requiring a variance provided it has at least 80% of required lot area and lot width at the ordinary high water mark and building line, all the setbacks can be maintained, and sanitary provisions for well and sewage disposal can be maintained.~~
- ~~3. If two or more pre-existing contiguous lots in total could not be divided into two or more lots meeting the requirements of 4.3 (1), and are held by the same Owner on the effective date of the Ordinance, they will be considered one lot for building and zoning purposes. A covenant, duly filed and recorded, shall be required before a building permit is issued thereon.~~
- ~~4. Lots joined together for zoning permit applications shall not be divided in the future, but shall be tied together by restriction filed with the County Recorder.~~
1. A nonconforming single lot of record located may be allowed as a building site without variances from lot size requirements, provided that:
 - a. All structure and septic system setback distance requirements can be met;
 - b. A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080 and the City of Blackduck SSTS regulations, can be installed or the lot is connected to a public sewer; and
 - c. The impervious surface cover does not exceed the requirements of the underlying zone.
2. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - a. The lot must be at least 66 percent of the dimensional standard for lot width and lot size;
 - b. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080 and the City of Blackduck SSTS regulations;

- c. Impervious surface coverage must not exceed the requirements of the underlying zone; and
 - d. Development of the lot must be consistent with the City of Blackduck Comprehensive Plan.
3. A lot subject to Section 4.3(3) not meeting the requirements of Section 4.3(3) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
4. Notwithstanding Section 4.3(3), contiguous nonconforming lots of record under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Rules, section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.
- 4.4 Non-conforming Structures and Uses.
6. In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- 11.7 Subdivisions
2. The City of Blackduck may require that an applicant establish an escrow account or other financial security for the purpose of reimbursing the City for direct costs relating to professional services provided during the review, approval and inspection of the project. The City may charge the applicant a rate equal to the value of the service to the City. Services provided by City staff or contract professionals will be billed at an established rate.

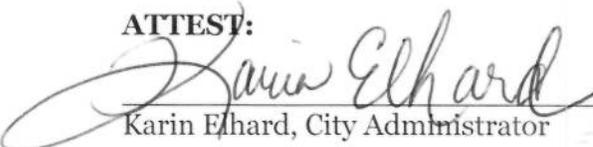
PASSED BY THE CITY OF BLACKDUCK CITY COUNCIL THIS 8th DAY of March, 2010.

SIGNED:



Scott Palmer, Mayor

ATTEST:



Karin Elhard, City Administrator

MOTION by: Beck
SECOND by: Falk
Beck: Yes
Cheney: Yes
Falk: Yes
Lundberg: Yes
Palmer: Yes

