

TOWN OF EUREKA, DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. 2010-06

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 3)
REGARDING LOTS OF RECORD.

THE BOARD OF SUPERVISORS OF THE TOWN OF EUREKA ORDAINS:

SECTION 1. AMENDMENT. Chapter 4 of Ordinance 1 is hereby amended by altering the following definitions, as follows (deleted portions ~~struck through~~, added portions underlined):

~~Lot of Record, Substandard~~

~~A lot of record which does not meet the minimum lot width of 250 feet at the location that a house would be placed, but does equal or exceed 165 feet in width at that location.~~

SECTION 2. AMENDMENT. Chapter 2, Section 1(C) of Ordinance 3 is hereby amended as follows (deleted portions ~~struck through~~, added portions underlined):

8. Single-family dwelling on a Pre-1982 Lot of Record, provided that the requirements of Chapter 3, Section 1 are met.

SECTION 3. AMENDMENT. Chapter 3, Section 1 of Ordinance 3 is hereby amended by deleting all of the existing text of Section 1 and replacing it with the following:

Section 1 – DENSITY AND STANDARDS FOR BUILDABILITY.

A. Residential use of land in any zone in the Township is limited to one single-family dwelling per quarter-quarter section as a permitted use. A single family dwelling may be constructed, as a conditional use, upon a Pre-1982 Lot of Record following application and proof to the Town Board's satisfaction that:

1. the lot proposed for building is a Pre-1982 Lot of Record;
2. there are no existing dwellings on the parcel to be built upon;
3. the proposed construction meets all other criteria for a Conditional Use Permit as stated in Chapter 4, Section 14(A) of this Ordinance; and
4. construction on the lot will comply with the other standards of this Section.

B. Standards Applicable to All Lots:

1. The quarter-quarter section in which the lot is located is not subject to a clustering restriction created pursuant to Section 2(C) of this Chapter or a prior Town Ordinance governing Clustering.
2. A home can be built on the lot that complies with all dimensional and setback requirements contained in Section 3 of this Chapter, unless the lot meets the criteria of Section 2(A) of this Chapter..
3. The lot will support a sewage treatment system consistent with this Ordinance and State, Local, and Federal requirements for the same.
4. The lot is a separately conveyed parcel with a separate legal description and its own Property Identification Number (PIN) assigned by the Dakota County Assessor's Office.

SECTION 4. AMENDMENT. Chapter 3, Section 2(A) of Ordinance 3 is hereby amended by deleting the section heading and all of the existing text of Section 2(A) and replacing it with the following:

Section 2 – PLATTING OF LAND, CLUSTERING, AND LOT/PARCEL SPLITS

A. The Town Board may approve a Conditional Use Permit for a Pre-1982 Lot of Record which fails to meet one or more of the current standards in Section 3 of this Chapter, but met the setback and lot dimension standards in effect at the time of lot creation. In reviewing an application for a CUP on such a lot, the Town Board must find that the lot has been held in separate ownership since April 12, 1982; any substandard Pre-1982 Lot of Record abutting other land under the same ownership following April 12, 1982 must be combined to form buildable lots that are not substandard.

SECTION 5. AMENDMENT. Chapter 3, Section 2(B) of Ordinance 3 is hereby amended as follows (deleted portions ~~struck through~~, added portions underlined)::

~~B. A substandard lot or lot of record that can be demonstrated to meet all of the requirements of Ordinance 3, Chapter 3, Section 2 (A), and that after creation of the lot and recording was subsequently consolidated with an abutting lot for the purposes of real estate sale or county tax consolidation shall be deemed a buildable lot for single-family residential purposes provided it meets all of the following requirements:~~

1. The lot(s) involved in the consolidation shall be re-created to conform to the exact boundaries and dimensions as they existed when the lot of record was originally created.

2. The re-creation of the lots shall be completed through an approved lot split that shall be approved by the Eureka Township Board and filed in the Office of the Dakota County Recorder prior to application for any building permit.

3. Any use or structure currently existing on the re-created lots shall conform to all building setback and driveway requirements of this Ordinance.

~~4. The recreated lots must comply with the zoning density requirements described in this ordinance for lots created and/or under separate ownership on or before April 12, 1982.~~

SECTION 6. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid in any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part hereof, other than the part held to be invalid.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect and be in force upon its adoption by the Board of Supervisors.

Attest:

Nanett Sandstrom, Town Clerk

Brian Budenski
Town Board Chair

Passed by the Eureka Town Board this 13th day of December, 2010.

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