BENTON COUNTY ORDINANCE NO. 398

WHEREAS, the Benton County Department of Development instituted proceedings to amend the Benton County Ordinance 185; and,

WHEREAS, on April 11, 2006, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspaper of the county; and,

WHEREAS, on April 24, 2006, the Benton County Planning Commission and Benton County Board of Commissioners held a public hearing thereon; and

WHEREAS, on May 4, 2006 the Benton County Planning Commission recommended the same to the Benton County Board of Commissioners for approval; and

WHEREAS, on May 8, 2006, the Benton County Board of Commissioners approved the proposed ordinance amendment; and,

NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS: that Sections of the Benton County Ordinance 185 be amended as follows:

Section 3 Definitions
Modify Sections - 3.2, 3.3F, 3.27, 3.38, 3.44, 3.58, 3.60, 3.83, 3.94, 3.99, 3.100, 3.165, 3.187 and 3.206
Add Sections - 3.3A, 3.3B, 3.3C, 3.3D, 3.3E, 3.5A, 3.10, 3.11, 3.19A, 3.22A, 3.22B, 3.24, 3.24A, 3.24B, 3.24C, 3.24D, 3.33A, 3.34A, 3.40A, 3.41A, 3.43A, 3.44A, 3.55A, 3.55B, 3.58A, 3.59A, 3.61A, 3.62A, 3.66A, 3.71A, 3.71B, 3.72C, 3.72.1, 3.73A, 3.77A, 3.83A, 3.83B, 3.85A, 3.87A, 3.87B, 3.87C, 3.87D, 3.92A, 3.112A, 3.112B, 3.112C, 3.128A, 3.134A, 3.136A, 3.154A, 3.154B, 3.159A, 3.159B, 3.159C, 3.178A, 3.180A, 3.180B, 3.180C, 3.187A, 3.187B, 187C, 3.187D, 3.187E, 3.187F, 3.189A, 3.203A, and 3.209A.

Section 6 Height, Bulk and Area Restrictions
Add Section 6.5- Calculation of Residential Density in the Agricultural and Rural Agricultural district.

Section 7 Zoning Use Districts
Modify Section 7.0.1 Districts

DOD

Delete Section 7.0.3 Tables

Modify Section 7.1 purpose to allow for the clustering of houses up to 6 dwelling units per 40 acres.
Modify Section 7.1.10a
Delete Section 7.1.10b
Modify Section 7.1.11
Modify Section 7.1.21 Temporary Housing for Supportive Care to add minimum standards.
Add Section 7.1.21A Second dwelling for Supportive Care allows another dwelling to be constructed if specific requirements are met.
Modify Section 7.1.22
Modify Section 7.1.23
Modify Section 7.1.30 (a-c) Lot Area, Lot Width, Yard and Lot Access requirements
Modify Section 7.1.30 (d) Lot Access Requirements
Delete all of Section 7.2 Agricultural District "A-2"

Modify Section 7.2A Agricultural A-3 to 7.2 Rural Agricultural District R-A.
Add to the purpose that the overall density of the district may be up to 8 residential dwellings per 40 acres.
Modify Section 7.2A.10a
Delete Section 7.2A.10 b - Non-farm, single family dwelling requirements.
Modify Section 7.2A.11 to 7.2.11 to list all accessory uses.
Modify Section 7.2A.20 and 7.2A.22
Modify Section 7.2A.23 for Temporary Farm Dwellings
Add Section 7.2.25 as Temporary Housing for Supportive Care
Add Section 7.2.26 as Second Dwelling for Supportive Care
Modify Section 7.2A.30 Lot Area, Lot Width, Yard and Lot Access requirements
Modify Section 7.2A.30b
Modify Section 7.2A.30(c) Lot width and depth requirements for standard lots.
Modify Section 7.2A.30 (d) Lot Access Requirements
Add Section 7.2A Rural Service District "R-S"

Add Sections 7.3.4, 7.4.4, and 7.5.4 Lot Access Requirements
Modify Section 7.13.8 Table 1

Section 9 Special Provisions
Add Section 9.18 Cluster Subdivision stating the purpose, uses, setbacks, and other provisions required to create a cluster subdivision.

Section 10 Subdivision
Modify Section 10.1 Purpose to include reasons for the regulation of subdivisions within the County.
Add Section 10.2 Policy establishes the principles related to the subdivision of land within Benton County.
Add Section 10.4 Compliance stating that all unincorporated land within Benton County is subject to the provisions of the subdivision regulations.
Add Section 10.5 Boundary Line Adjustments establishes the procedures for adjusting lot lines through metes and bounds descriptions and certificates of survey.

Add Section 10.6 Administrative Land Splits allows for certain types of subdivisions to be handled without public meetings.

Add Section 10.7 Minor Subdivision allows for the creation of 6 or fewer lots through the platting process.

Add Section 10.8 Major Subdivision allows for the creation of 7 or more lots through the platting process.

Renumber and Add Section 10.3 to Section 10.10 and add Section Monumentation as 10.10.1(9).

Renumber and Modify Section 10.4 to Section 10.11 Subdivision Design Standards

Delete Section 10.4.2(1) Urban and Rural Design

Renumber and Modify Section 10.4 as Section 10.11.

Renumber and Modify Section 10.6 Required Improvements as Section 10.12

Renumber and Modify Section 10.6.2 as Section 10.12.2 Park Dedication and state that all residential plats are subject to the park dedication requirements.

Renumber and Modify Sections 10.7 through 10.9 to Sections 10.13 through 10.15 stating the Public hearing process for final major and minor and unifying the Auditor Treasurer signature blocks.

Section 11 Administration
**Delete** Section 11.8.1 Contemporaneous Rezoning and Platting.

This ordinance shall be effective upon publication.

The ordinance adopted is too lengthy to be published in its entirely. The full text of the ordinance is available for public inspection at the Benton County Department of Development and the office of the Benton County Auditor/Treasurer.

Approved and adopted by the Benton County Board of Commissioners this 8th day of May in the year of 2006.

Duane Grandy, Chair
Benton County Board of Commissioners

ATTEST:
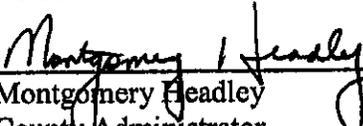
Montgomery Headley
County Administrator