

ORDINANCE NUMBER 128
Benton County, Minnesota

WHEREAS, the County is empowered to enact and revise zoning ordinances in order to protect the public health, safety and welfare; and

WHEREAS, a Notice of Intent to amend Ordinance 113, 124 and 127 (Benton County Development Code) and a Notice of Public Hearings was published in the official newspaper on August 6, 1980; and

WHEREAS, pursuant to said Notice, a public hearing was held by the Planning Commission on August 21, 1980; and

WHEREAS, pursuant to said Notice, a public hearing was held by the County Board of Commissioners on September 2, 1980;

NOW, THEREFORE, BE IT ORDAINED by the Benton County Board of Commissioners that Ordinance Numbers 113, 124 and 127 (Benton County Development Code) be amended as follows:

I

That Section 9.1.5(a) be amended to read as follows:

Section 9.1.5(a) Advertising signs may be permitted as a Conditional Use in all Agricultural Districts and as a permitted use in all Business and Industrial Districts providing they are not larger than 300 square feet nor less than 160 square feet.

II

That Section 7.1.4 of Ordinance 127 be amended to add as a Conditional Use in "A-1" Districts the following: "alcohol fuel plants."

III

That Section 7.2.3 of Ordinance 127 be amended to add as a Conditional Use in "A-2" Districts the following: "alcohol fuel plants."

IV

That Ordinance 113 and Ordinance 124 be amended to number the provisions dealing with "Lot Area, Heights, Lot Width and Yard Requirements" in Section 7.1 as Section 7.1.6 (a), (b) and (c), and to further amend said provisions to read as follows:

7.1.6 Lot Area, Lot Width and Yard Requirements

(a) Setbacks

ALL STRUCTURES:

Front Yard or Side Yard when:

- Abutting a State or Federal Highway 116 ft.
- Abutting a County Road or Township Road 65 ft.

RESIDENTIAL STRUCTURES:

- Side Yard or Rear Yard Abutting Land zoned A-1 or A-2 80 ft.
- Side Yard Abutting Land zoned R-1 or R-2 15 ft.
- Rear Yard Abutting Land zoned R-1 or R-2 30 ft.

STRUCTURES HOUSING LIVESTOCK:

- Side Yard or Rear Yard 80 ft.

OTHER STRUCTURES:

- Side Yard 15 ft.
- Rear Yard 30 ft.

(b) Lot Area Regulations

- FOR FARMSTEAD DWELLINGS: 40 acre minimum lot size
- FOR NON-FARM DWELLINGS, SINGLE FAMILY DWELLINGS: 1.5 acre minimum lot size

(c) Lot Width and Depth Regulations

Every lot or plot of land on which a single family dwelling is constructed shall have a minimum width of not less than two hundred fifty (250) feet and a minimum depth of not less than two hundred fifty (250) feet.

V

That Ordinance 113 and Ordinance 124 be amended to number the provisions dealing with "Lot Area, Heights, Lot Width and Yard Requirements" in Section 7.2 as Section 7.2.5 (a), (b) and (c), and to further amend said provisions to read as follows:

7.2.5 Lot Area, Lot Width and Yard Requirements

(a) Setbacks

ALL STRUCTURES:

Front Yard or Side Yard when:

- Abutting a State or Federal Highway 116 ft.
- Abutting a County Road or Township Road 65 ft.

RESIDENTIAL STRUCTURES:

- Side Yard or Rear Yard Abutting Land zoned A-1 or A-2 80 ft.
- Side Yard Abutting Land zoned R-1 or R-2 15 ft.
- Rear Yard Abutting Land zoned R-1 or R-2 30 ft.

STRUCTURES HOUSING LIVESTOCK:

- Side Yard or Rear Yard 80 ft.

OTHER STRUCTURES:

- Side Yard 15 ft.
- Rear Yard 30 ft.

(b) Lot Area Regulations

FOR FARMSTEAD DWELLINGS: 40 acres minimum

FOR NON-FARM DWELLINGS, SINGLE FAMILY DWELLINGS: 1.5 acre minimum lot size

(c) Lot Width and Depth Regulations

Every lot or plot of land on which a single family dwelling is constructed shall have a minimum width of not less than two hundred fifty (250) feet and a minimum depth of not less than two hundred fifty (250) feet.

VI

That Ordinance 113 be amended to number the subsections of Section 7.3 as follows, and to further amend the "Yard Regulations" therein to read as follows:

Section 7.3 R-1 Single Family Residence District

7.3.1 Permitted Uses

Single family detached dwellings; horticulture; essential services; field crops, wildlife forest and wetland management; educational and cultural institutions; parks, religious institutions; accessory uses incidental to and on the same lot as the principal use.

7.3.2 Conditional Uses

Cemeteries, including mausoleums; general farming; public utility buildings; necessary schools; nurseries and green-

houses growing planting materials with no retail sales; mobile homes, mobile home parks; energy efficient subterranean dwellings; and multi-family dwellings.

7.3.3 Yard Regulations

- (a) Lot Area: 2-1/2 Acres minimum
- (b) Lot Width: 165 feet minimum
- (c) Lot Depth: 330 feet minimum
- (d) Front Yard or Side Yard:
 - Abutting a Federal or State Road: 116 feet minimum
 - Abutting a County or Township Road: 65 feet minimum
 - Abutting a service road or street within a subdivision: 50 feet minimum
- (e) RESIDENTIAL STRUCTURES:
 - Side Yard or Rear Yard Abutting land zoned A-1 & A-2: 80 feet minimum
 - Side Yard Abutting land zoned R-1 & R-2: 15 feet minimum
 - Rear Yard Abutting land zoned R-1 & R-2: 30 feet minimum
- (f) OTHER STRUCTURES:
 - Side Yard: 15 feet minimum
 - Rear Yard: 30 feet minimum
- (g) Building Height Limitation: 40 feet

VII

That Ordinance 113 be amended to number the subsections of Section 7.4 as follows, and to further amend the "Yard Regulations" therein to read as follows:

Section 7.4 R-2 Single Family Residence District

Section 7.4.1 Permitted Uses

Same as R-1, Section 7.3.1

Section 7.4.2 Conditional Uses

Same as R-1, Section 7.3.2

Section 7.4.3 Yard Regulations

- (a) Lot Area:
 - 1. Private sewer one acre minimum
 - 2. Public sewer 12,000 sq. ft. minimum
- (b) Lot Width:
 - 1. One acre lot 150 feet minimum
 - 2. 12,000 sq. ft. lot 80 feet minimum
- (c) Lot Depth:
 - 1. One acre lot 200 feet minimum
 - 2. 12,000 sq. ft. lot 100 feet minimum

- (d) Front yard or side yard:
- | | |
|--|-----------------|
| Abutting a Federal or State Road: | 116 ft. minimum |
| Abutting a County or Township Road: | 65 ft. minimum |
| Abutting a service road or street
within a subdivision: | 50 ft. minimum |
- (e) RESIDENTIAL STRUCTURES:
- | | |
|--|----------------|
| Side Yard or Rear Yard Abutting land
zoned A-1 & A-2: | 80 ft. minimum |
| Side Yard Abutting land zoned R-1
& R-2: | 15 ft. minimum |
| Rear Yard Abutting land zoned R-1
& R-2: | 30 ft. minimum |
- (f) OTHER STRUCTURES:
- | | |
|------------|----------------|
| Side Yard: | 15 ft. minimum |
| Rear Yard: | 30 ft. minimum |
- (g) Building Height Limitation: 40 feet

Section 7.4.5 Zoning District Boundary Clarification

To clarify the zoning district boundaries of R-2 for the Rural Service Centers, the following intersections zoned R-2 are 40 square acres in area centering on each respective intersection resulting in 10 acre square parcels per intersection quadrant:

- | | |
|------------------------|------------------------|
| a. C.R. 71 and CSAH 22 | e. S.H. 25 and CSAH 11 |
| b. CSAH 6 and CSAH 22 | f. C.R. 58 and CSAH 2 |
| c. C.R. 70 and CSAH 22 | g. C.R. 41 and CSAH 12 |
| d. C.R. 54 and CSAH 3 | h. CSAH 13 and CSAH 1 |

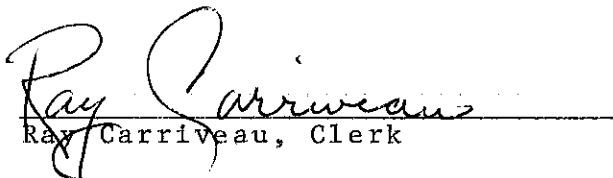
VIII

This Ordinance shall take effect upon passage and publication.

Adopted by the Board of County Commissioners this 7th day of
October, 1980.


Earl Kelm, Jr., Chairman

ATTEST:


Ray Carriveau, Clerk