

Certified, Filed and or Recorded on
APR. 24, 2007 AT 03:34PM

Signed: *MJ*
MARILYN J NOVAK G V I
BENTON COUNTY MINNESOTA
MARILYN J NOVAK
COUNTY RECORDER

BENTON COUNTY ORDINANCE NO. 410

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

WHEREAS, on March 27th and 28th, 2007, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspapers of the county; and,

WHEREAS, on April 12, 2007, the Benton County Planning Commission held a public hearing and recommended approval of the proposed ordinance; and,

WHEREAS, on April 17, 2007, the Benton County Board of Commissioners held a public hearing and 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:

Add Section 3.8A to read as follows:

Antennas: Residential radio and television reception antennas and amateur radio station antennas for non-commercial uses and less than 50 feet in height.

Add Section 3.10A to read as follows:

Auto Salvage: Includes the business of buying of second hand motor vehicles, parts and accessories for the remodeling, taking apart or rebuilding the same, or the buying, storage or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicles.

Add Section 4.2.2 to read as follows:

Any structure which will, under this Ordinance, become nonconforming, but for which a land use permit has been lawfully granted prior to March 28, 1979, shall be considered a nonconforming structure.

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Add Antennas to Sections 7.1.11, 7.2.11, 7.2A.11, 7.3.1A, 7.4.1A, and 7.5.1A

Amend 7.2.22 to read as follows:

Communication towers in accordance with Section 9.13.

Amend Section 7.3.3 (a) and (c) Yard Regulations to read as follows:

(a) Lot area per dwelling unit.....2 Acres minimum
(The 2 acre minimum shall be comprised of non-wetland, as defined in MN Rules 8420.)

(c) Lot Depth.....300 feet minimum

Add Schools to Section 7.6.1

Add Communication Towers to Section 7.6A.3.

Amend 7S5.32 (5) to read as follows:

(5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Department of Agricultural – Natural Resources Conservation Service;

Amend the first paragraph in Section 9.13.3 to read as follows:

The construction and maintenance of a commercial tower shall be permitted within the zoning classification, I-1, I-2, A, R-A, B, B-2, pursuant to a conditional use permit granted in accordance with the Zoning Ordinance. Amateur radio, television towers and exempted dishes shall not require a conditional use permit.

Amend the following portion of Section 9.13.4 to read as follows:

All towers should be of a monopole design unless the Planning Commission deems that an alternative design is necessary or preferred due to the topography or to better blend with existing structures, for safety reasons, or if necessary to allow co-location.

The tower location shall provide screening for the base as deemed appropriate by the Planning Commission. Screening includes but is not limited to trees, set backs, and fences. Associated base equipment must be located within a structure whenever possible or housed at the base of the tower and screened from view for adjoining residents by fencing or landscaping. Tower accessory structures shall be constructed of materials designed to minimize visibility to surrounding areas. The Planning Commission reserves the right to require design measures to camouflage facilities by integrating them with existing buildings and other existing uses. Existing on-site vegetation shall be preserved to the maximum extent practicable.

Amend the first paragraph of Section 9.13.5 to read as follows:

The tower should be setback from all property lines a distance deemed appropriate by the Planning Commission.

Amend Section 9.13.12 to read as follows:

Residential radio and television reception antennas and amateur radio station antennas shall be for non-commercial uses and less than 50 feet in height. The setback for the antenna if mounted on a tower shall be 50 feet.

Amend Section 10.11.5 to read as follows:

Sewage Treatment

Any proposed plat that includes seven (7) or more lots in the R-2 or R-3 District shall be served by a centralized sewer, to be installed at the developers own cost.

Per Section 7S8.64 Multiple Unit Developments (MUD) in Shoreland Districts shall require a central sewer system meeting the requirements of Section 9.6.

Amend Section 10.14.2 (D-J to read as follows:

(d) Be it known that on the ___ day of _____, 200__, the Board of County Commissioners of Benton County, Minnesota, did duly approve this plat of _____ and that, as per 505.03 Subd. 2, this plat has been submitted to and written comments and recommendations have been received from the Commissioner of Transportation or County Engineer.

Signed _____
Chairperson

Attest _____ Administrator

(e) COUNTY SURVEYOR

I hereby certify that this plat has been checked and approved as to compliance with Chapter 505, Minnesota Statutes, or successor statutes this _____ day of _____, 20____.

Signed: _____
Benton County Surveyor

(f) COUNTY ENGINEER

This plat was recommended for approval this _____ day of _____, 20____.

Signed: _____
Benton County Engineer

(g) I hereby approve this plat as to form and execution.

Dated this ____ day of _____, 200__.

Signed _____
County Attorney, Benton County, MN

(h) No delinquent taxes and transfer entered this ____ day of _____, 200__.

I hereby certify that taxes in year ____ on land herein described are paid, this ____ day of _____, 200__.

Signed _____
County Auditor/Treasurer, Benton County, MN

(i) Document Number _____

I hereby certify this instrument was filed in the office of the Benton County Recorder for record on this ____ day of _____, 200__, at _____ o'clock ____ .M., and was duly recorded in Book ____ of _____ on page _____.

Signed _____
County Recorder, Benton County, MN

(j) If property being platted is in the Torrens Systems, use the following:

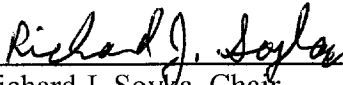
Document Number _____

I hereby certify this instrument was filed in the office of the Registrar of Titles for record on this ____ day of _____, 200__, at _____ o'clock ____ .M., and was duly recorded in Book ____ of _____, on page _____.

Signed _____
Registrar of Titles, Benton County, MN

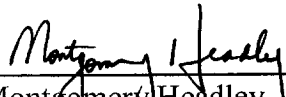
This ordinance shall be effective upon publication.

Approved and adopted by the Benton County Board of Commissioners this 17th day of April in the year of 2007.



Richard J. Soyka, Chair
Benton County Board of Commissioners

ATTEST:



Montgomery Headley
Benton County Administrator