

ORDINANCE NUMBER 143
BENTON COUNTY, MINNESOTA

WHEREAS, the Benton County Planning Commission on its own motion instituted proceedings to amend the Benton County Development Code and zoning map to create an "R-3" Residential District providing for a minimum lot size of 21,000 square feet, approximately one-half acre; and

WHEREAS, in addition there is need for clarification of the provisions of the Development Code for multiple dwellings; and

WHEREAS, the Comprehensive Plan also needs an amendment to provide for higher density residential development around the urban areas of the county and for multiple dwellings; and

WHEREAS, on March 3, 1982, Notice of Intent to Adopt Ordinance and Notice of Public Hearings were published in the official newspaper and mailed to the governing bodies of all towns and municipalities located within Benton County; and

WHEREAS, on March 18, 1982, the Planning Commission held a public hearing thereon and recommended adoption thereof by the Board of County Commissioners; and

WHEREAS, on April 6, 1982, the Board of County Commissioners held a public hearing on the proposed amendments to the Comprehensive Plan, Development Code and zoning map.

NOW, THEREFORE, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

ARTICLE I

Section 1. The Comprehensive Plan, Ordinance Number 105, "Issues, Policies, Implementation," page 22, is amended to add to "Policy" the following Subsection G. to read as follows:

- G. Allow limited, higher density residential development within one mile of the city limits of St. Cloud, Sauk Rapids and Sartell on tracts abutting lands zoned residential on or before January 7, 1978.

Section 2. The Comprehensive Plan, Ordinance Number 105, "Issues, Policies, Implementation," page 23, is amended to add to "Implementation" the following Subsections H. and I. to read as follows:

- H. Zone existing residentially zoned areas within one mile of the corporate limits of the cities of St. Cloud, Sauk Rapids and Sartell at approximately one-half acre minimum lot sizes with strict controls on location and design of water wells and septic systems (1) if the likelihood of annexation and hookup to public water and sewer is reasonably foreseeable, or (2) if said land areas were platted prior to 1966 with substandard lots.

- I. Require that where multiple dwellings are permitted, there be a minimum of 21,000 square feet per dwelling unit if there is a private septic system, or 12,000 square feet per dwelling unit if there is a public sewer system.

ARTICLE II

Amend Section 3.37 of the Benton County Development Code, Ordinance Number 113, to read as follows:

- 3.37 Dwelling, Multiple: A dwelling designed exclusively for occupancy by two or more families living independently of each other; the term includes double bungalows and duplexes, but not hotels, motels, lodging houses, boarding houses or tourist homes.

ARTICLE III

Add to the Development Code, Ordinance Number 113, the following sections to read as follows:

- 3.33(1) Duplex: A building designed and/or used exclusively for residential purposes and containing two dwelling units separated by a common party wall or otherwise structurally attached.
- 3.37(1) Dwelling, Single Family: A detached dwelling designed exclusively for occupancy by one family and containing not more than one dwelling unit.
- 3.37(2) Dwelling Unit: Consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household.

ARTICLE IV

Amend Sections 7.3.2 and 7.4.2 of the Development Code, Ordinance Number 113, to read as follows:

7.3.2 Conditional Uses

Cemeteries, including mausoleums, general farming, public utility buildings, necessary schools, nurseries and greenhouses growing planting materials with no retail sales, mobile homes, mobile home parks, energy efficient subterranean dwellings, and duplexes.

7.4.2 Conditional Uses

Cemeteries, including mausoleums, general farming, public utility buildings, necessary schools, nurseries and greenhouses growing planting materials with no retail sales, mobile homes, mobile home parks, energy efficient subterranean dwellings, and duplexes.

ARTICLE V

Amend the Development Code, Ordinance Number 113, to add Section 7.4A, et seq., to read as follows:

7.4A R-3 Single Family and Multiple Dwelling Residence District

7.4A.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.

7.4A.2 Conditional Uses

Cemeteries, including mausoleums; general farming; public utility buildings; necessary schools; nurseries and greenhouses growing planting materials with no retail sales; energy efficient subterranean dwellings; duplexes and multiple dwellings.

7.4A.3 Yard Regulations

- (a) Lot Area:
 - 1. Private sewer, per dwelling unit 21,000 square feet
 - 2. Public sewer, per dwelling unit 12,000 square feet
- (b) Lot Width:
 - 1. 21,000 square feet 120 feet minimum
 - 2. 12,000 square feet 80 feet minimum
- (c) Lot Depth:
 - 1. 21,000 square feet 170 feet minimum
 - 2. 12,000 square feet 120 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 and A-2: 80 feet minimum
 - Side Yard Abutting Land zoned R-1 and R-2: 15 feet minimum
 - Rear Yard Abutting Land zoned R-1 and R-2: 30 feet minimum
- (f) OTHER STRUCTURES:
 - Side Yard: 15 feet minimum
 - Rear Yard: 30 feet minimum
- (g) Building Height Limitation: 40 feet

7.4A.4 Water Well and Septic System Requirements

Every land use permit issued for property zoned R-3, which property has no public sewer system, shall contain the following conditions and requirements: "Each well shall be at least fifty feet deep and shall be cased and grouted to prevent contamination from upper soil layers. In order to avoid contamination of neighboring wells and to comply with the setback requirements of Section 9.6, the well and septic system on said property shall be located in the same respective areas of the lot as on the adjoining lots. Non-compliance shall be cause for revocation of the permit by the Planning Commission."

The Board of Adjustment may consider a variance application from this subsection if there is no hazard to the public health, safety and welfare.

ARTICLE VI

Amend the Benton County Zoning Map, Ordinance Number 114, to zone the following described parcels "R-3" Single Family and Multiple Dwelling Residence District:

SAUK RAPIDS TOWNSHIP (TOWNSHIP 36 NORTH, RANGE 31 WEST), BENTON COUNTY, MINNESOTA:

- 1. All of those portions of Section 3-T36N-R31W, described as follows:
 - a) Czech Addition, Plat 3
 - b) Czech Addition, Plat 4
 - c) The unplatted lots lying east of Czech Addition and Czech Addition Plat 2 and lying south and west of Czech Addition Plat 3, all in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 3, Township 36 North, Range 31 West

2. All of those portions of Section 4-T36N-R31W, described as follows:
 - a) Czech Addition
 - b) Czech Addition Plat 2
 - c) The unplatted area in the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 4, Township 36 North, Range 31 West, lying east of Benton County Road Number 33 and west of Czech Addition Plat 1 and Czech Addition Plat 2
 - d) Oakwood Acres Addition
 - e) Beautywood Acres, Block 2
 - f) Mississippi View Addition
 - g) The unplatted area of Government Lot Three (3), Section 4, Township 36 North, Range 31 West, lying north of Beautywood Acres and west of County Road Number 55

3. All of those portions of Section 9-T36N-R31W, described as follows:
That part of the East One-half of the Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 9, Township 36 North, Range 31 West, lying east of Benton County Road Number 33

4. All of that part of Section 10-T36N-R31W, described as follows:
The West One-half of the Northwest Quarter ($W\frac{1}{2}$ of $NW\frac{1}{4}$)

5. All of that part of Section 14-T36N-R31W, described as follows:
All of Section Fourteen (14) lying west of State Trunk Highway Number Ten (10) and north of the corporate limits of the city of Sauk Rapids, less and except the North One-half of the Northwest Quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$) of said section.

6. All of those portions of Section 15-T36N-R31W, described as follows:
 - a) The West One-half ($W\frac{1}{2}$) of Section 15 lying outside of the corporate limits of the cities of Sauk Rapids and Sartell
 - b) That part of the Southeast Quarter ($SE\frac{1}{4}$) and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$) lying east of new State Highway Number 15.

7. All of that part of Section 24-T36N-R31W, described as follows:
That part of the South One-half of the Southwest Quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$) lying west of State Highway Number Ten (10) and outside the corporate limits of the city of Sauk Rapids

8. All of that part of Section 25-T36N-R31W, described as follows:
That part of the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 25 lying south of County Road Number 46, west of State Highway Number 10, and north of a line drawn parallel to and 330 feet south of the right-of-way of County Road Number 46, also that part of the Northwest Quarter ($NW\frac{1}{4}$) of Section 25 lying South of County Road Number 45, North of County Road Number 46, West of State Highway Number 10 and East of the corporate limits of the city of Sauk Rapids.

MINDEN TOWNSHIP (TOWNSHIP 36 NORTH, RANGE 30 WEST), BENTON COUNTY, MINNESOTA:

- a) Point Pleasant Addition
- b) That part of Highland Park lying in the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty (30), Township Thirty-six (36) North, Range Thirty (30) West

APPROVED AND ADOPTED by the Board of County Commissioners this 4th day of May, 1982.


 Wm. F. Van Diest, Chairman
 Benton County Board of Commissioners

ATTEST:


 Ray Garriveau, Clerk