

BENTON COUNTY, MINNESOTA

WHEREAS, the Benton County Planning Commission on its own motion instituted proceedings to amend Ordinance Number 185 (Benton County Development Code) and Ordinance Number 181 (Benton County Zoning Map), to create a "B-2" Business Enterprise District providing for a minimum lot size of one acre and to expand the "R-3" Single Family and Multiple Dwelling Residence District; and

WHEREAS, on May 30, 1989 and July 3, 1989, Notice of Public Hearings and Intent to Amend Benton County Development Code and Zoning Map was published in the official newspaper and mailed to the governing bodies of all towns and municipalities located within Benton County; and

WHEREAS, on June 15, 1989 and July 20, 1989, the planning commission held a public hearing thereon and recommended to the Benton County Board of Commissioners that said proposed amendments be approved; and

WHEREAS, on June 20, 1989 and August 1, 1989, the Board of County Commissioners held a public hearing thereon and approved the proposed zoning amendments,

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

ARTICLE I

That Ordinance Number 185 (Benton County Development Code) is amended by adding a section, to be numbered, 7.6A, et seq., to read as follows:

7.6A "B-2" Business Enterprise District

7.6A.1 Purpose

The intent of the "B-2" Business Enterprise District is to provide a district that will:

1. Allow compact and convenient, limited, highway-oriented business, closely related to existing urban areas in the county, and
2. Provide development standards that will not impair the traffic-carrying capabilities of abutting roads and highways.

7.6A.2 Permitted Uses

1. Agriculture
2. Automobile service stations for the sale of gasoline, oil, and accessories
3. Drive-in retail stores or service uses
4. Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles
5. Drive-in theaters
6. Landscape nursery/garden stores
7. Marine, boat and recreational vehicle sales, including campers
8. Miniature golf or archery or golf driving range
9. Restaurants, cafes or taverns
10. Signs as regulated in Section 9.1
11. Feed and fertilizer sales and storage
12. Offices
13. Public utility buildings
14. Essential services
15. Retail sales
16. Wholesale businesses
17. Repair and transit garages
18. Professional services

The above-listed uses must comply with the following minimum requirements:

1. On each lot there shall be an area preserved for the construction of an additional drainfield system should the original drainfield fail. The area set aside for a second drainfield shall be of a size and so located that a drainfield can be constructed that will meet all standards on size and setbacks set forth in the Benton County Sewage Disposal Standards.
2. Each well shall be at least fifty feet deep and shall be cased and grouted to prevent contamination from upper soil layers.
3. In order to prevent contamination of neighboring wells and to comply with setback requirements of Section 9.6 of this Ordinance, the well and septic system on each lot shall be located in the same respective areas of the lot as on the adjoining lots.
4. A plot plan shall be required showing the proposed location of all buildings, well and sewage disposal system. The plot plan must provide for expansion of the business or industry.

7.6A.3 Conditional Uses

1. Automobile laundries--car wash
2. Motel, motor hotel or tourist camp
3. Farm equipment and implement sales
4. Recreational facilities

7.6A.3 Conditional Uses (continued)

5. Human and animal care facilities
6. Light manufacturing
7. Commercial recreation
8. Open sales lot
9. Bulk liquid storage
10. Kennels
11. A single family residence, which may be a mobile home, for use by the owner, caretaker or employee of the business

The above-listed uses must comply with the following minimum requirements:

1. On each lot there shall be an area preserved for the construction of an additional drainfield system should the original drainfield fail. The area set aside for a second drainfield shall be of a size and so located that a drainfield can be constructed that will meet all standards on size and setbacks set forth in the Benton County Sewage Disposal Standards.
2. Each well shall be at least fifty feet deep and shall be cased and grouted to prevent contamination from upper soil layers.
3. In order to prevent contamination of neighboring wells and to comply with setback requirements of Section 9.6 of this Ordinance, the well and septic system on each lot shall be located in the same respective areas of the lot as on the adjoining lots.
4. The conditional use must meet the criteria under Section 11.6 of this Ordinance.

7.6A.4 Yard Regulations

Lot Area:	1 acre minimum
Lot Width:	200 feet minimum
Lot Depth:	200 feet minimum
Front Yard or Side Yard:	
Abutting a Federal or State Road R/W:	116 feet minimum
Abutting a County or Township Road R/W:	65 feet minimum
Abutting a service road or street R/W within a subdivision:	50 feet minimum
Side Yard, interior lot:	20 feet minimum or 50 feet if abutting residential property
Rear Yard:	15 feet minimum or 30 feet if abutting residential property

7.6A.5 Building Limitations

Height: 40 feet
Bulk: 50% of net site area
maximum

ARTICLE II

That Ordinance Number 185 (Benton County Development Code), Section 7.0.1, is amended by adding the words:

Business Enterprise "B-2" (Section 7.6A)

Following the words:

Business "B" (Section 7.6)

ARTICLE III

That Ordinance Number 185 (Benton County Development Code), Section 10.10(4), is amended by adding "B-2" after "B".

ARTICLE IV

That Ordinance Number 185 (Benton County Development Code), Section 10.11, is amended by adding "B-2" after "B".

ARTICLE V

That Ordinance Number 181 (Benton County Zoning Map), is amended to rezone the following areas along State Trunk Highway 23 and U.S. Highway 10 from "B" Business to "B-2" Business Enterprise:

1. Minden Township (Township 36 North - Range 30 West):

That part of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-seven (27) lying South of Trunk Highway #23.

The North Half of the South Half (N $\frac{1}{2}$ of S $\frac{1}{2}$) of Section Twenty-eight (28); The South Half of the Northeast Quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Twenty-eight (28) lying South of Trunk Highway #23.

That part of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-eight (28) lying South of the Burlington Northern Railroad property less and except the West 183 feet thereof, and less and except the following described tracts:

-- Lots One (1) through Fifteen (15) of Brennan's Addition, a subdivision in the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$), Section Twenty-eight (28).

-- Commencing at the Northeast corner of Lot One (1) of Brennan's Addition, thence North along the East line of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Twenty-eight (28), 120 feet to a point, thence West and parallel to the North line of Brennan's Addition 120 feet, thence South and parallel to the East line of said Southwest Quarter of Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) a distance of 120 feet to the North line of Brennan's Addition, thence East along the North line of Brennan's Addition to the point of beginning.

That part of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-nine (29) lying North of Trunk Highway #23 and South of County Road #46, also that part of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-nine (29) lying South of Trunk Highway #23 and North of a line drawn parallel to and 1320 feet South of Trunk Highway #23; the North Half of the Southeast Quarter (N $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section Twenty-nine (29) and that part of the South Half of the North Half (S $\frac{1}{2}$ of N $\frac{1}{2}$) of Section Twenty-nine (29) lying North of Trunk Highway #23 and South of the Burlington Northern Railroad Right-of-Way.

That part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty (30) lying North of Trunk Highway #23.

2. Watab Township (Township 37 North - Range 31 West):

The West Half of the West Half (W $\frac{1}{2}$ of W $\frac{1}{2}$) of Sections Twenty-three (23) and Twenty-six (26) lying East of the Easterly Right-of-Way of Trunk Highway #10.

That part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-seven (27) lying East of the Easterly Right-of-Way of Trunk Highway #10.

That part of the East Half of the Northeast Quarter (E $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Thirty-four (34) lying East of the Easterly Right-of-Way of Trunk Highway #10.

The West Half of the Northwest Quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section Thirty-five (35).

3. Gilmanton Township (Township 37 North - Range 29 West)

All that part of the South Half of the Northwest Quarter of the Northeast Quarter (S $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$), Section Thirty-four (34), lying Northerly of Trunk Highway #23.

The Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$), excepting therefrom the West 220 feet thereof, also all that part of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying North and West of State Trunk Highway #23 and all that part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$) lying North and West of State Trunk Highway #23, all in Section Thirty-four (34), containing 19 acres, more or less.

To the extent possible, these changes shall be shown on the Benton County Zoning Map and these descriptions shall be attached to Ordinance Number 185 (Benton County Development Code) as an appendix to show the specific areas which have been rezoned.

ARTICLE VI

That Ordinance Number 181 (Benton County Zoning Map), is amended to rezone from "R-1" and "R-2" Single Family Residence District to "R-3" Single Family & Multiple Dwelling Residence District:

Those areas defined as "Shoreland", land located within 300 feet from the Mississippi River, or the landward side of a flood plain on said river, located on the following described property:

1. Watab Township (Township 37 North - Range 31 West):

Government Lot One (1) and the North Half (N $\frac{1}{2}$) of Government Lot Two (2) in Section Eight (8); Sections Nine (9), Sixteen (16), Seventeen (17), Twenty-one (21), Twenty-two (22), Twenty-seven (27), Thirty-three (33) and Thirty-four (34).

2. Langola Township (Township 38 North - Range 32 West):

The South Half (S $\frac{1}{2}$) of Section Ten (10), Sections Fourteen (14) and Fifteen (15).

Additionally, those areas beyond the area defined as "Shoreland" which are located between an existing street or township road serving a plat (subdivision) and the Shoreland District.

To the extent possible, these changes shall be shown on the Benton County Zoning Map and these descriptions shall be attached to Ordinance Number 185 (Benton County Development Code) as an appendix to show the specific areas which have been rezoned.

APPROVED AND ADOPTED by the Benton County Board of Commissioners this 1st day of August, 1989.

Donald Winkelman Sr.
Donald Winkelman, Sr., Chairman
Benton County Board of Commissioners

ATTEST: *William E. Scott, III*
William E. Scott, III, Clerk



OFFICE OF
BENTON COUNTY RECORDS
BENTON COUNTY, MN
CERTIFIED TO BE FILED
AND/OR RECORDED ON
AUG 4 3 53 PM '89
ALICE O. ENGELMEYER
COUNTY RECORDER
BY *Alice O. Engelmeier*

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