

ORDINANCE NUMBER 265

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 any other ordinance, if any, amending Ordinance Number 185, and

WHEREAS, on May 28, 1996, Notice of Public Hearings to Consider Amending the Benton County Development Code 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 13, 1996, the planning commission held a public hearing thereon and on July 11, 1996, recommended to the Benton County Board of Commissioners that said amendments be approved; and

WHEREAS, on June 18, 1996, the Board of County Commissioners held a public hearing thereon and on July 16, 1996, approved the proposed amendments,

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

ARTICLE I

Delete existing Section 3.38, the definition of Daycare Facility, and replace with the following definition:

3.38 Daycare Facility, Licensed Group Family: a residence providing care for no more than 10 children outside of the childrens' own homes on a regular basis, as defined in Minnesota Rules, Part 9502.0315 and which is licensed by the Commissioner of Human Services pursuant to Chapter 245A of the Minnesota Statutes and Chapter 9502 of the Minnesota Rules.

ARTICLE II

Amend Section 3.0, Definitions, by adding the following two definitions:

Program Facilities, Nonresidential: facilities which provide care, supervision, rehabilitation, training, or habilitation of a person provided outside the person's own home and provided for fewer than 24 hours a day, as defined in Minnesota Statutes § 245A.02, Subd. 10, and which are licensed by the Minnesota Commissioner of Human Services pursuant to Chapter 245A of the Minnesota Statutes.

Program Facilities, Residential: facilities which provide 24-hour-a-day care, supervision, food, lodging, rehabilitation, training, education, habilitation, or treatment outside a person's own home, as defined in Minnesota Statutes § 245A.02, Subd. 14, and which are licensed by the Minnesota Commissioner of Human Services pursuant to Chapter 245A of the Minnesota Statutes.

ARTICLE III

Amend Sections 7.1.10(a) and 7.2.10(a) by deleting the phrase "Daycare facilities serving fourteen or fewer people" and adding the phrase "Residential Program Facilities with a licensed capacity of 6 or fewer persons on lots of record; Nonresidential Program Facilities with a licensed capacity of 12 or fewer persons on lots of record; Licensed Group Family Daycare Facilities serving 14 or fewer children on lots of record."

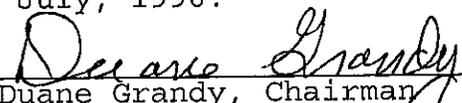
ARTICLE IV

Amend Sections 7.3.1(2) and 7.5.1(2) by deleting the phrase "Daycare facilities serving twelve or fewer people" and adding the phrase "Residential Program Facilities with a licensed capacity of 6 or fewer persons; Nonresidential Program Facilities with a licensed capacity of 12 or fewer persons; Licensed Group Family Daycare Facilities serving 14 or fewer children."

ARTICLE V

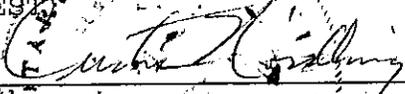
Amend Section 7.5.2 by adding "Nonresidential Program Facilities with a licensed capacity of 13-16 persons" to the list of conditional uses.

APPROVED AND ADOPTED by the Benton County Board of Commissioners this 16th day of July, 1996.



Duane Grandy, Chairman
Benton County Board of Commissioners

ATTEST



Clerk,
Benton County Board of Commissioners

