

ORDINANCE NUMBER 276

BENTON COUNTY, MINNESOTA

An Ordinance Regulating Open Space Design Development

**WHEREAS**, the Benton County Board of Commissioners, on its own motion, instituted proceedings to adopt the following ordinance; and,

**WHEREAS**, on June 3, 1997, Notice of Public Hearing and intent to enact a Benton County Ordinance was published in the official newspaper; and,

**WHEREAS**, on June 17, 1997, the Benton County Planning Commission held a public hearing thereon and,

**WHEREAS**, on June 17, 1997, the Benton County Board of Commissioners held a public hearing thereon and approved the proposed ordinance,

**NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES, SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS:** that the Benton County Development Code shall be amended to include Section 13, Open Space Development.

The following is a summary of the ordinance, which, due to its length, cannot be published in its entirety. A copy of the entire ordinance is available for inspection at the office of the Benton County Auditor.

Open Space Development is designed to preserve open space and rural character while creating compact neighborhoods with access to open space. The ordinance allows for innovation and flexibility in development not provided by conventional subdivision regulations. The OSD Development may be used in R-1, R-2 & R-3 Residential and

A-2 Agricultural zoning districts. All other standards and regulations not modified by this ordinance remain in effect for the proposed development.

The OSD development considers such land uses as conservation, agriculture, trails, gardens, team and individual recreational/sports facilities and residences as permitted uses. Water and sewage services could be provided individually or with communal systems, The density of housing permitted is based on a yield plan reflecting lot sizes in the applicable zoning district.

The development must go through the conditional use permit process. Additional stages of review include the concept plan, yield plan, resource inventory, and preliminary and final plats. Design standards for roads, parking, utilities and open space are incorporated into the ordinance. Plans for the management of open space, common facilities and the homeowners association must also be included in the application materials.

**APPROVED AND ADOPTED** by the County Board of Commissioners this 17th day of June 1997.

*Alice Trushenski*

Alice Trushenski, Chair  
Benton County Board of Commissioners

ATTEST:

*Curtis Nordling*  
Curtis Nordling, County Auditor

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OFFICE OF  
BENTON COUNTY RECORDER  
BENTON COUNTY, MN  
CERTIFIED TO BE FILED  
AND/OR RECORDED ON

JUN 30 11 00 AM '97

ALICE D. TRUSHENSKI  
COUNTY RECORDER

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