

Benton County Ordinance No: 308

WHEREAS, the Benton County Planning Commission and Benton County Board of Commissioners instituted proceedings to amend the Benton County Development Code, Benton County Ordinance #185 to reflect policies, goals and objectives set forth in the Benton County Comprehensive Plan; and,

WHEREAS, on September 21, 1999, Notice of Public Hearing and intent to amend Benton County Ordinance #185 was published in the official newspaper of the county; and,

WHEREAS, on October 4, 1999, the Benton County Planning Commission held a public hearing thereon; and,

WHEREAS, on October 19, 1999, the Benton County Board of Commissioners held a public hearing thereon and tabled this amendment; and,

WHEREAS, on November 2, 1999, the Benton County Board of Commissioners took official action to approve the proposed amendments.

NOW, PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS: that Benton County Ordinance #185 is amended as follows:

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

Nov 9 4 16 PM '99

ALICE G. BRUNNEN
COUNTY RECORDER

BY KAC DEPUTY

§3.72 is amended to read as follows:

3.72 Home Occupation: Any activity carried out for financial gain by a resident which is clearly secondary to the principal use, when carried on within the resident's dwelling unit and not in any accessory building, except the garage, and which shows no activity other than activity normally present in a residential dwelling unit.

Add §3.184A

3.184A Tract: an area, parcel, site, piece of land, or property that is the subject of a development application.

§4.2.1(7) is amended to read as follows:

- (7) Notwithstanding paragraph (1) of this section, any otherwise lawful structure which is rendered nonconforming solely by reason of a change in the setback requirements from roads/road right-of ways or the expansion of a public road right of way through eminent domain, purchase or other permanent governmental action may be extended, expanded, enlarged, or structurally altered; provided, that any extension, expansion or alteration shall not encroach upon the public road right of way to any greater extent than the existing structure and must comply with all other applicable setback restrictions and requirements of this ordinance. (Ord. #259 adopted 11/21/95)

7.0 ZONING USE DISTRICTS

§7.0.1 is amended to read as follows:

7.0.1 For the purposes of this Ordinance, the County of Benton, outside of the incorporated area, is hereby divided into Districts which shall be designated as follows:

Agricultural	"A-1"	(Section 7.1)
Agricultural	"A-2"	(Section 7.2)
Agricultural/Rural Residential	"A-3"	(Section 7.2A)
Residential	"R-1"	(Section 7.3)
Residential	"R-2"	(Section 7.4)
Residential	"R-3"	(Section 7.5)
Business	"B"	(Section 7.6)
Business Enterprise (Ordinance #193) adopted 8/1/89)	"B-1"	(Section 7.6A)
Light Industrial	"I-1"	(Section 7.7)
Heavy Industrial	"I-2"	(Section 7.8)
Floodplain	"FP"	(Section 7.9)
Shoreland	"S"	(Section 7.10)
Planned Unit Development	"PUD"	(Section 7.13)

§7.0.3 is added:

7.0.3 Tables

The following tables are provided as an overview of the uses, setbacks, yard area and lot area requirements for the agricultural, residential, business and industrial zoning districts.

They are not meant to be an exhaustive listing of the district or other requirements, rather they are to serve as a guide or index for the ease of comparison.

TABLE 1
AGRICULTURAL DISTRICTS - PERMITTED, ACCESSORY AND CONDITIONAL USES

<i>P</i>	<i>These are permitted uses in these districts</i>		
<i>C</i>	<i>These are conditional uses in these districts</i>		
<i>A</i>	<i>These are permitted accessory uses in these districts</i>		
USE	A-1	A-2	A-3
<i>Farming, general and dairy, providing animal unit density is not greater than three (3) units per acre</i>	<i>P</i>	<i>P</i>	<i>p</i>
<i>Agricultural land uses</i>	<i>P</i>	<i>P</i>	<i>p</i>
<i>Forestry and nurseries</i>	<i>P</i>	<i>P</i>	<i>p</i>
<i>Essential services and necessary appurtenant structures</i>	<i>P</i>	<i>P</i>	<i>p</i>
<i>Churches, cemeteries</i>	<i>P</i>	<i>P</i>	<i>p</i>
<i>Horticultural uses and structures designed for storage of products and machinery pertaining and necessary thereto.</i>	<i>P</i>	<i>P</i>	<i>p</i>
<i>Milk haulers</i>	<i>P</i>	-	-
<i>One (1) single family dwelling and accessory buildings on lots of record</i>	<i>P</i>	<i>P</i>	<i>p</i>
<i>Solid waste management facilities</i>	<i>P</i>	<i>P</i>	<i>p</i>
<i>Residential program facilities with a licensed capacity of six (6) or fewer persons on lots of record</i>	<i>P</i>	<i>P</i>	<i>p</i>
<i>Nonresidential program facilities with a licensed capacity of twelve (12) or fewer persons on lots of record</i>	<i>P</i>	<i>P</i>	<i>p</i>
<i>Licensed group family daycare facilities serving fourteen (14) or fewer children on lots of record</i>	<i>P</i>	<i>P</i>	<i>p</i>
<i>Non-farm single family dwellings</i>	<i>P/C see requirements</i>	<i>P/C see requirements</i>	<i>P/C see requirements</i>
<i>Private garages, parking spaces, carports</i>	<i>A</i>	<i>A</i>	<i>A</i>
<i>Home occupations</i>	<i>A see requirements</i>	<i>A</i>	<i>A</i>
<i>Decorative landscaping features</i>	<i>A</i>	<i>A</i>	<i>A</i>
<i>Signs as regulated by this Ordinance</i>	<i>A</i>	<i>A</i>	<i>A</i>
<i>Private swimming pools and tennis courts</i>	<i>A</i>	<i>A</i>	<i>A</i>
<i>Temporary buildings located for purposes of construction on the premises for a period of time not to exceed normal, necessary construction time</i>	<i>A</i>	<i>A</i>	<i>A</i>
<i>Roadside stands for sale of home occupations or horticultural products, provided off-street parking is available</i>	<u><i>A</i></u>	<u><i>A</i></u>	<u><i>A</i></u>

<i>USE</i>	<i>A-1</i>	<i>A-2</i>	<i>A-3</i>
<i>One farmstead residence per farm</i>	<i>P/C see requirements</i>	<i>P/C see requirements</i>	<i>P/C see requirements</i>
<i>Temporary farm dwellings</i>	<i>C see requirements</i>	<i>C see requirements</i>	<i>C see requirements</i>
<i>Advertising signs (billboards)</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Airports or airplane runways, provided such facility has approval of the Minnesota Board of Aeronautics, Department of Transportation</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Alcohol fuel plants</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Animal hospitals</i>	<i>C</i>	-	-
<i>Bait shops or similar retail sales</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Bulk liquid storage</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Cabinet shops</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Communication towers</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Excavation contractors</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Home occupations carried out in an accessory structure</i>	<i>C see requirements</i>	<i>C see requirements</i>	<i>C see requirements</i>
<i>Farm implement sales</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Fertilizer plants</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Government buildings and structures</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Grain elevators</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Greenhouses</i>	<i>C</i>	-	-
<i>Historic sites and areas</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Intensive livestock farming</i>	<i>C</i>	-	-
<i>Intensive poultry farming</i>	<i>C</i>	-	-
<i>Kennels</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Land reclamation and mining</i>	<i>C see requirements</i>	<i>C see requirements</i>	<i>C see requirements</i>
<i>Light manufacturing</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Livestock experimentation</i>	<i>C</i>	-	-
<i>Livestock sales yards</i>	<i>C</i>	-	-
<i>Livestock waste storage facility</i>	<i>C see requirements</i>	-	-
<i>Mini storage</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Nurseries</i>	<i>C</i>	-	-
<i>Public or parochial schools which teach a curriculum similar to public schools</i>	<i>C see requirements</i>	<i>C see requirements</i>	<i>C see requirements</i>
<i>Recreational facilities</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Repair garages</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Slaughterhouses and meat processing plants</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Small animal and restricted livestock farming</i>	<i>C</i>	-	-
<i>Operating of through trains but not including switching, storage, or other related operations</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Vehicle sales, small scale</i>	<i>C</i>	<i>C</i>	<i>C</i>

<i>USE</i>	<i>A-1</i>	<i>A-2</i>	<i>A-3</i>
<i>Warehousing</i>	<i>C</i>	<i>C</i>	<i>C</i>

TABLE 2
AGRICULTURAL DISTRICTS - DENSITY, LOT AREA, LOT WIDTH AND YARD REQUIREMENTS

	<i>A-1</i>	<i>A-2</i>	<i>A-3</i>
<i>OVERALL MAXIMUM DENSITY (IN ACRES)</i>	<i>1:40</i>	<i>4:40</i>	<i>8:40</i>
<i>MINIMUM SETBACKS FROM ROADS, ALL STRUCTURES:</i>			
<i>Abutting a State or Federal Road R/W</i>	<i>116 feet</i>	<i>116 feet</i>	<i>116 feet</i>
<i>Abutting a Township Road R/W</i>	<i>65 feet</i>	<i>65 feet</i>	<i>65 feet</i>
<i>Abutting a County Road</i>	<i>125 feet from center line</i>	<i>125 feet from center line</i>	<i>125 feet from center line</i>
<i>Abutting a County State Aid Highway</i>	<i>125 feet from center line</i>	<i>125 feet from center line</i>	<i>125 feet from center line</i>
<i>And/Or from road right-of-way</i>	<i>65 feet</i>	<i>65 feet</i>	<i>65 feet</i>
<i>MINIMUM SETBACKS FOR RESIDENTIAL STRUCTURES:</i>			
<i>Side or rear yard abutting land zoned A-1, A-2 or A-3</i>	<i>80 feet</i>	<i>80 feet</i>	<i>80 feet</i>
<i>Side yard abutting land zoned R-1, R-2 or R-3</i>	<i>15 feet</i>	<i>15 feet</i>	<i>15 feet</i>
<i>Rear yard abutting land zoned R-1, R-2 or R-3</i>	<i>30 feet</i>	<i>30 feet</i>	<i>30 feet</i>
<i>Side yard abutting residential lot of 5 acres or less</i>	<i>15 feet</i>	<i>15 feet</i>	<i>15 feet</i>
<i>Rear yard abutting residential lot of 5 acres or less</i>	<i>30 feet</i>	<i>30 feet</i>	<i>30 feet</i>
<i>MINIMUM LOT AREA REGULATIONS</i>			
<i>For farmstead dwellings</i>	<i>40 acres</i>	<i>40 acres</i>	<i>40 acres</i>
<i>For non-farm dwellings</i>	<i>2.5 acres</i>	<i>2.5 acres</i>	<i>5 acres</i>

TABLE 3
RESIDENTIAL DISTRICTS - PERMITTED, ACCESSORY AND CONDITIONAL USES

<i>P</i>	<i>These are permitted uses in these districts</i>		
<i>C</i>	<i>These are conditional uses in these districts</i>		
<i>A</i>	<i>These are permitted accessory uses in these districts</i>		
<i>PUD</i>	<i>These uses are only allowed by PUD in these districts</i>		
USE	R-1	R-2	R-3
<i>Single family detached dwellings</i>	<i>P see requirements</i>	<i>P see requirements</i>	<i>P see requirements</i>
<i>Horticulture</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Essential Services</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Field crops</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Wildlife forest and woodland management</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Educational and cultural institutions</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Religious institutions</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Accessory uses being no more than 864 square feet</i>	<i>P see requirements</i>	<i>P see requirements</i>	<i>P</i>
<i>Residential program facilities with a licensed capacity of 6 or fewer persons</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Nonresidential program facilities with a licensed capacity of 12 or fewer persons</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Licensed group daycare facilities serving 14 or fewer children</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>Home occupations</i>	<i>A see requirements</i>	<i>A see requirements</i>	<i>A see requirements</i>
<i>Cemeteries, including mausoleums</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>General farming</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Public utility buildings</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Necessary schools</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Nurseries and greenhouses with retail sales of home grown products</i>	<i>C</i>	<i>C</i>	-
<i>Nurseries and greenhouses with no retail sales</i>	-	-	<i>C</i>
<i>Convenience grocery stores</i>	<i>C</i>	<i>C</i>	-
<i>Manufactured home parks</i>	<i>C</i>	<i>C</i>	-
<i>Energy efficient subterranean dwellings</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Duplexes</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Parks</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Golf courses</i>	<i>C</i>	<i>C</i>	-
<i>Pre-existing single family homes moved from another site onto a lot</i>	<i>C</i>	<i>C</i>	<i>C</i>

<i>USE</i>	<i>A-1</i>	<i>A-2</i>	<i>A-3</i>
<i>Fences located in a front or side yard with a height between 3-1/2 feet and 6 feet</i>	<i>C</i>	<i>C</i>	<i>C</i>
<i>Home occupations carried out in an accessory structure</i>	<i>C see requirements</i>	<i>C see requirements</i>	<i>C see requirements</i>
<i>Accessory building in excess of 864 square feet</i>	<i>C see requirements</i>	<i>C see requirements</i>	<i>-</i>
<i>Nonresidential program facilities with a licensed capacity of 13-16 persons</i>	<i>-</i>	<i>-</i>	<i>C</i>
<i>Multiple unit dwellings</i>	<i>-</i>	<i>-</i>	<i>PUD</i>

TABLE 4
RESIDENTIAL DISTRICTS - YARD REGULATIONS

<i>MINIMUM YARD REGULATIONS</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
<i>Lot area per dwelling unit</i>	<i>2-1/2 acres</i>	<i>1 acre--with private sewer</i>	<i>21,000 sf-- with private sewer</i>
		<i>12,000 sf.--with public sewer</i>	<i>12,000 sf.--with public sewer</i>
<i>Lot width</i>	<i>165 feet</i>	<i>1 acre lot--150 feet</i>	<i>21,000 sf. lot--100 ft</i>
		<i>1 acre lot--80 feet</i>	<i>21,000 sf. lot--80 ft</i>
<i>Lot depth</i>	<i>330 feet</i>	<i>1 acre lot--200 feet</i>	<i>21,000 sf. lot--170 ft</i>
		<i>1 acre lot--100 feet</i>	<i>21,000 sf. lot--120 ft</i>
<i>MINIMUM SETBACKS FROM ROADS, ALL STRUCTURES:</i>			
<i>Abutting a State or Federal Road R/W</i>	<i>116 feet</i>	<i>116 feet</i>	<i>116 feet</i>
<i>Abutting a Township Road R/W</i>	<i>65 feet</i>	<i>65 feet</i>	<i>65 feet</i>
<i>Abutting a service road or street R/W within a subdivision</i>	<i>50 feet</i>	<i>50 feet</i>	<i>30 feet</i>
<i>Abutting a County Road</i>	<i>125 feet from center line</i>	<i>125 feet from center line</i>	<i>125 feet from center line</i>
<i>Abutting a County State Aid Highway</i>	<i>125 feet from center line</i>	<i>125 feet from center line</i>	<i>125 feet from center line</i>
<i>And/Or from road right-of-way</i>	<i>65 feet</i>	<i>65 feet</i>	<i>65 feet</i>
<i>MINIMUM SETBACKS FOR RESIDENTIAL STRUCTURES:</i>			
<i>Side or rear yard abutting land zoned A-1, A-2 or A-3</i>	<i>80 feet</i>	<i>80 feet</i>	<i>80 feet</i>
<i>Side yard abutting land zoned R-1, R-2 or R-3</i>	<i>15 feet</i>	<i>15 feet</i>	<i>15 feet</i>
<i>Rear yard abutting land zoned R-1, R-2 or R-3</i>	<i>30 feet</i>	<i>30 feet</i>	<i>30 feet</i>
<i>MINIMUM SETBACKS FOR OTHER STRUCTURES:</i>			
<i>Side yard</i>	<i>15 feet</i>	<i>15 feet</i>	<i>15 feet</i>
<i>Rear yard</i>	<i>30 feet</i>	<i>15 feet</i>	<i>15 feet</i>
<i>BUILDING HEIGHT LIMITATION</i>			
	<i>40 feet</i>	<i>40 feet</i>	<i>40 feet</i>

TABLE 5
BUSINESS DISTRICTS - PERMITTED, ACCESSORY AND CONDITIONAL USES

<i>P</i>	<i>These are permitted uses in these districts</i>	
<i>C</i>	<i>These are conditional uses in these districts</i>	
<i>A</i>	<i>These are permitted accessory uses in these districts</i>	

<i>USE</i>	<i>B</i>	<i>B-2</i>
<i>Automobile service stations for the sale of gasoline, oil and accessories</i>	-	<i>P</i>
<i>Motels</i>	<i>P</i>	<i>C</i>
<i>Cafes and restaurants</i>	<i>P</i>	<i>P</i>
<i>Taverns</i>		<i>P</i>
<i>Offices</i>	<i>P</i>	<i>P</i>
<i>Public utility buildings</i>	<i>P</i>	<i>P</i>
<i>Essential services</i>	<i>P</i>	<i>P</i>
<i>Retail sales</i>	<i>P</i>	-
<i>Wholesale business</i>	<i>P</i>	<i>P</i>
<i>Repair and transit garages</i>	<i>P</i>	<i>P</i>
<i>Professional services</i>	<i>P</i>	<i>P</i>
<i>Signs</i>	<i>P see requirements</i>	<i>P see requirements</i>
<i>Mini-storage</i>	<i>P</i>	<i>P</i>
<i>Field crops</i>	<i>P</i>	<i>P</i>
<i>Farm equipment and implement sales</i>	<i>P</i>	<i>C</i>
<i>Feed and fertilizer sales and storage</i>	-	<i>P</i>
<i>Recreational vehicles, truck and auto sales</i>	<i>P</i>	-
<i>Produce stands</i>	<i>P</i>	-
<i>Landscape nursery/garden stores</i>	-	<i>P</i>
<i>Marine, boat and recreational vehicle sales, including campers</i>	-	<i>P</i>
<i>Miniature golf or archery or golf driving range</i>	-	<i>P</i>
<i>Recreational facilities</i>	<i>P</i>	<i>C</i>
<i>Human and animal care facilities</i>	<i>P</i>	<i>C</i>
<i>Light manufacturing</i>	<i>P</i>	<i>C</i>
<i>Motor fuel stations and truck stops</i>	<i>C see requirements</i>	-
<i>Drive-in businesses</i>	<i>C</i>	-
<i>Drive-in retail stores or service uses</i>	-	<i>P</i>
<i>Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles</i>	-	<i>P</i>

<i>USE</i>	<i>B</i>	<i>B-2</i>
<i>Drive-in theaters</i>	-	<i>P</i>
<i>Communication towers</i>	<i>C</i>	-
<i>Commercial recreation</i>	<i>C</i>	<i>C</i>
<i>Manufactured home park</i>	<i>C</i>	-
<i>Open sales lot</i>	<i>C</i>	<i>C</i>
<i>Vehicle wash</i>	<i>C</i>	-
<i>Bulk liquid storage</i>	<i>C</i>	<i>C</i>
<i>Kennels</i>	<i>C</i>	<i>C</i>
<i>Single family residence for use by the owner, caretaker or employee of the business</i>	<i>C see requirements</i>	<i>C</i>
<i>Recycling centers</i>	<i>C</i>	<i>C</i>
<i>Churches</i>	<i>C</i>	<i>C</i>
<i>General farming</i>	<i>C</i>	<i>C</i>
<i>Automobile laundries--car wash</i>	-	<i>C</i>
<i>Motor hotel or tourist camp</i>	-	<i>C</i>
<i>Schools</i>	-	<i>C</i>

TABLE 6
BUSINESS DISTRICTS - YARD REGULATIONS

<i>MINIMUM YARD REGULATIONS</i>	<i>B</i>	<i>B-2</i>
<i>Lot area</i>	<i>2-1/2 acres</i>	<i>1 acre</i>
<i>Lot width</i>	<i>200 feet</i>	<i>200 feet</i>
<i>Lot depth</i>	<i>330 feet</i>	<i>200 feet</i>
<i>MINIMUM SETBACKS FROM ROADS, ALL STRUCTURES:</i>		
<i>Abutting a State or Federal Road R/W</i>	<i>116 feet</i>	<i>116 feet</i>
<i>Abutting a Township Road R/W</i>	<i>65 feet</i>	<i>65 feet</i>
<i>Abutting a service road or street R/W within a subdivision</i>	<i>50 feet</i>	<i>50 feet</i>
<i>Abutting a County Road</i>	<i>125 feet from center line</i>	<i>125 feet from center line</i>
<i>Abutting a County State Aid Highway</i>	<i>125 feet from center line</i>	<i>125 feet from center line</i>
<i>And/Or from road right-of-way</i>	<i>65 feet</i>	<i>65 feet</i>
<i>OTHER MINIMUM SETBACKS, ALL STRUCTURES:</i>		
<i>Side yard, interior lot</i>	<i>20 feet</i>	<i>20 feet</i>
<i>Side yard, interior lot if abutting residential property</i>	<i>30 feet</i>	<i>30 feet</i>
<i>Rear yard</i>	<i>15 feet</i>	<i>15 feet</i>
<i>Rear yard, if abutting residential property</i>	<i>30 feet</i>	<i>30 feet</i>
<i>BUILDING LIMITATIONS:</i>		
<i>Height</i>	<i>40 feet</i>	<i>40 feet</i>
<i>Bulk</i>	<i>50% of net site area maximum</i>	<i>50% of net site area maximum</i>

TABLE 7
INDUSTRIAL DISTRICTS - PERMITTED, ACCESSORY AND CONDITIONAL USES

<i>P</i>	<i>These are permitted uses in these districts</i>	
<i>C</i>	<i>These are conditional uses in these districts</i>	
<i>A</i>	<i>These are permitted accessory uses in these districts</i>	
<i>USE</i>	<i>I-1</i>	<i>I-2</i>
<i>Production, processing, cleaning, servicing, testing, repair, storage or wholesaling</i>	<i>P see requirements</i>	<i>P</i>
<i>Public utility buildings</i>	<i>P</i>	<i>P</i>
<i>Essential services</i>	<i>P</i>	<i>P</i>
<i>Signs</i>	<i>P</i>	<i>P</i>
<i>Solid waste management facilities</i>	<i>P</i>	<i>P</i>
<i>Recycling centers</i>	<i>P</i>	<i>P</i>
<i>Field crops</i>	<i>P</i>	<i>P</i>
<i>On-site sewage disposal</i>	<i>C</i>	<i>C</i>
<i>Vehicle testing grounds</i>	<i>C</i>	<i>C</i>
<i>Parks or playgrounds</i>	<i>C</i>	<i>C</i>
<i>Race tracks</i>	<i>C</i>	<i>C</i>
<i>Sewage treatment plants</i>	<i>C</i>	<i>C</i>
<i>Accessory uses incidental to and on the same lot as the principal use</i>	<i>C</i>	<i>C</i>
<i>Motor fuel stations</i>	<i>C see requirements</i>	<i>C</i>
<i>Cafes and restaurants</i>	<i>C</i>	<i>C</i>
<i>Auto and/or truck wash</i>	<i>C</i>	<i>C</i>
<i>Grain elevators and/or feed storage</i>	<i>C</i>	<i>C</i>
<i>Mining operations</i>	<i>C</i>	<i>C</i>
<i>Kennels</i>	<i>C</i>	<i>C</i>
<i>Single family residence for use by the owner, caretaker or employee of the industry</i>	<i>C</i>	<i>C</i>
<i>Communication towers</i>	<i>C</i>	<i>C</i>
<i>Truck and auto sales</i>	<i>C</i>	<i>C</i>
<i>General farming</i>	<i>C</i>	<i>C</i>
<i>Those uses involving materials or products which decompose</i>	-	<i>C see requirements</i>
<i>Auto reductions yards</i>	-	<i>C</i>
<i>Junkyards</i>	-	<i>C</i>
<i>Bulk liquid storage</i>	-	<i>C</i>

TABLE 8
INDUSTRIAL DISTRICTS - YARD REGULATIONS

<i>MINIMUM YARD REGULATIONS</i>	<i>I-1</i>	<i>B-2</i>
<i>Lot area</i>	<i>2-1/2 acres</i>	<i>5 acre</i>
<i>Lot width</i>	<i>200 feet</i>	<i>300 feet</i>
<i>Lot depth</i>	<i>330 feet</i>	<i>330 feet</i>
<i>MINIMUM SETBACKS FROM ROADS, ALL STRUCTURES:</i>		
<i>Abutting a State or Federal Road R/W</i>	<i>116 feet</i>	<i>116 feet</i>
<i>Abutting a Township Road R/W</i>	<i>65 feet</i>	<i>65 feet</i>
<i>Abutting a service road or street R/W within a subdivision</i>	<i>50 feet</i>	<i>50 feet</i>
<i>Abutting a County Road</i>	<i>125 feet from center line</i>	<i>125 feet from center line</i>
<i>Abutting a County State Aid Highway</i>	<i>125 feet from center line</i>	<i>125 feet from center line</i>
<i>And/Or from road right-of-way</i>	<i>65 feet</i>	<i>65 feet</i>
<i>OTHER MINIMUM SETBACKS, ALL STRUCTURES:</i>		
<i>Side yard, interior lot</i>	<i>20 feet</i>	<i>20 feet</i>
<i>Side yard, interior lot if abutting residential property</i>	<i>80 feet</i>	<i>120 feet</i>
<i>Rear yard</i>	<i>40 feet</i>	<i>80 feet</i>
<i>Rear yard, if abutting residential property</i>	<i>80 feet</i>	<i>120 feet</i>
<i>BUILDING LIMITATIONS:</i>		
<i>Height</i>	<i>None</i>	<i>None</i>
<i>Bulk</i>	<i>50% of net site area maximum</i>	<i>50% of net site area maximum</i>

§7.1 is amended to read as follows:

7.1 AGRICULTURAL DISTRICT "A-1"

This District is intended for those areas of Benton County where it is desirable, because of the high quality of soils and highly productive capacity of the land, to preserve, promote, maintain and enhance the use of land for agricultural purposes and to protect this land from encroachment by non-agricultural uses, structures and activities. Residential development may be allowed in this District at an overall density not to exceed 1 dwelling per 40 acres.

§7.1.10 is amended to read as follows:

7.1.10 Permitted Uses:

- a. Farming, general and dairy, providing animal unit density is not greater than three (3) units per acre.
Agricultural land uses.
Forestry and Nurseries.
Essential services and necessary appurtenant structures.
Churches, Cemeteries.
Horticultural uses and structures designed for storage of products and machinery pertaining and necessary thereto.
Milk Haulers
One (1) single family dwelling and accessory buildings on lots of record.
Solid Waste Management Facilities.
Residential Program Facilities with a licensed capacity of six (6) or fewer persons on lots of record; Nonresidential Program Facilities with a licensed capacity of twelve (12) or fewer persons on lots of record; Licensed Group Family Daycare Facilities serving fourteen (14) or fewer children on lots of record.
(Ord. #194 adopted 9/5/89)
(Ord. #197 adopted 7/6/90)
(Ord. #205 adopted 12/4/90)
(Ord. #265 adopted 7/16/96)
(Ord. #286 adopted 5/19/98)
- b. Non-farm, single family dwellings. Subdivisions to create lots for non-farm, single family dwellings shall be permitted subject to the following requirements:
 1. The tract of land involved comprises at least forty (40) contiguous acres, or one quarter quarter section as defined in this ordinance, in common ownership.
 2. The number of single family dwellings allowed shall be calculated as follows:

- (a) The total acreage of the tract shall be calculated.
 - (b) Forty (40) acres, or one quarter quarter section, shall be subtracted from this total for each existing dwelling unit.
 - (c) The result from (a) and (b) above shall be divided by forty (40) acres, or the number of remaining quarter quarter sections on the tract. This shall be the number of dwellings allowed on the entire tract.
 3. Each new dwelling is to be retained on a separate lot. The lot shall contain a minimum of two and one-half (2.5) dry, buildable acres.
 4. If the lot is less than 40 acres the property owner(s) shall:
 - (a) Sign and record a deed restriction to apply to the remainder of the tract from which the dwelling eligibility was derived. The restriction shall limit any further residences, divisions or non-agricultural development of the remainder of the tract, unless it is rezoned; **OR**
 - (b) Plat the entire tract. Each dwelling shall be placed on a separately subdivided lot. The remainder of the platted land shall be platted as an outlot or outlots and will not be eligible for further subdivision to create additional buildable parcels.
 5. The dwelling(s) shall not be located on lands labeled "farmed areas" according to the Official "Farmed Areas Map" maintained by the Benton County Planning and Zoning Office. In the event the Zoning Administrator is unable to determine whether the proposed site is farmed by utilizing the "Farmed Areas Map", the Zoning Administrator may refer to the aerial section photos of the proposed site maintained by the Farm Service Agency. If the Zoning Administrator determines that the proposed parcel has been seeded cropland at any time during the preceding ten years, no permit may be granted pursuant to this section. In the event that the property does not contain any, or an adequate amount of, non-farmed area to accommodate the allowed number of dwellings, dwellings may be constructed elsewhere on the parcel(s) by conditional use.
 6. Any land split resulting in a parcel or tract of land that is less than one quarter quarter section shall require a survey. The survey shall be filed with the Benton County Planning and Zoning Administrator prior to recording the deed in the Benton County Recorder's Office.
- c. One farmstead residence shall be permitted per farm provided that the dwelling is not located on lands labeled "farmed areas" according to the Official "Farmed Areas

Map” maintained by the Benton County Planning and Zoning Office. In the event that the farm does not contain any, or an adequate amount of, non-farmed area to accommodate a farmstead dwelling, the dwelling may be constructed elsewhere on the parcel(s) by conditional use.

§7.11.11 is amended to read as follows:

7.1.11 Permitted Accessory Uses:

Private garages, parking spaces, carports.
Home occupations in conformance with the provisions of Section 9.15 of this Ordinance.
Decorative landscaping features.
Signs as regulated by this Ordinance.
Private swimming pools and tennis courts.
Temporary buildings located for purposes of construction on the premises for a period of time not to exceed normal, necessary construction time.
Roadside stands for sale of home occupations or horticulture products, provided off-street parking is available.

§7.1.20 is amended to read as follows:

7.1.20 Conditional Uses:

Any conditional use granted under section, 7.1.2 of Ordinance #113, or section 7.1.21 of Ordinance #185, will be deemed a conforming use.
(Ordinance #197 adopted 7/6/90)
(Ordinance #205 adopted 12/4/90)

§7.1.21 is deleted.

§7.1.22 is amended to read as follows:

7.1.22 Temporary Farm Dwellings

- (a) A dwelling or dwellings, which may be a manufactured home, in addition to the permitted farmstead dwelling, if used to house help employed full-time on the farm, and if the need for additional help and additional housing to support and carry on the principal use has been established.
- (b) A dwelling, which may be a manufactured home, for a farm operator; provided the property owner is retired from the operation of the farm and continues to reside in the farmstead residence.
- (c) A dwelling, which may be a manufactured home, for a person or persons who provide supportive care to the property owner when such care is required due to the property owner's health, age or infirmity.

The additional dwelling or dwellings must be placed on the farmstead. If placed elsewhere on the farm, it must comply with Section 7.1.10.b of this Ordinance.

(Ord. #189 adopted 6/20/89)

(Ord. #197 adopted 7/6/90)

(Ord. #205 adopted 12/4/90)

§7.1.23 is amended to read as follows:

7.1.23 Advertising signs (billboards).

Airports or airplane runways, provided such facility has approval of the Minnesota Board of Aeronautics, Department of Transportation.

Alcohol fuel plants.

Animal hospitals.

Bait shops or similar retail sales.

Bulk liquid storage.

Cabinet shops (Ord. #189 adopted 6/20/89).

Communication towers (Ord. #189 adopted 6/20/89).

Excavation contractors (Ord. #258 adopted 11/21/95).

Home Occupations carried out in an accessory structure in conformance with the provisions of Section 9.15 of this Ordinance.

Farm implement sales.

Fertilizer plants.

Government buildings and structures.

Grain elevators.

Greenhouses.

Historic sites and areas.

Intensive livestock farming

Intensive poultry farming.

Kennels.

Land reclamation and mining as regulated by this and other ordinances.

Light manufacturing.

Livestock experimentation.

Livestock sales yards.

Livestock waste storage facility in accordance with the provisions of Section 9.14 of this Ordinance.

Mini storage (self-service storage facility) (Ord. #267 adopted 10/15/96)

Nurseries.

Public or parochial schools which teach a curriculum similar to public schools, provided the site is not less than five (5) acres and no building shall be located within fifty (50) feet of a lot line.

Recreational facilities.

Repair garages (Ord. #189 adopted 6/20/89).

Slaughterhouses and meat processing plants.

Small animal and restricted livestock farming.

Operating of through trains but not including switching, storage, or other related operations.

Vehicle sales, small scale (Ord. #221 adopted 10/6/92).

Warehousing (Ord. #189 adopted 6/20/89).

§7.1.24 is added:

7.1.24 Single family farmstead and non-farm dwellings that do not meet the criteria regarding "farmed areas" in Sections 7.1.10.b.5 and 7.1.10.c of this Ordinance may be allowed by conditional use provided that:

- a. All other applicable conditions of Section 7.1.10 are still met.
- b. It can be demonstrated that 75% of the soil is not "prime" or "good" farmland, but that it is "marginal" as defined by the Soil Survey of Benton County. This requirement may be waived if it is determined by the planning commission, after an on-site inspection, that one or more of the following conditions exist on at least 75% of the proposed lot:
 1. Soil & Water Conservation District (SWCD) information indicates that the land has not been seeded crop land for at least ten years; OR
 2. An unusual amount of granite or rock out-croppings make the proposed site virtually impracticable to farm; OR
 3. SWCD information identifies the proposed site with soils that are considered highly erodible (HEL) and/or potentially highly erodible (PHEL) according to the Benton Soil and Water Conservation District Technical Guide.
- c. A site plan shall be submitted and reviewed to illustrate that the proposed building location preserves the maximum amount of contiguous tillable land after meeting all applicable setbacks.

§7.1.30 is amended to read as follows:

7.1.30 Lot Area, Lot Width, Yard, and Lot Access Requirements

(a) Setbacks

ALL STRUCTURES, SETBACKS FROM ROADS:

- Abutting a State or Federal Road 116 feet minimum from
the right-of-way
- Township Road..... 65 feet minimum from
the right-of-way

- Abutting a County Road 125 feet minimum from the center line
- Abutting a County State Aid Highway 125 feet minimum from the center line
- And/Or from the road right-of-way65 feet

RESIDENTIAL STRUCTURES:

- Side Yard or Rear Yard Abutting Land zoned A-1, A-2 or A-3 .. 80 feet minimum
- Side Yard Abutting Land zoned R-1, R-2 or R-3 15 feet minimum
- Rear Yard Abutting Land zoned R-1, R-2 or R-3 30 feet minimum
- Side Yard Abutting Residential Lot of 5 acres or less..... 15 feet minimum
- Rear Yard Abutting Residential Lot of 5 acres or less 30 feet minimum
- Setback from feedlots See Section 9.14

STRUCTURES HOUSING LIVESTOCK:

- Side Yard or Rear Yard 80 feet minimum

OTHER STRUCTURES:

- Side Yard 15 feet minimum
- Rear Yard..... 30 feet minimum

(b) Lot Area Regulations

For Farmstead Dwellings:
40 acres minimum lot size

For Non-Farm Dwellings, Single Family Dwellings:
2.5 acre minimum buildable lot size
(Ordinance #197 adopted 7/6/90)
(Ordinance #205 adopted 12/4/90)

(c) Lot Width and Depth Regulations

Every lot or plot of land on which a single family dwelling is constructed shall have a minimum width of not less than three hundred thirty (330) feet and a minimum depth of not less than two hundred fifty (250) feet.
(Ordinance #197 adopted 7/6/90)

(d) Lot Access Requirements

Every lot or plot of land on which a single family dwelling is constructed shall abut and have direct vehicular access to a public road. A private access strip no less than thirty three (33) feet wide abutting a public road may be approved by the

zoning administrator in lieu of the standard road frontage requirement, if the intent is to provide access to a wooded site, or to otherwise preserve active agricultural land or practices. If the access strip will serve or has the potential to serve four (4) or more dwellings, it shall be sixty six (66) feet in width and abut a public road, The strip shall not be an easement, but owned in fee with the division. Maintenance shall be the complete responsibility of the property owner.

§7.2 is amended to read as follows:

7.2 AGRICULTURAL DISTRICT "A-2"

This District is intended for areas of Benton County that, due to marginal soils, may not be conducive to long-term agricultural production. Some of the areas are currently under agricultural production and can remain as such in this District. Other uses such as hobby farms, ranches and stables, parks and open space, and large lot residential development are also encouraged in the District at an overall density not to exceed 4 per 40 acres.

§7.2.10 is amended to read as follows:

7.2.10 Permitted Uses:

- a. Farming, general and dairy, providing animal unit density is not greater than three (3) units per acre.
Agricultural land uses.
One (1) single family dwelling and accessory buildings on lots of record.
Forestry and Nurseries.
Essential services and necessary appurtenant structures.
Churches, Cemeteries.
Horticultural uses and structures designed for storage of products and machinery pertaining and necessary thereto.
Residential Program Facilities with a licensed capacity of six (6) or fewer persons on lots of record; Nonresidential Program Facilities with a licensed capacity of twelve (12) or fewer persons on lots of record; Licensed Group Family Daycare Facilities serving fourteen (14) or fewer children on lots of record.
Solid Waste Management Facilities.
(Ord. #194 adopted 9/5/89)
(Ord. #197 adopted 7/6/90)
(Ord. #205 adopted 12/4/90)
(Ord. #265 adopted 7/16/96)
(Ord. #286 adopted 5/19/98)
- b. Non-farm, single family dwellings. Land Splits to create lots for non-farm, single family dwellings shall be permitted subject to the following requirements:

1. The tract of land involved comprises at least ten (10) contiguous acres in common ownership.
2. The number of single family dwellings allowed shall be calculated as follows:
 - (a) The total acreage of the tract shall be calculated.
 - (b) Ten (10) acres shall be subtracted from this total for each existing dwelling unit.
 - (c) The result from (a) and (b) above shall be divided by ten (10) acres. This shall be the number of dwellings allowed on the entire tract.
3. Each new dwelling is to be retained on a separate lot. The lot shall contain a minimum of two and one-half (2.5) dry, buildable acres.
4. If the lot is less than 10 acres the property owner(s) shall:
 - (a) Sign and record a deed restriction to apply to the remainder of the tract from which the dwelling eligibility was derived. The restriction shall limit any further residences, divisions or non-agricultural development of the remainder of the tract, unless it is rezoned; **OR**
 - (b) Plat the entire tract. Each dwelling shall be placed on a separately subdivided lot. The remainder of the platted land shall be platted as an outlot or outlots and will not be eligible for further subdivision to create additional buildable parcels.
5. The dwelling(s) shall not be located on lands labeled "farmed areas" according to the Official "Farmed Areas Map" maintained by the Benton County Planning and Zoning Office. In the event the Zoning Administrator is unable to determine whether the proposed site is farmed by utilizing the "Farmed Areas Map", the Zoning Administrator may refer to the aerial section photos of the proposed site maintained by the Farm Service Agency. If the Zoning Administrator determines that the proposed parcel has been seeded cropland at anytime during the preceding ten years, no permit may be granted pursuant to this section. In the event that the property does not contain any, or an adequate amount of, non-farmed area to accommodate the allowed number of dwellings, dwellings may be constructed elsewhere on the parcel(s) by conditional use.
6. Any subdivision resulting in a lot that is less than one quarter quarter section shall require a survey. The survey shall be filed with the Benton

County Planning and Zoning Administrator prior to recording the deed in the Benton County Recorder's Office.

- c. One farmstead residence shall be permitted per farm provided that the dwelling is not located on lands labeled "farmed areas" according to the Official "Farmed Areas Map" maintained by the Benton County Planning and Zoning Office. In the event that the farm does not contain any, or an adequate amount of, non-farmed area to accommodate a farmstead dwelling, the dwelling may be constructed elsewhere on the parcel(s) by conditional use.

§7.2.22 is amended to read as follows:

7.2.22 Advertising signs (billboards).

Airports or airplane runways, provided such facility has approval of the Minnesota Board of Aeronautics, Department of Transportation.

Alcohol fuel plants.

Bait shops or similar retail sales.

Bulk liquid storage.

Cabinet shops.

Communication towers.

Excavation contractors (Ord. #258 adopted 11/21/95).

Home Occupations carried out in an accessory structure in conformance with the provisions of Section 9.15 of this Ordinance.

Farm implement sales.

Fertilizer plants.

Governmental buildings and structures.

Grain elevators.

Historic sites and areas.

Kennels.

Land reclamation and mining as regulated by this and other ordinances.

Light manufacturing.

Mini storage (self-service storage facility) (Ord. #267 adopted 10/15/96)

Public or parochial schools which teach a curriculum similar to public schools, provided the site is not less than five (5) acres and no building shall be located within fifty (50) feet of a lot line.

Recreational facilities.

Repair garages.

Slaughterhouses and meat processing plants.

Operating of through trains, but not including switching, storage, or other related operations.

Vehicle sales, small scale (Ord. #221 adopted 10/6/92).

Warehousing.

§7.2.23 is amended to read as follows:

7.2.23 Temporary Farm Dwellings

- (a) A dwelling or dwellings, which may be a manufactured home, in addition to the permitted farmstead dwelling, if used to house help employed full-time on the farm, and if the need for additional help and additional housing to support and carry on the principal use has been established.
- (b) A dwelling, which may be a manufactured home, for a farm operator; provided the property owner is retired from the operation of the farm and continues to reside in the farmstead residence.
- (c) A dwelling, which may be a manufactured home, for a person or persons who provide supportive care to the property owner when such care is required due to the property owner's health, age or infirmity.

The additional dwelling or dwellings must be placed on the farmstead. If placed elsewhere on the farm, it must comply with Section 7.2.10.b of this Ordinance.

(Ord. #189 adopted 6/20/89)

(Ord. #197 adopted 7/6/90)

(Ord. #205 adopted 12/4/90)

§7.2.24 is added:

7.2.24 Single family farmstead and non-farm dwellings that do not meet the criteria regarding "farmed areas" in Sections 7.2.10.b.5 and 7.2.10.c of this Ordinance may be allowed by conditional use provided that:

- a. All other applicable conditions of Section 7.2.10 are still met.
- b. It can be demonstrated that 75% of the soil is not "prime" or "good" farmland, but that it is "marginal" as defined by the Soil Survey of Benton County. This requirement may be waived if it is determined by the planning commission, after an on-site inspection, that one or more of the following conditions exist on at least 75% of the proposed lot(s):
 - 1. Soil & Water Conservation District (SWCD) information indicates that the land has not been seeded crop land for at least ten years; OR
 - 2. An unusual amount of granite or rock out-croppings make the proposed site virtually impracticable to farm; OR
 - 3. SWCD information identifies the proposed site with soils that are considered highly erodible (HEL) and/or potentially highly erodible (PHEL) according to the Benton Soil and Water Conservation District Technical Guide.

- c. A site plan shall be submitted and reviewed to illustrate that the proposed building location preserves the maximum amount of contiguous tillable land after meeting all applicable setbacks.

§7.2.30 is amended to read as follows:

7.2.30 Lot Area, Lot Width, Yard, and Lot Access Requirements

Same as "A-1"

§7.2A, 7.2A10, 7.2A11, 7.2A20, 7.2A22, 7.2A23, 7.2A24 and 7.2S20 are added:

7.2A AGRICULTURAL/RURAL RESIDENTIAL DISTRICT "A-3"

This District is established to provide areas for low density, rural residential structures in agricultural/rural areas on lands that, due to substantial coverage by wooded areas, rock outcroppings and marginal soils, are not conducive to long term agricultural production. Some areas in this District are currently under agricultural production and can remain as such.

7.2A.10 Permitted Uses:

- a. Farming, general and dairy, providing animal unit density is not greater than three (3) units per acre.
Agricultural land uses.
One (1) single family dwelling and accessory buildings on lots of record.
Forestry and Nurseries.
Essential services and necessary appurtenant structures.
Churches, Cemeteries.
Horticultural uses and structures designed for storage of products and machinery pertaining and necessary thereto.
Residential Program Facilities with a licensed capacity of six (6) or fewer persons on lots of record; Nonresidential Program Facilities with a licensed capacity of twelve (12) or fewer persons on lots of record; Licensed Group Family Daycare Facilities serving fourteen (14) or fewer children on lots of record.
Solid Waste Management Facilities.
- b. Non-farm, single family dwellings shall be permitted subject to the following requirements:
 - 1. The dwelling and accessory buildings shall be retained on a minimum lot size of five (5) acres, with a minimum of two and one-half (2.5) acres of dry, buildable land, abutting a public road.
 - 2. The lot shall have a minimum width of three hundred thirty (330) feet and a minimum depth of three hundred thirty (330) feet.

3. The dwelling(s) shall not be located on lands labeled "farmed areas" according to the Official "Farmed Areas Map" maintained by the Benton County Planning and Zoning Office. In the event that the property does not contain any, or an adequate amount of, non-farmed area to accommodate the allowed number of dwellings, dwellings may be constructed elsewhere on the parcel(s) by conditional use.
 4. Any subdivision resulting in a lot that is less than one quarter quarter section shall require a survey. The survey shall be filed with the Benton County Planning and Zoning Administrator prior to recording the deed in the Benton County Recorder's Office.
- c. One farmstead residence shall be permitted per farm provided that the dwelling is not located on lands labeled "farmed areas" according to the Official "Farmed Areas Map" maintained by the Benton County Planning and Zoning Office. In the event that the farm does not contain any, or an adequate amount of, non-farmed area to accommodate a farmstead dwelling, the dwelling may be constructed elsewhere on the parcel(s) by conditional use.

7.2A.11 Permitted Accessory Uses:

Same as "A-1"

7.2A.20 Conditional Uses:

- 7.2A.22 Advertising signs (billboards).
 Airports or airplane runways, provided such facility has approval of the Minnesota Board of Aeronautics, Department of Transportation.
 Alcohol fuel plants.
 Bait shops or similar retail sales.
 Bulk liquid storage.
 Cabinet shops.
 Communication towers.
 Excavation contractors.
 Extended home occupations in conformance with the provisions of Section 9.15 of this Ordinance.
 Farm implement sales.
 Fertilizer plants.
 Governmental buildings and structures.
 Grain elevators.
 Historic sites and areas.
 Kennels.
 Land reclamation and mining as regulated by this and other ordinances.
 Light manufacturing.
 Mini storage (self-service storage facility)

Public or parochial schools which teach a curriculum similar to public schools, provided the site is not less than five (5) acres and no building shall be located within fifty (50) feet of a lot line.

Recreational facilities.

Repair garages.

Slaughterhouses and meat processing plants.

Operating of through trains, but not including switching, storage, or other related operations.

Vehicle sales, small scale (Ord. #221 adopted 10/6/92).

Warehousing.

7.2A.23 Temporary Farm Dwellings

- (a) A dwelling or dwellings, which may be a manufactured home, in addition to the permitted farmstead dwelling, if used to house help employed full-time on the farm, and if the need for additional help and additional housing to support and carry on the principal use has been established.
- (b) A dwelling, which may be a manufactured home, for a farm operator; provided the property owner is retired from the operation of the farm and continues to reside in the farmstead residence.
- (c) A dwelling, which may be a manufactured home, for a person or persons who provide supportive care to the property owner when such care is required due to the property owner's health, age or infirmity.

The additional dwelling or dwellings must be placed on the farmstead. If placed elsewhere on the farm, it must comply with Section 7.2A.10.b of this Ordinance.

7.2A.24 Single family, farmstead dwellings that do not meet the criteria regarding "farmed areas" in Section 7.2A.10.c of this Ordinance may be allowed by conditional use provided that:

- a. All other applicable conditions of Section 7.2A.10 are still met.
- b. It can be demonstrated that 75% of the soil is not "prime" or "good" farmland, but that it is "marginal" as defined by the Soil Survey of Benton County. This requirement may be waived if it is determined by the planning commission, after an on-site inspection, that one or more of the following conditions exist on at least 75% of the proposed lot(s):
 - 1. Soil & Water Conservation District (SWCD) information indicates that the land has not been seeded crop land for at least ten years; OR

2. An unusual amount of granite or rock out-croppings make the proposed site virtually impracticable to farm; OR
3. SWCD information identifies the proposed site with soils that are considered highly erodible (HEL) and/or potentially highly erodible (PHEL) according to the Benton Soil and Water Conservation District Technical Guide.

7.2A.30 Lot Area, Lot Width, Yard, and Lot Access Requirements

(a) Setbacks:

Same as "A-1"

(b) Lot Area Regulations

For Farmstead Dwellings:

40 acre minimum lot size

For Non-Farm Dwellings, Single Family Dwellings:

5 acre minimum lot size with a minimum of 2.5 dry, buildable acres

(c) Lot Width and Depth Regulations

Every lot or plot of land on which a single family dwelling is constructed shall have a minimum width of not less than three hundred thirty (330) feet and a minimum depth of not less than three hundred thirty (330) feet.

(d) Lot Access Requirements

Every lot or plot of land on which a single family dwelling is constructed shall abut and have direct vehicular access to a public road.

§7.3.1A is amended to read as follows:

7.3.1A Permitted Accessory Uses

Home occupations in conformance with the provisions of Section 9.15 of this Ordinance.
(Ordinance #264 adopted 07-16-96)

§7.3.2 is amended to read as follows:

7.3.2 Conditional Uses

- (1) Cemeteries, including mausoleums; general farming; public utility buildings; necessary schools; nurseries and greenhouses with retail sales of home grown products; convenience grocery stores; manufactured home parks; energy efficient subterranean dwellings; duplexes; parks; golf courses; pre-existing single family dwellings moved from another site onto a lot; fences located in a front yard or side yard with a height between 3-1/2 feet and 6 feet; home occupations carried out in an accessory structure in conformance with the provisions of Section 9.15 of this Ordinance.

(Ord. #190 adopted 7/5/89)

(Ord. #222 adopted 10/6/92)

(Ord. #206 adopted 1/8/91)

- (2) Residential accessory buildings and garages in excess of 864 square feet, subject to the following conditions:

(Ord. #248 adopted 02-21-95)

- (a) The structure shall be constructed with materials and to a design which conforms to the neighborhood architecture.
- (b) The structure shall not be located nearer the front lot line than the principal building on the lot.
- (c) There shall be no more than one accessory building larger than 864 square feet.
(Ord. #248 adopted 02-21-95)
- (d) No accessory building shall exceed 1400 square feet, nor have a side wall exceeding 12 feet in height.
- (e) The conditional use must meet the criteria under Section 11.6 of this Ordinance.

§7.3.3 is amended to read as follows:

7.3.3 Yard Regulations

- (a) Lot area per dwelling unit.....2-1/2 Acres minimum
- (b) Lot Width.....165 Feet minimum
- (c) Lot Depth.....330 Feet minimum
- (d) ALL STRUCTURES, SETBACKS FROM ROADS:
 - Abutting a Federal or State Road 116 Feet minimum from the right-of-way
 - Abutting a Township Road.....65 Feet minimum from the right-of-way
 - Abutting a service road or street within a subdivision.50 Feet minimum from the right-of-way
 - Abutting a County Road..... 125 feet minimum from the center line
 - Abutting a County State Aid Highway..... 125 feet minimum from the center line
 - And/Or from the road right-of-way.....65 feet
- (f) RESIDENTIAL STRUCTURES:
 - Side Yard or Rear Yard Abutting Land zoned A-1, A-2, or A-3 80 feet minimum
 - Side Yard Abutting Land zoned R-1, R-2 or R-3.....15 Feet minimum
 - Rear Yard Abutting Land zoned R-1, R-2 or R-3.....30 Feet minimum
 - Setback from feedlots See Section 9.14
- (g) OTHER STRUCTURES:
 - Side Yard..... 15 Feet minimum
 - Rear Yard.....30 Feet minimum
- (h) Building Height Limitation.....40 Feet

§7.4.1A is amended to read as follows:

7.4.1A Permitted Accessory Uses

Home occupations in conformance with the provisions of Section 9.15 of this Ordinance.
(Ordinance #264 adopted 07-16-96)

§7.4.2 is amended to read as follows:

7.4.2 Conditional Uses

- (1) Cemeteries, including mausoleums; general farming; public utility buildings; necessary schools; nurseries and greenhouses with retail sales of home grown products; convenience grocery stores; manufactured home parks; energy efficient subterranean dwellings; duplexes; parks; golf courses; pre-existing single family dwellings moved from another site onto a lot; fences located in a front yard or side yard with a height between 3-1/2 feet and 6 feet; home occupations carried out in an accessory structure in conformance with the provisions of Section 9.15 of this Ordinance.
 (Ord. #190 adopted 7/5/89)
 (Ord. #206 adopted 1/8/91)
 (Ord. #222 adopted 10/6/92)

- (2) Residential accessory buildings and garages in excess of 864 square feet, subject to the following conditions:
 (Ord. #248 adopted 02-21-95)
 - (a) The structure shall be constructed with materials and to a design which conforms to the neighborhood architecture.
 - (b) The structure shall not be located nearer the front lot line than the principal building on the lot.
 - (c) There shall be no more than one accessory building larger than 864 square feet.
 (Ordinance #248 adopted 02-21-95)
 - (d) No accessory building shall exceed 1,000 square feet, nor have a side wall exceeding 12 feet in height.
 - (e) The conditional use must meet the criteria under Section 11.6 of this Ordinance.

§7.4.3 is amended to read as follows:

7.4.3 Yard Regulations

- (a) Lot Area:
 - 1. Private sewer per dwelling unit.....one acre minimum
 - 2. Public sewer per dwelling unit.....12,000 sq. ft. minimum

- (b) Lot Width:
 - 1. One acre lot.....150 feet minimum
 - 2. 12,000 sq. ft. lot.....80 feet minimum

- (c) Lot Depth:
 - 1. One acre lot.....200 feet minimum
 - 2. 12,000 sq. ft. lot.....100 feet minimum

- (d) ALL STRUCTURES, SETBACKS FROM ROADS:
 - Abutting a Federal or State Road 116 feet minimum from
the right-of-way
 - Abutting a Township Road.....65 feet minimum from
the right-of-way
 - Abutting a service road or street within a subdivision .50 feet minimum from
the right-of-way
 - Abutting a County Road 125 feet minimum from the
center line
 - Abutting a County State Aid Highway 125 feet minimum from the
center line
 - And/Or from the road right-of-way.....65 feet

- (e) RESIDENTIAL STRUCTURES:
 - Side Yard or Rear Yard Abutting Land zoned A-1, A-2 or A-3 80 feet
minimum
 - Side Yard Abutting Land zoned R-1, R-2 or R-3.....15 feet minimum
 - Rear Yard Abutting Land zoned R-1, R-2 or R-3.....30 feet minimum
 - Setback from feedlots See Section 9.14

- (f) OTHER STRUCTURES:
 - Side Yard.....15 feet minimum
 - Rear Yard.....30 feet minimum

- (g) Building Height Limitation.....40 feet

§7.5.1 is amended to read as follows:

7.5.1 Permitted Uses

Same as R-1, Section 7.3.1

§7.5.1A is amended to read as follows:

7.5.1A Permitted Accessory Uses

Home occupations in conformance with the provisions of Section 9.15 of this Ordinance.
(Ordinance #264 adopted 07-16-96)

§7.5.2 is amended to read as follows:

7.5.2 Conditional Uses

Cemeteries, including mausoleums; general farming; public utility buildings; necessary schools; nurseries and greenhouses with no retail sales; parks; energy efficient subterranean dwellings; duplexes; pre-existing single family dwellings moved from another site onto a lot; fences located in a front yard or side yard with a height between 3-1/2 feet and 6 feet; Nonresidential Program Facilities with a licensed capacity of 13-16 persons; home occupations carried out in an accessory structure in conformance with the provisions of Section 9.15 of this Ordinance.

(Ord. #206 adopted 1/8/91)

(Ord. #222 adopted 10/6/92)

(Ord. #265 adopted 07/16/96)

§7.5.3 is amended to read as follows:

7.5.3 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.....100 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) ALL STRUCTURES, SETBACKS FROM ROADS:
 - Abutting a Federal or State Road 116 feet minimum from the right-of-way
 - Abutting a Township Road.....65 feet minimum from the right-of-way
 - Abutting a service road or street within a subdivision .30 feet minimum from the right-of-way
 - Abutting a County Road 125 feet minimum from the center line
 - Abutting a County State Aid Highway 125 feet minimum from the center line
 - And/Or from the road right-of-way.....65 feet

- (e) RESIDENTIAL STRUCTURES:
 - Side Yard or Rear Yard Abutting Land zoned A-1, A-2, or A-3.....80 feet
minimum
 - Side Yard Abutting Land zoned R-1, R-2 or R-3.....15 feet minimum
 - Rear Yard Abutting Land zoned R-1, R-2 or R-3.....30 feet minimum
 - Setback from feedlots.....See Section 9.14

- (f) OTHER STRUCTURES:
 - Side Yard.....15 feet minimum
 - Rear Yard.....30 feet minimum

- (g) Building Height Limitation.....40 feet

§7.6.3 is amended to read as follows:

7.6.3 Yard Regulations

Lot Area.....2-1/2 acres minimum
Lot Width.....200 feet minimum
Lot Depth.....330 feet minimum

ALL STRUCTURES, SETBACKS FROM ROADS:

-Abutting a Federal or State Road116 feet minimum from
the right-of-way
-Abutting a Township Road.....65 feet minimum from
the right-of-way
-Abutting a service road or street within a subdivision 50 feet minimum
from the right-of-way
-Abutting a County Road.....125 feet minimum from the
center line
-Abutting a County State Aid Highway.....125 feet minimum from the
center line
-And/Or from the road right-of-way.....65 feet

Side Yard, interior lot.....20 feet minimum
OR.....30 feet if abutting residential property
(Ord. #266 adopted 09/03/96)

Rear Yard.....15 feet minimum
OR.....30 feet if abutting residential property

§7.6A.4 is amended to read as follows:

7.6A.4 Yard Regulations

Lot Area.....1 acre minimum
Lot Width.....200 feet minimum
Lot Depth.....200 feet minimum

ALL STRUCTURES, SETBACKS FROM ROADS:

-Abutting a Federal or State Road116 feet minimum from
the right-of-way
-Abutting a Township Road.....65 feet minimum from
the right-of-way

- Abutting a service road or street within a subdivision50 feet minimum from the right-of-way
- Abutting a County Road 125 feet minimum from the center line
- Abutting a County State Aid Highway 125 feet minimum from the center line
- And/Or from the road right-of-way.....65 feet

- Side Yard, interior lot.....20 feet minimum
OR.....30 feet if abutting residential property
(Ord. #266 adopted 09/03/96)

- Rear Yard.....15 feet minimum
OR.....30 feet if abutting residential property

§7.7.3 is amended to read as follows:

7.7.3 Yard Regulations

- Lot Area.....2-1/2 acres minimum
- Lot Width.....200 feet minimum
- Lot Depth.....330 feet minimum

ALL STRUCTURES, SETBACKS FROM ROADS:

- Abutting a Federal or State Road 116 feet minimum from the right-of-way
- Abutting a Township Road..... 65 feet minimum from the right-of-way
- Abutting a service road or street within a subdivision.....50 feet minimum from the right-of-way
- Abutting a County Road 125 feet minimum from the center line
- Abutting a County State Aid Highway 125 feet minimum from the center line
- And/Or from the road right-of-way.....65 feet

- Side Yard, interior lot.....20 feet minimum
OR.....80 feet if abutting a residential district

- Rear Yard.....40 feet minimum
OR.....80 feet if abutting a residential district

§7.8.3 is amended to read as follows:

7.8.3 Yard Regulations

Lot Area.....5 acres minimum

Lot Width.....300 feet minimum

Lot Depth.....330 feet minimum

ALL STRUCTURES, SETBACKS FROM ROADS:

-Abutting a Federal or State Road116 feet minimum from
the right-of-way

-Abutting a Township Road.....65 feet minimum from
the right-of-way

-Abutting a service road or street within a subdivision.....50 feet minimum from
the right-of-way

-Abutting a County Road.....125 feet minimum from the
center line

-Abutting a County State Aid Highway.....125 feet minimum from the
center line

-And/Or from the road right-of-way.....65 feet

Side Yard.....20 feet minimum

OR.....120 feet if abutting residentially zoned property

Rear Yard.....80 feet minimum

OR.....120 feet if abutting residentially zoned property

§7.13 through 7.13.8 are added:

SEC. 7.13 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

SECTION:

- 7.13.1: Authorization
- 7.13.2: Allowed Uses
- 7.13.3: Required Standards
- 7.13.4: Coordination With Subdivision Regulations
- 7.13.5: Revisions and/or Changes
- 7.13.6: Phasing and Guarantee of Performance
- 7.13.7: Control of Planned Unit Development Following Completion
- 7.13.8: Procedure for Processing a Planned Unit Development

SECTION 7.13.1 AUTHORIZATION:

The purpose of the PUD District is to promote flexibility, economy and creativity of site design and architecture in residential, commercial, industrial and rural districts to preserve open space, scenic views and/or rural character while creating compact neighborhoods that have strong visual and physical access to open space, distinct identity and a sense of community. This method of development uses the size and shape of the open space as the central organizing element and may provide commonly-owned open space areas for active and/or passive recreational use by residents and/or the larger community.

A PUD may be allowed only through a request for rezoning in any agricultural, residential, business or industrial zoning district. For PUD developments in shoreland districts, refer also to the Shoreland Management Ordinance.

Planned unit development authorization may allow:

Subd. 1. Variety: Within a comprehensive site design concept, a mixture of land uses, housing types, lot sizes and densities to accommodate a variety of age and income groups.

Subd. 2. Sensitivity: By departing from the strict application of required setbacks, yard areas, lot sizes, minimum house sizes, minimum requirements and other performance standards associated with traditional zoning, planned unit development can maximize the development potential of land while remaining sensitive to its unique and valuable natural and cultural characteristics.

Subd. 3. Efficiency: The consolidation of areas for recreation, open space and/or agricultural use and reductions in street lengths and other utility related expenses.

Subd. 4. Density Transfer: The project density may be clustered on areas that have low agricultural potential and/or natural housing appeal basing density on number of units per acre(s) instead of specific lot dimensions.

Subd. 5. District Integration: The combination of uses which are allowed in separate zoning districts such as:

- A. mixed residential allows both densities and unit types to be varied within the project.
- B. mixed commercial, industrial, residential, or institutional land use with the integration of compatible land uses within the project.

Subd 6. In considering a request for rezoning to a Planned Unit Development District, the Planning Commission and the County Board shall consider the following factors:

1. Whether the proposed project preserves the natural and scenic qualities of the subject areas.
2. Whether the proposed project limits development to a scale appropriate to the existing terrain and surrounding land use.
3. Whether the proposed project results in effective and unified treatment of the development possibilities on the project site.
4. Whether the proposed project is in harmony with existing and proposed developments in the area surrounding the site.
5. Whether the proposed project has the potential to depreciate surrounding property values.
6. Whether the proposed project is consistent with the purposes of the Development Code and consistent with the Comprehensive Plan.
7. The effect of the proposed project upon the health, safety and general welfare of the occupants of surrounding land.

SECTION 7.13.2 ALLOWED USES

Subd. 1. Uses within the PUD may include only those uses generally associated with the underlying land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and in a development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the uses presented in the development plan will be considered an amendment to the PUD and will follow the procedures specified in Section 7.13.6 of this Ordinance.

SECTION 7.13.3 REQUIRED STANDARDS

Subd. 1. The County shall consider the proposed PUD from the point of view of all standards and purposes of the Comprehensive Land Use Plan to:

- A. achieve maximum coordination between the proposed development and the surrounding uses
- B. minimize the impact on natural, scenic and cultural resources of the site including the conservation/protection of historic buildings, prime agricultural lands, endangered species, wetlands, woodlands, hedgerows, mature trees, rare plant communities and other significant vegetation;
- C. minimize fragmentation of open space
- D. whenever possible, connect with existing or potential open space lands on adjoining parcels; and
- E. protect the health, safety and welfare of the community and residents of the PUD.

To these ends, the County Board of Commissioners shall consider the location of the buildings, compatibility, parking areas and other features with respect to the topography of the area and existing natural features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of green areas; the adequacy, location and screening of parking areas; and such other matters as the Board of Commissioners may find to have a material bearing upon the stated standards and objectives of the Comprehensive Land Use Plan.

SECTION 7.13.4 COORDINATION WITH SUBDIVISION REGULATIONS

Subd. 1. Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this Chapter shall be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plat.

SECTION 7.13.5 REVISIONS AND/OR CHANGES

Subd. 1. Minor changes in the location, placement and height of structures may be authorized by the Planning Commission if required by engineering or other circumstances not foreseen at the time the Final Plan was approved and filed with the Zoning Administrator.

Subd. 2. Changes in uses, significant changes in the location, size, or height of structures, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan may be made only after a public

hearing conducted by the Board of Commissioners. Any changes shall be recorded as amendments to the recorded copy of the final development plan.

Subd. 3. All of the provisions of this Ordinance applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final Plan.

Subd. 4. Review: If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the County Board of Commissioners may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the County Board of Commissioners to find that the rezoning was in error.

SECTION 7.13.6 PHASING AND GUARANTEE OF PERFORMANCE

Subd. 1. The Planning Commission shall compare the actual development accomplished in the various PUD zones with the approved development schedule.

Subd. 2. Upon recommendation of the Planning Commission and for good cause shown by the property owner, the Board of Commissioners may extend the limits of the development schedule.

Subd. 3. The construction and provision of all of the common open space and public and recreational facilities, which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Planning Commission shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, they shall forward this information to the Board of Commissioners for action.

Subd. 4. A performance bond or letter of credit shall be required to guarantee performance by the developer. The amount of this bond or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.

SECTION 7.13.7 CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION

Subd. 1. After the land use permit has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.

Subd. 2. After the land use permit has been issued, no changes shall be made in the approved final development plan except upon application as provided below:

- A. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the Final Plan. No change authorized by this Section may increase the cubic volume of any building or structure by more than ten percent (10%).
- B. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under Section 7.13.6.
- C. Changes in the use of the common open space may be authorized by an amendment to the final development plan under Section 7.13.6.
- D. Any other changes in the final development plan must be authorized by an amendment of the final development plan under Section 7.13.6.

**SECTION 7.13.8 PROCEDURE FOR PROCESSING A PLANNED UNIT
DEVELOPMENT**

There are three stages to the PUD process: Application Conference, Preliminary Concept Plan, and Final Plan, as described below:

Subd. 1. Application Conference: Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Zoning Administrator. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this Ordinance before incurring substantial expense in the preparation of plans, surveys and other data.

Subd. 2. Preliminary Concept Plan

- A. Purpose: The Preliminary Concept Plan provides an opportunity for the applicant to submit a plan to the County showing the basic intent and the general nature of the entire development without incurring substantial costs for architectural, planning, engineering, legal or other services. The plan shall include the following:
 - 1. Specific location of residential and nonresidential land uses with lot layouts and approximate type and intensities of development.
 - 2. Overall maximum PUD density.
 - 3. Specific location of major streets and pedestrian ways.
 - 4. Location and extent of public and common open space.

5. Staging and time schedule of development.
6. Areas proposed for stormwater management and on- or off-site sewage treatment.
7. Other special criteria for development.

B. Schedule:

1. Developer meets with the Zoning Administrator to discuss the proposed developments.
2. The applicant shall file the Preliminary Concept Plan application and preliminary plat, together with all supporting data.
3. After verification by the Zoning Administrator that the required plan and supporting data is adequate, the Planning Commission shall hold a public hearing.
4. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the County Board of Commissioners.
5. The County may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
6. The Board of Commissioners shall hold a public hearing after the receipt of the report and recommendations from the Planning Commission.

C. Applications: Ten (10) copies of the following exhibits, analysis and plans shall be submitted to the County for Preliminary Concept Plan stage:

1. Preliminary plat and information required by subdivision Ordinance.
2. General Information:
 - (a) The landowner's name and address and his/her interest in the subject property.
 - (b) The applicant's name and address if different from the landowner.
 - (c) The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
 - (d) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy

and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the County Attorney may require to show the status of title or control of the subject property.

3. Present Status:

- (a) The address and legal description of the property.
- (b) The existing zoning classification and present land use of the subject property and all lands within one thousand feet (1,000') of the property.
- (c) A map depicting the existing development of the property and all land within one thousand feet (1,000') thereof and indicating the location of existing buildings, streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within five hundred feet (500') of the property.
- (d) A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the County's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the County.
- (e) Site Conditions: Graphic reproductions of the existing site conditions at a scale of one inch equals one hundred feet (1" = 100').
 - (1) Contours; minimum two foot (2") intervals.
 - (2) Location, type and extent of tree and other vegetative cover.
 - (3) Slope analysis.
 - (4) Location and extent of water bodies, wetlands, streams and flood plains within five hundred feet (500') of the property.
 - (5) Significant rock outcroppings.
 - (6) Existing drainage patterns.
 - (7) Vistas and significant views.
 - (8) Soil conditions as they affect development.
 - (9) Historic and cultural resources.

All of the graphics should be the same scale as the Final Plan to allow easy cross reference. The use of overlays is recommended for clear reference.

- (f) Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- (g) Urban Overlay Plat (Ghost Plat)

The County may require, at it's option, an urban overlay plat for any development within an Urban Transition Area or Urban Growth Area as identified on the officially adopted Land Use Plan that involves a rezoning to a Residential PUD. The overlay plat shall show in concept the following:

1. How the land within the subdivision will be subdivided into urban lots in the future.
 2. The layout of future streets or extensions
 3. Easements for the extension of municipal sewer and water, and drainage and utility easements.
- (h) A "yield plan", showing the maximum number of dwelling units that would be permitted given the minimum lot size, lot widths, overall density and other requirements of the existing zoning district and the subdivision ordinance.

The permitted density shall be based on the yield plan. Density shall be calculated by increasing the yield by the percentage specified in Table 1 for each zoning district and rounding down all amounts to the nearest whole number. This gives the maximum number of housing units permitted.

- (I) A statement of the estimated total number of dwelling units proposed for the PUD based upon the "yield plan" and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - (1) Area devoted to residential uses.
 - (2) Area devoted to residential use by building type.
 - (3) Area devoted to common open space.
 - (4) Area devoted to public open space.
 - (5) Approximate area devoted to streets.

- (6) Approximate area devoted to, and number of, off-street parking and loading spaces and related access.
- (7) Approximate area, and floor area, devoted to commercial uses.
- (8) Approximate area, and floor area, devoted to industrial or office use.
- (j) When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage and overall chronology of development to be followed from stage to stage.
- (k) When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- (l) Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- (m) Schematic utilities plans indicating placement of water, sanitary and storm sewers.
- (n) The County may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
- (o) The County may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

Subd. 3. Final Plan

- A. Purpose: The Final Plan stage submissions should depict and outline the proposed implementations of the general concept stage for the PUD.
- B. Schedule: Following preliminary plat approval, if given, the applicant shall submit the Final Plan stage application and final plat. The application shall proceed and be acted upon in accordance with Section 7.13.6 for zoning district changes. If appropriate because of the limited scale of the proposal, the Preliminary Concept Plan stage and Final Plan stages may proceed simultaneously.

C. Application: Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

1. A final plat and information required by the County Subdivision Ordinance.
2. Ten (10) sets of preliminary plans drawn to a scale of not less than one inch equals one hundred feet (1"=100') (or scale requested by the Administrator containing at least the following information):
 - (a) Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in the county where the subject property is situated).
 - (b) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.
 - (c) The location, size use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including mobile homes, and existing buildings which will remain, if any.
 - (d) Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.
 - (e) Location, designation and total area of all common open space.
 - (f) Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
 - (g) Proposed lots and blocks, if any and numbering system.
 - (h) The location, use and size of structures and other land uses on adjacent properties.
 - (i) Detailed sketches and provisions of proposed landscaping.
 - (j) General grading and drainage plans for the developed PUD.
 - (k) Any other information that may have been required by the Planning Commission or Board of Commissioners in conjunction with the approval of the Preliminary Concept Plan.

3. An accurate legal description of the entire area within the PUD for which Final Development Plan approval is sought.
4. A tabulation indicating the number of residential dwelling units and expected population.
5. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. drug store, dry cleaning, supermarket).
6. Preliminary architectural "typical" plans indicating use, floor, plan, elevations and exterior wall finishes of proposed building, including mobile homes.
7. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses.
8. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.
9. A final plat prepared in accordance with the Subdivision Ordinance.
10. A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.

Table 1

	A-1	A-2	A-3	R-1	R-2	R-3
Maximum density (conventional) in units per acre	1:40	4:40	8:40	1:25	1:1	1:0.5
Minimum lot size (conventional)	2.5	2.5	5	2.5	1	0.5
Maximum density increase	0%	0%	0%	10%	7.5%	5%
Minimum required open space (% gross acreage)	75%	75%	75%	25%	25%	25%
Maximum lot coverage	35%	35%	35%	35%	35%	35%
Minimum setback from unclassified water body	75 ft.					
Minimum rear setback						
Principal structure	30 ft.					
Accessory structures	10 ft.					
Minimum front yard setback	30 ft.	30 ft.	30 ft.	20 ft.	20 ft.	20 ft.
Minimum side lot line setback						
Principal structure	15 ft.					
Accessory structures						
Maximum building height	35 ft.					
Minimum lot size (acres)						
On-site septic	2.5	2.5	2.5	2	2	2
Off-site septic	0.5	0.5	0.5	0.5	0.5	0.5

§8.3.4(f) is amended to read as follows:

- (f) Access driveways for single family dwellings shall not be less than 12 feet, nor more than 24 feet, wide measured along the property line, except as provided for in the lot access requirement provisions of Sections 7.1 and 7.2, unless otherwise recommended by the Engineer and approved by the County Board.

§8.8 is added:

8.8 ACCESSORY USES PROHIBITED

No mobile or manufactured home, camper, travel trailer, recreational vehicle, bus, or similar structure shall be used as an accessory structure, out building or for storage purposes in any district.

§8.9 through 8.9.9 are added:

8.9 RIGHT TO FARM

8.9.1 Short Title. This chapter shall be known and may be cited as the Right-To-Farm Ordinance.

8.9.2 Definitions. The following terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural Land means all the real property within unincorporated Benton County that is used for agricultural operations, zoned for agricultural use or designated for agricultural purposes by the County Comprehensive Plan.

Agricultural Operation means the use of agricultural land for the production of crops, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in the processing of agricultural products.

8.9.3 Nuisance. An agricultural operation conducted or maintained on agricultural land shall not be or become a nuisance, public or private, if the operation was not a nuisance when it began. This provision shall not apply:

- a. To a condition or injury that results from the negligent or improper operation of an agricultural operation or from operations conducted and maintained in a manner that is contrary to commonly accepted agricultural practices;
- b. When an agricultural operation causes injury or direct threat of injury to health or safety of any person;

- c. When an agricultural operation causes the pollution of, or change in the condition of, waters of the State or the water flow of water on the lands of any person; or
- d. When an agricultural operation causes the obstruction of free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin or any public park, street or highway.

8.9.4 Disclosure in Development Permits. Prior to the issuance of any development permit for a use on agricultural land, the owner of the property shall be required to sign a statement of acknowledgment containing a Right-to-Farm disclosure, as set forth in Sec. 8.9.5. The acknowledgment shall be on a form provided by the Planning Director and made available to the public. The Planning Director shall file development permit disclosure forms with the Benton County Recorder.

8.9.5 Disclosure to Buyers. Upon any transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, the transferor shall deliver to the prospective transferee a Right-to-Farm disclosure statement signed by the transferee and filed with the County Recorder in conjunction with the transfer instrument.

8.9.6 Repeal of Laws in Conflict. All County Ordinances applying in conflict with any provisions of this Ordinance are hereby repealed.

8.9.7 Severability. Should any section, paragraph, sentence, clause, or word of this Ordinance be held to be unconstitutional, inoperative, or void, such holding shall not affect the validity of the remainder of this Ordinance.

8.9.8 Inclusion in Code. The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Benton County, Minnesota and the various sections may be retitled, renumbered, or relettered to accomplish this purpose.

8.9.9 Effective Date. The provisions of this Ordinance shall become effective immediately upon passage by the Board of County Commissioners as provided in the County Charter and publication in The Official County Newspaper.

§9.5 is deleted.

§9.14.3 is amended to read as follows:

9.14.3 Conditional Uses

- A. Tier II and Tier III feedlots shall be conditional uses in areas zoned A-1 or A-2. Conditional use permits for feedlots may only be granted if the following requirements are met:
1. The applicant must obtain a valid MPCA certificate of compliance, as defined in Minnesota Rules Part 7020.0300, pertaining to the feedlot site.
 2. The feedlot must be located in compliance with the minimum setbacks and minimum parcel size restrictions described in Section 9.14.4.
 3. The feedlot must meet the criteria of Section 11.6.
- B. Livestock waste storage facilities shall be conditional uses in areas zoned A-1. Conditional use permits for waste storage facilities may only be granted if the following requirements are met:
1. The applicant must have obtained a valid MPCA feedlot permit.
 2. The waste storage facility must comply with all applicable state requirements for soil, water and air pollution.
 3. The facility shall not be located within six hundred sixty (660) feet of any non-feedlot residence at which the storage facility is located.
 4. The facility must be at least 200 feet from a road right-of-way.

§9.14.6 is added:

9.14.6 Residential Setbacks

Non-feedlot residences must meet the minimum setbacks from a feedlot set forth in Section 9.14.4

§9.15 through 9.15.3 is added:

9.15 HOME OCCUPATIONS

9.15.1 Definitions

Home Occupation: Any activity carried out for financial gain by a resident which is clearly secondary to the principal use, when carried on within the resident's dwelling unit and not in any accessory building, except the garage, and which shows no activity other than activity normally present in a residential dwelling unit.

9.15.2 Home Occupations, where allowed as a permitted accessory use in this Ordinance, shall be subject to the following conditions:

- (a) Only persons who are members of the household residing on the premises may be employed in the home occupation.
- (b) Not more than 25 percent of the square footage of the dwelling including attached garage, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
- (c) Adequate off street parking shall be provided and not more than three parked vehicles may be present at one time.
- (d) A sign on the premises shall not exceed 4 square feet.
- (e) Any home occupation in existence prior to the adoption of this ordinance will be allowed to continue as a legal Non-conforming Use subject to Section 4 of this Ordinance.

9.15.3 Home Occupations carried out in an accessory structure, where allowed as a conditional use in this Ordinance, shall be subject to the following conditions:

- (a) The principal operator of the home occupation must reside on the parcel and have homestead status on the parcel.
- (b) Only articles made or originating on the premises shall be sold on the premises unless the articles for sale are incidental to the home occupation.
- (d) Not more than 25 percent of the square footage of the dwelling, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. Not more than 25 percent of the attached or detached garage, as measured by using the horizontal perimeter of the garage, shall be used for a home occupation. No part of the home occupation area shall displace the original

purpose of the garage. A separate accessory building may be devoted solely to the home occupation activities.

- (e) All materials and vehicles, incidental to the use, shall be stored with in the dwelling or the accessory building.
- (f) Adequate off street parking shall be provided, but not more than three parked vehicles may be present at one time.
- (g) A sign on the premises shall not exceed 4 square feet.

§10.3.3(8) is added.

(8) Urban Overlay Plat (Ghost Plat)

The County may require, at its option, any subdivision within an Urban Growth or Urban Transition Area to provide an urban overlay plat. The overlay plat shall show in concept the following:

1. How the land within the subdivision will be subdivided into urban lots in the future.
2. The layout of future streets or extensions
3. Easements for the extension of municipal sewer and water, and drainage and utility easements.

§10.10 is amended to read as follows:

10.10 Small Subdivisions

It is not the intent of this Ordinance to require that subdivision plats (Minnesota Statute, Ch. 505) be required for all subdivisions. The County Board recognizes that the public health, safety and general welfare may be secured and substantial justice done by simplifying the process of making small subdivisions.

When any lot or parcel of land is split or subdivided to result in from two to not more than five lots or parcels, then the subdivider in lieu of fulfilling the requirements of Sections 10.1 through 10.9 may apply to the zoning administrator for approval of the small subdivision, provided ~~he fulfills~~ the requirements of this section are fulfilled.

The zoning administrator may approve the application for a small subdivision if and when the subdivider submits the following information and complies with the following requirements: (Ord. #223 adopted 2/2/93)

- (1) The land split or subdivision does not result in more than five lots or parcels.
- (2) Each of the lots or parcels meets the minimum lot size requirement in the zoning district in which the land is situated.
- (3) Each lot or parcel abuts and has direct vehicular access to an existing public road, without reliance on an easement, covenant or right-of-way over or on the private property of another for public road access. (Ord. #203 adopted 11/20/90)
- (4) A certificate of survey or registered land survey shall be required for the resultant parcels of land in areas zoned R-1, R-2, R-3, B, B-2, I-1 and I-2 or when said

parcels are less than forty (40) acres or one (1) quarter quarter section in any A-1, A-2 or A-3 district. (Ord. #193 adopted 8/1/89)

- (5) The subdivider must submit evidence of ownership or a legal interest in the property. That may include the deed of ownership or it may be an attorney's written title opinion.
- (6) The subdivider previously has not divided the tract or parcel, including contiguous lands then or previously owned by him, in such a manner that the requested small subdivision will result in a total of more than five lots or parcels, including those tracts or parcels previously subdivided by said owner.
- (7) The Zoning Administrator may refuse to approve an application under this section if the administrator finds that the proposed subdivision contains lots or parcels of unusual size or shape, and that subdivision review pursuant to Section 10.0 et. seq. is appropriate.
(Ord. #223 adopted 2/2/93)

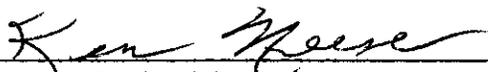
§10.11 is amended to read as follows:

10.11 Conveyance by Metes and Bounds

Subdivided land parcels over 40 acres or one quarter quarter section in size may be conveyed by metes and bounds property description. However, no land use permit may be issued for any such parcel that has not been surveyed and a certificate of survey or registered land survey been filed in the Office of the County Recorder for those parcels in areas zoned R-1, R-2, R-3, B, B-2, I-1 or I-2. (Ord. #193 adopted 8/1/89)

§13 through 13.13 are deleted.

This ordinance amendment shall be effective upon publication.



Ken Neeser, Chair of the Board

ATTEST:



Rick Speak, Clerk of the Board