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BENTON COUNTY MINNESOTA
MARILYN J NOVAK
COUNTY RECORDER

By: BW
5-1-11

BENTON COUNTY ORDINANCE NO. 445

Accessory Buildings and Miscellaneous Development Code Corrections

WHEREAS, the Benton County Planning Commission instituted proceedings to amend the Benton County Ordinance 185; and,

WHEREAS, on December 28 and December 29, 2010, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspapers of the county; and,

WHEREAS, on January 13, 2011, the Benton County Planning Commission held a public hearing; and,

WHEREAS, on February 1, 2011, the Benton County Board of Commissioners held a public hearing and continued said hearing to April 5, 2011 and approved the proposed ordinance amendment; and,

NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS:

Amend Section 3 Definitions as follows:

Delete the following definitions:

Accessory Building, Residential
Garage, Residential
Motor Freight Terminal

Amend the following definitions to read as noted:

Accessory Building: a subordinate building excluding storage structures or portion of the principal building, the use of which is incidental to that of the dominant use of the principal building or land.

Contractor Shops: A building or buildings used as an office, or for storage of materials and equipment, for an individual or business entity engaged in the construction, demolition or repair of any building, highway, road, railroad, sewer, project development, housing, housing development, improvement, or any construction undertaking in whole or in part.

Storage Structure: Any building having a roof which may provide shelter or enclosure of movable personal goods but not to include livestock or persons.

DOD
No fee

Add

Truck Terminal: A facility for the receipt, transfer short term storage and dispatching of goods transported by truck.

Amend Section 4 General Provisions as follows:

Section 4.3 Dwelling Units Prohibited:

Delete Section 4.3-4.3.1 as written and replace with the following:

- 4.3 No garage, tent, trailer, motor home, accessory building, storage structure, nor any vehicle or building not specifically approved by the Building Official shall be at anytime be used as a dwelling.
- 4.3.1 One travel trailer or motor home (not to include mobile homes nor park trailers) is permitted for seasonal use on any lot provided that the following are met:
- A. Only one such unit is allowed per lot.
 - B. Sewage must be properly treated or hauled away.
 - C. The travel trailer is for guests or recreational use only. It may not be occupied on any lot for more then 90 days in any calendar year.
 - D. The unit must have a current license attached in accord with state law.
 - E. Placement of the unit shall comply with all setback requirements for a principal structure.

Amend Section 6 Height, Bulk and Area Requirements as follows:

Section 6.2 Storage and Accessory Buildings and Structures

Delete Section 6.2.-6.2.14 and replace with the following:

6.2 Storage Structures R-1, R-2, R-3 and Rural Service Districts:

- 6.2.1 A land use permit is not required for any storage or accessory building or structure less than or equal to 120 square feet, however all applicable setbacks shall be met.
- 6.2.2 No storage structure or accessory use shall be constructed or developed on a lot prior to the time of obtaining a land use permit for the principal building/use and construction of the principal building has commenced. In the case where a manufactured home is the principal building, said manufactured home must be installed prior to the issuance of a land use permit for any storage structure.
- 6.2.3 On lots less than 10 acres there shall be no more than one storage structure larger than 900 square feet.
- 6.2.4 Storage structures shall be constructed with a design that conforms to the architecture of the principal structure.

- 6.2.5 No storage structure shall be located nearer the front lot line than the principal building on that lot. However, storage structures on lots in Shoreland may be placed with a setback two times the required setback from the waterbody regardless of the location of the principal structure.
- 6.2.6 An alternate septic site shall be designated by a licensed designer prior to the issuance of a land use permit for the accessory structure in a residential district for lots one acre or less in size or less than two acres in the shoreland.

- 6.2.7 The size of a storage structures shall be based on the size of the lot as indicated below:

Lot Size* (in Acres)	Maximum Accessory Building Size	Maximum Building Height
0-0.49	900 Square feet	15 feet
0.5<=1.00	1,200 Square feet	20 feet
>1.01-2.49	1,800 Square feet	25 feet
2.50-4.99	2,500 Square feet	35 feet
5.0-9.9	4,000 Square feet	40 feet or 35 feet in shoreland
10 or greater	Unlimited	Unlimited or 35 ft in Shoreland

* Only land above the Ordinary High Water level shall be used to calculate lot size.

- 6.2.8 A storage structure may be constructed or placed on lots zoned R-1, R-2, R-3, R-S without a single family dwelling or other principal building, provided a conditional use permit for said structure is obtained.
- 6.2.9 A conditional use permit for a storage structure may only be issued if and when the Planning Commission finds:
- The storage structure shall conform to all of the requirements of Section 6.2.7; and
 - That the storage structure will not be used for commercial purposes, except as otherwise allowed with a home occupation or home extended business; and
 - That the storage structure shall not be used for temporary or permanent residence; and
 - That there is land suitable for the construction of a residence and septic system without the need for variances. The septic verification shall require soil borings to be provided to demonstrate compliance with Section 9.6 for new construction; or
 - That the storage structure will serve the residents of a single family dwelling located on a lot adjacent and abutting to, or separated by a street or road from, the lot upon which the storage structure will be placed.

6.3 Storage Structures Agricultural and Rural Agricultural Districts:

- 6.3.1 A land use permit is not required for any storage or accessory building or structure less than or equal to 120 square feet, however all applicable setbacks shall be met.
- 6.3.2 On lots less than five acres there shall be no more than one storage structure larger than 900 square feet.
- 6.3.3 Storage structures shall be based on the size of the agricultural district lot (A or R-A), see chart below:

Lot Size* (in Acres)	Maximum Accessory Building Size	Maximum Building Height
0-0.49	900 Square feet	15 feet
0.5-1.0	1,200 Square feet	20 feet
1.01-1.99	1,800 Square feet	25 feet
2.0-4.99	2,500 Square feet	35 feet
5.0-9.9	5,000 Square feet	40 feet or 35 feet in shoreland
10	Unlimited	Unlimited or 35 feet in shoreland

* Only land above the Ordinary High Water level shall be used to calculate lot size.

** Storage buildings size and height may be further limited by the Planning Commission.

- 6.3.4 No storage structure in a cluster development shall be located nearer the front lot line than the principal building on that lot.
- 6.3.5 A storage structure may be constructed or placed on lots less than 10 acres without a single family dwelling or other principal building, provided a conditional use permit for said structure is obtained.
- 6.3.6 A conditional use permit for a storage structure may only be issued if and when the Planning Commission finds:
- The storage building conforms to all of the requirements of Section 6.3.3 of the Development Code; and
 - That the storage structure will not be used for commercial purposes; and
 - That the storage structure will not be used for temporary or permanent residence; and
 - That there is land suitable for the construction of a residence and septic system without the need for variances. The septic verification shall require soil borings to be provided to demonstrate compliance with Section 9.6 for new construction.

Renumber Sections 6.3 Yard Requirements, 6.4 Building Bulk Limitations and 6.5 Residential Density calculation in the Agricultural and Rural Agricultural District to Sections 6.4, 6.5 and 6.6 respectively.

Amend Section 7 Zoning Use Districts as follows:

Agricultural District

Section 7.1.11 Permitted Accessory Uses:

Add Storage structure in compliance with Section 6.3

Section 7.1.23 Conditional Uses:

Add Truck Terminal

Storage structure as a principal use on a lot less than 10 acres in compliance with Section 6.3.6

Rural Agricultural District

Section 7.2.11 Permitted Accessory Uses:

Add Storage structure in compliance with Section 6.3

Section 7.2.22 Conditional Uses:**Add Truck Terminal****Amend** Storage structure as a principal use on a lot less than 10 acres in compliance with Section 6.3.6**Rural Service District****Section 7.2A.11 Permitted Accessory Uses:****Add Storage structure** in compliance with Section 6.2**Section 7.2A.20 Conditional Uses:****Add Truck Terminal****Amend** Storage structure as a principal use on a lot less than 10 acres in compliance with Section 6.2.9**Residential R-1 District****Section 7.3.1A Permitted Accessory Uses:****Add Storage structure** in compliance with Section 6.2**Section 7.3.2 Conditional Uses:****Delete** Residential Garages on parcels without a principal building according to Section 6.2**Add** Storage structure as a principal use on a lot less than 10 acres in compliance with Section 6.2.9**Residential R-2 District****Section 7.4.1A Permitted Accessory Uses:****Add Storage structure** in compliance with Section 6.2**Section 7.4.2 Conditional Uses:****Delete** Residential Garages on parcels without a principal building according to Section 6.2**Add** Storage structure as a principal use on a lot less than 10 acres in compliance with Section 6.2.9**Residential R-3 District****Section 7.5.1A Permitted Accessory Uses:****Add Storage structure** in compliance with Section 6.2**Section 7.5.2 Conditional Uses:****Delete** Residential Garages on parcels without a principal building according to Section 6.2**Add** Storage structure as a principal use on a lot less than 10 acres in compliance with Section 6.2.9**Business District****Section 7.6.1 Permitted Uses****Add Storage structure****Truck Terminal****Section 7.6.1A Accessory Uses**

Those uses that are incidental and subordinate to the principal use or building.

B- 2 Business Enterprise District

Add Section 7.6A.2A Accessory Uses

Those uses that are incidental and subordinate to the principal use or building.

Light Industrial District

Section 7.7.1 Permitted Uses

Add Storage structure

Truck Terminal

Section 7.7.1A Accessory Uses

Those uses that are incidental and subordinate to the principal use or building.

Heavy Industrial District

Section 7.8.1 Permitted Uses

Add Storage structure

Truck Terminal

Section 7.8.1A Accessory Uses

Those uses that are incidental and subordinate to the principal use or building.

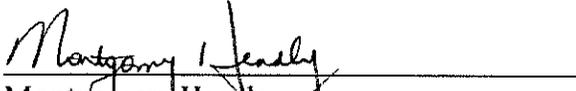
Approved and adopted by the Benton County Board of Commissioners this 5th day of April in the year of 2011.

Upon enactment, this ordinance shall be effective upon publication as provided by law.



Spencer Buerkle, Chair
Benton County Board of Commissioners

ATTEST:



Montgomery Headley
Benton County Administrator