

*Copy from minutes
to Co. Board*

ORDINANCE NO. _____
COUNTY OF BENTON
STATE OF MINNESOTA

AN ORDINANCE AMENDING THE JUNE 20, 1973 COUNTY ZONING ORDINANCE

WHEREAS, the County Planning Commission and the County Board called for public hearing to consider the advisability of amending the County Zoning Ordinance adopted June 20, 1973; and

WHEREAS, said public hearing was held in the Court House in Foley, Minnesota at 8:00 PM on the 13th of November 1975 pursuant to notice of intent published October 29, 1975; and

WHEREAS, the Planning Advisory Commission on November 13, 1975 recommended that said amendments be adopted,

NOW, THEREFORE, the County Board of Benton County, Minnesota ordains:

SECTION 1. That Sections 7.1.1 and 7.1.2 (b) of the June 20, 1973 County Zoning Ordinance be and hereby are amended to read as follows:

Subdivision 1. Section 7.1.1 Permitted Uses: One residence per farm of any size; general farming and related buildings; public utility buildings; essential services; horticulture; field crops; dairying; livestock raising; wildlife; forest and wetland management; apiaries and home occupations.

Subdivision 2. Section 7.1.2 (b) One single family dwelling on one and one half acres minimum lot size, 250 feet minimum width, 250 feet minimum depth may be permitted where the Planning Commission finds that such a use will not be in conflict with the intent and purpose of the ordinance. The Planning Commission shall base their decisions on the following criteria:

1. The potential suitability of the parcel for agricultural use due to soil composition, unfavorable topography, rock formations or other features causing farming to be unfeasible.
2. Previous division(s) of the same farm.
3. The proximity of the proposed residential lot to an existing feed lot.
4. The effect of the proposed land division on farming operations on land bordering the proposed lot.
5. The effect of adding additional residential development to the agricultural area.

SECTION 2. That the following new sections namely 2.1.13, 3.137, 3.138, 7.1.2 (f) and 9.13 be and hereby are adopted as amendments to the June 20, 1973 County Zoning Ordinance and shall read as follows:

Subdivision 1. Section 2.1.12. To further the appropriate use of land, and conserve and protect the natural resources of the county for present and future generations.

Subdivision 2. Section 3.137. Pine Plantation: A thick or dense planting of coniferous trees more than 50 feet in width and more than 100 feet in length.

Subdivision 3. Section 3. 138. Field Windbreak: A strip or belt of trees or shrubs more than 100 feet in length, 50 feet or less in width, adjacent to or within a field.

Subdivision 4. Section 7.1.2 (f). One mobile home in addition to the residence permitted under Section 7.1.1 may be permitted if placed on the farm building site and if used to house members of the resident farming family or for help employed full time on the farm and if the need for such an additional unit to support and carry on the principal use has been established. A mobile home pursuant to this subsection need not conform to the requirements of the American National Standards Institute A199.1-1972.

Subdivision 5. Section 9.1.3. No person shall remove or destroy any field windbreak or pine plantation, nor remove trees or stumps remaining after a field windbreak or pine plantation is destroyed by natural causes or any cause, in an agricultural district of the county without first making an application for, and obtaining a special Conditional Use tree removal permit. No such permit shall be issued unless the land owner has entered into a contractual restrictive covenant providing for the implementation of an alternate erosion control plan meeting the standards and specifications contained in the Benton Soil and Water Conservation District Technical Guide, said covenant to run with the land. The restrictive covenant must be approved by the County Board before a permit may be issued and must be recorded in the office of the Register of Deeds. No permit shall be required for the normal harvest of trees planted for harvesting for ornamental or decorative purposes or for the normal and necessary thinning of trees in a field windbreak or pine plantation.

SECTION 3. That this ordinance shall take effect from and after its passage and promulgation as provided by law.

Passed and adopted by the County Board of Benton County, Minnesota this 2nd day of December 1975.

Roy Herbst
Chairman

ATTEST:

August Machula
Clerk

Ordinance Amending
Section 7.1.3 of the Benton
Zoning Ordinance

WHEREAS, the County Planning Advisory Commission, as authorized by the County Board, called for a public hearing to consider the advisability of amending Paragraph 7.1.3 of the County Zoning Ordinance to change the permitted lot area from 10 acres to 40 acres minimum in Agriculture Districts 1-A and gave due notice thereof as required by law; and

WHEREAS, said public hearing was held in the courthouse in Foley at 8:30 PM on the 19th day of September 1974; and

WHEREAS, the Planning Advisory Commission has recommended that said amendment be adopted; and

WHEREAS, representatives of the majority of the Town Boards have requested the adoption of said amendment,

NOW THEREFORE THE COUNTY BOARD OF BENTON COUNTY ORDAINS::

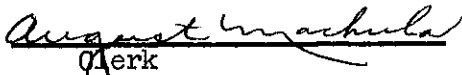
That Paragraph 7.1.3 of the Zoning Ordinance is amended to read as follows:


7.1.3	Yard Regulations	
	Lot area:	40 Acres minimum
	Lot width:	330 feet minimum
	Lot depth:	660 feet minimum
	Front yard or side yard:	
	Abutting a State or	
	Federal Highway:	116 feet minimum
	Abutting County or Town road:	65 feet minimum
	Abutting a service road	
	or street within a	
	subdivision:	50 feet minimum
	Side yard:	80 feet minimum
	Rear yard:	100 feet minimum

That this ordinance shall be in effect from and after its passage and publication as provided by law.

Passed and adopted by the Benton County Board of Commissioners this 1st day of April, 1975.

Attest::


Clerk


Chairman

FILED IN MY OFFICE THIS 1st

DAY OF April, 1975.

A. D.

Augustine
DEPUTY AUDITOR
EDMONTON COUNTY, ALBANY

DEPUTY AUDITOR