

ORDINANCE NUMBER 127

BENTON COUNTY, MINNESOTA

WHEREAS, the County is empowered to enact and revise zoning ordinances in order to protect the public health, safety and welfare; and

WHEREAS, a Notice of Intent to amend Ordinance 113 (Benton County Development Code) and a Notice of Public Hearings was published in the official newspaper on April 30, 1980; and

WHEREAS, pursuant to said notice a public hearing was held by the Planning Commission on May 15, 1980; and

WHEREAS, the Planning Commission recommended the following amendments for enactment by the County Board of Commissioners; and

WHEREAS, pursuant to said notice a public hearing was held by the County Board of Commissioners on May 20, 1980,

NOW, THEREFORE, BE IT ORDAINED by the Benton County Board of Commissioners that Ordinance 113 (Benton County Development Code) be amended as follows:

I

That Section 7.1 Conditional Uses be amended to read as follows:

7.1.2 Conditional Uses:

Single family dwellings, including energy efficient subterranean dwellings and mobile homes. In no event shall a density of more than four (4) dwellings, including farm dwellings and non-farm dwellings, be permitted within a quarter-quarter section, according to the U.S. government survey, with a minimum lot size per dwelling of one and one half (1.5) acres, subject to the following conditions:

- a. It can be demonstrated that the soil is not "prime" or "good" farmland, but that it is "marginal" or otherwise not feasible for agricultural production.
- b. The parcel abuts an existing public road.
- c. The proposed homesite will not encroach upon an existing or potential irrigation system.
- d. That the proposed site will not create a residential density of more than ten (10) non-farm dwellings within one half (1/2) mile of an existing feed lot.

7.1.3 A second home, which may be a mobile home, in ad-

dition to the permitted farmstead dwelling 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.

- 7.1.4 Airports, provided such facility has approval of the Minnesota Board of Aeronautics, Department of Transportation.
Land reclamation and mining as regulated by this and other ordinances.
Governmental buildings and structures.
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.
Operating of through trains but not including switching, storage, or other related operations.
Commerical livestock feed lots; livestock sales yards; livestock experimentation; small animal and restricted livestock farming; kennels; animal hospitals; intensive poultry farming; nurseries and greenhouses.
Grain elevators and farm implement sales.
Fertilizer plants; bulk liquid storage.
Repair garages; warehousing; Communication towers.
Slaughterhouses and meat processing plants.
- 7.1.5 An existing dwelling, constructed on a Farm or on a tract of not less than one and one half (1.5) acres on or before May 1, 1980, may be divided from such farm or tract of land and continue as a single family dwelling on the following conditions:
- a. The dwelling and accessory buildings shall be retained on a minimum size lot of not less than 1.5 acres, abutting an existing public road.

II

That Section 7.2 Permitted Uses, Permitted Accessory Uses and Conditional Uses shall be amended to read as follows:

7.2 Agricultural District "A-2"

7.2.1 Permitted Uses:

Same as "A-1" except for:

Single family dwellings, including mobile homes and energy efficient subterranean dwellings. In no event shall a density of more than four (4) dwellings, including farm dwellings and non-farm dwellings, be permitted within a quarter-quarter section, according to the U.S. government survey, with a minimum lot size per dwelling of one and one half (1.5) acres with the following conditions:

- a. The parcel abuts an existing public road.
- b. The proposed homesite will not encroach upon an existing or potential irrigation system.
- c. The parcel will not create a residential density of more than ten (10) non-farm dwellings

within a one half (1/2) mile of any existing feed lot

7.2.2 Permitted Accessory Uses:

Same as "A-1"

7.2.3 Conditional Uses:

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

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

Governmental buildings and structures.

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.

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

A second home in addition to the permitted farmstead 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.

Grain elevators, farm implements and kennels.

Fertilizer plants, bulk liquid storage.

Repair garages and warehousing.

Slaughterhouses and meat processing plants.

Communication towers.

7.2.4 Conditional Uses:

An existing dwelling, constructed on a Farm or on a tract of not less than one and one half (1.5) acres on or before May 1, 1980, may be divided from such farm or tract of land and continue as a single family dwelling on the following conditions:

- a. The dwelling and accessory buildings shall be retained on a minimum size lot of not less than 1.5 acres, abutting an existing public road.

III

That Section 10.10, Small Subdivisions, be 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.

The zoning administrator shall approve the application for a small subdivision if and when the subdivider submits the following information and complies with the following requirements:

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 an existing public road.
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, B, I-1 and I-2.
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.

In the event that the zoning administrator has reason to believe that the subdivider intends to repeatedly use the small subdivision provisions to thwart the purpose and requirements of Section 10.0 of this Ordinance, he may elect to refer the application to the planning commission for action thereof.

IV

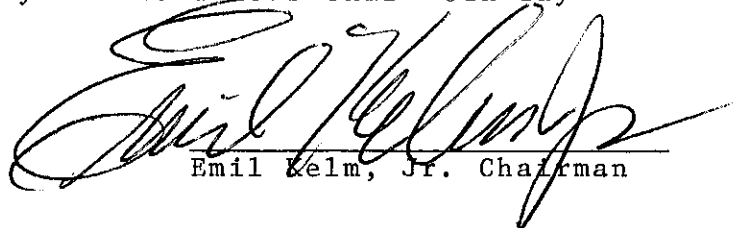
That Ordinance 113 be amended by adding Section 10.12 to read as follows:

- 10.12 Sections 10.0 through 10.11 shall not apply to subdivisions of land zoned A-1 and A-2.

V

This Ordinance shall take effect upon passage and publication.

Adopted by the Board of County Commissioners this 6th day of June, 1980.


Emil Kelm, Jr. Chairman

ATTEST:


Ray Cariveau, Clerk