

ORDINANCE NUMBER 124

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 February 5, 1980; and

WHEREAS, pursuant to said notice a public hearing was held by the Planning Commission on February 21, 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 March 4, 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 3.41 be amended to read as follows:

3.41 Essential Services: public roads, underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

II

That Section 4.4 be amended to read as follows:

4.4 Applicants for Permits:

Applications for conditional use permits, variances and rezonings will not be accepted from anyone who is not an owner of land for which the application is made.

III

That Section of 5.0-5.3 be amended to read as follows:

5.0 Compliance:

5.1 Applications for permits, variances, rezonings,

Use Permits" be amended to read as follows:

11.6 Conditional Use Permits

Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Planning Commission shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission shall make the following findings where applicable:

- (1) The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- (2) The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
- (3) The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
- (4) The use in the opinion of the Planning Commission is reasonably related to the existing land use.
- (5) The use is consistent with the purposes of the Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- (6) The use is not in conflict with the Land Use Plan of the county.
- (7) The use will not cause traffic hazards or congestion.

X

That Section 11.6.2 be amended to add subsection (10) to read as follows:

11.6.2 Procedure

- (10) If the land use does not conform to the conditions of the permit, the conditional use permit may be revoked.

XI

That Section 11.8(2) be amended to read as follows:

11.8 Zoning Amendments

Procedure

- (2) Written notice of public hearings on proposed amendments shall be sent to the governing bodies of all towns and municipalities located within the county. In the case of

application for rezoning, i.e., amending the zoning map, it is recommended that the Zoning Administrator give written notice of the public hearing to the owners of all property abutting the property which is the subject of the rezoning application.

XII

That Section 11.3.4 be amended to read as follows:

11.3.4 Ex-officio Members

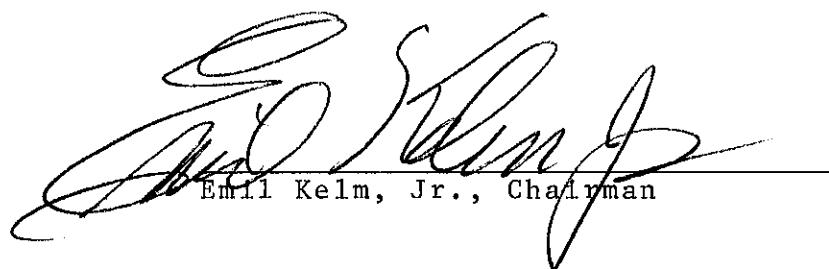
The following are appointed as non-voting ex-officio members of the Planning Commission:

A County Commissioner
The SCS Soils Technician
The County Coordinator
The Extension Director
The Land Use Technician

XIII

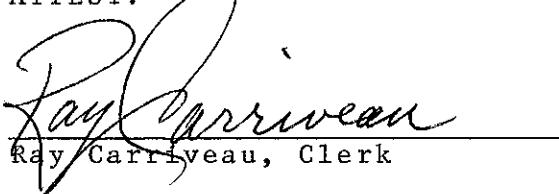
This ordinance shall take effect upon passage and publication.

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



Emil Kelm, Jr., Chairman

ATTEST:



Ray Carriéau
Ray Carriéau, Clerk