

BENTON COUNTY ORDINANCE NO. 483

WHEREAS, the Benton County Planning & Zoning Department instituted proceedings to amend the Benton County Ordinance 477; and,

WHEREAS, on January 25, 2022 and January 29, 2022, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspapers of the county; and,

WHEREAS, on February 10, 2022, the Benton County Planning Commission held a public hearing; and,

WHEREAS, on February 15, 2022 the Benton County Board of Commissioners held a public hearing 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:

That the following Sections of the Benton County Development Code be amended to read as follows:

Section 3: Definitions

3.2.20 **Auction Business:** a building or areas within a building used for the regularly scheduled public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes farm auctions, estate sales, garage sales, or similar on-site events conducted no more than 10 total calendar days per year.

Items 3.2.20 – 3.2.23 shall be renumbered to allow for the insertion of Auction Business.

3.7.7 **Feedlot:** a fenced land area or building or combination of fenced land areas and buildings intended for the confined feeding, breeding, raising or holding of at least fifty animal units or 10 animal units if in a shoreland area and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these rules, open lots used for the feeding

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and rearing of poultry (poultry ranges) shall be considered to be feedlots. Pastures shall not be considered to be animal feedlots.

A feedlot does not cease to be a feedlot merely because confined feeding, breeding, raising or holding of animals is not actually taking place at a given time, however, such areas, buildings or combinations which have not been used for confined breeding, raising or holding of animals for a 10-year period shall not be considered a feedlot until such use resumes. A written statement provided by the landowner may remove the status of an unused feedlot, regardless of when the feedlot was last used and permit a residence to be located within 660 feet of the unused feedlot.

3.17.3 **Pasture:** Areas where grass or other growing plants are used as food for animal grazing.

Items 3.17.3 – 3.17.26 shall be renumbered to allow for the insertion of Pasture.

3.20.2 **Temporary Sales:** Any sale made by a person, firm, or corporation engaging in the temporary business of selling goods, wares, or merchandise from a tent, truck, vending cart, or other area outside of a permanent structure.

3.20.10 **Transient Merchant:** any person, individual, copartnership, limited liability company, and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in this state, either in one locality, or in traveling from place to place in this state, selling goods, wares, and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy, or use a building, structure, vacant lot, or railroad car for the exhibition and sale of such goods, wares, and merchandise. (Minn. Stat. § 329.099)

Items 3.20.2 – 3.20.12 shall be renumbered to allow for the insertion of Temporary Sales / Transient Merchant.

Section 7.2: “A” Agricultural District

7.2.3 Permitted Accessory Uses:

(L) Temporary Sales / Transient Merchant Stands, in accordance with Section 9.25

7.2.5 Interim Uses:

(H) Auction Business, in accordance with Section 9.24

Section 7.3: “R-A” Rural Agricultural District

7.3.3 Permitted Accessory Uses:

(K) Temporary Sales / Transient Merchant Stands, in accordance with Section 9.25

7.3.5 Interim Uses:

(H) Auction Business, in accordance with Section 9.24

Section 7.7: “R-S” Rural Service District

7.7.3 Permitted Accessory Uses:

(J) Temporary Sales / Transient Merchant Stands, in accordance with Section 9.25

7.7.5 Interim Uses:

(E) Auction Business, in accordance with Section 9.24

Section 7.8: “B-1” Business District

7.8.3 Permitted Accessory Uses:

(C) Temporary Sales / Transient Merchant Stands, in accordance with Section 9.25

7.8.5 Interim Uses:

(C) Auction Business, in accordance with Section 9.24

Section 7.9: “B-2” Business Enterprise District

7.9.3 Permitted Accessory Uses:

(C) Temporary Sales / Transient Merchant Stands, in accordance with Section 9.25

7.9.5 Interim Uses:

(D) Auction Business, in accordance with Section 9.24

Section 7.10: “I-1” Light Industrial District

7.10.3 Permitted Accessory Uses:

(B) Temporary Sales / Transient Merchant Stands, in accordance with Section 9.25

7.10.5 Interim Uses:

(D) Auction Business, in accordance with Section 9.24

Section 7.11: "I-2" Heavy Industrial District

7.11.3 Permitted Accessory Uses:

(B) Temporary Sales / Transient Merchant Stands, in accordance with Section 9.25

7.11.5 Interim Uses:

(E) Auction Business, in accordance with Section 9.24

Section 9: Performance Standards

9.2 Adult Uses

9.2.2 For the purposes of this section, the following definitions shall apply:

(J) Specified Anatomical Areas

(K) Specified Sexual Activities

9.16 Mining Operations

(Ord. #428, adopted 06/17/08)

9.16.1 Permit Required

A permit shall be required for all mining operation(s).

(A) Interim Use Permits.

(Ord. #444, adopted 09/07/10)

Owners and operators of any mining operations commencing on or after June 15, 2010 shall obtain an interim use permit. Said permit shall be valid for a 20 year period, unless it is revoked, expires, or is otherwise terminated earlier. The interim use permit shall be subject to an administrative review and inspection by County staff every 5 years from the date the IUP was approved. IUP's approved after January 1, 2017 are subject to the 20 year permit term period. Administrative review shall consist of a review and inspection in accordance with Sections 9.16.4 through 9.16.7. Additional documentation shall be provided to County

staff as requested. Said permit is not transferable or assignable without the prior written consent of the Planning Commission.

9.16.3 Termination/and Revocation of Permit

(A) Termination

(3) Conditional use mining operations(s) permits approved on or after December 31, 1995, and Interim use mining operation(s) permits shall terminate automatically 5 years after date of issuance. Interim Use Permits issued after January 1, 2017 are valid for 20 years, subject to administrative review and inspection by County staff every 5 years from the date the IUP was approved. After termination of any CUP or IUP for mining, any new Interim Use Permits granted for the same operation shall follow all the performance requirements of this Ordinance at the time of the issuance of any new interim use permit.

9.24 Auction Business

9.24.1 Auction Business, where allowed in this Ordinance, shall be subject to the following standards:

(A) The applicant shall demonstrate adequate on-site parking and restroom facilities.

(B) Goods to be auctioned may be displayed outside in a secured area two (2) weeks prior to the auction and must be removed from outside within two (2) weeks after the auction unless otherwise required by the IUP.

(C) There shall be no auctioning of livestock.

(D) The applicant shall obtain written permission or an access permit, where required, from the responsible road authority for such use at the proposed location.

(E) All signage shall comply with Section 8.1 of the Zoning Ordinance.

9.25 Temporary Sales / Transient Merchant Stands

9.25.1 Temporary Sales/Transient Merchant Stands, where allowed in this Ordinance, shall be subject to the following standards:

(A) Required to obtain a Transient Merchant/Peddlers license through the County Auditor's office prior to conducting business per Minn. Stat. § 329.11.

- (B) Shall be located at an existing business site, or within an existing parking lot.
- (C) Shall have adequate access to and from a maintained public roadway.
- (D) Limited to a total of 14 days per calendar year.
- (E) Sales stands shall be located outside of the right-of-way and so as not to impede the sight line of traffic.
- (F) Hours of operation are limited to from dawn to dusk.
- (G) No overnight occupancy.

Section 10: Subdivision Regulations

Easements

10.11.8

Easements

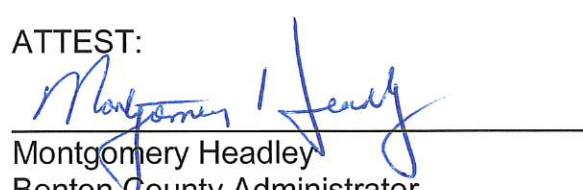
(E) Drainage:

- (4) At a minimum, a 10 foot Drainage and Utility Easement shall be provided adjacent to road right-of-way. The County Engineer may allow for a lesser width on a case-by-case basis.

Approved and adopted by the Benton County Board of Commissioners this 15th day of February in the year of 2022.

This ordinance shall be effective upon publication.

ATTEST:


Montgomery Headley
Benton County Administrator


Steven J. Heinen, Chair
Benton County Board of Commissioners