

## **BENTON COUNTY ORDINANCE NO. 487**

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

WHEREAS, the purpose of the amendment is protect areas of denser development by changing public utility buildings to conditional uses in the business and industrial districts; and,

WHEREAS, the purpose of the amendment is to provide greater flexibility for the construction of public utility buildings when properly sited; and,

WHEREAS, on December 20, 2022 and December 24, 2022, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspapers of the county; and,

WHEREAS, on January 5, 2023, the Benton County Planning Commission held a public hearing; and,

WHEREAS, on January 17, 2023 the Benton County Board of Commissioners held a public hearing and approve 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 7.7 "R-S" Rural Service District**

#### **7.7.4 Conditional Uses:**

(JJ) Public utility building

### **Section 7.8 "B-1" Business District**

Benton County Planning + Zoning  
no fee

1-18

## BENTON COUNTY ORDINANCE NO. 487

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

WHEREAS, the purpose of the amendment is protect areas of denser development by changing public utility buildings to conditional uses in the business and industrial districts; and,

WHEREAS, the purpose of the amendment is to provide greater flexibility for the construction of public utility buildings when properly sited; and,

WHEREAS, on December 20, 2022 and December 24, 2022, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspapers of the county; and,

WHEREAS, on January 5, 2023, the Benton County Planning Commission held a public hearing; and,

WHEREAS, on January 17, 2023 the Benton County Board of Commissioners held a public hearing and approve 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 7.7 “R-S” Rural Service District**

#### 7.7.4 Conditional Uses:

(JJ) Public utility building

### **Section 7.8 “B-1” Business District**

Benton County Planning + Zoning  
no fee

7.8.4 Conditional Uses:

(FF) Public utility building

### **Section 7.9 “B-2” Business Enterprise District**

7.9.4 Conditional Uses:

(CC) Public utility building

### **Section 7.10 “I-1” Light Industrial District**

7.10.4 Conditional Uses:

(AA) Public utility building

### **Section 7.11 “I-2” Heavy Industrial District**

7.10.4 Conditional Uses:

(EE) Public utility building

## **Section 9.11 Essential Services**

9.11.2 Public utility buildings shall be permitted uses in all zoning districts, except that a conditional use permit shall be required before construction in any residential, business, and industrial district.

(A) Parcels created for the sole purpose structures for public utilities shall be exempt from the minimum lot size requirements to permit a lot area, depth and width that is less than the minimum required for the district in which the building or structure is located. Lot shall be large enough, so all structures or facilities comply with the setbacks for the applicable zoning district.

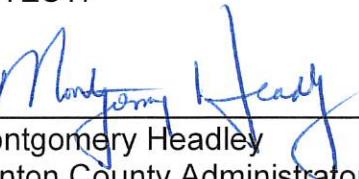
(B) Parcels shall be created in accordance with Section 10 Subdivision Regulations, as amended from time to time.

(C) Structures for public utilities are subject to accessory building setback requirements as outlined in the applicable district.

Approved and adopted by the Benton County Board of Commissioners this 17 day of January in the year of 2023.

This ordinance shall be effective upon publication.

ATTEST:

  
Montgomery Headley  
Benton County Administrator

  
\_\_\_\_\_  
Scott Johnson, Chair  
Benton County Board of Commissioners