

5-21

DOCUMENT#: **477486**

Recorded: 05-21-2025 at 3:47 PM

Cheryl L Kantor

County Recorder

Benton County MN

Fee: \$0

KB

\*\*Recording stamp digitally applied\*\*

## **BENTON COUNTY ORDINANCE NO. 500**

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

WHEREAS, on April 22<sup>nd</sup> and April 26<sup>th</sup>, 2025, Notice of Public Hearing and intent to amend a Benton County Ordinance was published in the official newspapers of the county; and,

WHEREAS, on May 8<sup>th</sup>, 2025, the Benton County Planning Commission held a public hearing; and,

WHEREAS, on May 20<sup>th</sup>, 2025, the Benton County Board of Commissioners held a public hearing and approved the proposed ordinance amendment; and,

WHEREAS, Benton County Planning Commission and Benton County Board of Commissioners finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Benton County, that the proposed amendments will promote the community's interest in reasonable stability in zoning and for now and in the future, and that the proposed provisions are in the public interest and for the public good; 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**

3.4.2 **Campground, Recreational:** Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of tents, live in fish houses, recreational camping vehicles, or park trailers free of charge or for compensation. Ancillary uses of a campground may include storm shelters, bathrooms, clubhouse, swimming pool, maintenance facilities, and other similar uses as

Benton Co. Admin  
No Fee

5-21

## BENTON COUNTY ORDINANCE NO. 500

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

WHEREAS, on April 22<sup>nd</sup> and April 26<sup>th</sup>, 2025, Notice of Public Hearing and intent to amend a Benton County Ordinance was published in the official newspapers of the county; and,

WHEREAS, on May 8<sup>th</sup>, 2025, the Benton County Planning Commission held a public hearing; and,

WHEREAS, on May 20<sup>th</sup>, 2025, the Benton County Board of Commissioners held a public hearing and approved the proposed ordinance amendment; and,

WHEREAS, Benton County Planning Commission and Benton County Board of Commissioners finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Benton County, that the proposed amendments will promote the community's interest in reasonable stability in zoning and for now and in the future, and that the proposed provisions are in the public interest and for the public good; 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

3.4.2      **Campground, Recreational:** Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of tents, live in fish houses, recreational camping vehicles, or park trailers free of charge or for compensation. Ancillary uses of a campground may include storm shelters, bathrooms, clubhouse, swimming pool, maintenance facilities, and other similar uses as

Benton Co. Admin  
No Fee

determined by the Planning Commission which use does not require its own conditional or interim use permit. Recreational Campgrounds exclude: (1) United States Forest Service camps (2) State Forest service camps (3) State wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landings.

3.4.11 **Commercial Multiple Unit Development:** are a type of development in the shoreland district permitted through a conditional use permit that typically provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial multiple unit developments.

3.4.13 **Commercial Recreation, Outdoor:** Land or facilities operated as a business that shall include, but is not limited to, golf courses, outdoor swimming pools, amusement parks, ~~campgrounds~~, go-kart tracks, paintball, firearms range, hunting club, shooting preserve and other similar businesses. Campgrounds and resorts are excluded from commercial recreation, outdoor. Such facility may also provide accessory snack bar, restaurant, retail sales of related items, and other support facilities.

3.14.19 **Multiple Unit Development:** a type of development in the shoreland district permitted through a conditional use permit characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment

buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

3.18.2      **Recreational Camping Vehicle:** Recreational camping vehicles or recreational vehicles shall have the meaning given in Minnesota Statutes, Section 327.14, subdivision 7, as may be amended from time to time. Recreational Camping Vehicle includes Travel and Camp Trailer. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses; B. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation; C. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and D. Any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

3.18.7      **Residential Multiple Unit Development:** a use in the shoreland district permitted through a conditional use permit where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, timeshare condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential multiple unit development, a development must contain at least 5 dwelling units or sites.

3.18.8      **Resort** - A commercial establishment that includes buildings, recreational camping areas, lodges, structures, dwelling units/sites, enclosures or any part thereof kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one (1) day, one (1) week, or longer, and having for rent one (1) or more cabins, rooms, campsites or enclosures. These establishments must be primarily service-oriented for transient lodging of guests. All cabins, rooms,



dwelling units/sites or enclosures must be included in the resort rental business. Resorts shall not allow residential use of a dwelling unit/site except dwellings used as residences for the service providers. In order to qualify as a resort pursuant to this definition, a resort shall also be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.

## **Section 7: Zoning Use Districts**

### **7.2 "A" Agricultural District**

#### **7.2.4 Conditional Uses:**

(SS) Campgrounds and Resorts in accordance with Section 9.28

### **7.3 "R-A" Rural Agricultural District**

#### **7.3.4 Conditional Uses:**

(MM) Campgrounds and Resorts in accordance with Section 9.28

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

#### **7.8.4 Conditional Uses:**

(GG) Campgrounds and Resorts in accordance with Section 9.28

### **7.9 "B-2" Business Enterprise District**

#### **7.9.4 Conditional Uses:**

(DD) Campgrounds and Resorts in accordance with Section 9.28

### **7.14 "S" Shoreland District**

#### **7.14.5 Zoning And Water Supply/Sanitary Provisions**

##### **(D) Design Criteria For Structures**

##### **(4) Stairways, Lifts, and Landings.**

- (a) Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and multiple unit developments;**

- (b) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and multiple unit developments;

#### 7.14.7 Subdivision/Platting Provisions

- (A) Land suitability.

- (1) Each lot created through subdivision, including multiple unit developments authorized under subsection 7.14.8, must be suitable in its natural state for the proposed use with minimal alteration.

#### 7.14.8 Multiple Unit Developments (MUD's) in Shoreland Districts

- (D) Site "Suitable Area" Evaluation

Proposed new or expansions to existing multiple unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in subsection 7.14.8(E).

- (2) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial multiple unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

- (E) Residential and Commercial MUD Density Evaluation

- (2) Commercial MUD "Base" Density Evaluation:

- (e) Proposed locations and numbers of dwelling units or sites for the commercial multiple unit development are then

compared with the tier, density and suitability analyses herein and the design criteria in subsection 7.14.8(F).

(3) Density Increase Multipliers:

- (b) Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Multiple Unit Developments:

7.14.8

(F) Maintenance and Design Criteria

(2) Open Space Requirements.

- (h) the shore impact zone, based on normal structure setbacks, must be included as open space. For residential MUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial MUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.

(3) Erosion Control and Stormwater Management.

- (b) Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial MUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with subsection 7.14.5(G).

(4) Centralized and Design of Facilities. Centralization design of facilities and structures must be done according to the following standards:

- (a) Multiple unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and subsections 7.14.5(B) and 7.14.5(L). On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

#### 7.14.8

##### (G) Conversions

Local governments may allow existing resorts or other land uses and facilities to be converted to residential multiple unit developments if all the following standards are met:

- (1) Proposed conversions must be initially evaluated using the same procedures for residential multiple unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

## 9.28 CAMPGROUNDS AND RESORTS

### 9.28.1 General Provisions:

- (A) A campground or resort located within a Shoreland and/or Floodplain District shall follow the process Multiple Unit Development process and criteria outlined in Section 7.14.8 of the Benton County Development Code and Benton County Ordinance 196, in addition to the requirements in this section. Where there



are conflicting requirements, the stricter of the standards shall apply.

- (B) **Licensing:** The campground/resort owner/operator shall obtain a primary or annual license from the Minnesota Department of Health, "MDH," in compliance with Minnesota Statutes, prior to recording of the CUP and shall submit a copy of the license to the County. The CUP shall have a condition that requires a valid license from MDH. Failure to maintain a valid license from MDH will result in revocation of the CUP.
- (C) **Seasonal Use:** The campground shall be seasonal and shall not be in use from November 1st through April 1st. Campgrounds shall comply with all local, state, and federal rules and regulations.
- (D) **Ready to move:** All livable structures within a floodplain district (i.e. RV's, park trailers, etc.) must be road ready, licensed (if applicable) and able to operate on their own power or towed on public roads in a legal manner.
- (E) **Related Facilities:** Campgrounds and resorts may include associated facilities including, but not limited to, restaurants, recreational facilities, event centers by obtaining the appropriate Conditional or Interim Use Permits for those uses.

#### **9.28.2 Site Plan/Design Criteria:**

- (A) **Grading and Drainage Plan:** Campgrounds shall have a Grading and Drainage Plan approved by a licensed engineer.

- (B) **Site Survey:** The lot must be surveyed. The site survey shall show locations of property boundaries, surface water features, wetlands, existing and proposed structures, camping sites, recreational vehicle sites and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at 10-foot intervals or less.
- (C) **Setbacks:** Structures and campsites shall meet the primary structure setbacks outlined within the zoning district in which it is located.
- (D) **Camp site minimums:**
  - (1) Each RV site shall be a minimum of 16' in width and 70' in depth (minimum area of 2,000 sq ft per RV site) to accommodate an RV and secondary vehicle.
  - (2) Each tent site shall be a minimum of 10' wide and 30' in depth and accommodate the structure and one parking space.
- (E) **Accessory Structures:** Limited to 1 per site no larger than 150sf.
- (F) **Parking Spaces:** Refer to Section 8.2 of the Development Code.
- (G) **Screening:** structures, parking areas and other facilities shall be treated to reduce visibility as viewed from public waters, adjacent shoreland and surrounding residences by vegetation, topography, increased setbacks, color or other means acceptable to the County, assuming summer, leaf-on conditions.

- (H) **Sewage Disposal, Toilets and Shower Facilities:** On site toilets, bathing, and laundry facilities shall comply with Benton County ordinances, state rules and statutes.
- (I) **Code Compliance:** All structures intended to be occupied by guests, the public or employees, must be constructed to meet building code.
- (J) **Severe Weather Shelter:** Campgrounds shall have an adequately sized severe weather shelter(s) on site, as approved by the Building Official. Temporary campgrounds established as emergency housing in a disaster area as declared by the Governor or President of the United States may be exempt unless its use exceeds a period of 18 months.

**9.28.3 Site Operations/Development Organization and Functioning:**

- (A) **Operational Plan:** The campground owner/operator shall provide an operational plan, to be approved by the Planning Commission. In addition to addressing the provisions listed in this section, the operational plan shall include the calendar months of the year which the campground will operate, the maximum number of camping sites including the type of site (i.e. primitive tent camping, RV full hook-ups, etc.). Operational plan shall include maintenance and management of the facility, to include interior roadways, water, septic, bathroom and laundry facilities, storm shelters and evacuation plans.

- (B) **Overnight Guests:** All overnight guests of the campground shall register their names, permanent address(s), make and model of vehicle(s), and license plate number(s). The campground owner/operator shall retain this registration log for at least one-year and shall be made available to law enforcement officials upon request.
- (C) **Caretaker/Attendant:** Campgrounds shall provide a caretaker or attendant who shall maintain all facilities in a clean, orderly and sanitary condition. The caretaker or attendant shall be readily available at all times in case of an emergency.
- (D) **Refuse and Garbage:** The storage, collection, and disposal of refuse and garbage in a recreational campground or resort shall be so conducted as to not create a health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. In recreational camping areas, garbage and refuse containers shall be provided on the ratio of at least one for every four sites. Refuse and garbage collection shall be made at least twice each week and more often when necessary to prevent nuisance conditions.
- (E) **Evacuation Plan:** Campgrounds shall provide an evacuation plan in case of severe weather, flood, fire, or other disaster, as approved by the Benton County Emergency Management Director, and shall be provided to campers at the time of registration.



- (F) **Emergency Vehicles:** The Campground owner shall maintain streets and roadways in the campground to permit passage of emergency vehicles and reverse maneuvering of recreational vehicles.
- (G) **Pets:** No domestic animals or pets of occupants of the campground may run at large or be a public nuisance.

Approved and adopted by the Benton County Board of Commissioners this 20th day of May in the year of 2025.

This ordinance shall be effective upon publication.

  
Edward D. Popp, Chair  
Benton County Board of Commissioners

ATTEST:

  
Montgomery Headley  
Benton County Administrator