

Section 7 Table of Content

7.0 Zoning Use Districts: 1

7.1 Agricultural District "A" 2

7.2 Rural Agricultural District "R-A" 9

7.2A Rural Service District "R-S" 16

7.3 R-1 Single Family Residence District 23

7.4 R-2 Single Family Residence District 27

7.5 R-3 Single Family Residence District 31

7.6 Business District "B" 35

7.6A "B-2" Business Enterprise District 38

7.7 Light Industrial District I-1 42

7.8 Heavy Industrial District I-2..... 45

7.9 General Flood Plain District (FP)..... 48

7.10 Adult Uses 49

7.0 Zoning Use Districts:

7.0.1 For the purposes of this Ordinance, the County of Benton, outside of the incorporated area, is hereby divided into Districts, which shall be designated as follows:

Agricultural	"A" (Section 7.1)
Rural Agricultural (Ord. #308 adopted 11/4/99)	"R-A" (Section 7.2) (Ord. #398 adopted 5/8/06)
Rural Service (Ord. #398 adopted 5/8/06)	"R-S" (Section 7.2A)
Residential	"R-1" (Section 7.3)
Residential	"R-2" (Section 7.4)
Residential	"R-3" (Section 7.5)
Business	"B" (Section 7.6)
Business Enterprise (Ord. #193 adopted 8/1/89)	"B-2" (Section 7.6A)
Light Industrial	"I-1" (Section 7.7)
Heavy Industrial	"I-2" (Section 7.8)
Floodplain	"FP" (Section 7.9)
Shoreland	"S" (Section 7.10)
Planned Unit Development (Ord. #308 adopted 11/4/99)	(PUD) (Section 7.13)

7.0.2 The boundaries of the Districts as established by this Ordinance are as shown on the Zoning Map. A permanent and updated copy of the Zoning Map shall be filed with the County Recorder.

7.1 Agricultural District "A"

This District is intended for those areas of Benton County where it is desirable, because of the high quality of soils and highly productive capacity of the land, to preserve, promote, maintain and enhance the use of land for agricultural purposes. This district shall allow for low density non-farm residence. Residential development may be allowed in this District at an overall density up to 4 dwelling units per 40 acres. The clustering of houses in order to preserve open space, agricultural land and purposes and/or environmentally valuable areas in some cases can be an asset to the community and when appropriate is encouraged by permitting a density up to 6 dwelling units per 40 acres. (Ord. #308 adopted 11/4/99) (Ord. #398, adopted 5/8/06)

7.1.10 Permitted Uses:

Agricultural land uses.
Cemeteries
Churches
Daycare Facilities, Licensed Group Family serving fourteen (14) or fewer children
Dwelling, Single Family (Ord. #398 adopted 5/8/06)
Essential services and necessary appurtenant structures in accordance with
Section 9.9
Farming, general and dairy, providing animal unit density is not greater than three
units per acre for lots 20 acres and greater (Ord #431, adopted 10/7/08)
Farmstead Residence (Ord. #391 adopted 10/4/05)
Feedlot, Tier 1 in accordance with Section 9.14 (Ord. #431, adopted 10/7/08)
Forestry
Government buildings and structures (Ord. #408, adopted 11/02/06)
Historic sites and areas (Ord. #440, adopted 10/20/09)
Horticultural uses and structures designed for storage of products and machinery
pertaining and necessary thereto.
Program Facilities, Residential with a licensed capacity of six (6) or fewer persons
Program Facilities, Nonresidential with a licensed capacity of twelve (12) or fewer
persons
Storage building as a principal use on a lot 10 acres or more (Ord. #427, adopted
5/6/08)
Wind energy conversion systems in accordance with Section 9.16
WECS Meteorological Tower for a period of 4 years or less and subject to Section
9.16
(Ord. #194 adopted 9/5/89) (Ord. #197 adopted 7/6/90)
(Ord. #205 adopted 12/4/90) (Ord. #265 adopted 7/16/96)
(Ord. #286 adopted 5/19/98) (Ord. #303 adopted 11/4/99)
(Ord. #352 adopted 12/17/02)(Ord. #391 adopted 10/4/05)
(Ord. #398 adopted 5/8/06)

7.1.11 Permitted Accessory Uses:

Accessory buildings
Antennas
Animal units on lots less than 20 acres as regulated in accordance with Section 8.11
Decorative landscaping features
Home occupations in conformance with the provisions of Section 9.15 of this Ordinance
Micro-WECS subject to Section 9.16 (Ord. #440, adopted 10/20/09)
Private swimming pools
Private tennis courts
Residential garages, parking spaces, carports
Roadside stands for sale of home occupations or horticulture products, provided off-street parking is available
Signs as regulated by this Ordinance
Solar Energy System, Accessory in accordance with Section 9.20.3 (Ord. #455, adopted 6/21/16)
Storage structure in compliance with Section 6.3 (Ord#445, adopted 04/12/11)
Temporary buildings located for purposes of construction on the premises for a period of time not to exceed normal, necessary construction time (Ord. #373, adopted 2/17/04) (Ord. #398, adopted 5/8/06)(Ord.#410, adopted 4/17/07) (Ord. #431, adopted 10/7/08)

7.1.20 Conditional Uses:

Any conditional use granted under section, 7.1.2 of Ordinance #113 or section 7.1.21 of Ordinance #185, will be deemed a conforming use.
(Ord. #197 adopted 7/6/90)
(Ord. #205 adopted 12/4/90)

7.1.21 Moved to Section 7.1.24

7.1.22 Moved to Section 7.1.24

7.1.23 Airports or airplane runways, provided such facility has approval of the Minnesota Board of Aeronautics, Department of Transportation.

Alcohol fuel plants
Animal hospitals
Bed and Breakfast (Ord. #407 adopted 11/14/06)
Bulk liquid storage.
Cabinet shops (Ord. #189 adopted 6/20/89)
Cluster Subdivisions in accordance with Section 9.18 (Ord. #398 adopted 5/8/06)
Commercial wind energy conversion systems in accordance with Section 9.16
Communication towers in accordance with Section 9.13.
(Ord. #189 adopted 6/20/89)
Contractor shops (Ord. #346 adopted 6/16/02)
Density Transfer within a contiguous tract of land (Ord. #398 adopted 5/8/06)

Excavation contractors (Ord. #258 adopted 11/21/95)

Farm implement sales

Feedlot, Tier II in accordance with Sections 9.14 (Ord. #431 adopted 10/7/08)

Fertilizer plants

Garage, Repair (Ord. #189 adopted 6/20/89)

Grain elevators

Greenhouses

High voltage transmission lines of between 100 and 200 kilovolts according to Section 9.9. (Ord. #354 adopted 01/21/03)

Home Extended Business in conformance with the provisions of Section 9.15 of this Ordinance. (Ord. #352 adopted 12/17/02)

Intensive livestock/poultry farming in accordance with Section 9.14

Kennels (Ord. #431, adopted 10/7/08)

Livestock experimentation

Livestock farming, small or restricted animals

Livestock sales yards

Livestock waste storage facility in accordance with the provisions of Section 9.14 of this Ordinance. (Ord. #308 adopted 11/4/99)

Manufacturing, Light

Marine, boat and recreational vehicle sales, including campers (Ord. #453 adopted 6/18/13)

Mini storage (self-service storage facility) (Ord. #267 adopted 10/15/96)

Nurseries, Landscape (Ord. #398, adopted 5/8/06)

Recreational facilities

Recycling Center

Retail Sales (Ord. #398, adopted 5/8/06)

Saw Mills (Ord. #431, adopted 10/7/08)

School, Private provided the site is not less than five (5) acres and no building shall be located within fifty (50) feet of a lot line

Seasonal Worker Housing according to Section 9.17 (Ord. #361, adopted 6/17/03).

Slaughterhouses and meat processing plants

Solid Waste Management Facilities

Stables (Ord. #431, adopted 10/7/08)

Storage structure as a principal use on a lot less than 10 acres in compliance with Section 6.3.6 (Ord. #445 adopted 04/12/11)

Substations with a voltage designed for and capable of operations at a nominal voltage of 100 kilovolts or more according to Section 9.9 (Ord. #354 adopted 01/21/03)

Truck Terminal

Vehicle sales, small scale (Ord. #221 adopted 10/6/92)

Warehousing (Ord. #189 adopted 6/20/89)

WECS Meteorological Tower for a period of more than 4 years and subject to Section 9.16 (Ord. #398 adopted 5/8/06) (Ord. #440, adopted 10/20/09)

7.1.24

Interim Uses:

(Ord#441, adopted 06/15/10)

A. Mining Operations subject to Section 9.7 (Ord. #428 adopted 6/17/08)

B. Second Dwelling (Ord. #447, adopted 12/20/11)

A second dwelling on a property shall be a detached single family dwelling for one of the following uses: (1) supportive care, (2) help on the farm, or (3) farm operator. Second dwellings are not intended as rental property and rental of either dwelling is prohibited. All applications and required documents that require signatures must be signed by the primary dwelling occupant(s) over 18 years of age, secondary dwelling occupant(s) over 18 years of age, and the landowner(s).

1. **Help on the Farm or Farm Operator**, the applicant must provide the documents and meet the criteria listed below:
 - a. Provision of Schedule F, or similar document, demonstrating the need for full time help on the farm.
 - b. Site plan showing the location of the second dwelling unit in relation to the original dwelling unit.
 - c. Signed written statement that the farm operator or the retired operator will reside on the property.
 - d. Signed written statement indicating the name or title of the person(s) occupying the second dwelling.
 - e. A signed statement declaring that the second dwelling shall be removed within 90 days when the demonstrated need for full time help on the farm no longer exists, or the farm operator no longer resides on the property.
 - f. The dwelling must be a manufactured home.
 - g. The dwelling must meet the state building code and meet the 31 point inspection requirement.
 - h. The dwelling must be connected to a permitted sewage treatment system.

2. **Supportive Care**, the applicant must provide the documents and meet criteria listed below:
 - a. Site plan showing the location of the second dwelling unit in relation to the original dwelling unit.
 - b. Documentation of the type of supportive care to be provided by a physician, nurse practitioner or physician assistant to verify the need for supportive care.
 - c. The principal owner of the property shall annually submit an affidavit to the Department of Development verifying that the dwellings are still occupied by the eligible resident(s) named in the original application.
 - d. A signed statement declaring that the second dwelling shall be removed within 90 days of discontinuance of providing or receiving supportive care.

- e. The dwelling must be a manufactured home.
 - f. The dwelling unit must be connected to a permitted sewage treatment system.
 - g. The dwelling must meet the state building code and meet the 31 point inspection requirement.
3. A second dwelling may be allowed as a permanent site built dwelling if:
- a. The requirements of Section B(1)(a-d, g, h) or Section B(2)(a-c, f, g) are met;
 - b. The property may be legally subdivided to create one lot for the primary dwelling and a separate lot for the secondary dwelling; and
 - c. The property to be subdivided shall meet the zoning district requirements established and documented at the time of the application:
 - i. residential density
 - ii. all lot standards (length, width, area) as indicated on a site plan
 - iii. all existing or proposed structures meeting the setback requirements
 - iv. access approval from the road authority
 - v. standard sewerability requirements (soil borings meeting the minimum requirement for two sewage treatment areas)
 - vi. As an interim use a condition shall be placed on the property that indicates that a change in status of either occupant of the dwellings will require a subdivision of said property according to the requirements established in the permit and within the subdivision portion of the ordinance.
 - d. Upon the expiration of the IUP, the property to be split shall be subdivided in accordance with standards of the Benton County Development Code in place at the time of the actual subdivision. The lots to be created will not need to meet the current zoning district requirements for lots at the time of the actual subdivision, but the lots created must meet the documented zoning district requirements that existed at the time of application for the IUP.
4. **Exemption.** If the second dwelling is to be constructed as the principal dwelling to replace the existing dwelling it shall be exempt from items B(1)(a-f) and B(2)(a-e). A condition shall be placed on all associated Interim Use Permits for second dwellings stating the original dwelling shall be removed within 90 days after the original party or parties named in the permit are no longer residing in the original dwelling.
- C. Community Solar Energy System in accordance with Section 9.20.2 for a minimum of 25 years. (Ord. #455, adopted 6/21/16)

7.1.30 Lot Area, Lot Width, Yard and Lot Access Requirements

(a) Setbacks (Ord. #440, adopted 10/20/09)

ALL STRUCTURES, SETBACKS FROM ROADS:

CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
Principal Arterial	150 feet	116 feet
Minor Arterial	150 feet	116 feet
Major Collector	125 feet	92 feet
Minor Collector	125 feet	92 feet
LOCAL COLLECTORS AND UN-CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
County Road	125 feet	92
Township Road	98 feet	65 feet
Township Road completely within a cluster subdivision	63 feet	30 feet

* Where right-of-way information is available the more restrictive standard will apply.

RESIDENTIAL STRUCTURES:

(Ord.#379, adopted 8/17/04) (Ord. #398, adopted 5/8/06)

-Side Yard or Rear Yard50 feet minimum

-Cluster Subdivision Side Yard abutting a Cluster Subdivision Lot or Cluster Subdivision Open Space15 feet minimum

-Cluster Subdivision Rear Yard abutting Cluster Subdivision Lot or Cluster Subdivision Open Space30 feet minimum

-Cluster Subdivision Side or Rear Yard abutting a standard subdivision lot50 feet minimum

Total Lot Coverage (impervious surface) on Cluster Lot.....25%

-Setback from feedlots.....See Section 9.14

OTHER STRUCTURES:

-Side Yard.....15 feet minimum

-Rear Yard.....30 feet minimum

(b) Lot Area Regulations

1. Two (2) acre minimum dry buildable lot size for a standard subdivision lot.
2. Two (2) acre maximum lot size for cluster subdivision lots.
3. Cluster subdivision lots shall have a minimum lot size to meet the required setbacks and provide for a well and two standard individual septic systems, all of which must be dry buildable.

(Ord. #197 adopted 7/6/90) (Ord. #205 adopted 12/4/90)
(Ord. #308 adopted 11/4/99) (Ord. #398 adopted 5/8/06)

(c) Lot Width and Depth Regulations

(Ord. #352 adopted 12/17/02) (Ord. #398 adopted 5/8/06)
(Ord. #403 adopted 9/5/06) (Ord. #456 adopted 3/15/16)

1. Every lot or plot of land in a standard subdivision shall have a minimum width of not less than two hundred and fifty (250) feet and a minimum depth of not less than three hundred (300) feet.
2. Cluster subdivision lots shall have a minimum width of 150 feet and depth of 200 feet. (See Section 7S5.1 for additional shoreland requirements)

(d) Lot Access Requirements

(Ord. #398 adopted 5/8/06) (Ord #407 adopted 11/14/06)

Every lot, tract or plot of land, including outlots, shall abut or have direct vehicular access to a public road. Each lot shall have a minimum road frontage equal to the required lot width; however, the Board of Commissioners with approval of a final plat of the Director of Development with an Administrative Land Split may approve a flag lot that has ownership to a dedicated public right-of-way by a minimum thirty-three (33) foot wide access. The public right-of-way shall meet the minimum requirements stated in Section 10.11.2 of the Development Code; however, the construction design standards of the road shall be subject to the requirements of the Township for which the road is so located.

7.2 **Rural Agricultural District "R-A"**

This District is established to provide areas for low density, rural residential structures in agricultural/rural areas on lands that, due to substantial coverage by wooded areas, rock outcroppings and marginal soils, are not conducive to long term agricultural production. Some areas in this District are currently under agricultural production and can remain as such. Residential development may be allowed in this District at an overall density up to 8 dwelling units per 40 acres. (Ord. #398 adopted 5/8/06)

7.2.10 **Permitted Uses:**

Agricultural land uses.

Churches

Cemeteries

Daycare Facilities, Licensed Group Family serving fourteen (14) or fewer children
Dwelling, Single Family (Ord. #398 adopted 5/8/06)

Essential services and necessary appurtenant structures in accordance with
Section 9.9

Farming, general and dairy, providing animal unit density is not greater than three
units per acre for lot 20 acres and greater (Ord. #431, adopted 10/7/08)

Farmstead Residence (Ord. #391 adopted 10/4/05)

Feedlot, Tier I in accordance with Sections 9.14 (Ord. #431 adopted 10/07/08)

Forestry

Governmental buildings and structures (Ord. #408, adopted 11/02/06)

Historic sites and areas (Ord. #440, adopted 10/20/09)

Horticultural uses and structures designed for storage of products and machinery
pertaining and necessary thereto.

Program Facilities, Residential with a licensed capacity of six (6) or fewer persons
Program Facilities, Nonresidential with a licensed capacity of twelve (12) or fewer
persons

Storage building as a principal use on a lot 10 acres or more (Ord# 427, adopted
5/6/08)

Wind energy conversion systems in accordance with Section 9.16

WECS Meteorological Tower for a period of 4 years or less and subject to Section
9.16

7.2.11 Permitted Accessory Uses:

Accessory buildings
Antennas
Animal units on lots less than 20 acres as regulated in accordance with Section 8.11
Decorative landscaping features.
Home occupations in conformance with the provisions of Section 9.15 of this Ordinance.
Micro-WECS subject to Section 9.16 (Ord. #440, adopted 10/20/09)
Private swimming pools
Private tennis courts
Residential garages, parking spaces, carports
Roadside stands for sale of home occupations or horticulture products, provided off-street parking is available
Signs as regulated by this Ordinance
Solar Energy System, Accessory in accordance with Section 9.20.3 (Ord#455, adopted 6/21/16)
Storage structure in compliance with Section 6.3 (Ord#445, adopted 04/12/11)
Temporary buildings located for purposes of construction on the premises for a period of time not to exceed normal, necessary construction time (Ord. #373, adopted 2/17/04) (Ord. #398, adopted 5/8/06) (Ord. #410, adopted 4/17/07) (Ord. #431, adopted 10/7/08)

7.2.20 Conditional Uses:

The following uses may be allowed as conditional uses following the procedures set forth in this Ordinance. (Ord. #398 adopted 5/8/06) (Ord. #440, adopted 10/20/09)

7.2.22 Airports or airplane runways, provided such facility has approval of the Minnesota Board of Aeronautics, Department of Transportation.

Alcohol fuel plants
Animal hospital (Ord. #352 adopted 12/17/02)
Bed and Breakfast (Ord. #407 adopted 11/14/06)
Board of Aeronautics, Department of Transportation
Bulk liquid storage
Cabinet shops
Commercial wind energy conversion systems in accordance with Section 9.16
Communication towers in accordance with Section 9.13
Contractor shops (Ord. #346 adopted 6/16/02) See Section 3.35A
Excavation contractors
Extended home occupations in conformance with the provisions of Section 9.15 of this Ordinance
Farm implement sales
Feedlot, Tier II in accordance with Section 9.14 (Ord. #431, adopted 10/7/08)
Fertilizer plants

Garage, Repair
 Grain elevators
 Greenhouses (Ord. #352 adopted 12/17/02)
 High voltage transmission lines of between 100 and 200 kilovolts according to
 Section 9.9 (Ord. #354 adopted 01/21/03)
 Home Extended Business in conformance with Section 9.15 of this Ordinance
 Intensive livestock/poultry farming in accordance with Section 9.14
 Kennels (Ord. #431, adopted 10/7/08)
 Livestock Experimentation
 Livestock sales yard
 Livestock waste storage facility in accordance with the provisions of Section 9.14 of
 this Ordinance
 Manufacturing, Light
 Mini storage (self-service storage facility)
 Nurseries, Landscape
 Recreational facilities
 Recycling Center
 Retail Sales (Ord. #398 adopted 5/8/06)
 Saw Mills (Ord. #431, adopted 10/7/08)
 School, Private provided the site is not less than five (5) acres and no building shall
 be located within fifty (50) feet of a lot line (Ord. #398 adopted 5/8/06)
 Seasonal Worker Housing according to Section 9.17 (Ord. #361, adopted 6/17/03)
 Slaughterhouses and meat processing plants
 Solid Waste Management Facilities
 Stables (Ord. #431, adopted 10/7/08)
 Storage structure as a principal use on a lot less than 10 acres in compliance with
 Section 6.3.6 (Ord. #445 adopted 04/12/11)
 Substations with a voltage designed for and capable of operations at a nominal
 voltage of 100 kilovolts or more according to Section 9.9 (Ord. #354 adopted
 01/21/03)
 Truck Terminal
 Vehicle sales, small scale (Ord. #221 adopted 10/6/92)
 Warehousing
 WECS Meteorological Tower for a period of more than 4 years and subject to
 Section 9.16

7.2.23 Deleted by Ord. #440, adopted 10/20/09.

7.2.24 Deleted by Ord. #391, adopted 10/4/05.

7.2.25 Moved to Section 7.2.27

7.2.26 Moved to Section 7.2.27

7.2.27 Interim Uses:
 (Ord. #441, adopted 06/15/10)

A. Mining Operations subject to Section 9.7 (Ord#428 adopted 06/17/08)

B. Second Dwelling (Ord. 447, adopted 12/20/11)

A second dwelling on a property shall be a detached single family dwelling for one of the following uses: (1) supportive care, (2) help on the farm, or (3) farm operator. Second dwellings are not intended as rental property and rental of either dwelling is prohibited. All applications and required documents that require signatures must be signed by the primary dwelling occupant(s) over 18 years of age, secondary dwelling occupant(s) over 18 years of age, and the landowner(s).

1. **Help on the Farm or Farm Operator**, the applicant must provide the documents and meet the criteria listed below:
 - a. Provision of Schedule F, or similar document, demonstrating the need for full time help on the farm.
 - b. Site plan showing the location of the second dwelling unit in relation to the original dwelling unit.
 - c. Signed written statement that the farm operator or the retired operator will reside on the property.
 - d. Signed written statement indicating the name or title of the person(s) occupying the second dwelling.
 - e. A signed statement declaring that the second dwelling shall be removed within 90 days when the demonstrated need for full time help on the farm no longer exists, or the farm operator no longer resides on the property.
 - f. The dwelling must be a manufactured home.
 - g. The dwelling must meet the state building code and meet the 31 point inspection requirement.
 - h. The dwelling must be connected to a permitted sewage treatment system.

2. **Supportive Care**, the applicant must provide the documents and meet criteria listed below:
 - a. Site plan showing the location of the second dwelling unit in relation to the original dwelling unit.
 - b. Documentation of the type of supportive care to be provided by a physician, nurse practitioner or physician assistant to verify the need for supportive care.
 - c. The principal owner of the property shall annually submit an affidavit to the Department of Development verifying that the dwellings are still occupied by the eligible resident(s) named in the original application.
 - d. A signed statement declaring that the second dwelling shall be removed within 90 days of discontinuance of providing or receiving supportive care.
 - e. The dwelling must be a manufactured home.
 - f. The dwelling unit must be connected to a permitted sewage treatment system.
 - g. The dwelling must meet the state building code and meet the 31 point inspection requirement.

3. A second dwelling may be allowed as a permanent site built dwelling if:
 - a. The requirements of Section B(1)(a-d, g, h) or Section B(2)(a-c, f, g) are met;
 - b. The property may be legally subdivided to create one lot for the primary dwelling and a separate lot for the secondary dwelling; and
 - c. The property to be subdivided shall meet the zoning district requirements established and documented at the time of the application:
 - i. residential density
 - ii. all lot standards (length, width, area) as indicated on a site plan
 - iii. all existing or proposed structures meeting the setback requirements
 - iv. access approval from the road authority
 - v. standard sewerability requirements (soil borings meeting the minimum requirement for two sewage treatment areas)
 - vi. As an interim use a condition shall be placed on the property that indicates that a change in status of either occupant of the dwellings will require a subdivision of said property according to the requirements established in the permit and within the subdivision portion of the ordinance.
 - d. Upon the expiration of the IUP, the property to be split shall be subdivided in accordance with standards of the Benton County Development Code in place at the time of the actual subdivision. The lots to be created will not need to meet the current zoning district requirements for lots at the time of the actual subdivision, but the lots created must meet the documented zoning district requirements that existed at the time of application for the IUP.

4. Exemption. If the second dwelling is to be constructed as the principal dwelling to replace the existing dwelling it shall be exempt from items B(1)(a-f) and B(2)(a-e). A condition shall be placed on all associated Interim Use Permits for second dwellings stating the original dwelling shall be removed within 90 days after the original party or parties named in the permit are no longer residing in the original dwelling.

C. Community Solar Energy System in accordance with Section 9.20.2 for a minimum of 25 years. (Ord. #455, adopted 6/21/16)

7.2.30 Lot Area, Lot Width, Yard, and Lot Access Requirements

(a) Setbacks: (Ord. #398 adopted 5/8/06) (Ord. #440, adopted 10/20/09)

ALL STRUCTURES, SETBACKS FROM ROADS:

CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
Principal Arterial	150 feet	116 feet
Minor Arterial	150 feet	116 feet
Major Collector	125 feet	92 feet
Minor Collector	125 feet	92 feet
LOCAL COLLECTORS AND UN-CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
County Road	125 feet	92
Township Road	98 feet	65 feet

* Where right-of-way information is available the more restrictive standard will apply.

RESIDENTIAL STRUCTURES:

-Side Yard or Rear Yard50 feet minimum

-Setback from feedlots.....See Section 9.14

OTHER STRUCTURES:

-Side Yard.....15 feet minimum

-Rear Yard.....30 feet minimum

(b) Lot Area Regulations

5 acre minimum lot size with a minimum of 2 dry, buildable acres.
(Ord. #398 adopted 5/8/06)

(c) Lot Width and Depth Regulations

Every lot or plot of land in a standard subdivision shall have a minimum width of not less than two hundred and fifty (250) feet and a minimum depth of not less than three hundred (300) feet.

(Ord. #403 adopted 9/5/06) (Ord. #456 adopted 3/15/16)

(d) Lot Access Requirements

Every lot, tract or plot of land, including outlots, shall abut or have direct vehicular access to a public road. Each lot shall have a minimum road frontage equal to the required lot width; however, the Board of Commissioners with approval of a final plat of Director of Development with an Administrative Land Split may approve a flag lot that has ownership to a dedicated public right-of-way by a minimum thirty-three (33) foot wide access. The public right-of-way shall meet the minimum requirements stated in Section 10.11.2 of the Development Code; however, the construction design standards of the road shall be subject to the requirements of the Township for which the road is so located. (Ord. #398 adopted 5/8/06) (Ord. #407 adopted 11/14/06)

7.2A **Rural Service District “R-S”**
(Ord. #398 adopted 5/8/06)

This District is intended for areas of Benton County that is a concentration of houses and business in an unincorporated area that are located at the intersection of two major roads. The County recognizes the existence of the small rural unincorporated service centers that were developed some time ago and which include a mixture of land uses. Thus this District has been designated for flexibility within standards related to public health and safety.

7.2A.10 Permitted Uses:

Churches
Daycare Facilities, Licensed Group Family serving fourteen (14) or fewer children
Dwelling, Single Family
Essential services and necessary appurtenant structure in accordance with Section 9.9.
Existing commercial and industrial uses, except that additions or expansions thereto shall be subject to the conditional use procedure
Government buildings and structures (Ord. #408, adopted 11/02/06)
Horticultural uses and structures designed for storage of products and machinery pertaining and necessary thereto.
Professional services
Program Facilities, Nonresidential with a licensed capacity of twelve (12) or fewer persons
Program Facilities, Residential with a licensed capacity of six (6) or fewer persons.
Public utility building

7.2A.11 Permitted Accessory Uses:

Accessory buildings
Animal units in accordance with Section 8.11
Antennas
Decorative landscaping features.
Home occupations in conformance with the provisions of Section 9.15 of this Ordinance.
Micro-WECS subject to Section 9.16 (Ord. #440, adopted 10/20/09)
Residential garages, parking spaces, carports.
Private swimming pools
Private tennis courts.
Roadside stands for sale of home occupations or horticulture products, provided off-street parking is available.
Signs as regulated by this Ordinance.
Solar Energy System, Accessory in accordance with Section 9.20.3 (Ord #455, adopted 6/21/16)
Storage structure in compliance with Section 6.2 (Ord#445, 04/12/11)

Temporary buildings located for purposes of construction on the premises for a period of time not to exceed normal, necessary construction time.
(Ord. #410, adopted 4/17/07) (Ord. #431, adopted 10/7/08)

7.2A.20

Conditional Uses

The following uses may be allowed as conditional uses following the procedures set forth in this Ordinance.

Agricultural Uses

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

Animal hospital

Banks

Bed and Breakfast (Ord. #407 adopted 11/14/06)

Cabinet shops.

Car washes

Cemeteries

Club or Lodge

Communication towers in accordance with Section 9.13

Contractor shops

Duplex, Triplex and Quad residential housing

Drive-in uses/businesses

Excavation contractors

Expansion of an existing commercial and industrial uses

Farm implement sales

Farming, General

Fences located in a front yard with a height between 4 feet and 6 feet (Ord. #407 adopted 11/14/06)

Garage, Repair

Grain elevators.

Greenhouses

Grocery stores

High voltage transmission lines of between 100 and 200 kilovolts according to Section 9.9

Historic sites and areas.

Home extended business in conformance with Section 9.15 of this Ordinance

Manufacturing, Light.

Manufactured home park

Mini storage (self-service storage facility)

Motels

Motor fuel stations in accordance with Section 9.8.

Nurseries, Landscape

Open sales lot

Recreational facilities

Restaurants, cafes and taverns

Retail Sales

Service station and/or convenience stores
 School, Private provided the site is not less than five (5) acres and no building shall be located within fifty (50) feet of a lot line.
 Storage structure as a principal use in compliance with Section 6.2.9 (Ord#445, adopted 04/12/110)
 Substations with a voltage designed for and capable of operations at a nominal voltage of 100 kilovolts or more according to Section 9.9
 Truck Terminal
 Vehicle sales
 Warehousing

7.2A.21 Moved to Section 7.2A.23
 7.2A.22 Moved to Section 7.2A.23

7.2A.23 Interim Uses:
 (Ord. #441, adopted 06/15/10)

A. Caretakers residence

B. Supportive Care. (Ord. 447, adopted 12/20/11)

1. **Supportive Care**, the applicant must provide the documents and meet criteria listed below:

- a. Site plan showing the location of the second dwelling unit in relation to the original dwelling unit.
- b. Documentation of the type of supportive care to be provided by a physician, nurse practitioner or physician assistant to verify the need for supportive care.
- c. The principal owner of the property shall annually submit an affidavit to the Department of Development verifying that the dwellings are still occupied by the eligible resident(s) named in the original application.
- d. A signed statement declaring that the second dwelling shall be removed within 90 days of discontinuance of providing or receiving supportive care.
- e. The dwelling must be a manufactured home.
- f. The dwelling unit must be connected to a permitted sewage treatment system.
- g. The dwelling must meet the state building code and meet the 31 point inspection requirement.

2. A second dwelling may be allowed as a permanent site built dwelling if:

- a. The requirements of Section B(1)(a-c, f, g) are met;
- b. The property may be legally subdivided to create one lot for the primary dwelling and a separate lot for the secondary dwelling; and
- c. The property to be subdivided shall meet the zoning district requirements established and documented at the time of the application:

- i. residential density
 - ii. all lot standards (length, width, area) as indicated on a site plan
 - iii. all existing or proposed structures meeting the setback requirements
 - iv. access approval from the road authority
 - v. standard sewerability requirements (soil borings meeting the minimum requirement for two sewage treatment areas)
 - vi. As an interim use a condition shall be placed on the property that indicates that a change in status of either occupant of the dwellings will require a subdivision of said property according to the requirements established in the permit and within the subdivision portion of the ordinance.
- d. Upon the expiration of the IUP, the property to be split shall be subdivided in accordance with standards of the Benton County Development Code in place at the time of the actual subdivision. The lots to be created will not need to meet the current zoning district requirements for lots at the time of the actual subdivision, but the lots created must meet the documented zoning district requirements that existed at the time of application for the IUP.

3. Exemption. If the second dwelling is to be constructed as the principal dwelling to replace the existing dwelling it shall be exempt from items B(1)(a-f). A condition shall be placed on all associated Interim Use Permits for second dwellings stating the original dwelling shall be removed within 90 days after the original party or parties named in the permit are no longer residing in the original dwelling.

C. Second Dwelling for Supportive Care

(a) A dwelling, which may be a stick built home, in addition to the permitted dwelling, maybe provided if used to provide shelter for a person needing supportive care or person giving supportive care and subject to the following conditions:

- 1. The temporary structure shall be located within 100 feet of the principal residential structure and meet all other setbacks.
- 2. One of the occupants of the temporary dwelling must be related to the owner of principal dwelling on the property by blood, marriage, or adoption.
- 3. The person needing supportive care must be unable to live independently due to physical or mental disabilities.
- 4. A letter shall be submitted from a physician, nurse practitioner or physician assistant to verify the need for supportive care and extent of care to be provided and the permanency of the situation.

5. The principal owner of the property shall annually submit an affidavit to the Department of Development verifying that either the principal unit or the second unit is still occupied by the eligible resident(s) named in the original application.
6. The structure shall be removed within ninety days of discontinuance of providing or receiving supportive care.
7. The property owner shall sign an agreement acknowledging that when supportive care is no longer required one of the structures will need to be removed within ninety days, unless a land split is approved.
8. A bond, escrow or letter of credit shall be submitted prior to approval of a land use permit for the second dwelling to ensure that funds are available for the removal of one of the structures within ninety days of discontinuance.

7.2A.30 Lot Requirements

A. Lot Regulations

All lots shall have the minimum lot area that is comprised of non-wetland.

(a) Lot Area:

1. Private sewer, per dwelling unit.....21,000 sq. ft. minimum
2. Community sewer per dwelling unit.....17,000 sq. ft. minimum
3. See Section 7S5.1 for additional shoreland requirements

(b) Lot Width:

1. 21,000 sq. ft. lot.....100 feet minimum
2. 17,000 sq. ft. lot.....90 feet minimum
3. See Section 7S5.1 for additional shoreland requirements

(c) Lot Depth:

1. 21,000 sq. ft. lot.....170 feet minimum
2. 17,000 sq. ft. lot.....145 feet minimum

B. Setbacks: (Ord. #440, adopted 10/20/09)

ALL STRUCTURES, SETBACKS FROM ROADS:

CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
Principal Arterial	150 feet	116 feet
Minor Arterial	150 feet	116 feet
COLLECTORS AND UN-CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
County Road	98 feet	65 feet
Township Road	63 feet	30 feet

* Where right-of-way information is available the more restrictive standard will apply.

C. RESIDENTIAL STRUCTURES:

- Side Yard or Rear Yard abutting land zoned A or R-A50 feet
minimum
- Side Yard15 feet minimum
- Rear Yard 30 feet minimum
- Setback from feedlots.....See Section 9.14

D. OTHER STRUCTURES:

- Side Yard.....15 feet minimum
- Rear Yard.....30 feet minimum

E. Building Height Limitation.....40 feet
Unless in shoreland district see Section 7S5.23

F. Total lot coverage (impervious surface).....35%

G. Lot Access

Every lot, tract or plot of land, including outlots, shall abut or have direct vehicular access to a public road. Each lot shall have a minimum road frontage equal to the required lot width; however, the Board of Commissioners with approval of a final plat or the Director of Development with an Administrative Land Split may approve a flag lot that has ownership to a dedicated public right-of-way by a minimum thirty-three (33) foot wide access. The public right-of-way shall meet the minimum requirements stated in Section 10.11.2 of the Development Code; however, the construction design standards of the road shall be subject to the requirements of the Township for which the road is so located. (Ord# 407 adopted 11/14/06)

7.3 **R-1 Single Family Residence District**

7.3.1 **Permitted Uses**

- (1) Single family detached dwellings, provided the following design standards are met:
 - (a) No such dwelling shall have a ground floor space of less than 800 square feet.
 - (b) No such dwelling shall have a width of less than 20 feet at its narrowest point. This restriction shall not apply to breezeways or other passageways that connect principal parts of a dwelling as long as the principal parts of the dwelling have a width of at least 20 feet at the narrowest point.
- (2) Educational and cultural institutions
Essential services
Field crops
Government buildings and structures
Horticulture
Licensed Group Family Daycare Facilities serving 14 or fewer children
Nonresidential Program Facilities with a licensed capacity of 12 or fewer persons
Religious institutions
Residential Program Facilities with a licensed capacity of 6 or fewer persons
Wildlife forest and woodland management
(Ord. #248, adopted 2/21/95) (Ord. #265, adopted 7/16/96) (Ord. #352, adopted 12/7/02) (Ord. #408, adopted 11/02/06)
(Ord. #440, adopted 10/20/09)

7.3.1A **Permitted Accessory Uses**

- Accessory structures
- Animal units in accordance with Section 8.11
- Antennas
- Home Occupations in conformance with the provisions of Section 9.15 of this ordinance;
- Micro-WECS subject to Section 9.16 (Ord. #440, adopted 10/20/09)
- Private Swimming Pools
- Signs as regulated by this Ordinance
- Solar Energy System, Accessory in accordance with Section 9.20.3 (Ord. #455, adopted 6/21/16)
- Storage structure in compliance with Section 6.2 Ord#445, adopted 04/12/11)
(Ord. #410, adopted 4/17/07) (Ord. #264 adopted 07/16/96)(Ord. #304 adopted 11/4/99) (Ord. #350, adopted 09/17/02) (Ord. #429 adopted 07/15/08) (Ord. #431, adopted 10/7/08)

7.3.2 Conditional Uses

- Bed and breakfast
- Cemeteries, including mausoleums
- Duplexes
- Energy efficient subterranean dwellings
- Fences located in a front yard with a height between 4 feet and 6 feet
- General farming
- Golf courses
- Home extended business in conformance with the provisions of Section 9.15 of this ordinance
- High voltage transmission lines of between 100 and 200 kilovolts according to Section 9.9
- Manufactured home parks
- Necessary schools
- Nurseries and greenhouses with retail sales of home grown products
- Parks
- Public utility buildings
- Storage structure as a principal use in compliance with Section 6.2.9 (Ord#445, adopted 04/12/11)
- Substations with a voltage designed for and capable of operations at a nominal voltage of 100 kilovolts or more according to Section 9.9.
(Ord. #190 adopted 7/5/89)(Ord. #222 adopted 10/6/92)(Ord. #206 adopted 1/8/9)
(Ord. #308 adopted 11/4/99) (Ord. #352 adopted 12/17/02) (Ord. #354 adopted 01/21/03) (Ord. #407 adopted 11/14/06) (Ord #412 adopted 7/17/07)
(Ord. #440, adopted 10/20/09)

7.3.3 Yard Regulations

(Ord. #308 adopted 11/4/99)

- (a) Lot area per dwelling unit.....2 Acres minimum
(The 2 acre minimum shall be comprised of non-wetland)
(Ord. #410, adopted 4/17/07)
- (b) Lot Width.....165 feet minimum
- (c) Lot Depth.....300 feet minimum
(Ord. #410, adopted 4/17/07)

(d) ALL STRUCTURES, SETBACKS FROM ROADS:

CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
Principal Arterial	150 feet	116 feet
Minor Arterial	150 feet	116 feet
Major Collector	125 feet	92 feet
Minor Collector	125 feet	92 feet
LOCAL COLLECTORS AND UN-CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY
County Road	125 feet	92
Township Road	98 feet	65 feet

* Where right-of-way information is available the more restrictive standard will apply.

(Ord. #440, adopted 10/20/09)

(e) RESIDENTIAL STRUCTURES:

(Ord. #407 adopted 11/14/06)

-Side Yard or Rear Yard Abutting Land zoned A or R-A.....50 feet minimum

(Ord.#388, adopted 7/05/05)

-Side Yard Abutting Land zoned R-1, R-2, R-3 or R-S...15 feet minimum

-Rear Yard Abutting Land zoned R-1, R-2, R-3 or R-S ...30 feet minimum

- Side Yard Abutting Land zoned R-1, R-2, R-3 or R-S, where Residential Fire Protection Water is available with a subdivision.....10 feet minimum

(Ord. #300, adopted May 4, 1999)

-Setback from feedlots..... See Section 9.14

(f) OTHER STRUCTURES:

-Side Yard.....15 feet minimum

-Rear Yard.....30 feet minimum

(g) Building Height Limitation.....40 feet
Unless in shoreland district see Section 7S5.23 (Ord#388 adopted 7/05/05)

(h) Total lot coverage (impervious surface).....25%
(Ord#352 adopted 12/17/02)

(i) See Section 7S5.1 for additional shoreland requirements

7.3.4

Lot Access

(Ord. #398 adopted /5/806)

Every lot, tract or plot of land, including outlots, shall abut or have direct vehicular access to a public road. Each lot shall have a minimum road frontage equal to the required lot width; however, the Board of Commissioners with approval of a final plat may approve a flag lot that has ownership to a dedicated public right-of-way by a minimum thirty-three (33) foot wide access. The public right-of-way shall meet the minimum requirements stated in Section 10.11.2 of the Development Code; however, the construction design standards of the road shall be subject to the requirements of the Township for which the road is so located.

7.4 R-2 Single Family Residence District

7.4.1 Permitted Uses

- (1) Single family detached dwellings, provided the following design standards are met:
 - (a) No such dwelling shall have a ground floor space of less than 800 square feet.
 - (b) No such dwelling shall have a width of less than 20 feet at its narrowest point. This restriction shall not apply to breezeways or other passageways that connect principal parts of a dwelling as long as the principal parts of the dwelling have a width of at least 20 feet at the narrowest point.
- (2) Educational and cultural institutions
Essential services
Field crops
Government buildings and structures
Horticulture
Licensed Group Family Daycare Facilities serving 14 or fewer children
Nonresidential Program Facilities with a licensed capacity of 12 or fewer persons
Religious institutions
Residential Program Facilities with a licensed capacity of 6 or fewer persons
Wildlife forest and woodland management
(Ord. #248, adopted 2/21/95) (Ord. #265, adopted 7/16/96) (Ord. #352, adopted 12/7/02) (Ord. #408, adopted 11/02/06)
(Ord. #440, adopted 10/20/09)

7.4.1A Permitted Accessory Uses

Accessory Buildings

Animal units in accordance with Section 8.11

Antennas

Home Occupations in conformance with the provisions of Section 9.15 of this ordinance.

Micro-WECS subject to Section 9.16 (Ord. #440, adopted 10/20/09)

Private Swimming Pools

Signs as regulated by this Ordinance

Solar Energy System, Accessory in accordance with Section 9.20.3 (Ord. #455, adopted 6/21/16)

Storage structure in compliance with Section 6.2 (Ord#445, adopted 04/12/11)(Ord. #352 adopted 12/17/02) (Ord. #410, adopted 4/17/07) (Ord. #264 adopted 07/16/96) (Ord.#308 adopted 11/4/99) (Ord. #350, adopted 09/17/02) (Ord. #429 adopted 07/15/08) (Ord. #431, adopted 10/7/08)

7.4.2 Conditional Uses

- Bed and breakfast
- Cemeteries, including mausoleums
- Duplex
- Energy efficient subterranean dwellings
- Fences located in a front yard with a height between 4 feet and 6 feet
- General farming
- Golf courses
- High voltage transmission lines of between 100 and 200 kilovolts according to Section 9.9
- Home extended business in conformance with the provisions of Section 9.15 of this ordinance
- Manufactured home parks
- Necessary schools
- Nurseries and greenhouses with retail sales of home grown products
- Parks
- Public utility buildings
- Substations with a voltage designed for and capable of operations at a nominal voltage of 100 kilovolts or more according to Section 9.9
- Storage structure as a principal use in compliance with Section 6.2.9 (Ord#445, adopted 04/12/11)
(Ord. #190 adopted 7/5/89) (Ord. #206 adopted 1/8/91) (Ord. #222 adopted 10/6/92) (Ord. #308 adopted 11/4/99) (Ord. #352 adopted 12/17/02)(Ord. #354 adopted 01/21/03) (Ord. #369 adopted 10/21/03) (Ord. #407 adopted 11/14/06) (Ord #412 adopted 7/17/07) (Ord. #440, adopted 10/20/09)

7.4.3 Yard Regulations

(Ord. #308 adopted 11/4/99) (Ord. #364 adopted 7/15/03)

All lots shall have the minimum lot area that is comprised of non-wetland.

- (a) Lot Area:
 - 1. Private sewer per dwelling unit.....one acre minimum
 - 2. Community sewer per dwelling unit.....17,000 sq. ft. minimum
 - 3. Public sewer per dwelling unit.....12,000 sq. ft. minimum

- (b) Lot Width:
 - 1. One acre lot.....150 feet minimum
 - 2. 17,000 sq. ft. lot.....115 feet minimum
 - 3. 12,000 sq. ft. lot.....80 feet minimum

- (c) Lot Depth:
 - 1. One acre lot.....200 feet minimum
 - 2. 17,000 sq. ft. lot.....150 feet minimum
 - 3. 12,000 sq. ft. lot.....100 feet minimum

(d) ALL STRUCTURES, SETBACKS FROM ROADS:

CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
Principal Arterial	150 feet	116 feet
Minor Arterial	150 feet	116 feet
Major Collector	125 feet	92 feet
Minor Collector	125 feet	92 feet
Local Collector	98 feet	65 feet
LOCAL COLLECTORS AND UN-CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
County Road	125 feet	92
Township Road	63 feet	30 feet

* Where right-of-way information is available the more restrictive standard will apply.
(Ord. #440, adopted 10/20/09)

(e) RESIDENTIAL STRUCTURES:

(Ord. #407 adopted 11/14/06)

-Side Yard or Rear Yard Abutting Land zoned A or R-A.....50 feet minimum
(Ord.#388, adopted 7/05/05)

-Side Yard Abutting Land zoned R-1, R-2, R-3 or R-S....15 feet minimum

-Rear Yard Abutting Land zoned R-1, R-2, R-3 or R-S....30 feet minimum

- Side Yard Abutting Land zoned R-1, R-2, R-3 or R-S where Residential Fire Protection Water is available with a subdivision 10 feet minimum
(Ord. #300, adopted May 4, 1999)

-Setback from feedlots.....See Section 9.14

(f) OTHER STRUCTURES:

-Side Yard.....15 feet minimum

-Rear Yard.....30 feet minimum

(g) Building Height Limitation.....40 feet
Unless in shoreland district see Section 7S5.23 (Ord#388 adopted 7/05/05)

(h) Total Lot Coverage (impervious surface).....25%
(Ord. #352 adopted 12/17/02)

(i) See Section 7S5.1 for additional shoreland requirements

7.4.5

Lot Access

(Ord. #398 adopted /5/8/06)

Every lot, tract or plot of land, including outlots, shall abut or have direct vehicular access to a public road. Each lot shall have a minimum road frontage equal to the required lot width; however, the Board of Commissioners with approval of a final plat may approve a flag lot that has ownership to a dedicated public right-of-way by a minimum thirty-three (33) foot wide access. The public right-of-way shall meet the minimum requirements stated in Section 10.11.2 of the Development Code; however, the construction design standards of the road shall be subject to the requirements of the Township for which the road is so located.

7.5 R-3 Single Family Residence District

7.5.1 Permitted Uses

- (1) Single family detached dwellings, provided the following design standards are met:
 - (a) No such dwelling shall have a ground floor space of less than 800 square feet.
 - (b) No such dwelling shall have a width of less than 20 feet at its narrowest point. This restriction shall not apply to breezeways or other passageways that connect principal parts of a dwelling as long as the principal parts of the dwelling have a width of at least 20 feet at the narrowest point.
- (2) Horticulture
Educational and Cultural Institutions
Essential Services
Field Crops
Government Buildings and Structures
Licensed Group Family Daycare Facilities serving 14 or fewer children
Nonresidential Program Facilities with a licensed capacity of 12 or fewer persons
Religious Institutions
Residential Program Facilities with a licensed capacity of 6 or fewer persons
Wildlife Forest and Woodland Management
(Ord. #248, adopted 2/21/95) (Ord. #265, adopted 7/16/96) (Ord. #352, adopted 12/7/02) (Ord. #408, adopted 11/02/06)
(Ord. #440, adopted 10/20/09)

7.5.1A Permitted Accessory Uses

- Accessory Buildings
- Animal units in accordance with Section 8.11
- Antennas
- Home Occupations in conformance with the provisions of Section 9.15 of this ordinance.
- Micro-WECS subject to Section 9.16 (Ord. #440, adopted 10/20/09)
- Private Swimming Pools
- Signs as regulated by this Ordinance
- Solar Energy System, Accessory in accordance with Section 9.20.3 (Ord. #455, adopted 6/21/16)
- Storage structure in compliance with Section 6.2 (Ord#445, adopted 04/12/11) (Ord. #410, adopted 4/17/07) (Ord. #264 adopted 07/16/96) (Ord. #308 adopted 11/4/99) (Ord. #350 adopted 09/17/02) (Ord. #429 adopted 07/15/08) (Ord. #431, adopted 10/7/08)

7.5.2 Conditional Uses

- Bed and breakfast
- Cemeteries, including mausoleums
- Duplex, triplex and quad residential housing units on properties served by a public, community or central sewage treatment system
- Energy efficient subterranean dwellings
- Fences located in a front yard with a height between 4 feet and 6 feet
- General farming
- High voltage transmission lines of between 100 and 200 kilovolts according to Section 9.9
- Home extended business in conformance with the provisions of Section 9.15 of this ordinance
- Necessary schools
- Nonresidential Program Facilities with a licensed capacity of 13-16 persons
- Nurseries and greenhouses growing planting materials with no retail sales
- Parks
- Public utility buildings
- Substations with a voltage designed for and capable of operations at a nominal voltage of 100 kilovolts or more according to Section 9.9.
- Storage structure as a principal use in compliance with Section 6.2.9 (Ord#445, adopted 04/12/11)
(Ord. #206 adopted 1/8/91) (Ord. #222 adopted 10/6/92) (Ord. #265 adopted 07/16/96) (Ord. #308 adopted 11/4/99) (Ord. #352 adopted 12/17/02) (Ord. #354 adopted 01/21/03) (Ord. #369 adopted 10/21/03) (Ord. #407 adopted 11/14/06) (Ord #412 adopted 7/17/07) (Ord. #440, adopted 10/20/09)

7.5.3 Yard Regulations

(Ord. #308 adopted 11/4/99) (Ord. #364 adopted 7/15/03)
All lots shall have the minimum lot area that is comprised of non-wetland.

- (a) Lot Area:
 - 1. Private sewer, per dwelling unit.....21,000 sq. ft. minimum
 - 2. Community sewer per dwelling unit.....17,000 sq. ft. minimum
 - 3. Public sewer, per dwelling unit.....12,000 sq. ft. minimum

- (b) Lot Width:
 - 1. 21,000 sq. ft. lot.....100 feet minimum
 - 2. 17,000 sq. ft. lot.....90 feet minimum
 - 3. 12,000 sq. ft. lot.....80 feet minimum

- (c) Lot Depth:
 - 1. 21,000 sq. ft. lot.....170 feet minimum
 - 2. 17,000 sq. ft. lot.....145 feet minimum
 - 3. 12,000 sq. ft. lot.....120 feet minimum

(d) ALL STRUCTURES, SETBACKS FROM ROADS:

CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
Principal Arterial	150 feet	116 feet
Minor Arterial	150 feet	116 feet
Major Collector	125 feet	92 feet
Minor Collector	125 feet	92 feet
LOCAL COLLECTORS AND UN-CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
County Road	125 feet	92
Township Road	63 feet	30 feet

* Where right-of-way information is available the more restrictive standard will apply.

(Ord. #440, adopted 10/20/09)]

(e) RESIDENTIAL STRUCTURES:

(Ord. #407 adopted 11/14/06)

- Side Yard or Rear Yard Abutting Land zoned A or R-A.....50 feet minimum
(Ord#388, adopted 7/05/05)
- Side Yard Abutting Land zoned R-1, R-2, R-3 or R-S.....15 feet minimum
- Rear Yard Abutting Land zoned R-1, R-2, R-3 or R-S.....30 feet minimum
- Side Yard Abutting Land zoned R-1, R-2, R-3 or R-S, where Residential Fire Protection Water is available with a subdivision 10 feet minimum
(Ord. #300, adopted May 4, 1999)
- Setback from feedlots.....See Section 9.14

(f) OTHER STRUCTURES:

- Side Yard.....15 feet minimum
- Rear Yard.....30 feet minimum

(g) Building Height Limitation.....40 feet
Unless in shoreland district see Section 7S5.23 (Ord#388, adopted 7/05/05)

(h) Total Lot Coverage (impervious surface).....25%
(Ord. #352 adopted 12/17/02)

(i) See Section 7S5.1 for additional shoreland requirements

7.5.4 Water Well and Septic System Requirements

Every land use permit issued for property zoned R-3, which property has no public sewer system, shall contain the following conditions and requirements: "Each well shall be at least fifty feet deep and shall be cased and grouted to prevent contamination from upper soil layers. In order to avoid contamination of neighboring wells and to comply with the setback requirements of Section 9.6, the well and septic system on said property shall be located in the same respective areas of the lot as on the adjoining lots. Non-compliance shall be cause for revocation of the permit by the Department of Development."

The Board of Adjustment may consider a variance application from this subsection if there is no hazard to the public health, safety and welfare.

7.5.5 Lot Access

(Ord. #398 adopted 5/8/06)

Every lot, tract or plot of land, including outlots, shall abut or have direct vehicular access to a public road. Each lot shall have a minimum road frontage equal to the required lot width; however, the Board of Commissioners with approval of a final plat may approve a flag lot that has ownership to a dedicated public right-of-way by a minimum thirty-three (33) foot wide access. The public right-of-way shall meet the minimum requirements stated in Section 10.11.2 of the Development Code; however, the construction design standards of the road shall be subject to the requirements of the Township for which the road is so located.

7.6 Business District "B"

7.6.1 Permitted Uses

- Adult Uses according to Section 7.10
- Agricultural – Field crops
- Cafes and restaurants
- Essential services
- Micro-WECS subject to Section 9.16
- Mini storage (self-service storage facility)
- Motels
- Offices
- Professional services
- Public utility buildings
- Retail sales
- Repair and transit garages
- Schools
- Signs
- Storage structure
- Truck Terminal Wholesale business
- Wind energy conversion systems in accordance with Section 9.16
- WECS Meteorological Tower for a period of 4 years or less and subject to Section 9.16
(Ord. #266 adopted 09/03/96)(Ord. #271 adopted 01/21/97)(Ord. #356 adopted 03/18/03)(Ord. #410 adopted 4/17/07)

7.6.1A Accessory Uses

- (Ord#445, adopted 04/12/11)
- Those uses that are incidental and subordinate to the principal use or building

7.6.2 Conditional Uses

- Animal Hospital
- Billboard Signs
- Bulk liquid storage
- Churches
- Commercial recreation
- Commercial wind energy conversion systems in accordance with Section 9.16
- Communication towers
- Drive-in businesses
- Farm equipment and implement sales
- General farming
- High voltage transmission lines of between 100 and 200 kilovolts according to Section 9.9
- Human Care Facilities
- Kennel
- Landscape nurseries
- Light manufacturing

Manufactured home park
 Motor fuel stations and truck stops in accordance with Section 9.8
 Non-Residential Program Facility
 Open sales lot
 Produce stands
 Recreational facilities
 Recreational vehicle, truck and auto sales
 Stable
 Substations with a voltage designed for and capable of operations at a nominal voltage of 100 kilovolts or more according to Section 9.9.
 Tire Collector (Ord. 447, adopted 12/20/11)
 Vehicle wash
 WECS Meteorological Tower for a period of more than 4 years and subject to Section 9.16 (Ord. #440, adopted 10/20/09)
 (Ord. #219 adopted 9/1/92)(Ord. #229 adopted 7/20/93)(Ord. #235 adopted 12/21/93)(Ord. #271 adopted 01-21-97)(Ord. #354 adopted 01/21/03) (Ord #412 adopted 7/17/07)(Ord. #429 adopted 07/15/08) (Ord. #431, adopted 10/7/08)

7.6.21 Interim Uses:
 (Ord#441, adopted 06/15/10)
 Single family dwelling for caretakers residence

7.6.3 Yard Regulations

Lot Area.....2-1/2 acres minimum
 Lot Width.....200 feet minimum
 Lot Depth.....330 feet minimum

ALL STRUCTURES, SETBACKS FROM ROADS:

CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
Principal Arterial	150 feet	116 feet
Minor Arterial	150 feet	116 feet
Major Collector	125 feet	92 feet
Minor Collector	125 feet	92 feet
LOCAL COLLECTORS AND UN-CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
County Road	125 feet	92
Township Road	98 feet	65 feet

* Where right-of-way information is available the more restrictive standard will apply.
 (Ord. #440, adopted 10/20/09)

Side Yard, interior lot.....20 feet minimum
OR.....30 feet if abutting residential property
(Ord. #266 adopted 09/03/96)

Rear Yard.....15 feet minimum
OR.....30 feet if abutting residential property

7.6.4 Building Limitations

Height.....40 feet

Bulk.....50% of net site area maximum

7.6.5 Additional Business District Areas Not Expressed on Official Zoning Map

The land areas listed in Appendix I are herein legally described and zoned Business "B".

7.6A **"B-2" Business Enterprise District**
(Ord. #193 adopted 8/1/89)

7.6A.1 Purpose

The intent of the "B-2" Business Enterprise District is to provide a district that will:

1. Allow compact and convenient, limited, highway-oriented business, closely related to existing urban areas in the county, and
2. Provide development standards that will not impair the traffic-carrying capabilities of abutting roads and highways.

7.6A.2 Permitted Uses

Adult Uses according to Section 7.10.

Agriculture – field crops only

Automobile service stations for the sale of gasoline, oil, and accessories

Drive-in retail stores or service uses

Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles

Drive-in theaters

Essential services

Feed and fertilizer sales and storage

Landscape nursery/garden stores

Marine, boat and recreational vehicle sales, including campers

Micro-WECS subject to Section 9.16 (Ord. #440, adopted 10/20/09)

Mini Storage (Self-Service Storage Facility)

Miniature golf or archery or golf driving range

Offices

Professional services

Public utility buildings

Restaurants, cafes or taverns

Signs as regulated in Section 9.1

Repair and transit garages

Retail sales

Wholesale businesses

Wind energy conversion systems in accordance with Section 9.16

WECS Meteorological Tower for a period of 4 years or less and subject to Section 9.16 (Ord. #440, adopted 10/20/09)

(Ord. #266 adopted 09/03/96)(Ord. #271 adopted 1/21/97)

(Ord. #356 adopted 03/18/03)

The above-listed uses must comply with the following minimum requirements:

1. On each lot there shall be an area preserved for the construction of an additional drainfield system should the original drainfield fail. The area set aside for a second drainfield shall be of a size and so located that a drainfield can be constructed that will meet all standards on size and setbacks set forth in the Benton County Sewage Disposal Standards.
2. Each well shall be at least fifty feet deep and shall be cased and grouted to prevent contamination from upper soil layers.
3. In order to prevent contamination of neighboring wells and to comply with setback requirements of Section 9.6 of this Ordinance, the well and septic system on each lot shall be located in the same respective areas of the lot as on the adjoining lots.
4. A plot plan shall be required showing the proposed location of all buildings, well and sewage disposal system. The plot plan must provide for expansion of the business or industry.

7.6A.2A Accessory Uses
(Ord#445, adopted 04/12/11)

Those uses that are incidental and subordinate to the principal use or building

7.6A.3 Conditional Uses

Animal Hospital
 Automobile laundries--car wash
 Billboard Signs
 Bulk liquid storage
 Churches
 Commercial recreation
 Commercial wind energy conversion systems in accordance with Section 9.16
 Commercial storage
 Communication Towers
 Farm equipment and implement sales
 High voltage transmission lines of between 100 and 200 kilovolts according to Section 9.9
 Human Care Facilities
 Kennel
 Light manufacturing
 Motel, motor hotel or tourist camp
 Motor fuel stations and truck stops in accordance with Section 9.8
 Non-residential Program Facility
 Open sales lot
 Recreational facilities
 Recycling centers

Schools
 Stable
 Substations with a voltage designed for and capable of operations at a nominal voltage of 100 kilovolts or more according to Section 9.9.
 Transfer station
 Well driller
 WECS Meteorological Tower for a period of more than 4 years and subject to Section 9.16
 (Ord. #219 adopted 9/1/92)(Ord. #229 adopted 7/20/93)(Ord. #235 adopted 12/21/93)(Ord. #271 adopted 1/21/97)(Ord. #288 adopted 5/19/98)(Ord. #327 adopted 1/16/01)(Ord. #354 adopted 01/21/03)(Ord. #412, adopted 4/17/07)(Ord. #429 adopted 07/15/08) (Ord. #431, adopted 10/7/08) (Ord. #440, adopted 10/20/09)

The above-listed uses must comply with the following minimum requirements:

1. On each lot there shall be an area preserved for the construction of an additional drainfield system should the original drainfield fail. The area set aside for a second drainfield shall be of a size and so located that a drainfield can be constructed that will meet all standards on size and setbacks set forth in the Benton County Sewage Disposal Standards.
2. Each well shall be at least fifty feet deep and shall be cased and grouted to prevent contamination from upper soil layers.
3. In order to prevent contamination of neighboring wells and to comply with setback requirements of Section 9.6 of this Ordinance, the well and septic system on each lot shall be located in the same respective areas of the lot as on the adjoining lots.
4. The conditional use must meet the criteria under Section 11.6 of this Ordinance.

7.6A.31 Interim Uses:
 (Ord. #441, adopted 06/15/10)

Single family dwelling for caretakers residence

7.6A.4 Yard Regulations

Lot Area.....1 acre minimum
 Lot Width.....200 feet minimum
 Lot Depth.....200 feet minimum

ALL STRUCTURES, SETBACKS FROM ROADS:

CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
Principal Arterial	150 feet	116 feet
Minor Arterial	150 feet	116 feet
Major Collector	125 feet	92 feet
Minor Collector	125 feet	92 feet
LOCAL COLLECTORS AND UN-CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
County Road	125 feet	92
Township Road	98 feet	65 feet

* Where right-of-way information is available the more restrictive standard will apply.

(Ord. #440, adopted 10/20/09)

Side Yard, interior lot.....20 feet minimum
 OR.....30 feet if abutting residential property
 (Ord. #266 adopted 09/03/96)

Rear Yard.....15 feet minimum
 OR.....30 feet if abutting residential property

7.6A.5 Building Limitations

Height.....40 feet

Bulk.....50% of net site area maximum

7.7 Light Industrial District I-1

7.7.1 Permitted Uses

Adult Uses according to Section 7.10

Any production, processing, cleaning, servicing, testing, repair or storage or wholesaling of materials, goods or products providing said operation is totally contained within the structure, and which conform with the performance standards established by the community for the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, fire or explosive hazards, or glare or heat; except those uses involving the storage, utilization or manufacture of materials or products which decompose by detonation

Essential Services

Field Crops.

Micro-WECS subject to Section 9.16 (Ord. #440, adopted 10/20/09)

Public Utility Buildings

Recycling Centers

Signs

Storage structure

Truck Terminal

Wind energy conversion systems in accordance with Section 9.16

WECS Meteorological Tower for a period of 4 years or less and subject to Section 9.16

(Ord. #219 adopted 9/1/92) (Ord. #271 adopted 1/21/97)

(Ord. #356 adopted 03/18/03)

7.7.1A Accessory Uses
(Ord#445, adopted 04/12/11)

Those uses that are incidental and subordinate to the principal use or building

7.7.2 Conditional Uses

All on-site sewage disposal uses

Animal boarding

Auto and/or truck wash

Billboard Signs

Cafes and restaurants

Commercial wind energy conversion systems in accordance with Section 9.16

Communication towers

General farming

Grain elevators and/or feed storage

High voltage transmission lines of between 100 and 200 kilovolts according to Section 9.9

Motor fuel stations and truck stops in accordance with Section 9.8

Parks or playgrounds
 Planned unit developments
 Race tracks
 Recycling Center
 Sewage treatment plants
 Solid Waste Management Facilities
 Substations with a voltage designed for and capable of operations at a nominal voltage of 100 kilovolts or more according to Section 9.9.
 Vehicle testing grounds
 Tire Collector (Ord. 447, adopted 12/20/11)
 Truck and auto sales
 WECS Meteorological Tower for a period of more than 4 years and subject to Section 9.16 (Ord. #440, adopted 10/20/09)
 (Ord. #224 adopted 3/2/93) (Ord. #229 adopted 7/20/93)(Ord. #271 adopted 1/21/97)(Ord. #354 adopted 01/21/03)(Ord #412 adopted 7/17/07)(Ord. #429 adopted 07/15/08)

7.7.21 Interim Uses:
(Ord. #441, adopted 06/15/10)

Mining operations
 Single family dwelling for caretakers residence

7.7.3 Yard Regulations
(Ord. #308 adopted 11/4/99)

Lot Area.....2-1/2 acres minimum
 Lot Width.....200 feet minimum
 Lot Depth.....330 feet minimum

ALL STRUCTURES, SETBACKS FROM ROADS:

CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
Principal Arterial	150 feet	116 feet
Minor Arterial	150 feet	116 feet
Major Collector	125 feet	92 feet
Minor Collector	125 feet	92 feet
LOCAL COLLECTORS AND UN-CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
County Road	125 feet	92
Township Road	98 feet	65 feet

* Where right-of-way information is available the more restrictive standard will apply.
(Ord. #440, adopted 10/20/09)

Side Yard, interior lot.....20 feet minimum
OR.....80 feet if abutting a residential district

Rear Yard.....40 feet minimum
OR.....80 feet if abutting a residential district

7.7.4 Building Limitations

Height.....None

Bulk.....50% of net site area maximum

7.8 Heavy Industrial District I-2

7.8.1 Permitted Uses

Adult Uses according to Section 7.10

Any production, processing, cleaning, servicing, testing, repair or storage or wholesaling of materials, goods or products provided said operation conforms with the performance standards established by the community for the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious materials, odors, fire or explosive hazards, or glare or heat

Essential services

Field crops.

Micro-WECS subject to Section 9.16

Public utility buildings

Recycling centers

Signs

Storage structure

Truck Terminal

Wind energy conversion systems in accordance with Section 9.16

WECS Meteorological Tower for a period of 4 years or less and subject to Section 9.16 (Ord. #440, adopted 10/20/09)

(Ord. #219 adopted 9/1/92) (Ord. #271 adopted 1/21/97)

(Ord. #356 adopted 03/18/03)

7.8.1A Accessory Uses

(Ord#445, adopted 04/12/11)

Those uses that are incidental and subordinate to the principal use or building

7.8.2 Conditional Uses

All on-site sewage disposal uses

Auto and/or truck wash

Auto reduction yards

Billboard Signs

Bulk liquid storage

Accessory uses incidental to, and on the same zoning lot as, the principal use

Animal boarding

Cafes and restaurants

Commercial wind energy conversion systems in accordance with Section 9.16

Communication towers

Those uses involving the storage, utilization or manufacture of materials or products which decompose by detonation

General farming

Grain elevators and/or feed storage
 High voltage transmission lines of between 100 and 200 kilovolts according to Section 9.
 Junkyards
 Motor fuel stations and truck stops in accordance with Section 9.8
 Parks or playgrounds
 Planned unit developments
 Race tracks
 Recycling Center
 Sewage treatment plants
 Solid Waste Management Facilities
 Substations with a voltage designed for and capable of operations at a nominal voltage of 100 kilovolts or more according to Section 9.9.
 Tire Collector (Ord. 447, adopted 12/20/11)
 Truck and auto sales
 Vehicle testing grounds
 WECS Meteorological Tower for a period of more than 4 years and subject to Section 9.16 (Ord. #440, adopted 10/20/09)
 (Ord. #271 adopted 1-21-97)(Ord. #354 adopted 01/21/03)(Ord #412 adopted 7/17/07)(Ord. #429 adopted 07/15/08)

7.8.21 Interim Uses:
 (Ord. #441, adopted 06/15/10)

Mining operations
 Single family dwelling for caretakers residence

7.8.3 Yard Regulations
 (Ord. #308 adopted 11/4/99)

Lot Area.....5 acres minimum
 Lot Width.....300 feet minimum
 Lot Depth.....330 feet minimum

ALL STRUCTURES, SETBACKS FROM ROADS:

CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
Principal Arterial	150 feet	116 feet
Minor Arterial	150 feet	116 feet
Major Collector	125 feet	92 feet
Minor Collector	125 feet	92 feet
LOCAL COLLECTORS AND UN-CLASSIFIED ROADS	SETBACK FROM CENTERLINE	SETBACK FROM RIGHT-OF-WAY*
County Road	125 feet	92
Township Road	98 feet	65 feet

* Where right-of-way information is available the more restrictive standard will apply.

(Ord. #440, adopted 10/20/09)

Side Yard.....20 feet minimum
OR.....120 feet if abutting residentially zoned property

Rear Yard.....40 feet minimum
OR.....120 feet if abutting residentially zoned property
(Ord. #407 adopted 11/14/06)

7.8.4 Building Limitations

Height.....None
Bulk.....50% of net site area maximum

7.9 General Flood Plain District (FP)

7.9.1 Purpose

The Flood Plain District is created for the purpose of protecting the public health and safety and to minimize property damage and pollution from flood waters. The

Flood Plain District is divided into a Floodway area, Flood Fringe area, and a General Flood Plain area.

The standards contained in this District have been incorporated from the model flood plain ordinance developed by the Department of Natural Resources (DNR) in conformance with the Flood Plain Act, MN Statutes Ch. 104.

Establishment of Official Maps and Documents

Attached hereto and adopted and incorporated herein by reference are the Flood Insurance Study for Benton County prepared by the Federal Insurance Administration dated January 2, 1981 (Exhibit A), the Flood Boundary and Floodway Maps (Exhibit B) and the Flood Insurance Rate Maps (Exhibit C). Said Exhibits A, B and C shall be supplements to and a part of the Official Zoning Map (Ordinance #114) as it now exists and as it may hereafter be amended. Reference may also be made to the Official Zoning Map and the zoning district ordinances of Benton County.

7.92 (Repealed by Ord. #196 adopted 4/3/90)

7.93 (Repealed by Ord. #196 adopted 4/3/90)

7.94 (Repealed by Ord. #196 adopted 4/3/90)

7.95 Floodproofing

The Corps of Engineers Floodproofing Standards are hereby adopted and incorporated herein by reference as Exhibit D and is declared and established as a part of these regulations.

7.96 (Repealed by Ord. #196 adopted 4/3/90)

7.97 (Repealed by Ord. #196 adopted 4/3/90)

7.98 (Repealed by Ord. #196 adopted 4/3/90)

7.99 (Repealed by Ord. #196 adopted 4/3/90)

7.10 Adult Uses

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

Adult Uses: Adult uses include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse facilities, adult enterprises, businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public.

Adult Bookstore: A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, or motion picture film if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" or the barter, rental or sale of instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities, "Substantial or significant portion of items," for purposes of this ordinance, shall mean more than fifteen (15) percent of usable floor area.

Adult Cabaret: A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Conversation/Rap Parlor: A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Adult Health/Sports Club: A health/sports club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Adult Massage Parlor: A massage parlor which restricts minors by reason of age, or which provides the service of "massage," if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Adult Mini-Motion Picture Theater: A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or

description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult Motion Picture Theater: A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult Steam Room/Bathhouse Facility: A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

Specified Anatomical Areas:

- (1) Less than completely and opaquely covered:
 - a. Human genitals;
 - b. Pubic region;
 - c. Buttocks; and,
 - d. Female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; and
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

7.10.2 Location Requirements

- (A) Adult Uses shall be permitted in areas zoned B, B-2, I-1, and I-2, provided the following requirements are met:

No adult use shall be located within five hundred (500) feet of:

- (1) Any area zoned R-1, R-2, R-3 or R-S. (Ord#423, adopted 12/06/07)
 - (2) Any school, as defined in Minnesota Statutes §120.101.
 - (3) Any church, as defined in the Benton County Development Code.
 - (4) Any daycare facility, as defined in the Benton County Development Code, or any residential or nonresidential program, as defined in Minnesota Statutes §245A.02.
 - (5) Any hotel or motel.
 - (6) Any public park.
- (B) Adult uses shall not be established or maintained as a permitted, conditional or accessory use in any area other than those described in paragraph (A) above.

7.10.3 Amortization of Nonconforming Uses

Adult uses established prior to the enactment of Benton County Ordinance 235 shall be permitted and regulated as nonconforming uses until July 31, 1998, at which time such uses shall become unlawful, unless they conform to the requirements of Section 7.10.2.
(Ord. #260 adopted 11/21/95)

7.10.4 Additional Building Placement Restrictions

Chapter 7.10, the Adult Use Regulations of the Benton County Development Code, contains standards that are additional to those set forth in other sections of the Code. Minimum setbacks from roads, building bulk limitations, as well as minimum lot and building dimensions, shall be determined by referring to the specific standards set forth in the underlying zoning district (e.g., I-1, I-2, B, B-2). In the event of a conflict between the setbacks listed in this chapter and those listed in other appropriate sections of the Development Code, the most restrictive setback shall apply. (Ord. #242 adopted 7/19/94)