

2023 Aitkin County Shoreland District Summary

**A copy of the Shoreland Management
Ordinance is available at**

<https://www.co.aitkin.mn.us>



Shoreland Property

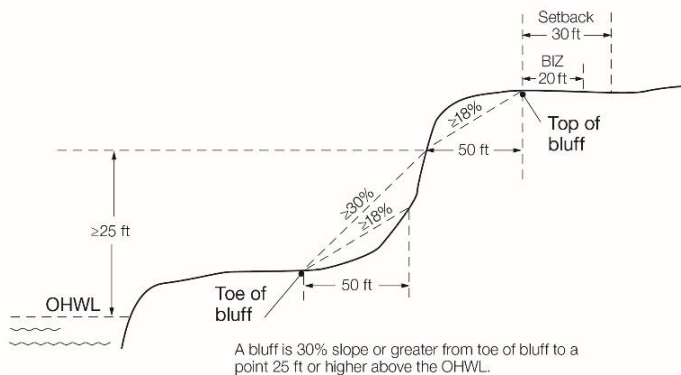
To protect and preserve Aitkin County's water resources, areas zoned shoreland are regulated on their property size and the uses conducted on the parcels. Each property is unique in that they may have wetlands, various vegetation types, steep slopes, bluffs, past alterations, and development. All of these components can provide restrictions on future development. This packet provides a summarized look into Aitkin County's Shoreland Management Ordinance. For further shoreland questions and information you can reach out and contact the Planning & Zoning/Environmental Services Department.

Lot Size Standards & Setbacks from Water Bodies

Lake Classification	Natural Environment	Recreational Development	General Development
Lot Width (ft.)	200	150	100
Lot Area (sq. ft.)	80,000	40,000	20,000
Structure Setback (ft.)	150	100	75
Shore Impact Zone (ft.)	75	50	50
Septic (ft.)	150	75	75
River Classification	Remote	Forested	Tributary
Lot Width (ft.)	300	200	100
Lot Area (sq. ft.)	80,000	60,000	40,000
Structure Setback (ft.)	200	150	100
Shore Impact Zone (ft.)	100	75	50
Septic (ft.)	150	100	75

Steep Slope & Bluffs

Steep Slopes & bluffs are highly susceptible to erosion & slope failure. Soil type, vegetation, hydrology, & development influence erosion potential on slopes. Setbacks from the top of bluff and restrictions on alterations within these areas can help protect our shoreland resources.



Wetlands

Wetlands are a common water resource with Aitkin County with many of them being located within shoreland zoning. Minnesota wetlands are regulated by the Wetland Conservation Act. Wetlands are regulated on the draining, filling, and excavation and it is recommended you reach out to your County Wetland Specialist to ensure compliance.



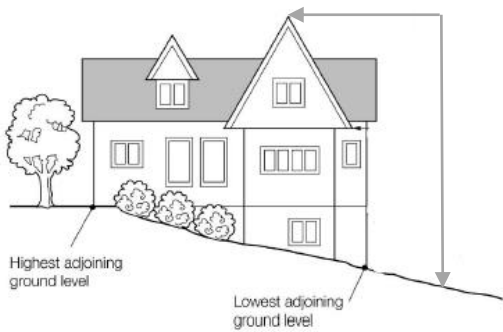
Structures & Construction in Shoreland

Permits are required for the following:

- Building, moving, or placing a structure, including decks and portable structures.
- Additions and expansions to existing structures.
- Installation and/or alteration of sewage treatment systems.

Structure Height

Structures located within shoreland zoning must not exceed the maximum height of thirty-five (35) feet, unless a variance is granted.



Structure height: The vertical distance between the lowest adjoining ground level at the building and the highest point of the roof.

Accessory Structures

Water-Oriented Accessory Structure (WOAS)

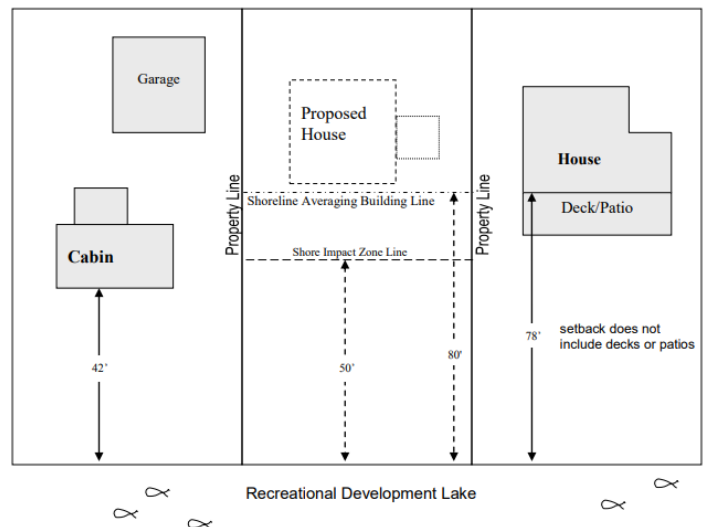
- Each tract of land which meets the size requirements of Section 5.1 and 6.2 of the Shoreland Management Ordinance may have one water-oriented accessory structure not meeting the normal structure setbacks.
- Structure not to exceed ten (10) feet in height.
- Cannot occupy an area greater than 120 square feet and the maximum width of the structure is 12 feet as measured parallel to the configuration of the shoreline.
- Not for human habitation.

Placement of Structures on Lots

When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.

Where dwelling units exist on the adjoining lots on both sides of a proposed dwelling site, dwelling setbacks may be altered without a variance to a point twenty (20) feet landward from the adjacent development (from the dwelling unit not including decks or patios) shoreline averaging to the ordinary high water level, provided the proposed dwelling site is not located in the shore impact zone or bluff impact zone.

Shoreline Averaging



Averaging Setbacks: $78' + 42' = 120' \div 2 = 60'$
 Add 20' to Average: $60' + 20' = 80'$
 In this example Shoreline Averaging = 80'
 (Minimum setback is the Shore Impact Zone Line)

NOTE: All other setbacks must be met to be qualified for shoreline averaging

Shoreland Alteration Permits

“Shoreland” means land located within the following distances from public water: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.

Topographic Alterations (Grading, excavation, and fill)

Activities that do not require the issuance of a land alteration permit.

- Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits.
- Work below the OHW level requires approval by the Department of Natural Resources.
- Maintenance of driveways, public roads and parking areas.

Activities requiring a land alteration permit

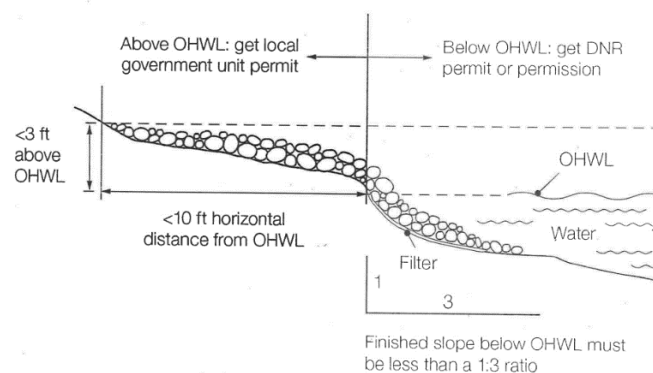
- On steep slopes, shore and bluff impact zones - activities that involve the excavation and/or placement of earthen material of more than 240 square feet.
 - Maximum amount of excavation and/or placement of material shall not exceed 30 cubic yards.
- Outside steep slopes, shore and bluff impact zones - activities that involve the excavation or placement of more than fifty (50) cubic yards of material

Rip-Rap & Retaining Walls

Placement of natural rock rip-rap, including associated grading of the shoreline and placement of a filter blanket, **requires a shoreland alteration permit** and shall be done in accordance with MN DNR standards.

- Rip-rap will only be allowed in situations where active erosion problems exist
- Any permit for rip-rap must contain a plan to establish a vegetative buffer.
- Natural rock rip-rap and retaining walls shall only be used for the correction of an established erosion problem that cannot be controlled through uses of suitable vegetation, slope stabilization using coir logs, willow wattle or similar bioengineering means.
- Rip-rap and retaining walls used for ornamental purposes or for terracing natural slopes are prohibited within the shore impact zone and bluff impact zones.
- Retaining walls within the building setback require a plan to be submitted to the Aitkin County Planning and Zoning Office prior to the issuance of a land alteration permit.

Riprap Guidelines





Land Use Permits

Shoreland patios and sand blankets

Patios within the required building setback to the lake require a land use permit.

- Patios outside of the required building setback are allowed without a permit given the lot has not exceeded the impervious surface amounts.

A patio will be allowed that meets the following:

1. Shall be no larger than 2 square foot per lineal foot of lot width
2. The patio must be setback from the ordinary high water (OHW) level of at least 10 feet.
3. Area between the patio and the OHW must be in vegetation.
4. Patio runoff must not drain towards the water body.
5. Patios must be within the open recreation area.
6. Maximum size of a patio and any other water oriented structures shall not exceed a combined square footage of 400 sq.ft. on a Natural Environment lake and 600 sq.ft. on a General Development lake or Recreational Development lake.

Patios within the building setback that exceed 240 sq.ft. in area, a stormwater management plan must be developed (by a licensed engineer in the State of Minnesota, or a soil and water district trained staff or a licensed landscape architect) and constructed to treat the runoff from the patio.

Aitkin County does not allow the placement of beach sand blankets; however, a sand patio would be allowed given that it meets all the patio requirements and has an issued land use permit.

Water access and boat landings

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. No permit is required given that the following requirements are met:

- Stairways and lifts must not exceed four feet in width.
- Landing for stairways and lifts must not exceed 32 square feet in area.
- Canopies or roof are not allowed
- Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion, further that the design is approved by the Planning and Zoning Office prior to construction
- Stairways, lifts and landing must be located in the most visually inconspicuous portions of the lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.

Access to water bodies for purposes of launching trailered watercraft require a land alteration permit, and are only allowed on lakes without a public water access or with a public water access where launching of watercraft is not practical due to topography or other site restrictions.

Vegetation, Stormwater, & Erosion Control

Shoreland Vegetation

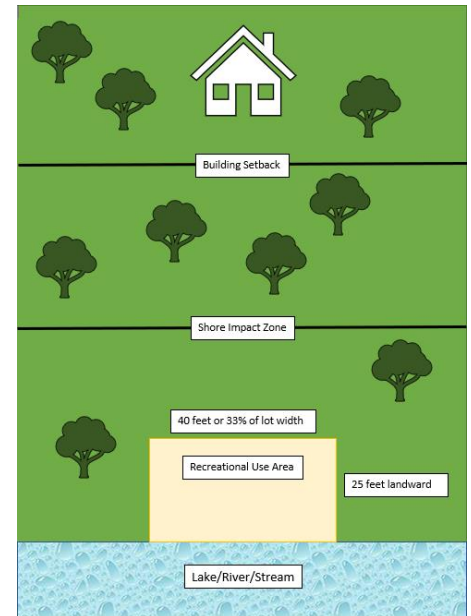
Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve significant sites, prevent bank slumping, and protect fish and wildlife habitat. The intent is to have a shoreline buffer, consisting of trees, shrubs, and ground cover for purposes of soil retention and filtering runoff.

Vegetation alteration necessary for the construction of structures and sewage treatment systems and the constructions of roads and parking areas are exempt from the vegetation standards.

Vegetation Alteration Permit

A Vegetation Alteration Permit is required prior to vegetative clearing in the shore impact zone, bluff impact zone, and on steep slopes.

- Property owner and/or contractor shall contact Aitkin County Planning and Zoning to arrange for a site visit and complete an application for a vegetation alteration permit.
- To allow access to water bodies for individual lot owners, an open area (recreational use area) of 40 feet or 33% of lot width, whichever is less and 25 feet landward from the ordinary high water level may be cleared of trees and shrubs, as long as the tree/shrub removal is still in compliance.
- From the shore impact zone to the building setback, adequate trees shall remain to provide screening of structures, vehicles, or other facilities as view from the water.



Exception: Limited pruning is allowed as long as adequate screening and shading as viewed from the water is maintained and preserved. Dead, diseased, or hazardous trees may be removed with the landowner being encouraged to replace them by planting a species suitable for the site.

Stormwater & Erosion Control

- Building coverage of lots must not exceed 15 percent of lot area, and total impervious surface coverage (areas without vegetation) of lots must not exceed 25 percent of the lot area.
- Whenever possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters
- Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible
- Alterations of topography must not adversely affect adjacent or nearby properties.
- Fill or excavated material must not be placed in a manner that creates an unstable slope.
- Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

Septic Systems, Home Rental, RVs & Floodplain

Septic Systems

A compliance inspection is not needed if:

- Your system was installed within the last five years with a permit
- A valid certificate of compliance was obtained within three years.
- Accessory structures less than 240 square feet and not a water-oriented structure, decks, landings and platforms.

No Zoning/Land Use/Building Permit, where a septic system is required, shall be issued until after the septic system is approved and issued.

Vacation/Private Home Rentals

Rentals for thirty (30) days or less require an Interim Use Permit. The vacation/private home rental shall also be licensed by the Minnesota Department of Health for lodging. Other standards include:

- Will need to be connected to an approved subsurface sewage treatment system (holding tanks are prohibited) and have a current compliance inspection.
- Water test for nitrate-nitrogen and coliform bacteria.
- Occupancy limits based on number of bedrooms and septic system sizing.

Recreational Vehicles

RVs that are on a parcel of land more than 180 days out of a 365-day period shall be considered a structure and would need a land use permit

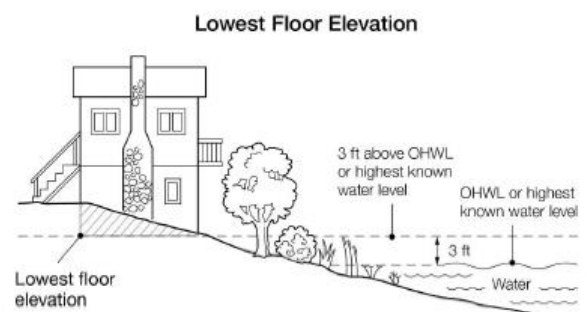
- No more than one RV may be used as a principal dwelling unit unless the lot meets the duplex lot size requirements.
- No more than two recreational camping vehicles may be stored on a parcel of land and only at a location meeting all structural setback distance requirements.

RVs, that have manufactured built in holding tanks for grey and black water, that are on a parcel of land without a principle dwelling unit for more than 60 days must comply with the following.

- If there is running water from a well to the RV a standard/Type I septic system must be installed.
- Where there is no running water from a well to the RV, at a minimum an outhouse/privy must be installed, or a toilet waste treatment device would be allowed.

Floodplain Areas

- Mapped floodplain areas exist around many lakes, rivers, and streams. All structures located within a 100-year floodplain must meet elevation requirements using fill, alternative methods, or be flood-proofed to meet state building code requirements.
- Elevation certifications prepared by an engineer, architect, or surveyor may be required to show lowest floor elevation of any dwelling unit is placed no lower than the regulatory flood protection elevation or at least 3 feet above the highest known water level.



Nonconformities

Nonconforming Lots

1. A nonconforming lot of record may be allowed as a building site without variances from lot size requirements provided that:
 - a. The use is permitted in the shoreland district
 - b. The lot has been in separate ownership from abutting lands at all times since it became substandard
 - c. Was created with official controls in effect at the time
 - d. Sewage treatment and setback requirements are met
2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot.
3. In a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of the shoreland ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development.

Nonconforming Structures

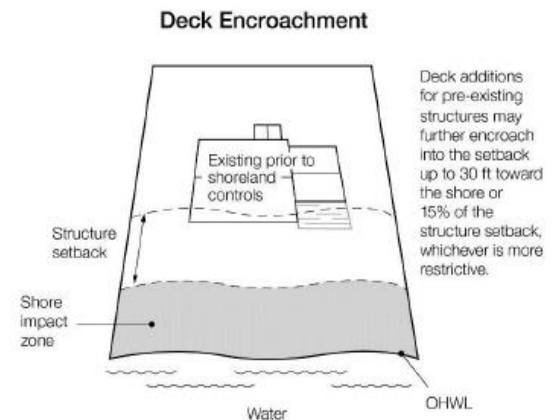
All legally established nonconformities as of the date of adoption of the shoreland ordinance and respective amendments may continue, but they will be managed according to applicable state statutes and other regulations of Aitkin County for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

- A. **Change of Use:** Such use shall not be expanded, intensified or changed to another nonconforming use, or be re-established if discontinued for a continuous twelve (12) month period or more.

Destruction of Structure: If a nonconforming structure is destroyed or altered by any cause, including neglect, to an extent exceeding fifty percent of its estimated market value as indicated by the records of the County Assessor, a future structure or use of the site shall conform to the shoreland ordinance.

Replacement of nonconforming structures under validly issued variances are considered to be in compliance with the ordinance.

- B. **Setback:** Bluff and Shore Impact Zone setback requirements must be addressed.
- C. **Moving of structure:** If a nonconforming structure is moved from its location, in any direction horizontally, the future location shall conform to this ordinance.



Deck additions shall be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

- A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the OHW setback of the structure.
- The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing structure setback to the OHWL or does not encroach closer than 30 feet to the OHWL, whichever is more restrictive.
- The deck is not roofed or screened.
- All other setback distance requirements of the shoreland ordinance must be met.

2023 Aitkin County Shoreland District Summary

**Contact Environmental Services for questions
about construction, shoreland alterations,
vegetation alterations, floodplain, and other zoning
concerns.**

Aitkin County Environmental Services

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