



# Board of County Commissioners Agenda Request

5B  
Agenda Item #

**Requested Meeting Date:** April 24, 2018

**Title of Item:** Adopt Amendments to the Zoning and Shoreland Management Ordinances

<input checked="" type="checkbox"/> REGULAR AGENDA	<b>Action Requested:</b>	<input type="checkbox"/> Direction Requested
<input type="checkbox"/> CONSENT AGENDA	<input checked="" type="checkbox"/> Approve/Deny Motion	<input type="checkbox"/> Discussion Item
<input type="checkbox"/> INFORMATION ONLY	<input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Hold Public Hearing*

*\*provide copy of hearing notice that was published*

<b>Submitted by:</b> Terry Neff, Environmental Services Director	<b>Department:</b> Environmental Services
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<b>Presenter (Name and Title):</b> Terry Neff, Environmental Services Director	<b>Estimated Time Needed:</b> 15 min
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**Summary of Issue:**

The Ordinance Review committee consisting of: Bill Pratt - Commissioner, Anne Marcotte - Commissioner, Pete Gansen - P&Z, Steve Hughes - SWCD, and myself met on February 13, 2018 to review proposed changes to the General Zoning and Shoreland Management Ordinances.

On March 26, 2018, the Aitkin County Planning Commission held a public hearing on the proposed amendments to the General Zoning and Shoreland Management Ordinances. After hearing public testimony and deliberation among the Commission members the Aitkin County Planning Commission recommend the enclosed amendments be adopted to the Aitkin County Zoning and Shoreland Management Ordinances. Proposed language to be deleted is in strikethrough, new proposed language from the ordinance committee is in red and language proposed by the Planning Commission at the public hearing is in green.

If you have any questions, please feel free to contact me at 218-927-7342 or by e-mail at [tneff@co.aitkin.mn.us](mailto:tneff@co.aitkin.mn.us).

**Alternatives, Options, Effects on Others/Comments:**

Alternatives would be to adopt proposed amendments recommended by the Planning Commission with some changes or do not adopt any of the proposed amendments. The proposed changes correct formatting and grammatical errors that exist in the ordinances and further protect the resources.

**Recommended Action/Motion:**

Adopt proposed amendments as recommended by the Planning Commission with any changes the Board deems necessary.

**Financial Impact:**

Is there a cost associated with this request?  Yes  No

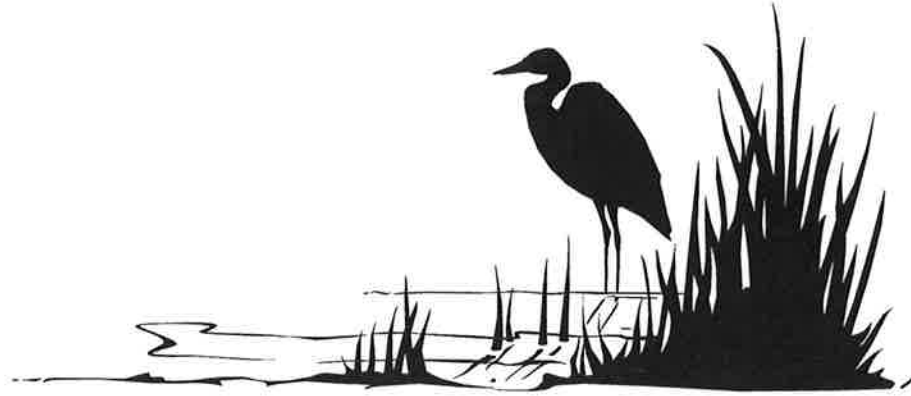
What is the total cost, with tax and shipping? \$

Is this budgeted?  Yes  No Please Explain:

**Draft 3-28-2018**

# **Aitkin County**

## **Zoning Ordinance**



**Adopted April, 1970**  
**Amended May 1971**  
**Amended May 1972**  
**Amended May 1983**  
**Amended August 1983**  
**Amended December 1984**  
**Amended July 1985**  
**Amended January 10, 1995**  
**Administrative Amendment June 6, 2001**  
**Amended August 28, 2007**  
**Administrative Amendment October 7, 2008**  
**Administrative Amendment June 7, 2011**  
**Administrative Amendment December 13, 2011**  
**Amended April 9, 2013**  
**Amended January 24, 2017**

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**[SECTION 1]**

STATUTORY AUTHORIZATION

An ordinance establishing comprehensive zoning regulations for that portion of Aitkin County, Minnesota outside the incorporated limits of the cities, in accordance with the provisions of Chapters 103G, 103F, 103B, and 394 of the Minnesota Statutes and as amended to promote the health, safety, convenience, and general welfare of the inhabitants by dividing the county into zones and regulating therein the uses of land and the construction of all structures with a view to encouraging the most appropriate use of land in the county. This ordinance supersedes and replaces the zoning ordinance adopted April 1970 and subsequent revisions thereof and said ordinance of April 1970 shall be repealed as of the effective date of the ordinance herein.

Where any provisions of this ordinance shall conflict with any provision of the Mississippi Headwaters Board Management Plan the latter shall prevail.

Where any provision of this ordinance shall conflict with the zoning ordinance of the Aitkin County Shoreland Management Ordinance the latter shall prevail.

**[SECTION 2]**

TITLE

This ordinance may be cited and referred to as the "AITKIN COUNTY ZONING ORDINANCE".

**[SECTION 3]**

DEFINITIONS AND REGULATIONS

- 3.00 As used in this ordinance, the words, terms, and phrases defined in this article shall have the meaning given herein, unless otherwise specifically defined, or unless the context requires otherwise. Further, throughout the text of this ordinance, unless the context clearly requires otherwise, the present tense includes the future tense, the singular number shall include the plural and the plural shall include the singular; the word "shall" is mandatory, and the word "may" is permissive; the word "used" or "occupied" includes the words "intended, designed, or arranged to be used or occupied"; the word "lot" includes the words "plot" or "parcel"; for regulatory purposes the word "structure" shall include the term "use" and vice versa.
- 3.01 Accessory Structure: "Accessory Structure" a structure subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal structure.
- 3.02 Attorney: "Attorney" means the County Attorney of Aitkin County, Minnesota or their authorized representative.



3.03 Auditor: “Auditor” means the County Auditor of Aitkin County, Minnesota or their authorized representative.

3.04 Board of Adjustment: “Board of Adjustment” means the Board of Adjustment for Aitkin County, Minnesota as created by resolution of the County Board of commissioners.

3.05 Bluff: “Bluff” means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more and shall not be considered a part of the bluff):

A. The slope rises at least 25 feet above the toe of the bluff;

B. The grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 percent or greater.

A variance from a setback shall not be required provided the Aitkin County Soil and Water Conservation District has reviewed an evaluation of development procedure, prepared by a registered engineer, to ensure proper erosion and sedimentation techniques are employed and slope stability is maintained.

3.06 Building: “Building” means any structure for the shelter, support, or enclosure of persons, animals, chattels, or property of any kind, and when separated by dividing walls without openings, each portion of such building, so separated, shall be deemed a separate building.

3.07 Building Line: “Building Line” means a line measured across the width of a lot at a point where a structure is placed in accordance with the minimum setback requirements of this ordinance.

3.08 Cabin: “Cabin” means any structure or portion of a structure, or other shelter designed as short or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

3.09 Campground: “Campground” means any of the following:

a. Primitive Campgrounds: Primitive campgrounds within the meaning of these regulations are privately or municipally owned sites designated, maintained, intended, or used for the purpose of supplying a location for overnight camping where locations are accessible by canoe, boat, or by hiking but not by motor vehicles. Such areas open to the public and designated as usable by the public as primitive campground areas may be set aside for free or paying camping purposes.

b. Commercial Planned Unit Developments: “Commercial planned unit developments” are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented.

For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

- c. Walk-In Camp: A walk-in camp is equivalent to a developed campground or camping resort except that it is not accessible by motor driven vehicles.
- 3.10 Comprehensive Plan: “Comprehensive Plan” means the policies, statements, goals, and inter-related plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for future development of the county or any portion of the county.
- 3.11 Conditional Use: “Conditional Use” means a land use or development as defined by ordinance that would not be appropriate generally but may allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with an existing neighborhood.
- 3.12 County Board: “County Board” is the Board of County Commissioners of Aitkin County, Minnesota.
- 3.13 Deck: “Deck” means a horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site and at any point extending more than thirty (30) inches above ground.
- 3.14 Department: “Department” means the Aitkin County Environmental Services Department.
- 3.15 Duplex, Triplex, and Quad: “Duplex, triplex, and quad” means a dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- 3.16 Dwelling Site: “Dwelling site” means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
- 3.17 Dwelling Unit: “Dwelling unit” means any structure or portion of a structure or other shelter designed as short or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
- 3.18 Dwelling-Secondary Unit: “Dwelling-secondary unit” means any structure or portion of a structure or other shelter designed as short or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins not to exceed one thousand (1000) square feet in size and meeting all land requirements set-forth by this ordinance.

- 3.19 Essential Services: “Essential services” are services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, main drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduit cable, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- 3.20 Exotic Animals: is any animal that is not part of the definition of an 'animal' under Title 9, Chapter 1, Subchapter A of the Code of Federal Regulations and one that is not native to the U.S.
- 3.20 Expansion: “Expansion” – enlargement or intensification; means any increase in a dimension, size, area, volume or height, any increase in the area of use, any placement of a structure or part thereof where none existed before.
- 3.21 Extractive Use: “Extractive use” means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, or other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
- 3.22 Farm-Commercial: “Farm-commercial” means agriculture of a primarily commercial nature including, but not limited to fur farms, poultry and egg farms, raising of livestock for profit, hog farms, feed lots and any other agricultural endeavor for profit (not including exotic animals).
- 3.23 Farm-Hobby: “Farm-hobby” means the pursuit of hobby and family-type agricultural activities; including minimum cropland tillage and animal agriculture for personal and family use, including boarding facilities for horses. (Not including gardens of 2 acres or less or exotic animals).
- 3.24 Floodplain: “Floodplain” the beds proper and the area adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.
- 3.25 Forest Land Conversion: “Forest land conversion” means the clearing of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
- 3.26 Garage, Private: A detached accessory structure or portion of the principal which is used primarily for storing passenger vehicles, trailers, or personal property.
- 3.26A Generally Accepted Practices: “Generally Accepted Practices” means those practices commonly used in a county or a contiguous county in which a nuisance claim is asserted.
- 3.26B Group Home: Group homes means a living situation that provides at a minimum, room and/or board to unrelated people who live in certain licensed or registered group living arrangements.
- 3.27 Home Occupation: “Home occupation” means a home occupation or professional offices, provided that no such use occupies more than 25% of the total floor area of the

dwelling or accessory building. Provided further that no more than one non-resident is employed on the premises. Such use does not include an activity that would create a nuisance or be otherwise incompatible with the surrounding residential area. Only one unlighted sign not exceeding nine (9) square feet in area may be displayed.

3.28 Interim Use: “Interim Use” is a temporary use of property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it.

3.29 Junk or Salvage Yard: “Junk or salvage yard” is any establishment, place of business, or place of storage or deposit, which is maintained, operated or used for storing, keeping, buying or selling junk, wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts, whether maintained in connection with another business or not, where the waste, body, or discarded material stored is equal in bulk to two (2) or more motor vehicles. All permitted junk or salvage yards must be properly screened from public view.

a. Screening: Along all public road right-of-way junk yards, auto wrecking yards, tank salvaging yards or material yards shall be adequately screened by fences, walls, land forms and/or natural planted materials on the property to effectively conceal the establishment from general view of motorist on public roads and from all surrounding occupied property within ¼ mile from such premises.

b. Ground water protection: To protect ground water the yard operator must construct a curbed impermeable surface on which to conduct salvage operations and store hazardous waste and other fluids.

Junk or salvage yards may not be located in a floodplain or floodway area.

c. Pollution Control and Waste Disposal Standards: Applicant must complete and submit a hazardous waste disclosure form to the M.P.C.A. Hazardous Waste Disclosure Unit.

Obtain license from Aitkin County Solid Waste Officer.

Must meet all other State and Federal regulations.

d. Management Plan: Applicant must submit a plan drawn to a scale one (1) inch equals one hundred (100) feet or larger scale.

Plan must show property lines, existing and proposed structures, salvage area, storage areas, screening and other proposed development. Plan must also address number of cars, tires, batteries, tanks and other parts not recyclable... How applicant will handle motor oil, transmission fluid, antifreeze, gas, sludge, and other fluids.

3.30 Kennel: “Kennel” is any structure or premises or commercial activity on which two (2) or more dogs over three (3) months of age are kept for compensation.

- 3.31 Lot: “Lot” means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by legal description for the purpose of sale, lease, or separation.
- 3.32 Lot Frontage: “Lot frontage” means the front of a lot shall be construed to be the portion nearest the street or road. For the purpose of determining yard requirements on corner lots and through lots (through lots are lots running from street to street), all portions of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated.
- 3.33 Lot Width: “Lot width,” means the shortest distance between lot lines measured at the midpoint of the building line.
- 3.34 Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Recorder.
- 3.35 Mining Operation: “Mining operation” means the removal from the land of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products, or other minerals or materials for commercial, industrial, or government purposes.
- 3.36 Mobile Home or Manufactured Home: “Mobile or Manufactured Home” means a single-family dwelling unit suitable for year-round occupancy, which, if located at the same site outside a mobile home park for more than 90 days, during which time it is being used either part-time or full-time for residential purpose, shall be placed on a foundation or blocked and skirted within six (6) months.
- 3.37 Mobile Home or Manufactured Home Park: “Mobile Home or Manufactured Home Park” is a parcel of land which has been planned and improved for the placement of two or more mobile homes and licensed by the County of Aitkin Minnesota.
- 3.38 Non-conformity: “Non-conformity” means any Legal use, structure, or parcel of land already in existence, recorded or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official control as now written, if the official controls had been in effect prior to the date it was established, recorded, or authorized.
- 3.39 Official Map: A map adopted in accordance with Minnesota Statutes (Section 394.361), which may show existing county roads and county state aid highways, proposed future county roads and highways, and the area needed for widening existing county roads and future highways. An official map may also show the location of existing public land and facilities and other land needed for future public purposes, including public facilities such as parks, playgrounds, schools, and other public buildings, civic centers, and travel service facilities.
- 3.40 Parking Space, Off Street: Any off-street parking space shall comprise not less than 180 square feet of parking area, plus necessary maneuvering incidental to parking or un-parking shall not encroach upon any public right-of-way. Every off-street parking space shall be accessible to a public roadway.

- 3.41 Person: A firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 3.42 Planning Commission: “Planning Commission” consists of five (5) members appointed by the Aitkin County Board of Commissioners. At least two (2) members shall be residents of that portion of the County lying outside the corporate limits of municipalities. No more than one (1) voting member shall be an officer or employee of the County.
- 3.43 Planned Unit Development and Group Housing: “Planned unit development and group housing” means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land use. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these or cluster subdivision of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversion of structures and land uses to these uses.
- 3.44 Planning and Zoning Administrator: “Planning and Zoning Administrator” means the Planning and Zoning Administrator of Aitkin County, Minnesota, or his authorized representative.
- 3.45 Public Road: An open space for vehicles, persons, or animals for public travel.
- 3.46 Recreational Camping Vehicle: The words “Recreational Camping Vehicle” shall mean any of the following:
- a. Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses.
  - b. Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
  - c. Motor home means a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.
  - d. Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation and vacation use.
- 3.47 Recreational Vehicle Park Area: “Recreational Vehicle Park Area” is a parcel of land in which two or more spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes.
- 3.48 Residential Planned Unit Development: “Residential planned unit development,” means a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and

full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

- 3.49 Restaurant: “Restaurant” means any establishment under the control of a single proprietor or manager having appropriate facilities for the serving of meals, and where, in consideration of payment therefore, meals are regularly served at tables to the general public. This designation shall include restaurants and supper clubs in unincorporated or unorganized areas of Aitkin County, which qualify under the law for license for the “on-sale” or combination license for the “on-sale” or “off-sale” of intoxicating liquor.
- 3.49A Rural Land Use: “Rural Land Use” means a legally permitted use common to rural areas including but not limited to: timber harvesting and extractive uses including the associated hauling of materials; outdoor recreational uses such as motorized and non-motorized trail use, hunting, trapping, and fishing.
- 3.50 Sanitary Station: “Sanitary station” is a facility used for removing and disposing of wastes from recreational vehicle holding tanks. A minimum of a one thousand five hundred (1500) gallon holding tank is required with curbing and water supply to wash area.
- 3.51 Self-contained Recreational Vehicle: A “self-contained recreational vehicle” is a recreational vehicle, which can operate independently of connections to sewer, water, and electrical systems. It contains a water-flushed toilet, lavatory, shower, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the recreational vehicle.
- 3.52 Semi-public Use: “Semi-public use” means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- 3.53 Service Building (Comfort Station): “Service building (comfort station)” means a structure housing toilet, lavatory, and such other facilities as may be required by this ordinance.
- 3.54 Setback: “Setback” means the minimum horizontal distance between a structure including overhangs, eaves, or projections (of greater than twenty four (24) inches) therefrom, sewage treatment systems or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road right-of-way, property lines, or other facility.
- 3.55 Sewage Treatment System: “Sewage Treatment System” means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in the Aitkin County ~~Individual~~ Subsurface Sewage Treatment System ~~and Wastewater~~ Ordinance No. 4 and subsequent amendments.
- 3.56 Sewer System: “Sewer system” means pipelines or conduits, pumping stations and force main and all other construction, devices, appliances or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

- 3.57 Sign: “Sign” means any display or device designed to inform or attract the attention of persons not on the premises on which the sign is located.
- 3.58 Signs, Number, and Surface Area: For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered to be a single sign. The surface area of a sign shall be computed as including the entire area within a regular geometric form of combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
- 3.59 Sign, On-Premise: “Sign, on-premise” means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
- 3.60 Sign, Off-Premise: “Sign, off-premise” means a sign other than an on-premise sign.
- 3.61 Significant Historic Site: “Significant Historic Site” means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes Section 307.08. A Historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications of listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- 3.62 Steep Slope: “Steep slope” means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site’s soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over ~~12~~ 18 percent, as measured over horizontal distances of 50 feet or more that are not bluffs.
- 3.63 Structure: “Structure” means any building or appurtenance, including decks, overhangs, and projections, therefrom, except fences less than eight (8) feet in height, retaining walls, aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities, television satellite receivers, antennas, propane tanks of 500 gallons or less, outdoor furnaces, currently licensed fish houses, however, recreational vehicles, fish houses, and television satellites must meet setback requirements of this ordinance. A recreational camping vehicle (or any portable building larger than four (4) feet by six (6) feet being used as a dwelling, whether temporary or permanent at a location when such a vehicle is placed at the location for fifteen (15) days or longer is considered to be a structure.



The recreational camping vehicle must be gone from the area for at least 30 consecutive days before returning to the area.

- 3.64 Subdivision: “Subdivision” means land that is divided for the purpose of sale, rent or lease, including planned unit developments.
- 3.65 Substandard Use: Means any use existing prior to the date of enactment of any county ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area, structure setbacks, or other dimensional standards of the ordinance.
- 3.66 Toe of the Bluff: “Toe of the bluff” means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.
- 3.67 Top of the Bluff: “Top of the bluff” means the point on a bluff where there is, as usually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.
- 3.68 Trailer: Every vehicle without motive power designed or used for carrying persons or property and for being drawn by a motor vehicle.
- 3.69 Unincorporated Area: That area lying outside the incorporated limits of any city.
- 3.70 Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any non-conforming use.
- 3.71 Vacation/Private Home Rental: “Vacation/Private Home Rental” means a single family dwelling and/or related structure that is rented out on a transient basis for a charge. A transient basis shall be any period of time less than thirty (30) consecutive days.
- 3.72 Variance: “Variance” means any modification or variation of the provisions of the ordinance where it is determined pursuant to the provisions of this ordinance that, by reason of exceptional circumstances, the strict enforcement of the ordinance would cause unnecessary hardship as defined or described in Minnesota Statutes Chapter 394.27.7.
- 3.73 Water Supply Purpose: Includes any uses of water for domestic, commercial, industrial, or agricultural purposes.
- 3.74 Zoning Permit: A document issued by the zoning office to use land as designated in this ordinance. In addition to specific instances provided for herein, and unless otherwise provided for herein, a permit shall be required before beginning any construction, moving, rebuilding, or material alteration of a structure or septic.

## [SECTION 4]

### SPECIAL PROVISIONS: OFF-STREET LOADING AND PARKING

- 4.0 Loading: Space for off-street loading and unloading of vehicles shall be provided for every building used or designed for commercial, industrial, manufacturing, or warehousing purpose. One (1) such space shall be provided for every ten thousand (10,000) square feet of floor area or fraction thereof, and such spaces shall be a minimum of ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height.
- 4.01 Parking: Off-street automobile parking or storage space shall be provided on every lot on which any new structures are hereinafter established. Such space shall be provided with vehicular access to a street or alley and shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. When a structure is enlarged, the required off-street parking space shall be provided for the enlarged portion. If a use is changed to a different use requiring more space, the additional amount of parking area shall be provided. In addition, the following minimum standards shall apply:
- a. Parking Space, Off Street: Any off-street parking space shall comprise no less than one hundred eighty (180) feet of parking area, plus necessary maneuvering incidental to parking or un-parking shall not encroach upon any public right-of-way. Every off-street parking space shall be accessible to a public roadway.
  - b. Residential Dwelling: One (1) parking space for each unit.
  - c. Tourist Accommodations: One (1) parking space for each unit.
  - d. Theater, Stadium, Auditorium, Church, or other places of Public Assembly: One (1) parking space for each five (5) seats based on maximum seating capacity.
  - e. Stores and Other Retail Business Establishments: One (1) parking space for each three hundred (300) square feet of total floor area (square footage is based on all but retail storage).
  - f. Office Buildings: One (1) parking space for each two hundred (200) square feet of office floor area.
  - g. Industrial, Manufacturing, or Wholesale Establishments: One (1) parking space for each three (3) workers based on peak employment.
  - h. Restaurants, Supper Clubs, Taverns, and Bars: One (1) parking space for each five(5) seats based on maximum seating capacity.

## [SECTION 5]

### SIGNS (DISPLAYS)

5.0 Purpose: It is the intent of this ordinance to permit signs wherever they are moderate in size and design and consistent with the public safety and the welfare and aesthetics of surrounding areas.

5.01 Permit Required: Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, or structurally altered within the County until a permit has been issued by the Zoning Administrator. No permit shall be issued for a sign not in conformity with the size, type, number, location, and use regulations affecting each zoning district.

- a. The change in message, maintenance, and repair or the use of extensions, cut-outs, or embellishments upon an existing structure shall not be considered an enlargement, extension structure, or structural alteration provided that thereby the structure is not caused to exceed any size limitation imposed by this ordinance.
- b. Lighted signs shall be shielded so as to prevent beams or rays of light from being directed at any habitable building or dwelling or at any portion of the traveled way of such roadway and shall not be of such intensity or brilliance as to cause glare or impair the vision of any motor vehicle operator or obscure any official traffic sign, device, or signal.

5.02 Prohibited Characteristics of Signs:

- a. No sign shall resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices.
- b. No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- c. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- d. No sign shall exceed the maximum height limitations of the district in which it is located.
- e. No sign structure shall be so designed that both sides of the structure can be viewed from any one traffic lane.

5.03 General Design of Signs:

- a. **Back to Back Signs** – there shall not be more than a four (4) foot distance between sign faces. Signs shall face in opposite directions.

- b. End to End Signs – there shall be no more than two (2) feet between signs and the signs shall be in a straight line. No more than two signs are allowed to be constructed end to end.
- c. V-Shaped Signs – no interior angle of a sign shall exceed more than a thirty (30) degree angle from perpendicular to the center line of the road (see illustration and chart).

For illustration purposes V-shaped signs only:

<u>Length of sign</u>	<u>Maximum distance between sign faces</u>
8 feet and less	8.0 feet
12 feet	12.0 feet
16 feet	16.0 feet
20 feet	20.0 feet

\*\*See appendix C for diagram

- d. Signs erected back to back, end to end or in a V-type construction shall be deemed to be one sign structure. The largest advertising area on either side of the sign structure shall not exceed the allowable square footage measurements applicable to the sign class and the sign type.

5.04 Signs – No Permit Required:

- A. Official traffic control signs, and informational notice erected by federal, state, or local units of government. Only official identification, directional, or traffic control signs shall be allowed within the public right-of-way.
- B. On-premises signs, residential identification, government issued warning and similar signs not greater than nine (9) square feet in area. In residential zoning districts no more than two (2) such signs may be located on the premises. Signs shall not be spaced closer than every fifty (50) feet.
- C. Off-premises directory signs in the specific interest of the traveling public that identify the dwelling owners. Such signs shall not exceed four (4) square feet in area. Directory signs may be placed at the right-of-way line of the roadway provided they are not within three hundred (300) feet of an existing residence. Information on such signs may be of reflective materials.

5.05 Classification of Signs Requiring Permit:

A. On-Premise Signs: On-premise signs may be placed at the right-of-way line of the roadway, unless otherwise specified. All other setback distance requirements of the underlying zoning district must be met. On-premises signs shall not be spaced closer than three hundred (300) feet to other advertising signs on the same side of the road except back to back , v-shaped or end to end.

Type 1: Signs in the farm/residential, open and public zoning districts shall not exceed twenty-four (24) square feet in area, and no more than one (1) sign for each roadway upon which the property faces shall be permitted.

Type 2: Signs in a commercial or manufacturing zoning district, or on commercially assessed property that is allowed with a conditional use permit, shall have no more than two such signs for each roadway upon which the property faces shall be permitted. Such signs shall not exceed eighty (80) square feet in combined area. Free standing signs shall not exceed twenty-two (22) feet in height from above the ground.

B. Off-Premises Signs: Off-premises signs may only be placed in a commercial or manufacturing zone outside the shoreland zone. Refer to the Aitkin County Shoreland Management Ordinance Section 4.23 for guidance on whether an off-premise sign may be authorized within the shoreland zone through the conditional use permit process. Off-premise signs must be placed outside the road right-of-way, unless otherwise specified. All other setback distance requirements of the underlying zoning district must be met. Signs shall not exceed ~~two~~ three hundred (200 300) square feet in area. Free standing signs shall not exceed ~~twenty-two~~ seven (22 27) feet in height above the ground or be located within three hundred (300) feet of an existing residence. Off-premises signs shall not be spaced closer than three hundred (300) feet to other signs on the same side of the road except back to back , v-shaped or end to end. Off premises signs must be placed ~~one hundred~~ thirty (30) feet from property lines.

5.06 Nonconforming Signs:

Nonconforming signs shall be subject to the provisions of SECTION 12.

5.07 Substitution

Commercial speech is not favored over non-commercial speech. A non-commercial message may be displayed upon any sign.

[SECTION 6]

6.00 Extractive Use Standards:

A. Sand and Gravel Pits: Extraction of top soil, sand, and gravel, aggregate materials and minerals is a conditional or interim use in the unincorporated areas of Aitkin County, only if a conditional or interim use permit is authorized pursuant to the provisions of Section 11.00 of this ordinance, and then only if all of the standards and requirements of the Aitkin County Mining and Reclamation Ordinance are met.

1. Owners or other persons controlling sites that have been in operation prior to the effective date of this ordinance pursuant to duly and validly issued permits and licenses which are still in force as of the effective date of this ordinance, shall comply with Section 3.8 of the Aitkin County Mining and Reclamation Ordinance.
2. All other standards, requirements, details, and specifics now or hereafter set out in the Aitkin County Mining and Reclamation Ordinance.

- 6.01 Mining of Metallic Minerals and Peat: Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, are regulated under the provisions contained within the Aitkin County Mining and Reclamation Ordinance.

## [SECTION 7]

### SPECIAL PROVISIONS: MOBILE HOMES AND MOBILE HOME PARKS

- 7.01 Purpose: It is the purpose of this regulation to permit the development of mobile home parks in a manner that will promote and improve the general health, safety, convenience, and welfare of the citizens by minimizing any adverse effects of such developments.

- 7.02 General Requirements; Mobile Homes and Mobile Home Parks: It shall be unlawful for any person to construct, alter, or extend any mobile home park, structures, or uses within the park unless he holds a valid permit issued by the Zoning Administrator upon compliance with all provisions of this ordinance. In addition to all other requirements imposed by law, the following regulations shall be observed.

Mobile Homes and Mobile Home Parks Permitted: Permits shall be issued for mobile homes and mobile home parks only in districts designated elsewhere in this ordinance.

Area and Yard Requirements: Mobile home parks shall comply with all area and yard requirements prescribed for such users in the district in which located.

Lot Area Occupancy: The buildings and trailers in any mobile home park – together with any accessory buildings already on the lot – shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot.

Landscaping – Unused Areas: All areas not used for access parking, circulation, buildings, and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than thirty (30) feet in width when adjoining residential districts, shall be established and maintained within the trailer park along its exterior boundaries.

Accessory Buildings: All mobile homes which are established as a single-dwelling unit or within a mobile home park shall have an accessory building or garage for storage purposes for each mobile home unit. The size of the accessory building shall be a minimum of four (4) feet by six (6) feet.

- 7.03 Mobile Home Park; Submission of Plan: An application for the establishment of a mobile home park shall be filed with the Zoning Administrator and must be accompanied by a plat, drawn to scale and certified by a registered land surveyor, civil engineer, or architect. Such drawing shall include, but not necessarily be limited, to the following:
- a. Accurate dimensions of the proposed mobile home park shall be drawn to a scale of one (1) inch equals one hundred (100) feet or larger.
  - b. The number, location, and size of all mobile home lots.

- c. The location and width of roadways, walkways, approaches, and method of ingress and egress from the public highways.
- d. The complete electrical service installation, wire service outlets and lighting facilities, complete layout of unit parking spaces, and the number of square feet therein, together with the dimensions thereof.
- e. The location of electric power of gas distribution systems, water mains or wells, or water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, drainfields, fire protection stalls, fire hydrants, and other buildings, structures, or uses contemplated for use by the applicant.
- f. The applicant shall submit eleven (11) copies of the plan to the Zoning Office of which the Zoning Office shall distribute five (5) copies to the Planning Commission and one (1) each to the State Department of Transportation if abutting a State or Federal Highway, Aitkin County Highway Department, if abutting a county road, State Department of Natural Resources, Township Clerk and Chairperson, and the Aitkin County Soil and Water Conservation District.

7.04 Mobile Home Parks – Requirements: Mobile home parks shall be designed and maintained in accordance with the following requirements:

- a. Park Area: The minimum mobile home park area shall not be less than three (3) acres.
- b. Lot Area: The minimum lot area per mobile home unit site within the park shall be five thousand (5000) square feet.
- c. Lot Dimension: The minimum lot dimension per mobile home unit within the park shall be fifty (50) feet by one hundred (100) feet. Each lot shall be clearly defined by a permanent marker in the ground.
- d. Access: Each park shall abut upon a public road and each mobile home lot shall have direct access to a private hard surface road.
- e. Mobile Home Sighting: Mobile homes shall be located at least fifty (50) feet from any public road right-of-way, and at least thirty (30) feet from mobile home park boundary. There shall be a minimum distance of ten (10) feet between an individual mobile home and the right-of-way of a mobile home park street or common parking area or other common areas. Mobile homes and their additions shall be separated from each other and from other buildings and structures by at least twenty (20) feet, provided that mobile homes placed end to end may have a clearance of twenty (20) feet where opposing rear walls are staggered.
- f. Utilities: No building, plumbing, heating, and electrical requirements other than those adopted pursuant to Minnesota Statutes Section 327.31-327.34 shall be

required. A sanitary sewer or septic system and water system shall be installed in accordance with County and State specifications.

- g. Interior Roads: The minimum roadway width of interior one-way roads with parking permitted on one side shall be twenty-one (21) feet. The minimum roadway width of two-way roads with parking permitted on two sides shall be thirty-six (36) feet and surfaced according to County specifications for residential roads and maintained in good condition and lighted at night.
- h. Recreation Areas: There shall be provided within each mobile home or trailer park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area of two thousand five hundred (2,500) square feet in the aggregate, or one hundred (100) square feet for each mobile home space in said park, whichever is the greatest. The recreation sites shall be furnished, equipped, and maintained for the use of the mobile home families.
- i. Length of Occupancy: No mobile home or trailer shall remain in a mobile home or trailer park for a period exceeding fifteen (15) days without connection to a permanent sanitary sewer system of the park.
- j. Mobile Home Skirting: Every unit within the park shall be skirted.
- k. Maintenance: It shall be the responsibility of the mobile home park owner to see that good housekeeping and living conditions are maintained in the mobile home park at all times. Each mobile home lot shall be landscaped or maintained in grass. No unused building materials, debris, or rubbish shall be allowed to accumulate.
- l. Vehicle Storage: No more than two (2) motor vehicles shall be stored or kept on any mobile home lot. No vehicle shall be dismantled nor shall mechanical work except of minor repair nature be done on any vehicle on a mobile home lot; nor shall any automotive vehicle that is not in an operable condition be parked, stored, or kept on a mobile home lot or in a mobile home park, except a vehicle that became inoperable when it was in the mobile home park and then it shall not be parked in that condition for a period of more than seven (7) days.

7.21 Maintenance and Administration Requirements:

- A. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- B. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protection:
  - 1. commercial uses prohibited (for residential PUD's)



2. vegetation and topographic alterations other than routine maintenance prohibited
  3. construction of additional buildings or storage of vehicles and other materials prohibited; and
- C. Development organization and functioning. Unless an equally effective alternate community framework is established, when applicable, all residential planned unit developments must use an owner's association with the following features:
1. membership must be mandatory for each dwelling unit or site purchasers and any successive purchasers;
  2. each member must pay a pro-rate share of the association's expenses and unpaid assessments can become liens on units or sites;
  3. assessments must be adjustable to accommodate changing conditions; and
  4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
- D. All residential planned unit developments must contain at least five (5) dwelling units or sites.

7.22 Open Space Requirements: Planned unit developments must contain open space meeting all of the following criteria:

1. at least 50 percent of the total project area must be preserved as open space;
2. dwelling units or sites, road right-of-way, or land covered by road surfaces, parking area, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open spaces;
3. open space must include areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries;
4. open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
5. open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
6. open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
7. the appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and

7.23 Erosion Control and Stormwater Management: Erosion control and stormwater management plans must be developed and the PUD must:

1. Be designed and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff.

7.23 7.24 Centralization and Design of Facilities: Centralization and design of facilities and structures must be done according to the following standards:

1. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized, designed, and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Section 17.01 of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development.

## **[SECTION 8]**

### ADMINISTRATION

- 8.0 Designation: The Board on County Commissioners shall appoint a Zoning Administrator, whose duty it shall be to administer and enforce the provisions of this ordinance. His administrative functions shall include, but not be limited to, the duty to:
- a. Provide necessary forms and applications.
  - b. Issue land use permits upon demonstration of the applicant's compliance with the provisions of this ordinance.
  - c. Issue any authorized permits.
  - d. Identify and record information relative to non-conformities.
  - e. Provide assistance in zoning changes and amendments to the ordinance text or map.
  - f. Maintain files of applications, permits, and other relevant documents.
  - g. Make an annual report of his activities to the Board of County Commissioners.

- 8.01 The Zoning Administrator shall have all powers and authority conferred by laws, statutes, and ordinances to enforce the provisions of this ordinance, including but not limited to, the following:
- a. Right of Inspection: An applicant for any permit under this ordinance, by making such application, does thereby give the Zoning Administrator reasonable right-of-access to the premises concerned for inspection from time to time, so he may carry out his duties as specified in this ordinance.
  - b. Right of Inspection for Investigation: The Zoning Administrator or his authorized Representative is hereby authorized to enter upon lands within the unincorporated area of the county for the purpose of carrying out the duties and functions imposed upon him under this ordinance, or to make investigations of any violations of this ordinance, and to cause proceedings to be instituted if proofs at hand warrant such action.
- 8.20 Permits Required
- 8.21 A permit is required for the construction or placement of buildings or building additions (and including such related activities as construction of decks and signs), and the installation and/or alteration of sewage treatment systems. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator or his authorized Representative can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.
- 8.22 A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 17.01, shall be reconstructed or replaced in accordance with the provisions of this ordinance.
- 8.3 Certificate of Zoning Compliance: The Zoning Administrator or his authorized Representative shall issue a certificate of zoning compliance for each permitted activity requiring certification. All permitted activities as specified in Section 3.74 of the ordinance shall be inspected to ensure the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with the authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 13 of this ordinance.
- 8.31 A septic system Certificate of Compliance is required as defined in the Aitkin County ~~Individual Subsurface Sewage Treatment System and Wastewater Ordinance No. 1~~ and subsequent amendments.
- 8.32 Zoning Permits: Zoning permits shall be issued in accordance with the following provisions:
- a. Applications shall be accompanied by scale maps or drawings showing accurately the locations, size, and shape of the lot(s) involved and any proposed structures, including the relation to abutting roads, lakes, or streams and the existing and proposed use of each structure and lot and the number of families to be accommodated. One (1) copy shall be retained by the Zoning

Administrator and one (1) copy shall be returned to the owner when such plans have been approved.

- b. Any permit shall be valid for twelve (12) months after date of issue. However, the permit may be extended for up to three months at the discretion of the Zoning Administrator.
- c. No permit shall be required for maintenance, repair, or remodeling where the building area coverage and/or volume is not increased.
- d. Permits issued hereunder may be revoked for cause, including but not limited to, mistakes or misrepresentation of fact, issuance in violation of the provisions of this ordinance, or in violation of any applicable law or ordinance and for violation of the terms and conditions of the permit.
- e. An accessory structure that is converted/changed into habitable/living space (primary use) is a change/intensification of the use and a permit is required.

8.33 Structure Setbacks; Placement of Structures:

The following structure setbacks apply:

<b>Setback from:</b>	<b>Setback (in feet)</b>
1. Top of bluff	30'
2. Unplatted Cemetery	50'
3. Right of way line of Federal, State, or County Highway; and	50'
4. Right-of-way line of Town road, public street, or other roads or streets not classified.	30'
5. Property line	20'
6. Platted property line	10'

[SECTION 9]

PLANNING COMMISSION

9.0 Name of organization:

The name of this organization shall be the Aitkin County Planning Commission.

9.01 Authorization:

The authorization for the establishment of this Planning Commission is set forth under MS 394.21 to 394.37, amendments and supplements thereto. Powers and duties are delegated to the Planning Commission by the Board of County Commissioners of Aitkin County, Minnesota, by Resolution dated March 1, 1966, in accordance with the above-mentioned enabling law.

9.02 Membership:

Membership shall consist of five (5) persons to be appointed by the Board of County Commissioners. At least one (1) member shall be from the Board of County Commissioners. Members shall be appointed for a term of three (3) years, excluding the County Commissioner and Board of Adjustment appointee who will be appointed on an annual basis. An appointment to fill a vacancy shall be only for unexpired portion of term. Each member shall be entitled to one vote.

9.03 Officers:

**SubSection 1.** The officers of the Planning Commission shall consist of a chairperson, vice-chairperson, and secretary.

**SubSection 2.** The chairperson shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such officers.

**SubSection 3.** The vice-chairperson shall act for the chairperson in his absence.

**SubSection 4.** The secretary need not be a member of the commission. The secretary shall keep the minutes and records of the Commission; and with the assistance of such staff as is available, shall prepare the agenda of regular and special meetings under the direction of the chairperson, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission, and such other duties as are normally carried out by a secretary.

9.04 Election of Officers:

**SubSection 1.** An annual organization meeting shall be held on the first regular meeting of each year.

**SubSection 2.** Nominations shall be made from the floor at the annual organization meeting, and election of officers specified in Section 9.03, shall follow immediately thereafter.

**SubSection 3.** A candidate receiving a majority vote of the membership of the Planning Commission shall be declared elected and shall serve for one (1) year, until his/her successor shall take office.

9.05 Meetings:

**SubSection 1.** Meetings shall be held on the third Monday of each month at 4:00 P.M., in the Aitkin County Courthouse unless otherwise specified by the chairperson in the call for meeting. In the event of a conflict with holidays or other events, a majority at any meeting may change the date of said meeting.

**SubSection 2.** A quorum shall consist of three (3) members. Voting shall be by roll call. A record of the roll call vote shall be kept as a part of the minutes.

**SubSection 3.** Special meetings may be called by the chairperson. It shall be the duty of the chairperson to call a special meeting when requested to do so by a majority of members of the Commission or Zoning Administrator or designee. The secretary shall notify all members of the Commission in writing not less than five (5) days in advance of such special meeting.

**SubSection 4.** All meetings or portions of meetings at which official action is taken shall be open to the general public.

**SubSection 5.** Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at the meetings of this Commission.

9.06 Order of Business:

**SubSection 1.** The order of business at the regular meetings shall be:

- a. Chair shall call the meeting to order;
- b. Chair will read the meeting rules and direct citizens to the agenda for the order of business;
- c. Roll Call/Introduction of board members and staff;
- d. Approval of the agenda;
- e. Old business;
- f. New business;
- g. Approval of minutes from previous meeting(s)
- h. Staff updates
- i. Adjourn meeting.

**SubSection 2.** A motion from the floor must be made and passed in order to dispense with any item on the agenda.

**SubSection 3.** Filing of Decisions: Decisions on Conditional Uses, Interim Uses and Rezoning made by the Planning Commission shall be filed within twenty five (25) working days, as a certified copy of any order, with the County Recorder.

9.07 Powers: The Planning Commission shall have and exercise the following powers:

- a. To adopt rules of procedure governing the transaction of its business.
- b. To cooperate with the Planning and Zoning Administrator and other employees of the County in preparing and making recommendations to the County Board of Commissioners with such comments and recommendations for plan execution in the form of official controls and other measures and amendments thereto.
- c. To conduct such hearings as may be required by law and by the provisions of this ordinance, and in connection there with to make findings and conclusions which shall be transmitted to the Planning and Zoning Office which shall forthwith transmit same to the County Board

of Commissioners with such comments and recommendations as it deems necessary.

- d. All other powers granted to it by law and by the provisions of this ordinance.

- 9.08 Removal: Members of the Planning commission may be removed for cause by a majority vote of the County Board of Commissioners upon the filing of written cause with the County Board of Commissioners. No member shall be removed prior to a public hearing, which shall be held within thirty (30) days of the date of filing of the written cause.
- 9.09 Vacancies: Vacancies occurring on the Planning Commission shall be promptly filled by the County Board of Commissioners and any members so appointed shall serve the balance of the preceding member's term and shall thereafter be subject to appointment in the manner herein above set forth.
- 9.10 Rules of Procedure: The board of County Commissioners shall establish the Rules of Procedure setting forth the terms of office, election of officers, conduct of meetings, and such other rules as the Board of Commissioners deem appropriate. The Board of Commissioners may make changes as it deems appropriate in the Rules of Procedure. Such rules and changes, however, shall be consistent with State Statutes and Aitkin County Ordinances.
- 9.11 Public Hearings: Public hearings shall be conducted and notices therefore, shall be given in compliance with Minnesota Statutes, Section 394.26.

## [SECTION 10]

### BOARD OF ADJUSTMENT

10.0 Name of organization:

The name of this organization shall be Aitkin County Board of Adjustment.

10.01 Membership:

Membership shall consist of five (5) persons to be appointed by the Board of County Commissioners. Members shall be appointed for a term of three (3) years. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Each member shall be entitled to one (1) vote.

10.02 Officers:

**SubSection 1.** The officers of the Board of Adjustment shall consist of a chairperson, vice-chairperson, and secretary.

**SubSection 2.** The chairperson shall preside at all meetings and hearings of the Board of Adjustment and shall have the duties normally conferred by parliamentary usage on such officers.

**SubSection 3.** The vice-chairperson shall act for the chairperson in his/her absence.

**SubSection 4.** The secretary need not be a member of the Board of Adjustment. The secretary shall keep the minutes and records of the Board and with the assistance of such staff as is available, shall prepare the agenda of regular and special meetings to the Board members, arrange to correspondence of the Board of Adjustment, and such other duties as are normally carried out by a secretary.

10.03 Meetings:

10.04

Regular meetings shall be held on the 1st and 3rd Wednesday of each month in the Aitkin County Courthouse. Special meetings may be called by the Chairperson. At least forty-eight (48) hours notice of the meeting time set for such special meetings shall be given each member.

**SubSection 1. Quorum:** A quorum shall consist of three (3) members. Voting shall be by roll call. A record of the roll call vote shall be kept as a part of the minutes.

**SubSection 2. Cancellation of Meetings:** Whenever there is no proper business which may come before a regular meeting of the Board of Adjustment, the Chairperson may dispense with such meeting by notice to all members not less than forty-eight (48) hours prior the regular meeting time.

**SubSection 3. Conduct of the Meeting:** All meetings shall be open to the public. The order of business at regular meetings shall be:

- a. Chair will call the meeting to order.
- b. Chair will read the meeting rules and direct citizens to the agenda for the order of business.
- c. Roll Call/Introduction of board members and staff.
- d. Approval of the agenda.
- e. Old business.
- f. New business.
- g. Approval of minutes from previous meeting(s).
- h. Staff updates.
- i. Adjournment

No board member shall sit in hearing nor vote in passing any case in which he is personally or financially interested. If, because of absences, an additional concurring vote shall be held over, the Chairperson shall direct the Secretary to cause a copy of the record in the case to be transmitted to the absent member. At the next regular meeting if it falls within thirty (30) days, or at a special meeting if necessary, the member absent at the preceding meeting shall affirm that the Board has examined the record. Such affirmation shall appear in the record. The Chairperson shall then call for a vote on the case that had been held over.

10-05 Powers: The Board of Adjustment shall have and exercise the following powers:

- a. To adopt rules of procedure governing the transaction of its business.
- b. To hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing the provisions of this ordinance.



- c. To order the issuance of permits for buildings in areas designated for future public use on an official map.
- d. To order the issuance of variances from the terms of any official control, including restrictions placed on any nonconformity. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. In considering a variance request, the Board of Adjustment must also consider several factors, including but not limited to: is the variance in harmony with the general purposes and intent of the official control and consistent with the comprehensive plan, is the owner proposing to use the property in a reasonable manner not permitted by the official control, is the practical difficulty due to circumstances unique to this property, is the need for the variance created by actions other than the landowner or prior landowners, will the issuance of the variance maintain the essential character of the locality, and does the practical difficulty involve more than economic considerations. No variance may be granted which would allow any use that is prohibited in the zoning district in which the property is located. The Board of Adjustment may impose conditions in the granting of variance to insure compliance and protect adjacent properties and the public interest.

The applicant for a variance which, in the opinion of the Board of Adjustment, may result in a material adverse effect on the environment may be requested by the Board of Adjustment to demonstrate the nature and extent of the effect.

**10.06 SubSection 1. Application:** In the cases of applications to the Board of Adjustment for the granting of variances for those requirements specified in the Zoning Ordinance as requiring Board approval, the application shall be made upon forms provided by the Zoning Administrator or designee.

**SubSection 2. The Calendar:** Each case filed in the proper form with the required data shall be placed on the Secretary's calendar. As soon as a case is put on the calendar, the applicant or appellant shall be notified to appear on the date when the case will be heard.

**10.07 Hearings:**

**SubSection 1. Form of Notice:** The notice shall state the location of the building or lot, the general nature of the question involved, and the time and place of the hearing. A copy of the notice and a list of persons to whom mailed shall become part of the records of the Board.

**SubSection 2. Conduct of Hearing:** Any person may appear in person or by agent or attorney at the hearing. The order of business for the hearing shall be:

- a. Read notice of hearing
- b. Staff report
- c. Comments of applicant to staff report/additional info or testimony
- d. Board/Commission discussion
- e. Comments in favor or neutral
- f. Comments in opposition

- g. Further Board/Commission discussion – may include discussion with applicant and/or audience at discretion of the Board/Commission
- h. Motion
- i. Findings of Fact
- j. Further discussion, if any
- k. Second to the motion
- l. Vote

The first person to be heard on the affirmative side shall be the applicant or his agent. Witnesses may be called and factual evidence may be submitted. All witnesses shall affirm that their testimony is true.

**SubSection 3. Rehearings:** An application for a rehearing shall be made in the same manner as for an original hearing. The application for a rehearing shall be denied by the Board if from the record it shall appear that there has been no substantial change in facts, evidence, condition, or a minimum of twelve (12) months has not passed.

**10.08 Decisions:**

**SubSection 1. Time of Decisions:** Final decision of the Board shall be made according to Minn.Stat. Sec. 15.99. Every attempt shall be made to reduce this period to a minimum.

**SubSection 2. Vote:** The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, or determination of the Zoning Administrator. The same vote shall be necessary for the granting of a variance.

**SubSection 3. Form of Decisions:** The final decision of the Board shall be made by a formal written order signed by the Chairperson. Such decision shall show the reasons for the determination and may reverse or affirm, wholly or in part, or may modify the order or determination appealed from. Such decisions shall also state in detail, in the case of variances, ~~and~~ an exceptional difficulty or unusual hardships upon which the appeal was based and which the Board found present. The decision shall also state in detail what, if any, conditions and safeguards are required.

**SubSection 4. Filing of Decisions:** Decisions of the Board shall be filed within Twenty five (25) working days, as a certified copy of any order, with the County Recorder.

**10.09 Appeals:**

- a. Appeals may be taken by any person aggrieved, or by any officer, department, board, or bureau of a town, municipality, county, or state. Such appeal shall be taken within thirty (30) days by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof.
- b. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant, to the officer from whom

the appeal is taken, and to the public and shall decide the same within thirty (30) days of the hearing or as per Minn. Stat. Sec. 15.99.

- c. An appeal stays all proceedings in furtherance of the action appealed from, unless the Board of Adjustment certifies that by reason of fact stated in the certificate, a stay would cause imminent peril to life or property.
- d. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of permit.
- e. The Board shall keep complete and detailed records of all its proceedings, which shall include the minutes of its meetings, its finds and actions taken on each matter heard by it, including the final order. The order shall include the legal description of the property involved. Reasons for the decision shall be stated in writing. The Board shall record the vote of each member on each question or if absent or failing to vote, indicating such fact. All records shall be open to the public and shall be filed within five (5) working days by the secretary of the Board of Adjustment.

Meetings shall be held at the call of the chairperson and at such other times as the Board of Adjustment may determine. All meetings and hearings shall be conducted in conformance with the provisions of the Minnesota Open Meeting Law, Minnesota Statutes, Section 471.705 and any additions or amendment thereto.

- f. A majority vote of the members of the Board of Adjustment shall be sufficient on action under consideration.
  - g. All variances granted shall be recorded in the Office of the County Recorder by the secretary of the Board of Adjustment within twenty five (25) working days.
  - h. All decisions by the Board of Adjustment in granting variances or in hearing appeals shall be final, except that any aggrieved person or persons or any department, Board of Commissioners, or the state shall have the right to appeal within thirty (30) days after the receipt of notice of the decision, to the District Court in the county in which the land is located on Questions of law and fact.
- ~~10.10~~ **Removal:** Members of the Board may be removed for cause by a majority vote of the Board of County Commissioners. No member shall be removed prior to a public hearing, which shall be held within thirty (30) days of the date of filing of the written cause.
- ~~10.11~~ **Vacancies:** Vacancies occurring on the Board shall be promptly filled by the Board of County Commissioners and any member so appointed shall serve the balance of the preceding member's term and shall thereafter be subject to appointment in the manner herein above set forth.

10.12 The Board shall always act with due considerations toward promoting the public health, safety, and welfare, thereby encouraging the most appropriate use of land consistent with the Comprehensive Plan.

10.13 Rules of Procedure: The Board of Commissioners shall establish Rules of Procedure setting forth the terms of offices, election of officers, conduct of meetings and such other rules as the Board of Commissioners deems appropriate. The Board of Commissioners may make changes as it deems appropriate in the Rules of Procedure; however, such rules and changes shall be consistent with State Statutes and Aitkin County Ordinance.

10.14 Public Hearings: Public hearings shall be conducted and notices thereof shall be given in compliance with the Minnesota Statutes, Section 394.26.

## [SECTION 11]

### 11.00 CONDITIONAL USE AND INTERIM USE PERMITS

11.01 Conditional and interim use permits shall only be granted in accordance with Minnesota Statutes, Chapter 394, including the public hearing provisions thereof and the provisions of that statute shall apply to all conditional or interim use permits issued under this ordinance.

Any use listed in this Ordinance as a conditional use may, at the discretion of the County, be processed and allowed as an interim use in accordance with Minn. Stat. Sect. 394.303 if:

- Such use will conform to the zoning regulations;
- If the date or event that will terminate the use can be identified with certainty;
- Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- The user agrees to any conditions that the County deems appropriate for permission of the use.
- Public hearings on the granting of interim use permits shall be held in the manner provided in section 394.26.

11.02 Application for a Conditional or Interim Use Permit shall be on forms provided by the Zoning Administrator, shall be signed by the owner of the property involved, and shall be submitted with such plans, maps, and ~~necessary~~ other required information as deemed necessary by the Zoning Administrator for evaluation of the application.

11.03 Application for a conditional or interim use permit shall be granted by the Planning Commission only if the Planning Commission makes all the following findings:

1. That the proposed use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity, nor impair property values within the surrounding neighborhood;
2. That the proposed use will not increase local or state expenditures in relation to costs of servicing or maintaining neighboring properties;

3. That the location and character of the proposed use are considered to be consistent with a desirable pattern of development for the locality in general;
4. That the proposed use conforms to the comprehensive land use for the County;
5. That adjoining property owners, and others required to be given notice pursuant to Minnesota Statutes, Chapter 394, have been given written notice of the proposed use and of the hearing before the Planning Commission;
6. That other applicable requirements of this ordinance, or other ordinances of the County have been met.
7. The proposed use is not injurious to the public health, safety, and general welfare.

11.04 In connection with the issuance of a conditional or interim use permit the Planning Commission may impose such restrictions or conditions as it deems necessary to protect the public interest, to insure compliance, and to protect adjacent properties, including, but not limited to, matters relating to appearance, lighting, hours of operation, performance characteristics, restoration, reclamation, and the delivery of bonds or other security for the proper completion and performance of any restrictions or conditions. Also, when deemed appropriate by the Planning Commission, recorded restrictive covenants may be required by the Planning Commission.

- A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed, and such use has not been expanded, intensified or changed, or be re-established if discontinued for a continuous twelve (12) month period or more. However, whenever it is deemed advisable, a time limitation or review requirement may be placed as a condition on any permit.
- An interim use permit shall remain in effect until the termination date established through the approval process, so long as the conditions agreed upon are observed.

#### 11.05 **REVOCATION OF A CONDITIONAL OR INTERIM USE PERMIT**

- A) A conditional or interim use permit may be revoked by the Planning Commission for good cause, upon due notice and hearing.
- B) Good cause shall include any violation of the agreed upon conditions attached to the conditional or interim use permit.
- C) Notice of Intent to Revoke. A written notice of intent to revoke shall be prepared by the Aitkin County Zoning Officer or his/her representative. This notice shall include the following:
  - 1) Identity and address of the conditional or interim use permit holder(s).
  - 2) Legal description of the property.
  - 3) The facts alleged to constitute good cause to revoke and the dates or approximate dates of alleged violation(s).
  - 4) The date, time, and place of the public hearing of the Planning Commission at which time revocation of said conditional or interim use permit will be considered and determined.
  - 5) The right of said conditional or interim use permit holder or his authorized representative to attend and be heard at said hearing.

- 11.06 Any person or department, board, or commission of the County or of the State of Minnesota may appeal any decision of the Planning Commission relative to a conditional or interim use permit by writ of certiorari to the Minnesota Court of Appeals within thirty (30) days of the Planning Commission's final decision.

**[SECTION 12]**

- 12.0 NON-CONFORMITIES: All legally established non-conformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this 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:
1. Intent: It is the intent of this section to regulate non-conformities to provide for their gradual elimination.
  2. Change of Use: Such use shall not be changed to another non-conforming use or be re-established if discontinued for a continuous twelve-month period or more.
  3. Destruction of Structure: If a non-conforming structure is destroyed by any cause, including neglect, to an extent exceeding fifty percent of its fair estimated market value as indicated by the records of the County Assessor, a future structure of or use of the site shall conform to this ordinance.
- 12.1 Amortization: The County may provide for the termination of non-conformities, either by specifying the period of or periods within which they shall be required to cease or by providing a formula; whereby compulsory termination shall be so fixed as to allow a reasonable period for the recovery of the investment in the non-conforming use.
- 12.2 Purchase: Any premises having a non-conformity that is determined by the County Board of Commissioners to be detrimental to the achievement of the goals and objectives of the Comprehensive Plan may be acquired by Aitkin County by purchase.
- 12.3 Non-conforming Structures: Any structure existing at the date of adoption or amendment of this ordinance which does not comply with the provisions of this ordinance by reason or restriction on area, lot coverage, yards, or other characteristic of the structure or lot may be continued provided that such structure may:
1. Not be enlarged or altered in a way which increases its non-conformity.
  2. Not be rebuilt, except in conformity with the provisions of this ordinance, after damage to an extent of more than fifty (50) percent of its replacement value at time of damage or becomes deteriorated to an extent of more than fifty (50) percent of its replacement value.

**[SECTION 13]**

**VIOLATIONS AND PENALTIES**

- 13.0 Complaints Regarding Violations: Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator, stating fully the causes and basis thereof. The Zoning Administrator shall maintain a record of such complaints and shall take appropriate action pursuant to the provisions of this ordinance.
- 13.01 Any unauthorized change in the official Zoning Map shall be considered a violation of the provisions of this ordinance.
- 13.02 No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with the provisions of this ordinance.
- 13.03 The county shall have power to bring action for injunctive relief to enforce the provisions of this ordinance.
- 13.04 Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any other provisions of this ordinance shall be guilty of a misdemeanor, punishable by \$1,000.00 and 90 days imprisonment, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The County Attorney shall have the authority to prosecute any and all violations of this Ordinance.
- 13.05 In the event of a violation or threatened violation of this ordinance, Aitkin County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations. The Department may and is empowered to issue citations and/or cease and desist orders to halt the progress of any ongoing violation. When the work has been stopped by the Department for any valid reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.
- 13.06 After two or more attempts to achieve compliance, the Department may charge for the enforcement of violations of this Ordinance to recover actual costs for staff time, mileage and supplies. This cost shall be above and beyond any other fee imposed by this Ordinance.

**[SECTION 14]**

**SCHEDULE OF FEES, CHARGES, AND EXPENSES**

- 14.00 The County Board of Commissioners shall establish a schedule of fees, charges, and expenses for permits, certificates, appeals, and other documents and actions required by the provisions of this ordinance. This schedule shall be available in the office of the Zoning Administrator. No permit, certificate, or variance shall be issued unless such fees, charges, or expenses have been paid in full, nor shall any action be taken on

proceedings before the Board of Adjustment or Planning Commission unless or until fees, charges, and expenses have been paid in full.

- 14.01 Late Application Fee: Any application for a permit which is made after the work is commenced and which requires a permit shall be charged five (5) times the permit fee or five (5) percent of the project cost at the Departments discretion.

## **[SECTION 15]**

### PLANNED UNIT DEVELOPMENT

- 15.0 Procedure: Planned Unit Developments may be approved by the County Board of Commissioners without following the amendment procedure following a recommendation by the Planning Commission after consideration of the items specified in this article.
- 15.01 Public Hearings: Notice will be given subject to Minnesota Statutes 394.26.
- 15.02 Applications: Applications for a Planned Unit Development shall be made to the Zoning Administrator on forms supplied by the Zoning office. The applicant shall submit the following documents prior to final action being taken on the application request:
- a. Three (3) copies of a plan drawn to a scale of one (1) inch equals one hundred (100) feet or larger scale.
  - b. Site plan for project showing locations of property boundaries, existing and proposed structures, land alterations, sewage treatment, water supply, and other proposed development. Any additional documents as requested by the Zoning Administrator that are necessary to explain how the Plan Unit Development will be designed and will function. The Zoning Office shall forward a copy of the plan and other documents to Aitkin County Soil and Water Conservation District and one to the Township Clerk.
- 15.03 Group Housing, Cluster Subdivision, and Condominium Projects: In the case of a housing project consisting of a group of three (3) or more residential buildings to be constructed on a plot of ground of at least ~~one~~ three (± 3) acre not subdivided into the customary streets and lots or where the existing or contemplated street and lot layout of a cluster subdivision development makes it impractical to apply the requirements of this ordinance to the individual buildings in such housing and cluster subdivision projects, an application for a Planned Unit Development permit for such a project in Zoning Districts shall be made to the Planning Commission. Before recommending the approval of the conditional use permit to the County Board, the Planning Commission shall require the applicant to show that the development will:
- a. Be consistent with the intent and purpose of this ordinance.
  - b. Have no adverse effect on adjacent property.



- c. Ensure use of the project structures only for residential purposes and accessory uses.
- d. Ensure a density of land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located.
- e. Ensure provision of off street parking facilities as specified in ~~Article~~ Section 4.
- f. Meet any other requirements that the Planning Commission may impose to safeguard the public interest.
- g. Any subdivisions or Planned Unit Developments authorized under this ordinance shall meet all requirements of the Aitkin County Subdivision Platting Regulations.

15.04 Shopping Centers: The owner of a tract of land within a Zoning District, containing not less than five (5) acres, may submit to the Planning Commission a preliminary plan and planned unit development application for the use and development of such a tract of land for an Integrated Shopping Center. Before recommending such a plan to the Board of Commissioners, the Planning Commission shall require the sponsor of the shopping center to show:

- a. The need for the proposed development.
- b. That the proposed center is located so that reasonable direct traffic access is supplied from principal thoroughfares and where traffic congestion on neighboring streets and roads will not likely be increased by the proposed center.
- c. That the plan provides for a grouping of buildings of harmonious design, together with adequately arranged traffic and parking facilities, and adequate landscaping of grounds.
- d. That the proposed center will not have adverse effects on surrounding properties.
- e. That any other requirements have been met such as may be imposed by the Planning Commission to safeguard the public interest.

15.05 Industrial Parks: The owner of a tract of land in a zoning district containing twenty (20) acres or more, may submit to the Planning Commission for its review a preliminary plan and planned unit development application for the use and development thereof for the planned industrial district or industrial park. Before the Planning Commission makes a recommendation to the County Board, it shall be the responsibility of the applicant to show that the proposed plan meets or exceeds the following conditions:

- a. That the plan provides for a grouping of buildings of harmonious design having properly arranged traffic ways, parking and loading facilities, adequate landscaping and not having adverse effect on the neighboring properties.
- b. That the proposed project will have direct access to at least one (1) major or secondary thoroughfare.
- c. That all uses proposed are listed as basic provisions or conditional uses in the M district.
- d. That any other requirements that the Planning Commission may impose to safeguard the public interest have been met.

**[SECTION 16]**

16.0 Travel Trailer Park and Campground: In the case of a travel trailer park or campground project consisting of two (2) or more units to be constructed on a plot of ground of at least three (3) acres not subdivided into the customary streets and lots, an application for a planned unit development permit for such a project shall be made to the Zoning Administrator. Before recommending the approval of the permit to the County Board, the Planning Commission shall require the applicant to:

- A. The applicant shall submit eleven (11) copies of the plan drawn to scale of one (1) inch equals one hundred (100) feet or a larger scale. The plan must be prepared by a Registered Land Surveyor, Civil Engineer, or Architect.
- B. The Zoning Office shall submit five (5) copies to the Planning Commission and one (1) each to the State Department of Transportation, if abutting a State or Federal Highway, Aitkin County Highway Department if abutting a County Road, State Department of Natural Resources, Township Clerk and Chairperson, Aitkin County Soil and Water Conservation District.
- C. Have a minimum size campsite to accommodate one family group this is at least two thousand (2000) square feet in area. Campsites are limited to one (1) RV or tent per site.
- D. Have a roadway with driving surface of fourteen (14) feet for one-way and twenty-four (24) feet for two-way roads.
- E. Have traffic control consisting of parking limited to individual campsite spurs and parking areas constructed for that purpose. No parallel parking on site access roads within camping area shall be permitted. Barrier posts or other traffic control devices shall be installed to eliminate parking along site access roads and prevent users from setting up camp on areas other than designated campsites.
- F. Have a setback for all campsites and permanent structures at one hundred fifty (150) feet from a Natural Environment lake, one hundred (100) feet from a Recreational Development lake and seventy-five (75) feet from a General Development lake. The setbacks would be from the ordinary high water level.

The setback from any adjacent public road, street, or highway shall be fifty (50) feet. The setback distance from an adjacent property line shall be thirty (30) feet.

G. Provide sanitary facilities. All sanitary facility installations shall comply with the current standards of the Minnesota Department of Health and Aitkin County Subsurface Sewage Treatment System Ordinance, as well as any other applicable State and Local codes and standards. In conjunction with and in addition to the above, the following minimum standards shall apply.

H. Provide disposal facilities.

1. Sealed vault-type pit toilets: Sealed vault-type pit toilets shall comply with the setbacks designated in the Shoreland Management Standards.

~~The bottom of the vault in sealed vault-type toilets shall be a minimum of one (1) foot above the highest known ground-water table.~~

2. Central buildings with flush toilets: Central buildings shall comply with the setbacks designated in the Shoreland Management Standards.

3. Provide water holding tank dumping facilities: Any overnight camping facility to be used by camper or trailer units equipped with waste holding tanks shall have a minimum of one dumping facility per one hundred (100) units or fractions thereof. A minimum of one thousand five hundred (1500) gallon holding tank is required with curbing and water supply to wash area.

4. Solid waste disposal: Garbage cans shall be provided at a minimum ration of one (1) can per two (2) units. Garbage cans shall be provided with non-tip stands and tight fitting covers.

No on-site waste disposal areas will be permitted. Solid waste shall be disposed of at the approved solid waste facility which serves the projects area.

## [SECTION 17]

### 17.0 Vacation/Private Home Rental

The following standards apply to vacation/private homes renting for thirty (30) days or less except those located within Planned Unit Developments whose legal documents regulate unit rentals.

(1) The owner of a vacation/private home rental must apply for and receive an Interim Use Permit from the County. The initial Interim Use Permit will be valid for five (5) years in order to determine the compliance level of the owner with the conditions of approval. Subsequent renewals shall be for five (5) years or less as established by the Aitkin County Planning Commission. The County will establish fees for the application and renewal.

- (2) The application for an Interim Use Permit shall include:
- a. All information required for a conditional use permit,
  - b. Floor plan of the structure drawn to scale, including the number of bedrooms with dimensions and all other sleeping accommodations, smoke detector and carbon monoxide detector locations,
  - c. A to-scale site plan which shows locations and dimensions of property lines, the structure intended for licensing, accessory structures, parking areas, shore recreational facilities (docking plan, fire pit area, swim beach, etc) and sewage treatment systems.
  - d. Emergency contact information (police, fire, hospital, septic tank pumper) be posted in the home.
  - e. Current compliance inspection on the septic system.
  - f. Current water test from an accredited laboratory with test results for nitrate-nitrogen and coliform bacteria.
  - g. Plan for garbage disposal.
  - h. Applicant must submit a pet policy.
  - i. In each bedroom and any room used for sleeping, show the dimensions of egress windows on the drawing and the style (double hung, sliding or casement).
  - j. Provide a detailed list of all advertising sources pertaining to the vacation/private home rental and notify Environmental Services with any changes to the advertising within 30 days.
- (3) The occupancy of a vacation/private home rental shall be limited to no more than two (2) persons per bedroom plus two (2) additional persons per building, or no more than one (1) person for every seventy-five (75) gallons of water per day that the building subsurface sewage treatment system (SSTS) is designed to handle, whichever is less.
- (4) The vacation/private home rental shall be connected to an approved SSTS. The SSTS shall be designed and constructed with a design flow of seventy-five (75) gallons of water per person per day to handle the maximum number of guests for which the facility is permitted. The SSTS shall include a flow measuring device. Flow measurement readings and monitoring of the SSTS shall be recorded monthly and records shall be made available to the Department upon request. The use of holding tanks for vacation/private home rental units shall be prohibited.
- (5) On-site parking shall be provided which is sufficient to accommodate the occupants of the vacation/private home rental. Public streets and septic systems may not be used for calculating parking by renters or guests. Parking areas must be setback a minimum distance of five (5) feet from the property lines.
- (6) Attempting to obtain additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is prohibited.
- (7) Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the Department, whichever is stricter. Every room occupied for

sleeping purposes by one person shall contain at least 70 square feet of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 60 square feet of usable floor space for each occupant thereof.

- (8) On premise advertising signs are prohibited.
- (9) The owner shall provide a visual demarcation of the property lines.
- (10) The owner shall keep a report, detailing use of the home by recording the full name, address, phone number and vehicle license number of guests using the property. A copy of the report shall be provided to the Department upon request.
- (11) No more than two (2) vacation/private home rentals will be allowed on a parcel. More than two (2) vacation/private home rentals on the same parcel or on contiguous parcels under common ownership shall constitute a resort and must meet the standards set forth in Section 15 and/or 16 of this ordinance and Section 7 of the Aitkin County Shoreland Management Ordinance.
- (12) The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, and nearby water bodies as well as other concerns including, but not limited to, public safety, and safety of guests. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of guests.
- (13) A vacation/private home rental shall be licensed by the County and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to, Aitkin County’s Lodging Ordinance, if applicable.
- (14) The Planning Commission may impose noise standards in order to assist in reducing potential impacts on neighboring properties.
- (15) ~~All vacation/private home rentals, operating prior to the effective date of these standards, shall be in compliance with this section by April 1, 2014.~~ Websites and all other advertising of the rental property must be in compliance with the occupancy allowance and all other conditions per approved Application .

17.01 Water Supply and Sewage Treatment:

**Water Supply-** Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

**Sewage Treatment-** any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- A. Publicly owned sewer system must be used where available.

- B. All private sewage treatment systems must meet or exceed the Aitkin County Subsurface Sewage Treatment System Ordinance and subsequent amendments. A copy of which is hereby adopted by reference and declared to be a part of this ordinance.

#### 17.02 — Cemeteries/Human Burials

- ~~A. All burials shall be within an industry standard concrete, steel or fiberglass vault or grave liner, installed or constructed in each burial space before interment.~~

~~An exception to the above would be in a Green Cemetery that follows the specific standards set forth by the Green Burial Council for a Natural Burial Ground and is approved by the Aitkin County Planning Commission.~~

- ~~B. Only one person may be buried in a grave except for a parent and infant, or 2 children buried at the same time.~~
- ~~C. One person and the cremains of a second person or the cremains of two persons may be buried in a grave.~~
- ~~D. Cremains interred in a burial space shall be in an indestructible container such as concrete, marble or bronze. No cremains shall be interred in cardboard boxes, wooden boxes or plastic bags. Cremains are not allowed to be scattered in the cemetery, nor buried anywhere other than a burial space.~~
- ~~E. All public cemeteries shall be platted pursuant to MN Statutes Chapters 306 and 307.~~
- ~~F. Have governing documents, approved by the Planning Commission, that ensure continued maintenance of the cemetery.~~

#### 17.03 — Dog Pound/Kennels

This section is intended to help enforce public health, safety and welfare concerns for the general public and for the purpose of prohibiting nuisance, animal neglect, and containing the spread of disease.

- A. Kennels are allowed as an Interim Use Permit in those zoning districts identified in Appendix A.
- B. A maximum of 40 dogs may be permitted at the property. The Planning Commission can set the maximum number to be less than 40 dogs.
- ~~C. No shock collars shall be used to control barking.~~
- D. The owner must be in compliance with all local, state and federal statutes, rules, regulations and permit requirements at all times.
- E. Kennels or shelters and dog runs require a minimum 100 foot setback from any property line and 500 feet from any pre-existing residence, excluding the kennel owner's residence.
- F. Supervision and monitoring of the site must be continuously maintained, either by having the owner or caretaker living on-site, or through electronic monitoring which, at a minimum, means monitoring for power outages, fire, and temperature.
- G. All animals at the property must have current vaccinations.
- H. Applicant must submit and have approved by the Environmental Services Department a waste disposal plan, which includes how the owner will handle

on-site kennel wash water, composting or other method of feces management, and dead animal disposal. If composting, the feces must be composted according to the guidelines in the United States Department of Agriculture publication "Composting Dog Waste", dated December 2005, or newer version.

- I. All dogs must be kept indoors at night, during feeding, and when the dogs are not supervised.
- J. Except for traditional sled dog species, chaining or tethering shall not be used for confining animals.
- K. Kennel facilities shall be designed to accommodate seasonal extremes including adequate heating, cooling, ventilation and lighting.
- L. An indoor confinement area must be ventilated. Drafts, odors, and moisture condensation must be minimized.
- M. All animals must be fed at least once a day with food that is sufficient to meet the normal daily nutritive requirements for the animal's size, age and condition.
- N. Clean, potable water must be made available to all animals at least twice daily.
- O. All feeding and water receptacles must be kept clean and sanitary.
- P. Animals with any clinical evidence of infections, contagious or communicable disease must be separated from other animals.
- Q. The owner must keep the kennel free of nuisance conditions caused by, but not limited to, noise, smell, insects, rodents and other pests.
- R. Runoff from the kennel area shall be treated onsite by natural vegetation or other means to prevent contamination of surface or ground water.
- S. All dogs over 6 months of age shall be exercised daily.
- T. Kennel facilities must be cleaned and disinfected as often as necessary to maintain clean and sanitary conditions.
- U. Outdoor kennel areas shall be fenced with a durable material at least 6 feet in height, and shall deter dogs from escaping over, under, or through the fence.
- V. Confinement areas must be of sufficient size to allow each dog or cat to turn about fully and to stand, sit, and lie in a comfortable, normal position.

#### 17.04 Rural land uses not a nuisance

- A. A rural land use is not and shall not become a private or public nuisance if the operation:
  - 1. Is located in an area zoned for the use;
  - 2. Complies with the provisions of all applicable federal, state, or county laws, regulations, rules, and ordinances and any permits issued for the operation; and
  - 3. Operates according to generally accepted practices.
  - 4. The provisions of this subdivision apply to all zoning districts within the unincorporated areas of Aitkin County.
- B. The provisions of this subdivision do not apply:
  - 1. Agricultural operations provided for in **MN Statute 561.19**

**[SECTION 18]**

MORE RESTRICTIVE REGULATIONS

18.0 More restrictive Federal, State, County, Township, or Airport Zoning regulations or standards shall take precedence over the regulations of this ordinance. Nothing in this ordinance shall limit any Township's power to zone more restrictive than established herein.

**[SECTION 19]**

VALIDITY

19.00 Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. Such decision shall not be retroactive affecting previous decisions of that section.

**[SECTION 20]**

20.0 Effective Date: "This ordinance shall take effect and be in force immediately after its adoption and publication."

**[SECTION 21]**

AIRPORT STANDARDS

21.00 The Aitkin Airport Zoning Ordinance adopted on March 15, 2011, by the Joint Aitkin Airport Zoning Board, is hereby adopted by reference.

Adopted by the Aitkin County Board of Commissioners; June 7, 2011



APPENDIX A – CLASSIFICATION LIST

A “C”, appearing in the table for any use means that the use will be permitted in the zoning district only if the Planning Commission issues a “Conditional or Interim Use Permit.” A “P” means that the use is permitted in the zoning district subject to the general provisions of the zoning ordinance, and “NP” means the use is not permitted in the zoning district. For uses not included on this list, application shall be made to the Board of Adjustment for interpretation.

FR – Farm Residential  
 R – Residential  
 C – Commercial

M – Manufacturing  
 P – Public  
 O – Open

<b>CLASSIFICATION LIST</b>	<b>FR</b>	<b>R</b>	<b>C</b>	<b>M</b>	<b>P</b>	<b>O</b>
Advertising display/signs, manufacturing of	C	NP	P	P	NP	C
Ag. Implements; distribute, display, repair, sale	C	NP	P	P	NP	C
Airport, public, private	C	NP	NP	NP	C	C
Amusement Park	C	NP	C	NP	C	C
Animal Hospital	C	NP	C	P	C	C
Antique Sales	C	C	P	P	C	C
Antique Displays; auto, machinery, etc.	C	NP	P	P	C	C
Appliance Repair, small household and/or sales	C	C	P	P	NP	C
Armory	P	P	P	P	P	C
Asphalt/Ready Mix products & processing	C	NP	C	C	C	C
Assoc., (clubs, lodges) private	C	C	P	NP	NP	C
Athletic Club	C	NP	P	NP	C	C
Athletic field	P	P	P	P	P	P
Auditorium, Assembly Hall	P	P	P	NP	P	P
Auto, Truck, Sales, repair and parts	C	NP	P	P	NP	C
Bakery manufacturing, sales	C	C	P	P	C	C
Bank & Trust Company, Loan Company	C	C	P	NP	NP	C
Bar, Saloon, Cocktails, Tavern	C	C	P	NP	C	C
Beauty Shop	P	C	P	P	C	C
Bed and Breakfast	C	C	NP	NP	C	C
Beverage, Wholesale, and Storage	C	NP	P	P	NP	C
Bicycle, Snowmobile, repair and sales	C	NP	P	P	NP	C
Bottled Gas, Storage, Distribution	C	NP	C	P	NP	C
Bowling Alley	C	C	P	P	NP	C
Broadcast Studio (Radio & TV)	C	C	P	P	C	C
Bldg. Contractor, large equipment warehouse	C	NP	C	P	NP	C
Bldg. Contractor, light residential & general	P	C	P	P	C	C
Bldg. Materials, storage & sales	C	C	P	P	C	C
Brewery/Distillery	C	NP	P	P	C	C
Bus Line, Depot, Garage, repair	NP	NP	P	P	NP	NP
Bus Storage (school) (private)	P	C	P	P	P	P
Business Office, general	C	C	P	P	C	C
Business Office, professional	P	P	P	P	P	C

<b>CLASSIFICATION LIST</b>	<b>FR</b>	<b>R</b>	<b>C</b>	<b>M</b>	<b>P</b>	<b>O</b>
Café, Restaurant, Supper Club	C	NP C	P	P	C	C
Campground, private & public	C	C	C	NP	C	C
Carpenter Shop & Power Woodworking	C	NP	C	P	NP	C
Carpet & Rugs, sales & storage	C	C	P	P	C	C
Carwash	C	NP	P	P	C	C
Cement, Concrete mfg., sales & storage	C	NP	C	P	NP	C
Cemetery (except family burial)	C	C	NP	NP	C	C
Childcare Center, Playschool	C	C	C	NP	C	C
Church, Synagogue	P	P	P	NP	P	P
Coin Machine, rental & service	C	NP	P	P	NP	C
College	P	NP	P	NP	C	C
Community Center, Town Hall	P	P	P	NP	P	P
Convent	P	P	P	NP	P	P
Curio & Souvenir Shop	C	NP	P	NP	C	C
Dairy Farm (exclusive of residence)	P	C	NP	NP	P	P
Dairy Products, sales & storage	P	NP	P	P	P	P
Dance Hall, Pavilion	C	NP	NP	P	C	C
Disposal Plant, Sewage	C	C	C	C	C	C
Dog Pound, Kennel	C	NP	C	C	C	C
Drive-In Restaurant	C	NP	P	P	C	C
Drive-In Theater	C	NP	C	C	C	C
Driving Range, golf	C	C	P	NP	C	C
Dry Cleaning, Bulk Processing	NP	NP	P	P	NP	NP
Dwelling, single family (mobile)	P	P	C	C	P	P
Dwelling, duplex	P	P	C	C	P	P
Dwelling, multiple	C	C	C	C	C	C
Dwelling – Secondary unit	P	C	C	C	P	P
Electric Company, Substations	C	C	C	C	C	C
Elevators, grain, corn, etc.	C	C	C	P	C	C
Essential Services	P	P	P	P	P	P
Exotic Animals	NP	NP	C	NP	NP	NP
Explosives	NP	NP	NP	C	NP	NP
Express Co., warehouse, garage	C	C	C	P	C	C
Fairground	C	NP	C	C	P	C
Farm (except livestock & poultry, commercial)	P	P	P	P	P	P
Farm (including livestock & poultry, commercial)	P	C	C	C	P	P
Farm, Fur, preparation, storage	C	NP	C	C	C	C
Farm, hobby	P	C	C	C	P	P
Florist, Greenhouse, nursery & sales	P	C	P	P	P	P
Forestland, private, commercial, public	P	P	P	P	P	P
Frozen Food, cold storage locker	C	NP	P	P	C	C
Game Preserve	P	C	C	NP	P	P
Game Farm (with hunting)	C	NP	C	NP	C	C
Garage, public storage	C	NP	P	P	C	C

Gasoline – Commercial retail	C	NP	P	NP	C	C
<b>CLASSIFICATION LIST</b>	<b>FR</b>	<b>R</b>	<b>C</b>	<b>M</b>	<b>P</b>	<b>O</b>
Golf Course	C	C	NP	NP	C	C
Gravel Pit, exclusive of crushing	C	C	C	C	C	C
Gravel Pit, quarry, crushing operation	C	C	P	C	C	C
Grocery (with bait)	C	C	P	P	C	C
Group Home – 7 or more residents	C	C	C	NP	C	C
Home Occupation	P	C	C	NP	P	P
Hospital, Public, Private	C	C	C	NP	C	C
Housing, group or cluster (PUD)	C	C	C	C	C	C
Ice, manufacturing, sales	C	NP	P	P	C	C
Ice Skating Rink, Outdoor & Public	P	C	P	P	P	P
Industrial Park (PUD)	C	NP	C	P	NP	C
Junk & Salvage Yard	C	NP	C	C	NP	NP
Laboratory, Research, Commercial, etc.	C	NP	P	P	C	C
Laundry, bulk processing	NP	NP	P	P	NP	NP
Laundromat	C	NP	P	P	C	C
Liquor, Off-sale	C	NP	P	P	C	C
Lumber Yard, retail	C	NP	P	P	C	C
Machine Shop & Factory	C	NP	C	P	NP	C
Meat Processing, Locker Plant	C	NP	P	P	C	C
Mineral Exploration	C	C	C	C	C	C
Mining, quarry, equipment, crushing, etc.	C	C	C	C	C	C
Mobile home, seasonal & Travel Trailer, temp.	P	C	P	NP	P	P
Mobile Home Park	C	C	C	NP	C	C
Motel	C	NP	P	C	C	C
Museum, historical display	C	C	P	NP	C	C
Oil products, fuel storage (bulk)	NP	NP	C	P	NP	NP
Paper & Wood Products, processing	C	NP	C	C	NP	C
Park, Playground (no over-night)	P	P	P	P	P	P
Pipe, Culvert, manufacturing	C	NP	C	P	NP	C
Pipe Line, Gas, Oil, etc.	C	C	C	C	C	C
Printing, Lithograph, Photo, etc.	C	NP	P	P	NP	C
Professional Office; Doctor, etc.	P	C	P	P	C	C
Public Building, including Utility Plant	C	C	P	P	P	C
Race Track	C	NP	C	C	C	C
Radio, TV Transmitting Station	C	NP	C	P	C	C
Railroad, service & repair	NP	NP	P	P	NP	NP
Retail Stores, Sales (not specified)	C	NP	P	P	C	C
Resort, Rental Cabins, including Residence	C	C	P C	C	C	C
Roadside Park, Rest (no over-night)	P	P	P	P	P	P

Roller Skating Rink, Indoor Ice Skating	C	NP	P	P	C	C
<b>CLASSIFICATION LIST</b>	<b>FR</b>	<b>R</b>	<b>C</b>	<b>M</b>	<b>P</b>	<b>O</b>
Sauna, Steam Bath, commercial	C	NP	P	C	C	C
Sawmill	C	NP	C	P	C	C
Sawmill, portable (temporary)	P	NP	P	P	P	P
School, Public & Private	P	C	P	NP	C	C
School, commercial (Beauty, etc.)	C	NP	P	P	C	C
Second Hand Store, Flea Market	C	NP	P	C	C	C
Septic Tank Manufacturing	C	NP	C	P	NP	C
Shopping Center (PUD)	C	NP	P	C	C	C
Shooting Range (Firearm, Archery)	C	NP	NP	NP	C	C
Shooting Range (Indoor Firearm, Archery)	C	C	C	C	C	C
Silk Screening	C	C	P	P	C	C
Solid Waste Site (Hazard, Toxic)	NP	NP	NP	NP	NP	NP
Solid Waste Disposal Site	C	NP	NP	NP	C	C
Swimming Pool, Public	C	NP	P	NP	C	C
Tannery	C	NP	C	C	C	C
Taxidermist	P	C	P	P	C	P
Tire Repair, Equipment, Sales	C	NP	P	P	C	C
Timber Harvest, Logging Operation	P	P	P	P	P	P
Transmitter Towers	C	NP	C	P	C	C
Upholstery	C	C	P	P	C	C
Vacation/Private Home Rental	C	C	C	C	C	C
Water Reservoir, Treatment Plant	P	P	P	P	P	P
Welding Shop	C	NP	C	P	C	C
Wood Products, secondary (pallet, etc.)	C	NP	C	P	C	C



Adopted by the Aitkin County Board of Commissioners this 24th Day of  
April, 2018.

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**Chairperson**  
**Aitkin County Board of Commissioners**

**Attest:**

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**Jessica Seibert**  
**Aitkin County Administrator**

**Approved as to Form:**

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**Jim Ratz**  
**Aitkin County Attorney**

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# **AITKIN COUNTY SHORELAND ORDINANCE** Draft 3-28-18

## **SECTION 1.0 – STATUTORY AUTHORIZATION AND POLICY**

### **1.1 Statutory Authorization.**

This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F Minnesota Regulations, Parts 6120.2500 – 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

### **1.2 Policy.**

The uncontrolled use of shorelands of Aitkin County, Minnesota affects the public health, safety and general welfare, not only by contributing to the pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Aitkin County. "Shoreland" means land located within the following distances from public waters: 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. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances and when approved by the commissioner of the Department of Natural Resources.

## **SECTION 2.0 – GENERAL PROVISIONS AND DEFINITIONS**

### **2.1 Jurisdiction.**

The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in Section 4.0 of this ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 – 6120.3900, no lake, pond, or flowage less than 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.

### **2.2 Compliance.**

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

### **2.3 Enforcement.**

- (1) This ordinance is adopted by reference pursuant to the provisions of Minnesota Statutes Section 394.37. It is declared unlawful for any person to violate any of the terms or conditions of this ordinance. Violation thereof shall be a misdemeanor.
- (2) In the event of a violation or a threatened violation of this ordinance, Aitkin County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations. The Department may and is empowered to issue citations and/or cease and desist orders to halt the progress of any on-going violation. When the work has been stopped by the

Department for any valid reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.

- (3) Any person with standing, may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.
- (4) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any other provisions of this ordinance shall be guilty of a misdemeanor, punishable by \$1000.00 and/or 90 days imprisonment or both. Each day that a violation is permitted to exist shall constitute a separate offense. The County Attorney shall have the authority to prosecute any and all violations of this Ordinance.
- (5) Any application for a permit which is made after the work is commenced and which requires a permit shall be charged five (5) times the permit fee or five (5) percent of the project cost, whichever is more. The Planning Commission and/or Board of Adjustment may require correction and/or restoration of the property to its original state before the permit is considered.
- (6) After two or more attempts to achieve compliance, the Department may charge for the enforcement of violations of this Ordinance to recover actual costs for staff time, mileage and supplies. This cost shall be above and beyond any other fee imposed by this ordinance.

#### **2.4 Interpretation.**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

#### **2.5 Severability.**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

#### **2.6 Abrogation and Greater Restrictions.**

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only, with the exception of the Aitkin County Flood Plain Ordinance and Mississippi Headwaters Board Comprehensive Management Plan.

#### **2.7 Definitions.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

**2.711 Accessory structure or facility.** "Accessory structure" or "facility" means any building or improvement subordinate to a principal structure which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks. An accessory structure shall not be used for human habitation. Examples of accessory structures are, but not limited to, garages, pole buildings, sheds, gazebos, decks, storage containers, fish houses, and similar structures.

- 2.712 Attorney.** "Attorney" means the County Attorney of Aitkin County, Minnesota or his/her authorized representative.
- 2.713 Auditor.** "Auditor" means the County Auditor of Aitkin County, Minnesota or his/her authorized representative.
- 2.714 Basement.** "Basement" means the space below the main living floor that is normally greater than four (4) feet in height and used for habitable purposes and/or storage.
- 2.715 Bluff.** "Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics (land feature with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):
- (1) Part or all of the feature is located in a shoreland area;
  - (2) The slope rises at least 25 feet above the ~~ordinary high water level of the waterbody or 25 feet above the toe of the bluff;~~
  - (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ~~ordinary high water level-~~ toe of the bluff averages 30 percent or greater.
  - ~~(4) The slope must drain toward the waterbody.~~
- 2.716 Bluff impact zone.** "Bluff impact zone" means a bluff and land located within 20 feet from the top of a bluff.
- 2.717 Board of Adjustment.** "Board of Adjustment" means the Board of Adjustment for Aitkin County, Minnesota as created by resolution of the County Board of Commissioners. Membership of the Board of Adjustment shall consist of five (5) persons to be appointed by the Board of County Commissioners.
- 2.718 Boathouse.** "Boathouse" means a one level accessory structure designed and used solely for the storage of boats or boating equipment.
- 2.719a Building Coverage.** "Building Coverage" means the ground surface covered by any building or appurtenance, including, but not limited to, decks, overhangs and projections therefrom, outdoor furnaces, fish houses, sheds, carports, lean-to's, or any similar building. Building coverage does not include eaves of twenty-four (24) inches or less.
- 2.719b Building line.** "Building line" means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
- 2.720 Cabin.** "Cabin" means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
- 2.721 Commercial planned unit developments.** "Commercial planned unit developments" means uses or developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
- 2.722 Commercial Use.** "Commercial use" means the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

- 2.723**      **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Natural Resources.
- 2.724**      **Conditional use.** "Conditional use" means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with any existing neighborhood.
- 2.724A**     **Conservation Subdivision.** "Conservation subdivision" means a method of subdivision characterized by common open space and clustered compact lots, with the purpose of creating greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities. Site designs incorporate standards of low impact development.
- 2.725**      **Contiguous Lot.** "Contiguous lot" means an adjacent lot under the same ownership with a common boundary line.
- 2.726**      **County Board.** "County Board" is the Board of County Commissioners of Aitkin County, Minnesota.
- 2.727**      **Crawl space.** "Crawl space" means a low or narrow space, such as one beneath the floor that gives workers access to plumbing or wiring equipment. Any area beneath the main living floor area that is not considered a basement, and the floor, whether concrete, wood or earthen material, is the lowest floor of the structure for Federal Emergency Management Agency regulatory purposes.
- 2.728**      **Deck.** "Deck" means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point the deck surface extends more than six (6) inches above ground. For purposes of measuring building setback distances, a detached deck must have at least two (2) feet of open space between the structure and any portion of the deck, otherwise the deck will be considered attached and part of the main structure.
- 2.729**      **Department.** "Department" means the Aitkin County Environmental Services Department.
- 2.730**      **Duplex, triplex, and quad.** "Duplex", "triplex", and "quad" means a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- 2.731**      **Dwelling site.** "Dwelling site" means a designated location for residential use by one or more persons using permanent, temporary or movable shelter, including camping and recreational vehicle sites.
- 2.732**      **Dwelling unit.** "Dwelling unit" means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
- 2.733**      **Essential Services.** "Essential Services" means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, main drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduit cables, traffic signals, pumps, lift stations and hydrants, but not including buildings.

- 2.734 Exotic Animals.** “Exotic Animal” means any animal that is not part of the definition of an ‘animal’ under Title 9, Chapter 1, Subchapter A of the Code of Federal Regulations and one that is not native to the U.S.
- 2.734 Extractive use.** “Extractive use” means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.
- 2.735 Farm – Commercial.** “Farm – Commercial” means agriculture of a primarily commercial nature including, but not limited to fur farms, poultry and egg farms, raising of livestock for profit, hog farms, feed lots and any other agricultural endeavor for profit (not including exotic animals).
- 2.736 Farm – Hobby.** “Farm – Hobby” means the pursuit of hobby and family-type agricultural activities; including minimum cropland tillage and animal agriculture for personal and family use, including boarding facilities for horses. (Not including gardens of 2 acres or less or exotic animals).
- 2.737 Floodplain.** “Floodplain” includes the beds proper and the area adjoining a watercourse which have been, or hereafter may, be covered by the regional flood.
- 2.738 Forest land conversion.** “Forest land conversion” means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
- 2.739 Garage, Private.** “Garage, Private” means a detached accessory structure or portion of the principal structure which is used primarily for storing passenger vehicles, trailers, or personal property. See definition of accessory structure.
- 2.740 Guest cottage.** “Guest cottage” means a structure used as a dwelling unit that contains sleeping spaces and/or kitchen and/or bathing facilities or any other feature that would make the structure more oriented towards a sleeping unit in addition to those provided in the primary dwelling unit on a lot.
- 2.740A Habitable structure.** “Habitable structure” means a structure which contains one or more of the following - one or more sleeping areas, bath tub, or shower.
- 2.741 Hardship.** “Hardship” means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance.
- 2.742 Height of structure.** “Height of structure” means the vertical distance between the lowest adjoining ground level at the building and the highest point of the roof.
- 2.743 Home occupation.** “Home occupation” means any occupation of a service character that is secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of such a secondary use.
- 2.744 Impervious surface coverage.** “Impervious surface coverage” means any structure, facility or surface that sheds water including structures and facilities, sewage treatment system absorption areas (equal to 190 sq.ft./bedroom), retaining walls, and roadway surfaces and parking areas. Impervious surface coverage does not include eaves of twenty-four (24) inches and less.

- 2.745 Industrial use.** "Industrial use" means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- 2.746 Intensive vegetation clearing.** "Intensive vegetation clearing" means the removal of vegetation which would reduce the natural screening of a principal structure from a lake, river or stream, assuming summer "leaf-on" conditions, and/or create an erosion or other water quality impact to the water body.
- 2.747 Kennel.** "Kennel" means any structure or premises or commercial activity where two (2) or more dogs over three (3) months of age are kept for compensation.
- 2.748 Landing.** "Landing" means the top or bottom of a section of stairway, with or without railings.
- 2.749 Lot.** "Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by legal description.
- 2.750 Lot Depth.** Measured perpendicular to the lot width. Normally is the distance measured perpendicular from the lake to the opposite lot line or perpendicular from the lot line abutting the road or edge of the road right-of-way to the opposite lot line. Lot depth shall not be less than the minimum required lot width.
- 2.750A Lot Frontage.** "Lot Frontage" means the front of a lot shall be construed to be the portion nearest the street or a body of water if the lot has water frontage. For the purpose of determining yard requirements on corner lots and through lots (through lots are lots running from street to street), all portions of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated.
- 2.751 Lot width.** "Lot width" means the shortest distance between lot lines as measured at the midpoint of the building setback line and also as measured at the ordinary high water level for riparian lots; and for non-riparian lots the width as measured on the lot line that fronts the road and also as measured at the midpoint of the building setback line. The minimum lot width dimension beyond the building setback line shall not be less than 50% of the required lot width.
- 2.752 Mobile Home.** "Mobile Home" means a single-family dwelling unit suitable for year-round occupancy that, if located at the same site outside a mobile home park for more than 90 days, during which time it is being used either part-time or full-time for residential purpose, shall be placed on a foundation or blocked and skirted within six (6) months.
- 2.753 Mobile Home Park.** "Mobile Home Park" means a parcel of land which has been planned and improved for the placement of two or more mobile homes.
- 2.754 Motor Vehicle.** "Motor vehicle" means every vehicle which is self propelled. Motor vehicle does not include a vehicle moved solely by human power.
- 2.755 Nonconformity.** "Nonconformity" means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
- 2.756 Ordinary high water level.** "Ordinary high water level" means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that

point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

- 2.757 Outside Motor Vehicle Storage.** "Outside motor vehicle storage" means any establishment or place of storage or deposit, that is maintained, operated or used for storing, keeping, buying or selling junk, wrecked, scrapped and ruined motor vehicles.
- 2.758 Parking Space, Off-Street.** "Parking Space, Off-Street" means any off-street parking space comprising not less than 180 square feet of parking area, plus necessary maneuvering space incidental to parking or unparking and shall not encroach upon any public right-of-way. Every off-street parking space shall be accessible to a public roadway.
- 2.759 Patio.** "Patio" means any surface other than a deck that is used in a similar manner as a deck but does not exceed six (6) inches above grade, excluding accessories. Sidewalks less than five (5) feet in width are not considered patios.
- 2.759A Planning Commission.** "Planning Commission" consists of five (5) members appointed by the County Board of Commissioners. At least two (2) members shall be residents of that portion of the County lying outside the corporate limits of municipalities. No more than one (1) voting member shall be an officer or employee of the County.
- 2.760 Planned Unit Development and Group Housing.** "Planned unit development and group housing" means a type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
- 2.761 Planning and Zoning Administrator.** "Planning and Zoning Administrator" means the Planning and Zoning Administrator of Aitkin County, Minnesota, or his authorized representative.
- 2.762 Principal structure.** "Principal structure" means the primary structure as distinguished from subordinate or accessory structures. Structure that is used primarily for dwelling purposes.
- 2.763 Private Road.** A road, easement or strip of land serving as vehicular access to two (2) or more parcels of land which is not dedicated to nor maintained by the public. Private road shall include, but not be limited to, any road, easement or strip of land such as driveways, trails and paths that serve two (2) or more parcels of land.
- 2.764 Public Road.** "Public road" means a public way which affords primary means of legal access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard or however other designated.
- 2.765 Public waters.** "Public waters" means any waters as defined in Minnesota Statutes, section 103G.005.
- 2.766 Recreational camping vehicle.** "Recreational camping vehicle" shall mean any of the following:



- (1) Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses.
- (2) Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- (3) Motor home means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (4) Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation and vacation use.
- (5) Fish houses being used for human habitation on land, unless they are part of an establishment licensed with the Aitkin County Environmental Services Department.

**2.767 Recreational Camping Vehicle Park Area.** "Recreational Camping Vehicle Park Area" means a parcel of land in which two or more spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes, unless they meet requirements of Section 5.14.E.

**2.768 Residential planned unit development.** "Residential planned unit development" means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

**2.769 Resort –** "Resort" means any building, structure, enclosure, or any part thereof, located within the shoreland district for purposes of providing convenient access thereto, and kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week or longer, and having for rent three or more cottages, rooms or enclosures.

**2.770 Restaurant.** "Restaurant" means any establishment having appropriate facilities for the serving of meals, and where, in consideration of payment therefore, meals are regularly served to the general public. This designation shall include restaurants and supper clubs in unincorporated or unorganized areas of Aitkin County which qualify under the law for license for the "on-sale" or combination license for the "on-sale and off-sale" of intoxicating liquor.

**2.771 Sanitary station.** "Sanitary station" means a facility used for removing and disposing of wastes from recreational vehicle holding tanks.

**2.772 Self-contained recreational vehicle.** "Self-contained recreational vehicle" means a recreational vehicle which can operate independently of connections to sewer, water and electrical systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the recreational vehicle.

**2.773 Semipublic use.** "Semipublic use" means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

**2.774 Sensitive resource management.** "Sensitive resource management" means the management of areas unsuitable for development in their natural state due to constraints such as shallow



soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special management.

- 2.775 Service building (comfort station).** “Service building (comfort station)” means a structure housing toilet, lavatory and such other facilities as may be required by this ordinance.
- 2.776 Setback.** “Setback” means the minimum horizontal distance between a structure, including overhangs, eaves or projections (of greater than twenty-four (24) inches) therefrom, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road right-of-way, property lines, or other facility.
- 2.777 Sewage treatment system.** “Sewage treatment system” means system as described and regulated in Section 5.7 of this ordinance. Individual sewage treatment system shall meet the requirements of Aitkin County’s Individual Sewage Treatment System and Wastewater Ordinance No.1.
- 2.778 Sewer system.** “Sewer system” means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
- 2.779 Sewered.** “Sewered” means property which is served by a publicly owned and maintained sewer system.
- 2.780 Shore impact zone.** “Shore impact zone” means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50% of the required structure setback but not less than 50 feet, whichever is greater.
- 2.781 Shoreland.** “Shoreland” means land located within the following distances from public waters: 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. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances and when approved by the commissioner.
- 2.782 Sign.** “Sign” means a displayed structure bearing lettering or symbols, used to identify a place of business or promote the interest of any person(s).
- 2.783 Significant historic site.** “Significant historic site” means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically designated to be significant historic sites.
- 2.784 Standard/Type I Individual Sewage Treatment System.** “Standard/Type I Individual Sewage Treatment System” means an individual sewage treatment system that meets the requirements of the ~~Technical Standards and Criteria of Minnesota Rules Chapter 7080~~ **Aitkin County Subsurface Sewage Treatment System Ordinance.**
- 2.785 Steep slope.** “Steep slope” means lands having average slopes of eighteen (18) percent or more, as measured over horizontal distances of 50 feet or more, that are not bluffs.

- 2.786**      **Structure.** “Structure” means any building or appurtenance, including decks, patios within the building setback from the OHW, overhangs and projections therefrom, except fences less than eight (8) feet in height, retaining walls, aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities, antennas, propane tanks, outdoor furnaces and currently licensed fish houses. Recreational camping vehicles, fish houses, propane tanks, and outdoor furnaces must meet setback requirements of this ordinance.
- 2.787**      **Subdivision.** “Subdivision” means land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
- 2.788**      **Substandard Use.** “Substandard Use” means any use existing prior to the date of enactment of any county ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks or other dimensional standards of the ordinance.
- 2.789**      **Surface water-oriented commercial use.** “Surface water-oriented commercial use” means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
- 2.790**      **Toe of the bluff.** “Toe of the bluff” means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.
- 2.791**      **Top of the bluff.** “Top of the bluff” means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.
- 2.792**      **Trailer.** “Trailer” means every vehicle without motor power designed or used for carrying persons or property and for being drawn by a motor vehicle or by horses and other like husbandry.
- 2.793**      **Unsewered.** “Unsewered” means property that is served by a privately owned and maintained sewage treatment system.
- 2.794**      **Variance.** “Variance” means any modification or variation of the provisions of the ordinance where it is determined pursuant to the provisions of this ordinance that, by reason of exceptional circumstances, the strict enforcement of the ordinance would cause unnecessary hardship as defined or described in Minnesota Statutes Chapter 394.
- 2.795**      **Vacation/Private Home Rental.** “Vacation/Private Home Rental” means a single family dwelling and/or related structure that is rented out on a transient basis for a charge. A transient basis shall be any period of time less than thirty (30) consecutive days.
- 2.7956**      **Water-oriented accessory structure or facility.** “Water-oriented accessory structure or facility” means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, patios, and detached decks.

- 2.7967 Wetland.** "Wetland" means land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this subpart, wetlands must:
- (1) have a predominance of hydric soils;
  - (2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
  - (3) under normal circumstances, support a prevalence of hydrophytic vegetation.

**2.7978 Zoning permit.** "Zoning permit" means a document issued by the zoning office to use land as designated in this ordinance. In addition to specific instances provided for herein, and unless otherwise provided for herein, a permit shall be required before beginning any construction, moving, rebuilding or material alteration of a structure or septic system.

## **SECTION 3.0 – ADMINISTRATION**

### **3.1 Permits Required**

- 3.11** A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks, patios within the building setback from the OHW and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 5.3 of this ordinance. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.
- 3.12** Any permit authorized requiring an onsite inspection by the Department shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 5.7, shall be reconstructed or replaced in accordance with the provisions of this ordinance with the following exception:
- 1) Decks, patios and accessory structures less than 240 square feet in size that are not a water oriented structure – there will be no septic system upgrade requirements on permits for decks or patios unless the septic system is an imminent threat to public health and safety as defined in Minnesota Rules Chapter 7080.
- 3.13** A Natural Landscape Protection Plan shall be required as part of any construction permit. Said plan shall identify how erosion from the site will be controlled. A copy of the plan requirements can be obtained from the Zoning Administrator. It shall be a violation of this section to allow erosion into any water body.
- 3.14** Outstanding Violations. No permit(s) shall be issued to the landowner or property on which there is an unresolved violation of this Ordinance.
- 3.15** Contractors shall abide by all provisions of this Ordinance and shall be subject to its penalties. A contractor performing work for a landowner may be responsible for activities performed by the contractor that are in violation of this Ordinance. The landowner shall have the ultimate responsibility for remedying any violation regardless of a contractors action or inaction.

### **3.2 Certificate of Zoning Compliance**

The Zoning Administrator shall issue a certificate of zoning compliance for each permitted activity requiring certification. All permitted activities as specified in Section 3.1 of the ordinance shall be inspected to ensure the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at

variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 2.3 of this ordinance.

**3.21** Certificate of Compliance is required, as defined in section ~~5.74~~ 5.72.

### **3.3 Variances**

**3.31** Variances may only be granted in accordance with Minnesota Statutes, Chapter 394. A variance shall not circumvent the general purposes and intent of this ordinance. No variance shall be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider several factors, including but not limited to: is the variance in harmony with the general purposes and intent of the official control and consistent with the comprehensive plan, is the owner proposing to use the property in a reasonable manner not permitted by the official control, is the practical difficulty due to circumstances unique to this property, is the need for the variance created by actions other than the landowner or prior landowners, will the issuance of the variance maintain the essential character of the locality, and does the practical difficulty involve more than economic considerations.

After a practical difficulty has been determined, the Board of Adjustment may use the "Aitkin County Shoreland Performance" sheet as found in Appendix III to attempt to mitigate impacts to the water-body and/or adjoining properties.

**3.32** The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 3.52 below shall also include the board of adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

**3.33** For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require construction of a conforming sewage treatment system, and elimination of all nonconforming sewer systems.

**3.34** All decisions by the Board of Adjustment in granting variances or in hearing appeals shall be final, except that any aggrieved person or person with proper standing or any Department, Board of Commissioners or the State shall have the right to appeal within thirty (30) days after receipt of notice of the decision, to the District Court in the County in which the land is located on Questions of law and fact.

### **3.4 Conditional Use Permit**

**3.41** Conditional use permits shall only be granted in accordance with Minnesota Statutes, Chapter 394, including the public hearing provisions thereof and the provisions of that statute shall apply to all conditional use permits issued under this ordinance.

**3.42** Application for a conditional use permit shall be on forms provided by the Zoning Administrator, shall be signed by the owner of the property involved, and shall be submitted with such plans, maps and information as the Zoning Administrator determines necessary for evaluation of the application. The application for a conditional use permit must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The conditional use permit, if granted, must require construction of a conforming sewage treatment system, and elimination of all nonconforming sewage treatment systems.

**3.43** Application for a conditional use permit shall be granted by the Planning Commission only if the Planning Commission makes all the following findings:

- (1) That the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity, nor impair property values within the surrounding neighborhood;
- (2) That the proposed conditional use will not increase local or state expenditures in relation to costs of servicing or maintaining neighboring properties;
- (3) That the location and character of the proposed conditional use are considered to be consistent with a desirable pattern of development for the locality in general;
- (4) That the proposed conditional use conforms to the comprehensive land use for the County;
- (5) That adjoining property owners, and others required to be given notice pursuant to Minnesota Statutes, Chapter 394, have been given written notice pursuant to Minnesota Statutes, Chapter 394 of the proposed conditional use and of the hearing before the Planning Commission;
- (6) That other applicable requirements of this ordinance, or other ordinances of the County, have been met, including without limitation, Section 5.6 and 3.7 of this ordinance.
- (7) The requested use is not injurious to the public health, safety and general welfare.

**3.44** In connection with the issuance of a conditional use permit the Planning Commission may impose such restrictions or conditions as it deems necessary to protect the public interest, to insure compliance and to protect adjacent properties, including, but not limited to, matters relating to appearance, lighting, hours of operation, performance characteristics, restoration and reclamation, and the delivery of bonds or other security for the proper completion and performance of any restrictions or conditions. Also, when deemed appropriate by the Planning Commission, recorded restrictive covenants may be required by the Planning Commission.

**3.45** Any department, board or commission of the County or of the State of Minnesota or any person with proper standing may appeal any decision of the Planning Commission relative to a conditional use permit by writ of certiorari to the Minnesota Court of Appeals within thirty (30) days of the Planning Commission's final decision.

### **3.46 REVOCATION OF A CONDITIONAL USE PERMIT**

- A) A conditional use permit may be revoked by the Planning Commission for good cause, upon due notice and hearing.
- B) Good cause shall include any violation of the agreed upon conditions attached to the conditional use permit.
- C) Notice of Intent to Revoke. A written notice of intent to revoke shall be prepared by the Aitkin County Zoning Officer or his/her representative. This notice shall include the following:
  - 1) Identity and address of the conditional use permit holder(s).
  - 2) Legal description of the property.
  - 3) The facts alleged to constitute good cause to revoke and the dates or approximate dates of alleged violation(s).
  - 4) The date, time, and place of the public hearing of the Planning Commission at which time revocation of said conditional use permit will be considered and determined.
  - 5) The right of said conditional use permit holder or his authorized representative to attend and be heard at said hearing.

### **3.5 Notifications to the Department of Natural Resources**

**3.51** Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

**3.52** A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

### **3.6 Notification to the Mississippi Headwaters Board.**

Copies of all notices of any public hearings to consider variances, conditional use permits, amendments and subdivision/plats that are located within 500 feet of the Mississippi River must be sent to the Mississippi Headwaters Board or designated representative and postmarked at least ten days before the hearings. Copies of the application and materials must be included with said notice.

### **3.7 Conditional Uses.**

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide including those set out in Section 3.4 of this Ordinance. The following additional evaluation criteria and conditions apply within shoreland areas:

#### **3.71 Evaluation Criteria.**

A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

- (1) the prevention of soil erosion or other possible pollution of public waters, both during and after the term of the proposed use;
- (2) the visibility of structures and other facilities as viewed from public waters is limited;
- (3) the site is adequate for water supply and on-site sewage treatment if applicable; and
- (4) the type, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

#### **3.72 Conditions Attached to Conditional Use Permits.**

The Aitkin County Planning Commission, upon consideration of the criteria listed above and the purposes of this ordinance, and upon making the findings set out in Section 3.4 of this Ordinance, shall attach conditions and restrictions to the issuance of the conditional use permits pursuant to the provisions of Section 3.4 of this Ordinance. Such conditions may include, but are not limited to, those set out in Section 3.4 of this Ordinance and the following:

- (1) increased setbacks from the ordinary high water level;
- (2) reduction and limitation of noise, dust, lighting, signage, traffic and operation of any activity so as to protect adjacent properties and help preserve peace and tranquility in the locality of the use;
- (3) the delivery to the County of such bonds or other security as the Planning Commission deems necessary to insure completion and fulfillment of any restrictions or conditions;

- (4) limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- (5) special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

## **SECTION 4.0 – SHORELAND CLASSIFICATION SYSTEM LAND USE DISTRICTS**

### **4.1 Shoreland Classification System**

The public waters of Aitkin have been classified below; consistent with the criteria found in Minnesota Regulations, Part 6120.3000, and the Protected Waters Inventory Map for Aitkin County, Minnesota.

- 4.11** The classes of public waters are natural environment lakes, recreational development lakes, general development lakes, remote river segments, forested river segments, transition river segments, agricultural river segments, urban river segments, tributary river segments and public waters/public waters wetlands as shown on the map in Appendix IV, that are not listed as one of the lakes in Section 4.13 of this Ordinance. All of the river classes except tributary consist of watercourses that have been identified as being recreationally significant on a statewide basis. The Tributary class consists of all other watercourses identified in the protected waters inventory. General descriptions of each class follow:
- (1) Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use. These lakes usually have less than 150 total acres and less than 60 acres per mile of shoreline, less than 3 dwellings per mile of shoreline and are less than 15 feet deep.
  - (2) Recreational development lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally oriented commercial use. Many of these lakes have capacities for additional development and use. These lakes usually have between 60 and 225 acres of water per mile of shoreline, between 3 and 25 dwellings per mile of shoreline, and are over 15 feet deep.
  - (3) General development lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use. These lakes usually have greater than 225 acres of water per mile of shoreline, over 25 dwellings per mile of shoreline, and are over 15 feet deep.
  - (4) Remote river segments are primarily located in roadless, forested, sparsely populated areas of the northeastern part of the state. Common land uses include multiple-use forestry, some recreation facilities, and occasional seasonal or year-round residential. Low intensity recreational uses of these river segments and adjacent lands are common. This class has limited potential for additional development and recreational use due to land suitability and road access constraints.
  - (5) Forested river segments are located in forested, sparsely to moderately populated areas with some roads in the north-central part of the state. Predominant land uses include multiple-use forestry, some recreation facilities, seasonal residential, and, within commuting distances of several cities, some year-



round residential. Low-intensity recreational uses of these rivers and adjacent lands are common. This class has substantial potential for additional development and recreational use.

- (6) Tributary river segments consist of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the river classes in items D to H. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities.
  - (7) Public waters/public waters wetlands that are not listed in section 4.13 of this Ordinance are generally small, often shallow lakes/wetlands with limited capacities for assimilating the impacts of development and recreational use. See Section 5.14, H for regulations on these waters.
- 4.12** The shoreland area for the waterbodies listed in sections 4.13 and 4.14 shall be as defined in Section 2.781 and as shown on the Official Zoning Map.

**4.13 Aitkin County Lakeshore Classification**

**General Development**

<u>LAKE NAME</u>	<u>ID. #</u>	<u>TOWNSHIP</u>	<u>AREA IN ACRES</u>	<u>YEAR OF SURVEY</u>
Big Sandy	1-62	Shamrock	9,380	1980
		Libby		
		Turner		
		Workman		
Hill	1-142	Hill Lake	898	1978
Mille Lacs	48-2	Lakeside	62,680	1979
		Wealthwood		
		Hazelton		
		Malmo		
Minnewawa	1-33	Shamrock	2,451	1980



## Recreational Development

<u>LAKE NAME</u>	<u>ID. #</u>	<u>TOWNSHIP</u>	<u>AREA IN ACRES</u>	<u>YEAR OF SURVEY</u>
Aitkin	1-40	Turner	850	1981
Ball Bluff	1-46	Cornish	185	1978
Big Pine	58-138	Wagner	85	1978
Cedar	1-209	Farm Island	1,494	1978
		Aitkin		
Clear	1-93	Glen	590	1977
Dam	1-96	Glen	633	1978
		Kimberly		
Diamond	1-171	Farm Island	80	1977
Elm Island	1-123	Nordland	656	1978
Esquagamah	1-147	Waukenabo	808	1977
		Unorg. 49-27		
Farm Island	1-159	Hazelton	2,025	1978
		Farm Island		
Fleming	1-105	Fleming	326	1977
Glacier	1-42	Turner	139	1981
Gun	1-99	Fleming	735	1977
Hammal - (Bass)	1-161	Farm Island	393	1977
Hanging Kettle	1-170	Farm Island	320	1977
Hickory	1-179	Farm Island	183	1977
Horseshoe	1-34	Shamrock	252	1978
Island	1-22	Haugen	281	1978
Jenkins	1-100	Fleming	127	1977
Lone	1-125	Nordland	437	1978
Long	1-89	Glen	433	1977
Moulton	1-212	Unorg. 49-27	199	1977
Nord	1-117	Nordland	414	1978
Pine	1-1	Wagner	391	1978
Pine, Big	1-157	Hazelton	646	1978
Pine, Little	1-176	Farm Island	126	1977
Rabbit	1-91	Glen	210	1977
Rat	1-77	Workman	442	1981
Ripple	1-146	Nordland	676	1978
		Farm Island		
Rock	1-72	Jevne	366	1977
Round	1-23	Haugen	571	1978
		Shamrock		
Round	1-137	Waukenabo	645	1977
Round	1-204	Hazelton	536	1978
Sandy River	1-60	Workman	368	1980
		Shamrock		
Section 10-(Wladimiraf)	1-115	Nordland	440	1978
Section 12	1-120	Nordland	167	1978
Sissabagamah	1-129	Nordland	386	1981
		Spencer		

**Recreational Development (Continued)**

<u>LAKE NAME</u>	<u>ID. #</u>	<u>TOWNSHIP</u>	<u>AREA IN ACRES</u>	<u>YEAR OF SURVEY</u>
Spirit	1-178	Farm Island	523	1977
Sugar	1-87	Malmo	466	1977
		Glen		
Sunset	1-208	Farm Island	135	1978
Tame Fish	18-2	Hazelton	16	1981
Thornton - (Thorton)	1-174	Farm Island	186	1977
Townline	1-207	Farm Island	135	1977
Vanduse	1-58	Ball Bluff	233	1978
Waukenabo	1-136	Waukenabo	819	1977
Wilkins	1-102	Fleming	366	1977

**Natural Environment**

<u>LAKE NAME</u>	<u>ID. #</u>	<u>TOWNSHIP</u>	<u>AREA IN ACRES</u>	<u>YEAR OF SURVEY</u>
Anderson	1-31	Shamrock	97	1981
Anderson	1-177	Farm Island	20	1981
Apple	1-180	Farm Island	27	1981
Avenue	1-191	Unorg. 29-27	29	1981
Bachelor	1-169	Farm Island	80	1981
Bass	1-63	Turner	94	1981
		Libby		
Bass	1-183	Aitkin	53	1981
Bass	1-73	Jevne	60	1977
Bass	1-195	Unorg. 50-27	123	1981
		Unorg. 51-27		
Bay	1-49	Cornish	60	1981
Bear	1-64	Idun	127	1978
Bible - (Hill)	1-144	Hill Lake	21	1981
Birch	1-206	Hazelton	231	1981
Blackface	1-45	Cornish	85	1981
Black Shadow	1-165	Farm Island	29	1981
Blackwater	1-198	Unorg. 51-27	29	1981
Blind	1-188	Unorg. 48-27	323	1981
Blue	1-181	Farm Island	53	1981
		Aitkin		
Boot	1-55	Cornish	77	1981
Brown	1-78	Workman	97	1981
Brown	1-210	Libby		
Camp	1-32	Shamrock	23	1981
Camp	1-98	Kimberly	127	1981
Camp	1-155	Hazelton	60	1981
Carlson	1-166	Farm Island	33	1981
Cartie - (Kruny)	1-189	Unorg. 48-27	27	1981
Cedar	1-65	Idun	260	1978

**Natural Environment (Continued)**

<b><u>LAKE NAME</u></b>	<b><u>ID. #</u></b>	<b><u>TOWNSHIP</u></b>	<b><u>AREA IN ACRES</u></b>	<b><u>YEAR OF SURVEY</u></b>
Chamberlin - (Chamberline)	1-145	Hill Lake	11	1981
Christmas	1-164	Farm Island	50	1981
Clear	1-106	Logan	123	1981
Coon	1-211	Unorg. 48-27	47	1981
Cranberry	1-11	Clark	19	1981
Cranberry	1-152	Hazelton	47	1981
Cranberry	1-202	Unorg. 52-27	130	1981
Cutaway	1-56	Cornish	123	1981
Davis	1-71	Jevne	150	1977
Deer	1-86	Malmo	47	1981
Dogfish	1-185	Aitkin	43	1981
Douglas	1-9	Clark	75	1981
Dummer	1-175	Farm Island	37	1981
Dutch	1-3	Salo	47	1981
Edna	1-213	Unorg. 50-27	220	1981
Edquist	1-119	Nordland	43	1981
Flowage, (Sandy)	1-61	Shamrock	720	1980
Four	1-146 62	Farm Island	47	1981
French	1-104	Fleming	155	1977
Gregg	1-158	Hazelton	27	1981
Hansen - (Hanson)	1-132	Spencer	200	1981
Hay	1-59	Ball Bluff	133	1981
Hill	1-168	Farm Island	23	1981
Holy Water	1-201	Unorg. 52-27	100	1981
Horseshoe	1-154	Hazelton	53	1981
Jay	1-7	Clark	12	1981
Johnson	1-94	Glen	20	1981
Johnson	1-131	Spencer	27	1981
Kangas	1-139	Macville	52	1981
Kelly	1-13	Clark	15	1981
Kingsley Pothole	1-138	Unorg. 50-26	33	1981
Lagoon	1-79	Libby	23	1981
Landgren	1-172	Farm Island	27	1981
Langs	1-108	Unorg. 52-25	43	1981
Laurel	1-153	Hazelton	28	1981
Libby	1-80	Libby	77	1981
Lily	1-88	Glen	50	1981
Lily	1-187	Aitkin	20	1981
Linde	1-121	Nordland	30	1981
Lingroth - (Lindgroth)	1-128	Nordland	83	1978
Little Ball Bluff	1-57	Cornish	37	1978
		Ball Bluff		
Little Blackface	1-48	Cornish	30	1981
Little McKinney - (Upper McKinney)	1-197	Unorg. 51-27	26	1981

**Natural Environment (Continued)**

<b><u>LAKE NAME</u></b>	<b><u>ID. #</u></b>	<b><u>TOWNSHIP</u></b>	<b><u>AREA IN ACRES</u></b>	<b><u>YEAR OF SURVEY</u></b>
Little Prairie	1-16	Balsam	78	1981
Little Red Horse	1-52	Cornish	30	1981
Little Sheriff	1-26	Spalding	43	1981
Little Spruce	1-150	Hazelton	40	1981
Long	1-47	Cornish	30	1981
Long	1-101	Fleming	40	1981
Long	1-173	Farm Island	50	1981
Loon – (Townline)	1-24	Balsam	32	1981
Mallard – (Rice)	1-149	Hazelton	354	1981
Mandy	1-68	Unorg. 47-24	107	1981
McKinney	1-199	Unorg. 51-27	65	1981
Monson – (Sjodin)	1-126	Nordland	50	1981
Moose	1-140	Macville	148	1981
Mud	1-6	Clark	15	1981
Mud	1-29	McGregor	484	1981
Mud	1-35	Shamrock	65	1981
Mud	1-194	Unorg. 50-27	135	1981
Muskeg	1-193	Unorg. 50-27	29	1981
Nelson	1-10	Clark	71	1981
Newstrom	1-97	Kimberly	97	1981
Olds	1-192	Unorg. 50-26	26	1981
Olson – (Ripple)	1-133	Spencer	17	1981
Otter	1-196	Unorg. 50-27	135	1981
		Unorg. 51-27		
Oxbow	1-81	Verdon	36	1981
Packer	1-135	Waukenabo	20	1981
Perkins	1-130	Spencer	20	1981
Perry	1-143	Hill Lake	24	1981
Pickerel	1-182	Aitkin	107	1981
Pine Island – (Pine)	1-167	Farm Island	60	1981
Poor Farm	1-184	Aitkin	28	1981
Porcupine	1-66	Unorg. 45-24	53	1981
Portage	1-69	Unorg. 47-24	387	1977
		Jevne		
Previs	1-141	Hill Lake	17	1981
Raspberry	1-118	Nordland	27	1981
Rat House	1-53	Cornish	122	1981
Red	1-107	Logan	97	1981
Remote	1-38	Turner	135	1981
	1-39	Turner	14	1981
Rice	1-5	Salo	83	1981
		Clark		
Rice	1-30	McGregor	333	1981
Rice	1-67	Lee	4,422	1981
		Unorg. 47-24		

**Natural Environment (Continued)**

<b><u>LAKE NAME</u></b>	<b><u>ID. #</u></b>	<b><u>TOWNSHIP</u></b>	<b><u>AREA IN ACRES</u></b>	<b><u>YEAR OF SURVEY</u></b>
Round	1-70	Jevne	188	1977
Sanders	1-205	Hazelton	36	1981
Sandabacka	1-4	Salo	30	1981
Sanders	1-76	Workman	55	1981
Savanna	1-14	Balsam	90	1981
Section 25	1-127	Nordland	48	1981
Seth	1-116	Nordland	133	1981
Sheriff	1-27	Spalding	97	1981
Shovel	1-200	Unorg. 51-27	230	1981
		Unorg. 52-27		
Shumway	1-15	Balsam	27	1981
Sitas	1-134	Waukenabo	103	1981
Sixteen	1-124	Nordland	20	1981
Spectacle	1-156	Hazelton	107	1981
Split Rock	1-2	Unorg. 45-22	27	1981
Spring	1-90	Glen	30	1981
Spruce	1-8	Clark	26	1981
Spruce	1-151	Hazelton	80	1981
Starry	1-190	Unorg. 49-27	84	1981
Starvation	1-28	Spalding	81	1981
Stony	1-17	Balsam	52	1981
Studhorse	1-110	Unorg. 52-25	63	1981
Swamp	1-92	Glen	276	1981
Sweetman – (Dagle)	1-122	Nordland	30	1981
Tarr	1-186	Aitkin	25	1981
Taylor	1-109	Unorg. 52-25	53	1981
Taylor	1-163	Farm Island	50	1981
Terry	18-162	Unorg. 48-27	32	1981
Third Guide	11-1	Unorg. 52-27	19	1981
Thirty-One	1-114	Glen	40	1981
		Nordland		
Three	1-160	Farm Island	107	1981
Tiesen	1-44	Turner	30	1981
		Turner		
Townline	1-83	Jevne	80	1977
		Fleming		
Turner	1-74	Jevne	63	1981
Turtle	1-113	Glen	53	1981
		Nordland		
Twenty	1-85	Malmo	153	1981
Twenty-One	1-25	White Pine	50	1981
Twin – (Ude)	1-41	Turner	26	1981
Wakefield	1-36	Turner	171	1981
Washburn	1-111	Unorg. 52-25	73	1981
White Elk	1-148	Unorg. 50-26	780	1981

**Natural Environment (Continued)**

<u>LAKE NAME</u>	<u>ID. #</u>	<u>TOWNSHIP</u>	<u>AREA IN ACRES</u>	<u>YEAR OF SURVEY</u>
White Elk	1-148	Unorg. 50-27		
Whispering	1-103	Fleming	23	1978
Wolf	1-19	Balsam	168	1981
		Unorg. 51-22		
Unnamed	1-12	Clark	18	1981
Unnamed	1-20	Unorg. 51-22	19	1981
Unnamed	1-21	Unorg. 52-22	17	1981
Unnamed	1-37	Turner	19	1981
Unnamed	1-43	Turner	26	1981
Unnamed	1-50	Cornish	10	1981
Unnamed	1-54	Cornish	15	1981
Unnamed	1-82	Verdon	39	1981
Unnamed – (Sugar)	1-84	Malmo	23	1977
Unnamed	1-95	Glen	16	1981

**4.14 Rivers and Streams**

River and Stream Classifications: all rivers and streams in Aitkin County having a total drainage area of greater than two (2) square miles and not assigned a river class or zoning map, are assigned a River Classification of tributary.

The following streams are presently designated as official trout streams and must meet lot size, structure and sewer setbacks for Forested Rivers.

Libby Brook: S. 5, 6; T. 50; R. 23 & S. 1, 2; T. 50; R. 24.

Long Lake Creek: S. 10, 15; T. 46; R. 25.

Morrison Brook: S. 4, 9, 10, 14, 15; T. 52; R. 26.

Two Rivers Springs: S. 19; T. 51; R. 23 & S. 24, 25, 26; T. 51; R. 24

- A. Mississippi River – Shoreland that falls within the corridor shall be governed by the Mississippi Headwaters Board Management Plan except where this ordinance is more restrictive, a copy of which is hereby adopted by reference.
- B. Mississippi River Diversion Channel – Land that falls within the channel and accompanying easements are governed by separate regulations.

C. Remote Rivers Legal Description

	<b>FROM</b>	<b>TO</b>
Rice	Boundary of Rice L. Natl. Wildlife Refuge In Sec. 30, T47N, R23W	Boundary of Rice L. Natl. Wildlife Refuge In Sec. 18, T47N, R24W
Snake	Co. Rd. bridge in Sec. 21, T43N, R23W	Border of Aitkin and Kanabec Counties

D. Forested Rivers

Legal Description

	FROM	TO
Swan	Border of Aitkin and Itasca Counties	Confluence with Mississippi R. in Sec. 9, T52N, R23W
Willow	North section line, Sec. 3, T51N, R27W	East section line, Sec. 16, T51N, R26W
	Center, Sec. 30, T51N, R24W	Center, Sec. 6, T50N, R24W
	North section line, Sec. 31, T50N, R24W	Confluence with Mississippi R. in Sec. 2, T48N, R26W
Rice	SE¼ Sec. 24, T46N, R24W	Boundary of Rice L. Natl. Wildlife Refuge in Sec. 30, T47N, R23W
	Boundary of Rice L. Natl. Wildlife Refuge in Sec. 18, T47N, R24W	Confluence with Mississippi R. in Sec. 4, T47N, R26W
Ripple	Outlet of Spirit L. in Sec. 26, T46N, R27W	East section line, Sec. 35, T46N, R27W
	SW¼ Sec. 26, T46N, R26W	Confluence with Mississippi R. in Sec. 24, T47N, R27W
Snake	SE¼ Sec. 2, T44N, R23W	South section line, Sec. 28, T45N, R23W
	NE¼ Sec. 17, T44N, R23W	Co. Rd. bridge in Sec. 21, T43N, R23W

E. Tributary Streams – All protected watercourses in the area shown on the Protected Waters Inventory Map for Aitkin County, a copy of which is hereby adopted by reference, not given a classification in Items A-D above shall be considered “Tributary”.

4.2 Land Use District Descriptions

~~4.21 Criteria For Shoreland Use. The land uses in Section 4.22 must be consistent with the following criteria, considerations and objectives:~~

~~A. General Considerations and Criteria for All Land Uses:~~

- ~~(1) present ownership and development of shoreland areas;~~
- ~~(2) shoreland soil types and their engineering capabilities;~~
- ~~(3) topographic characteristics;~~
- ~~(4) appropriate vegetation cover;~~
- ~~(5) in-water physical characteristics, values, and constraints;~~
- ~~(6) recreational use of the surface water;~~
- ~~(7) road and service center accessibility~~
- ~~(8) socio-economic development needs and plans as they involve water and related land resources;~~
- ~~(9) the land requirements of industry which, by its nature, requires location in shoreland areas; and~~

- (10) ~~the necessity to preserve and restore certain areas having significant historical or ecological value~~

B. ~~Factors and Criteria for Planned Unit Developments:~~

- (1) ~~existing recreational use of the surface waters and likely increases in use associated with planned unit developments;~~
- (2) ~~physical and aesthetic impacts of increased density;~~
- (3) ~~suitability of lands for the planned unit development approach;~~
- (4) ~~level of current development in the area; and~~
- (5) ~~amounts and types of ownership of undeveloped lands.~~

**4.22 Land Use District Descriptions.** ~~The land use districts provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the official Zoning Map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minnesota Regulation, Part 6120.3200, Sub. 3:~~

~~P—Permitted~~

~~C—Conditional Use Permit Required~~

~~NP—Not Permitted~~

- (1) ~~A special protection district is intended to be used for two basic purposes. The first purpose is to limit and properly manage development in the areas that are generally unsuitable for development or uses due to flooding, erosion, limiting soil conditions, steep slopes, or other major physical constraints. A second purpose is to manage and preserve areas with special historical, natural, or biological characteristics.~~
- (2) ~~A residential district is primarily intended to allow low to medium density seasonal and year-round residential uses on lands suitable for such uses. It is also intended to prevent establishment of various commercial, industrial, and other uses in these areas that cause conflicts or problems for residential uses. Some nonresidential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.~~
- (3) ~~A high density residential district is intended for use on lands with heterogeneous mixes of soils, vegetation, and topography that are not well suited to residential development using standard, lot-block subdivisions. This approach enables such areas to be developed, often even with higher than lot block densities, while also avoiding and preserving unsuitable terrain and soils. Other compatible uses such as residential planned unit development, surface water-oriented commercial, multiple unit single family, parks, historic sites, and semipublic, are also allowed, primarily as conditional uses.~~
- (4) ~~A water-oriented commercial district is intended to be used only to provide for existing or future commercial uses adjacent to water resources that are functionally dependent on such close proximity.~~
- (5) ~~A general use district is intended to be used only for land already developed or suitable for development with concentrated urban, particularly commercial, land uses. It should not generally be used on natural environment lakes or remote river classes. Several other intensive urban uses such as industrial and commercial planned unit development are allowed in this district if handled as conditional uses.~~

A. ~~Land Use Districts for Lakes~~



(1) — Special Protection District — Uses

	Forest management	P	P	P
	Sensitive resource management	P	P	P
	Agricultural: cropland and pasture	P	P	P
	Agricultural feedlots	NP	NP	NP
	Parks and historic sites	C	C	C
	Extractive Use	C	C	C
	Single residential	C	C	C
	Mining of metallic minerals and peat	C	C	C
<b>General Development Lakes</b>				
<b>Recreational Development Lakes</b>				
<b>Natural Environment Lakes</b>				

(2) — Residential District — Uses

	Single residential	P	P	P
	Semipublic	C	C	C
	Parks & historic sites	C	C	C
	Extractive use	C	C	C
	Duplex, triplex, quad residential	C	C	C
	Forest management	P	P	P
	Mining of metallic minerals and peat	C	C	C
<b>General Development Lakes</b>				
<b>Recreational Development Lakes</b>				
<b>Natural Environment Lakes</b>				

(3) — High Density Residential District — Uses

	Residential planned unit developments	C	C	C
	Single residential	P	P	P
	Surface water-oriented commercial	C	C	C
	Semipublic	C	C	C
	Parks & historic sites	C	C	C
	Duplex, triplex, quad residential	P	P	P
	Forest management	P	P	P
<b>General Development Lakes</b>				
<b>Recreational Development Lakes</b>				
<b>Natural Environment Lakes</b>				

	<b>Remote</b>	<b>Forested</b>	<b>Tributary</b>
Forest management	P	P	P
Sensitive resource management	P	P	P
Agricultural: cropland and pasture	P	P	P
Agricultural feedlots	NP	NP	NP
Parks and historic sites	C	C	C
Extractive Use	C	C	C
Single residential	C	C	C
Mining of metallic minerals and peat	C	C	C

B. Land Use Districts for Rivers and Streams  
(1) Special Protection District—Uses

	<b>General</b>	<b>Recreational</b>	<b>Natural</b>
Commercial	C	C	C
Commercial planned unit development**	C	C	C
Industrial	NP	NP	NP
Public, Semipublic	P	P	C
Extractive Use	C	C	C
Parks & historic sites	C	C	C
Forest management	P	P	P
Mining of metallic minerals and peat	C	C	C

(5) General Use District—Uses

\*As accessory to a residential planned unit development  
\*\*Limited expansion of a commercial planned unit development  
sites may be allowed as a permitted use provided the provisions of Section 8.0 of this ordinance are satisfied.

	<b>General</b>	<b>Recreational</b>	<b>Natural</b>
Surface water-oriented commercial	C	C	C
Commercial planned unit development**	C	C	C
Public, semipublic	C	C	C
Parks & historic sites	C	C	C
Forest management	P	P	P

(4) Water Oriented Commercial District—Uses

Commercial	Remote	Forested	Tributary
Commercial-planned unit development**	G	G	G
Industrial	NP	NP	NP
Public, semipublic	C	C	C
Extractive use	C	C	C
Parks and historic sites	C	C	C
Forest management	P	P	P
Mining of metallic minerals and peat	C	C	C

(5) General Use District—Uses

Surface water-oriented commercial	Remote	Forested	Tributary
Commercial-planned unit development*	C	C	C
Public, semipublic	C	C	P
Parks and historic sites	C	C	C
Forest management	P	P	P

(4) Water-oriented Commercial—Uses

Residential-planned unit developments	Remote	Forested	Tributary
Single residential	P	P	P
Surface water-oriented commercial*	C	C	C
Semipublic	C	C	C
Parks and historic sites	C	C	C
Duplex, triplex, quad residential	P	P	P
Forest management	P	P	P

(3) High Density Residential—Uses

\*As accessory to a residential-planned unit development  
 \*\*Limited expansion of a commercial-planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 8.0 of this ordinance are satisfied.

Single residential	Remote	Forested	Tributary
Semipublic	P	P	P
Parks and historic sites	C	C	P
Extractive use	C	C	C
Duplex, triplex, quad residential	C	C	C
Forest management	P	P	P
Mining of metallic minerals and peat	C	C	C

(2) Residential District—Uses

\*As accessory to a residential planned unit development

\*\*Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section 7.0 of this ordinance are satisfied.

**4.23 Classification List.** The following use list will be in effect until individual lakes and rivers are redistricted, at which time 4.22A and 4.22B will be used **Purpose - To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.**

**CLASSIFICATION LIST**

A "C" appearing in the table for any use means that the Conditional use will be permitted in that district only if the Planning Commission issues a Conditional or Interim Use Permit is granted by the Planning Commission. A "P", means that the use is allowed with a permit in the zone district subject to the general provisions of the zoning ordinance. A "NP" means that the use is not-permitted. For uses not included on this list, application shall be made to the Board of Adjustment for Interpretation.

Industrial Use: Any type of manufacturing of goods, products, or commodities intended for wholesale purpose. A detailed statement including volume of operation and site layout must be submitted to the Zoning Office prior to permit application.

Lakes (Rivers)	GD (Tributary)	RD (Forested)	NE (Remote)
Acoustical material, mfg., storage	C	C	NP
Adult entertainment businesses	NP	NP	NP
Ag. Imp., distr., display, rep., sale	C	C	NP
Airport	NP	NP	NP
Airport, sea base	C	C	C
Amusement park	C	C	NP
Animal hospital	NP	NP	NP
Antique Sales	C	C	C
Antique displays, auto., mach., etc.	C	C	NP
Appl. Repair, sm. Household and/or sales	C	C	NP
Armory	NP	NP	NP
Asphalt and products processing, petroleum contaminated soil treatment plant	NP	NP	NP
Association (clubs, lodges) private	C	C	C
Athletic club	C	C	C
Athletic field	C	C	C
Auditorium, assembly hall	C	C	NP
Auto & truck sale, repair part, body shop	C	C	NP
Baker mfg., sales (sm. Home operation)	C	C	C
Baked goods, mfg. (industrial type)	NP	NP	NP
Bank and trust co., loan co.	C	NP	NP
Bar, saloon, cocktails, tavern	C	C	C
Beauty shop	C	C	C
Bed and breakfast	C	C	C
Beverage, wholesale and storage	NP	NP	NP
Bicycle, snowmobile, rep. And sales	C	C	C
Billboard, advertising display	C	C	NP
Bottled gas, storage, distribution	C	C	NP
Bowling alley	C	C	NP
Bldg. Contractor, large equip. warehouse	NP	NP	NP
Bldg. Contractor, light, res. And gen.	C	C	C
Bldg. Materials, storage and sales	C	C	NP
Brewery	NP	NP	NP
Broadcasting studio (radio & TV)	C	C	NP
Bus line, depot, garage, repair	NP	NP	NP
Bus storage (school, private)	C	C	C

Business Office, general	C	C	C
Business Office, professional	C	C	C
Café, restaurant, supper club	C	C	C
Campground (private, public)	C	C	C
Carpenter shop & power woodworking	C	C	C
Carpet & rugs, sales & storage	C	C	C
Carwash	NP	NP	NP
Casino	C	C	NP
Cement, concrete, mfg., sales, storage	C	C	NP
Cemetery (except family burial)	C	C	NP
Childcare center, playschool	C	C	C
Church, synagogue	C	C	C
Coin machine, rental & service	C	C	NP
College	C	C	NP
Community Center, Town Hall	C	C	C
Computer Graphics, Computer Businesses	C	C	C
Conservation Subdivision	C	C	C
Convent	C	C	NP
Curio & souvenir shop	C	C	NP
Dairy farm (exclusive of residence)	C	C	NP
Dairy products, sales & storage	C	C	C
<b>Lakes (Rivers)</b>	<b>GD (Tributary)</b>	<b>RD (Forested)</b>	<b>NE (Remote)</b>
Dance hall, pavilion	C	C	C
Dog pound, kennel	G NP	G NP	NP
Drive-in Restaurant	C	C	NP
Drive-in Theater	NP	NP	NP
Driving range, golf	C	C	C
Dry cleaning, bulk processing	C	C	NP
Dwelling, single family (mobile)	P	P	P
Dwelling, two family	C	C	C
Electric co., yards, substation	C	C	NP
Elevators, grain, corn, etc.	NP	NP	NP
Essential services	P	P	P
Exotic Animals	NP	NP	NP
Explosives, storage, distribution	NP	NP	NP
Express co., warehouse, garage	NP	NP	NP
Fairground	NP	NP	NP
Farm (commercial)	C	C	C
Farm, hobby	C	C	C
Feed lot	NP	NP	NP
Feed, storage & sales	C	C	NP
Fertilizer, natural or processed except explosive, storage or sales	NP	NP	NP
Fertilizer (anhydrous ammonia), storage or sales	NP	NP	NP
Firearms Dealer	C	C	C
Fire station, fire tower	C	C	C
Fish or meat sales	C	C	C
Fish hatchery, fish farm, public, private	C	C	C
Fish house storage area	C	C	NP
Florist, greenhouse, nursery & sales	C	C	C
Forestland, private, commercial, public	P	P	P
Frozen food, cold storage locker	C	C	C
Fur farm, preparation, storage	NP	NP	NP
Game preserve, sanctuary	C	C	C
Game farm (with hunting)	NP	NP	C
Garage, public storage	C	C	NP
Garage sale	P	P	P
Gasoline – commercial retail	C	C	C
Golf course	C	C	C
Gravel pit, crushing operation, screening	C	C	C
Gravel pit, asphalt, ready mix, processing operation	NP	NP	NP
Grocery (with bait)	C	C	C
Group home (handicapped) 7 or more residents	C	C	C

Half-way house – 7 or more residents	C	C	C
Home, old age, children, nursing, maternity 7 or more residents	C	C	C
Home occupation	P	P	P
Hospital, public & private	C	C	NP
Housing, group or cluster (PUD)	C	C	C
Ice, manufacturing, sales	C	C	C
Ice skating rink – outdoor & public	C	C	C
Industrial park	NP	NP	NP
Industrial uses – see 2.745	NP	NP	NP
Junk & salvage yard, outside motor vehicle storage	NP	NP	NP
Laboratory research	C	C	NP
Laundry, bulk processing	NP	NP	NP
Laundromat	C	C	C
Liquor, off-sale	C	C	C
Lumber yard, retail	C	C	NP
Machine shop	C	C	NP
<b>Lakes (Rivers)</b>	<b>GD (Tributary)</b>	<b>RD (Forested)</b>	<b>NE (Remote)</b>
Marine, marina	C	C	NP
Meat processing, locker plant	C	C	NP
Mineral exploration	C	C	C
Mining, quarry, equipment, crushing, etc.	C	C	NP
Mobile home, seasonal or travel trailer (temporary)	P	P	P
Mobile home park	C	C	NP
Motel, hotel	C	C	NP
Museum, historical display	C	C	NP
Oil products, fuel storage (bulk)	NP	NP	NP
Paper & wood products, processing	C	NP	NP
Park, playground (no overnight camping)	P	P	C
Pipe, culvert, mfg.	NP	NP	NP
Pipe line, gas, oil, etc.	C	C	C
Professional office, doctor, etc.	C	C	C
Public building, including utility plant	C	C	C
Race track	NP	NP	NP
Radio, TV transmitting station, telecommunication towers	C	C	C
Ready mix, concrete plant	NP	NP	NP
Retail stores, sales (not specified)	C	C	C
Resort, rental cabins, incl. Residence	C	C	C
Rice farm, paddy, cranberry farm	C	C	C
Roadside park, rest (no overnight)	P	P	C
Roller skating rink, indoor ice skating	C	C	NP
Sauna, steambath	C	NP	NP
Sawmill	C	C	NP
Sawmill portable (temporary)	C	C	C
School, public & private	C	C	NP
School, commercial	C	C	NP
Second hand store, flea market	C	C	NP
Septic tank mfg.	NP	NP	NP
Sewage Treatment Plant	C	C	C
Shopping center	NP	NP	NP
Shooting range (indoor & outdoor) (trap, skeet, rifle, archery)	C	C	C
Silk Screening	C	C	C
Slaughter house	NP	NP	NP
Solid waste disposal site	NP	NP	NP
Solid waste transfer station	NP	NP	NP
Swimming pool, public	C	C	NP
Tannery	NP	NP	NP
Taxidermist	C	C	C
Tire, repair, equipment supplies, sales	C	C	NP
Timber harvest, logging operation	P	P	P
Upholstering	C	C	C
Vacation/Private Home Rental	C	C	NP
Water reservoir and related facility	C	C	C

Water treatment plant	C	C	C
Welding shop	C	C	NP
Wood products, secondary (pallet, etc.)	C	C	NP

4.24 For public waters/public waters wetlands as shown on the map in Appendix IV V, that are not listed as one of the lakes in Section 4.13 of this Ordinance, the classification list found in Appendix A of the Aitkin County Zoning Ordinance, shall be the use list.

## SECTION 5.0 – ZONING AND WATER SUPPLY/SANITARY PROVISIONS

### 5.1 Lot Area and Width Standards.

The lot area (in square feet) and lot width/frontage standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications are the following: The minimum lot width dimension beyond the building setback line shall be 50% of the required lot width.

#### 5.11 Unsewered Lakes

##### A. Natural Environment:

	Riparian Lots Area	Width	Nonriparian Lots Area	Width
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

##### B. Recreational Development:

	Riparian Lots Area	Width	Nonriparian Lots Area	Width
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

##### C. General Development:

	Riparian Lots Area	Width	Nonriparian Lots Area	Width
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

#### 5.12 Sewered Lakes

##### A. Natural Environment:

	Riparian Lots Area	Width	Nonriparian Lots Area	Width
Single	40,000	125	20,000	125

Duplex	70,000	225	40,000	220
Triplex	100,000	325	60,000	315
Quad	130,000	425	80,000	410

**B. Recreational Development:**

	Riparian Lots Area	Width	Nonriparian Lots Area	Width
Single	20,000	100	20,000	100
Duplex	40,000	180	40,000	180
Triplex	60,000	260	60,000	260
Quad	80,000	340	80,000	340

**C. General Development:**

	Riparian Lots Area	Width	Nonriparian Lots Area	Width
Single	20,000	100	20,000	100
Duplex	40,000	180	40,000	180
Triplex	60,000	260	60,000	260
Quad	80,000	340	80,000	340

**5.13 River/Stream Lot Width and Area Standards.** The lot width and area standards for single, duplex, triplex and quad residential developments for the six river/stream classifications are:

**MINIMUM LOT WIDTH STANDARDS in Feet**

	Remote	Forested	Tributary Unsewered	Sewered
Single	300	200	100	75
Duplex	450	300	150	115
Triplex	600	400	200	150
Quad	750	500	250	190

**MINIMUM LOT AREA STANDARDS in Square Feet**

	REMOTE	FORESTED	TRIBUTARY
Single	80,000	60,000	40,000
Duplex	120,000	90,000	60,000
Triplex	160,000	120,000	80,000
Quad	200,000	150,000	100,000

**5.14 Additional Special Provisions.**

- A. Residential subdivisions with dwelling unit densities exceeding those in the tables in Section 5.12 and 5.13 can only be allowed if designed and approved as residential planned unit developments under Section 7.0 of this ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewered lot area dimensions in section 5.12 can only be used if publicly owned sewer system service is available to the property.



- B. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:
- (1) each building must be set back at least 200 feet from the ordinary high water level;
  - (2) each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
  - (3) watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
  - (4) no more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- C. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 5.11-5.13, provided the following standards are met:
- (1) for lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
  - (2) a guest cottage must not cover more than 700 square feet of land surface (excluding deck) and must not exceed 15 feet in height; and in addition to all other restrictions, as of June 1, 2005, the building coverage shall not exceed 15% of the lot area and the total impervious surface coverage shall not exceed 25% of the lot area.
  - (3) a guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- D. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots are permissible and must meet or exceed the following standards:
- (1) they must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
  - (2) if docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by 25 percent for each watercraft beyond six.
  - (3) they must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
  - (4) covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights of adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or

topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

Access for non-riparian lots can only be through a controlled access lot. Easements or other instruments drafted for non-riparian lot owners to allow access to public waters shall be prohibited.

E. Recreational Camping Vehicle Use Standards

- (1) Recreational camping vehicles shall not be used as a principal structure.
- (2) Any recreational camping vehicle that is on a parcel of land, that does not have a principal dwelling unit, for more than 180 days out of a 365 day period, shall be considered a structure and shall conform to the requirements of this Ordinance.
- (3) No more than one recreational camping vehicle may use provision number 2 above. If a lot meets the duplex lot size requirements in Section 5.11 then a second recreational camping vehicle would be allowed under number 2 above.
- (4) A parcel of land that has a principal dwelling unit may use one recreational camping vehicle. The recreational camping vehicle is not to be used for rent or commercial purposes. Sewage and/or wastewater shall not be discharged to an unapproved individual sewage treatment system or to the ground surface.
- (5) 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. Recreational camping vehicles that are being stored inside an accessory structure are excluded from this section subsection.
- (6) A fully licensed recreational camping vehicle meeting all requirements of this section, may be used as an occasional sleeping facility and must meet all structural setback distance and septic system requirements.
- (7) All recreational camping vehicles, being stored outside, must be fully licensed within state requirements for transportation purposes.

F. Home occupations must be consistent with the following provisions.

- (1) Conduct of the home occupation shall not change the residential character thereof and shall be conducted within the home.
- (2) Signage shall consist of no more than one single or double-faced sign with a maximum area of two square feet per side.
- (3) No outdoor display of goods.
- (4) Except for goods or articles produced on the premises, no stock in-trade shall be sold on the premises.
- (5) Additional need for parking generated by the home occupation shall be limited to three spaces and shall meet all required setback distances.
- (6) All home occupations shall conform to Section 4.23 (must not be a non-permitted use).
- (7) Should the home occupation be repair, the items repaired shall be of a size or nature that repair can occur within the home.
- (8) No outside storage is permitted.
- (9) The home occupation shall not generate sewage of a nature or type that exceeds the allowable strength limits to be discharged to an Individual Sewage Treatment System as established by the Minnesota Pollution Control Agency.

- G. **Outside Motor Vehicle Storage Standards.**
  - (1) Outside storage of unlicensed motor vehicles and/or parts is not permitted where the waste, body or discarded material is equal in bulk to two (2) or more motor vehicles or a volume of 1440 cubic feet, whichever is less.
  - (2) All outside storage of unlicensed motor vehicles and/or parts must meet setback distance requirements of this Ordinance.
- H. For public waters/public waters wetlands as shown on the map in Appendix IV V, that are not listed as one of the lakes in Section 4.13 of this Ordinance, the structure and septic system setback distance requirements shall be the same as for a Natural Environment Lake. No other provision of this Ordinance shall apply to the above mentioned public waters/public waters wetlands.

**5.2 Placement, Design, and Height of Structures.**

**5.21 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 average to the ordinary high water level, provided the proposed dwelling site is not located in the shore impact zone or bluff impact zone. The existing structure on adjoining lots must be of a quality such that a reasonable and prudent person would use the same for the purpose of habitation, and must not be a recreational camping vehicle, guest cottage or accessory structure. Structures shall be located as follows.

A. **Structures and On-site Sewage System Setbacks (in feet) from the Ordinary High Water Level\*.**  
**SETBACKS\***

Classes of Public Waters	Structures		Sewage Treatment Systems
	Unsewered	Sewered	
<b>Lakes</b>			
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	75	75
<b>Rivers</b>			
Remote	200	200	150
Forested	150	150	100
Tributary	100	75	75

\*The shore impact zone for Natural Environmental Lakes is 75 feet and 50 feet for both Recreational Development Lakes and General Development Lakes.

\*One water-oriented accessory structure designed in accordance with Section 5.22 of this ordinance may be set back a minimum distance of ten (10) feet from the ordinary high water level.

B. **Additional Structure Setbacks.** The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback From:	Setback (in feet)
(1) ..... top of bluff; .....	30
(2) unplatted cemetery; .....	50
(3) right-of-way line of.....	50
federal, state, or	
county highway; and	

- (4) right-of-way line of..... 30  
town road, public street, private  
road easement  
or other roads or streets  
not classified.
- (5) property line, alley, boulevard..... 10

- C. Bluff Impact Zones. Structure and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- D. Uses Without Water-oriented Needs. Commercial, public, and semi-public uses without water-oriented needs must be located on lots or parcels without public water frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf on conditions.

**5.22 Design Criteria For Structures.**

- A. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement or crawl space, is placed or flood-proofed must be determined as follows:
  - (1) for lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.
  - (2) for rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three feet above ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
  - (3) water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
- B. Water-oriented Accessory Structures. Each tract of land which meets the size requirements of Section 5.1 and 6.2 of this Ordinance may have one water-oriented accessory structure not meeting the normal structure setback in Section 5.21,A of this ordinance if this water-oriented accessory structure complies with the following provisions:
  - (1) the structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 120 square feet and the maximum width of the structure is 10 feet as measured parallel to the configuration of the shoreline. Detached decks must not exceed eight feet above grade at any point;
  - (2) the setback of the structure or facility from the ordinary high water level must be at least ten feet;

- (3) the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- (4) the roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
- (5) the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
- (6) the structure or facility must be located in the center third of the owners riparian lot or at least 50 feet from the side lot line, whichever is less.

C. **Stairways, Lifts, and 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. Stairways and lifts must meet the following design requirements:

- (1) stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
- (2) landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
- (3) canopies or roofs are not allowed on stairways, lifts, or landings;
- (4) 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;
- (5) stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical;
- (6) facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) are complied with in addition to the requirements of Minnesota Rules, Chapter 1340.

D. **Significant Historic Sites.** No structure shall be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

E. **Steep Slopes.** The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

- F. Maximum structure height is 35 feet. This does not include churches, telecommunication towers, water towers, chimneys, wind-powered generators, essential services, and buildings permitted as part of a conditional use permit.
- G. In addition to the water oriented accessory structure (WOAS) allowed in 5.22, B, a patio will be allowed that meets the following:
- 1) Shall be no larger than 2 square foot per lineal foot of lot width, and
  - 2) The patio must be setback from the ordinary high water (OHW) level of at least 10 feet, and
  - 3) The area between the patio and the OHW level must be in native vegetation or grass cover or natural state or not mowed,
  - 4) The patio runoff must not drain towards the water body.
  - 5) Patios must be located within the open area as described in 5.31,B(2)c. If the patio is located outside this area it must be located where there is a 25 foot unmowed vegetated buffer between the lake and patio or outside the shore impact zone, and
  - 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.

For all patios within the building setback distance from the OHW 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 conservation district trained staff or a licensed landscape architect) and constructed to treat the runoff from the patio.

### **5.3 Shoreland Alterations**

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.

#### **5.31 Vegetation Alterations.**

- A. 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 construction of roads and parking areas regulated by Section 5.4 of this ordinance are exempt from the vegetation alteration standards that follow.
- B. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 5.62 and 5.63, respectively, is allowed subject to the following standards:
- (1) Cutting of trees and shrubs within the shore and bluff impact zones and on steep slopes is not allowed, except as provided for in subparagraph (2) below. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is approved by the soil and water conservation district in which the property is located.
  - (2) A vegetation alteration permit is required prior to vegetative clearing in the shore impact zone and bluff impact zone and on steep slopes. In shore impact zones and bluff impact zones and on steep slopes, no clearing or cutting of trees and shrubs will be allowed until a plan is submitted to and approved by the Aitkin County Planning and Zoning Office. The approved plan shall be submitted with the application for the vegetation alteration permit. The approval of the plan may require re-vegetation to meet the intent of this section. Limited pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and picnic

areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

- (a) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, shall not be substantially reduced;
- (b) along rivers and lakes, existing shading of water surfaces shall be preserved;
- (c) If the shore impact zone has had no past vegetation removal, as a general rule, the plan would allow removal of up to 1/3 of the trees greater than 5" in diameter 4.5 feet above ground level (DBH), diameter at breast height, and 1/3 of the trees/shrubs less than 5" (DBH) in a non-contiguous pattern as long as screening is maintained and shading of the shoreline is still provided. To allow access to water bodies for individual lot owners, an open area (recreational use area) of 40 feet or 33% of the lot width, whichever is less, may be allowed to be cleared of trees and shrubs, as long as the above 1/3 tree/shrub removal is still in compliance. The clearing shall not extend more than 25 feet landward from the ordinary high water level. A grass cover shall remain to prevent erosion to the water body.

As an incentive to move the above described open areas off the shoreline, if the open area begins at least 25 feet back from the ordinary highwater (OHW) level an open area of 60 feet or 50% of the lot width, whichever is less and 30 feet in depth, may be allowed to be cleared of trees and shrubs, as long as the above 1/3 tree/shrub removal is still in compliance. The area between the OHW level and open area must be left in its natural condition excluding a 10 foot wide access path from the open area to the waterbody.

From the shore impact zone to the required building setback from the ordinary highwater level, adequate trees shall remain to meet the requirements in (2),(a) above.

- (d) Burning of yard waste (including leaves, twigs, stumps, and grass) is not permitted within the shore and bluff impact zones or on steep slopes. A fire ring or pit is allowed as long as it does not exceed 3 feet in diameter.
- (e) **Exception-** Limited pruning is allowed as long as adequate screening and shading as viewed from the water is maintained and preserved, during leaf on periods of the year. Dead, diseased or hazardous trees may be removed with the landowners being encouraged to replace them by planting a species suitable for the site.

C. Use of fertilizers, herbicides and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both. If fertilizer is used it must be phosphorus free.

### 5.32 Grading and Filling/Land Alteration Permits.

- A. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate land alteration permit. However, the grading and filling standards in Section E must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- B. Work below the OHW level requires approval by the Department of Natural Resources.
- C. Maintenance of driveways, public roads and parking areas are regulated by Section 5.4 of this ordinance.



- D. Except for the activities described in Items A and C above, a plan must be submitted to the Aitkin County Planning and Zoning Office for approval prior to issuance of a land alteration permit. A land alteration permit may require the revegetation of the shore impact zone to meet the intent of Section 5.31.

Activities requiring a land alteration permit:

- (1) On steep slopes and shore and bluff impact zones - activities that involve the excavation and/or placement of earthen material of more than 240 square feet of area.  
  
With a permit, a minimum amount of excavation and/or placement of material to achieve the goal of the project may be permitted but shall not exceed 30 cubic yards of material. The 30 cubic yards is the maximum amount of excavation or placement of material allowed on an existing parcel of land. The excavation or placement of material shall be done within any existing or proposed recreational use area or access path and not in a separate area; and
- (2) Outside of steep slopes and shore and bluff impact zones - activities that involve the excavation or placement of more than fifty (50) cubic yards of material.  
  
However, when at any one time, more than 200 cubic yards of excavation or fill is proposed outside the permitted excavation of the structure, an erosion or sedimentation plan must be submitted to the Aitkin County Zoning Office for referral to the Aitkin County Water and Soil Conservation District for technical review and approval.
- (3) Excavation or placement of fill, as described in D (1) and D (2) above, is allowed no more than twice, ~~unless the excavation or placement of fill is to regrade an annual ice ridge.~~
- (4) 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.~~ A plan must be submitted to the Aitkin County Soil and Water Conservation District for review and to the Aitkin County Planning and Zoning for approval. The plan must show how surface water run-off will be managed to prevent erosion and sedimentation into the water body. The intent is to prevent exposed soil and/or concrete/asphalt driveways to the lake and to use vegetated areas for filtration. In certain cases, if needed to accomplish the purpose of the access, vegetation intermixed with soil/concrete/asphalt may be permitted.
- (5) Annual Ice Ridge. An annual ice ridge created within the last year by ice action may be regraded to their original shoreline contour with a land alteration permit and not have to meet the requirements of D (1) thru D (3) above, provided the following are met:
  - a. There shall be no topsoil or vegetated matter deposited into the lake.
  - b. Work is completed by September 1<sup>st</sup> after the damage takes place.
  - c. All No disturbed material shall be graded landward or removed from the site placed below the ordinary high water level.
  - d. An erosion, sediment control, and vegetation stabilization plan must be submitted to and approved by the Aitkin County Environmental Services Department before issuance of the permit and before any construction begins and shall be implemented immediately.
  - e. Any activity below the OHWL requires applicable MN DNR approval and permits.
- (6) Rip-Rap. 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. The MN DNR standards require – a) the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, b) the landward extent of the rip rap is within ten (10) feet of the ordinary high water level, and c) the height of the rip rap above the ordinary high water level does not exceed three (3) feet (see Appendix IV). 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 with the depth to be determined by the Aitkin County Environmental Services Department for the entire width of the lot, except for lake or river access areas. Plans for such buffers shall be approved by the Aitkin County Environmental Services Department and shall be implemented immediately. The placement of natural rock rip-rap and retaining walls, where allowed, shall comply with M.S. 103G.245. Natural rock rip-rap shall only be used for the correction of an established erosion problem that cannot be controlled through the use 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, unless as allowed in Section 5.32.D.

E. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals, or any grading and filling activity:

- (1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland\*:
  - (a) sediment and pollutant trapping and retention;
  - (b) storage of surface runoff to prevent or reduce flood damage;
  - (c) fish and wildlife habitat;
  - (d) recreational use;
  - (e) shoreline or bank stabilization; and
  - (f) noteworthiness, including special qualities such as historic significance, and critical habitat for endangered plants and animals.

\*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

- (2) 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;
- (3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- (4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- (5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the Natural Resource Conservation Service;
- (6) Fill or excavated material must not be placed in a manner that creates an unstable slope;
- (7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;

- (8) Fill or excavated material must not be placed in bluff impact zones;
- (9) No filling of wetlands is permitted in the shore impact zone and in wetlands that have a contiguous connection to a protected waters, this shall not include activities in Section 5.42;
- (10) Any alterations below the ordinary high water level of public waters must first be authorized by the Department of Natural Resources under Minnesota Statutes, section 103G.245;
- (11) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties, this includes the creation or changing of drainage ways; and
- (12) Placement of natural rock riprap must meet Minnesota Department of Natural Resource guidelines.

F. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the DNR commissioner has approved the proposed connection to public waters.

#### **5.4 Placement, Design and Maintenance of Roads, Driveways, and Parking Areas.**

**5.41** Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials. For further technical criteria, refer to County Engineer/Soil Conservation Office.

**5.42** Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts. Maintenance of existing road, driveways, and parking areas shall be allowed without a permit provided that the design or location is not altered.

**5.43** Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private and public facilities, the grading and filling provisions of Section 5.32 of this ordinance must be met.

#### **5.5 Stormwater Management.**

The following general and specific standards shall apply:

##### **5.51 General Standards:**

- A. When 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.
- B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various

types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

#### **5.52 Specific Standards:**

- A. As of June 1, 2005, building coverage of lots must not exceed 15 percent of the lot area, and total impervious surface coverage of lots must not exceed 25 percent of the lot area. Lot area must not include bluff areas or land below the ordinary high water level when calculating the square footage of the lot. Wetlands are classified per the Army Corps of Engineers approved methods.
- B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- C. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge. No direct connection shall exist to the public waters.

#### **5.6 Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.**

##### **5.61 Standards for Commercial, Public, and Semipublic Uses.**

- A. Surface-water oriented commercial uses and public or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
  - (1) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
  - (2) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
  - (3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
    - (a) No advertising signs or supporting facilities for signs shall be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
    - (b) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
    - (c) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise

directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

- B. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

#### **5.62 Agriculture Use Standards.**

- A. General cultivation farming, grazing, livestock watering areas, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or Natural Resource Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
- B. Animal feedlots must meet the following standards:
  - (1) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are only allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones and meet all other applicable restrictions.
  - (2) New feedlots must not be located in shoreland.
- C. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

#### **5.63 Forest Management Standards.**

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota," and with standards, requirements, details and specifics now or hereinafter set out in the Vegetative Management Provisions cited in "A Management Plan for the Upper Mississippi River, Mississippi Headwaters Board". **A Forest Management Plan must be submitted to and approved by the Aitkin County Soil and Water Conservation District for timber harvesting within 200 feet of the ordinary highwater level.**

- A. Forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:
  - (1) Shore and bluff impact zones must not be intensively cleared of vegetation; and
  - (2) An erosion and sediment control plan shall be developed **submitted to** and approved by the ~~local~~ **Aitkin County** Soil and Water Conservation District before issuance of a conditional use permit for the conversion.
- B. Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

#### **5.64 Extractive Use Standards.**

A. Sand and Gravel Pits. Extraction of top soils, sand, gravel, aggregate materials and minerals is a conditional use in the shoreland areas of Aitkin County, only if a conditional use permit is authorized pursuant to the provisions of Section 3.4 of this ordinance, and then only if all of the following standards and requirements are met:

(1) Preparation and approval by Aitkin County Zoning Office of a site development and restoration plan for each use developed after the effective date of this ordinance (January 21, 1992). The plan must address each of the following:

- (a) Dust control
- (b) Noise control
- (c) Discharge of materials that may be pollutants
- (d) Hours of Operation, dates of operation and duration of activity
- (e) Anticipated vegetative alterations
- (f) Anticipated topographic alterations
- (g) Proposed mitigation of effects on wildlife
- (h) Proposed mitigation of effects on erosion
- (i) Proposed mitigation for cultural sites
- (j) Rehabilitation of site after use expires
- (k) Alternate existing gravel sites
- (l) Depth of excavation
- (m) Depth of water table.

(2) Extractive uses and crushing operations shall not be permitted within 500 feet of the ordinary high water mark or within 30 feet of the top of a bluff as determined by the Aitkin County Soil and Water Conservation District.—Crushing operations are permitted only on a temporary basis not to exceed 30 working days within a 2 month period each year and are permitted between the hours of 7:00 am to 7:00 pm, Monday through Friday. Processing of ready mix concrete, asphalt, and hot mix materials are not permitted in the shoreland.

(3) Owners or other persons controlling sites that have been in operation prior to the effective date of this ordinance pursuant to duly and validly issued permits and licenses which are still in force as of the effective date of this ordinance, shall prepare a rehabilitation plan for the site addressing mitigation of the effects on erosion and sedimentation and restoration of the site and shall conform to fulfill such plans.

(4) The standards, requirements, criteria and conditions of Section 3.7 of this ordinance, if the use is within a shoreland.

(5) All other standards, requirements, details and specifics now or hereafter set out in the Aitkin County Mining and Reclamation Ordinance.

B. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback requirements for structures from ordinary high water levels of public waters and from bluffs.

#### **5.65 Mining of Metallic Minerals and Peat.**

Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a conditional use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

#### **5.66 Rice and Cranberry Farms.**

A. Farming practices such as are commonly used in rice or cranberry paddies which requires that the farmland or paddies be flooded and drained each year are a conditional use in the shoreland areas of

Aitkin County if a conditional use is authorized pursuant to the provisions of Section 3.4 of this ordinance, and then only if all of the following standards and requirements are met:

- (1) Preparation and approval of the Aitkin County Soil and Water Conservation District Office and the Aitkin County Zoning Office of a site development plan for each use developed after the effective date of this ordinance (January 21, 1992). The plan must address each of the following points:
  - (a) Anticipated topographic alterations;
  - (b) Anticipated vegetative alterations;
  - (c) Proposed mitigation for cultural sites;
  - (d) Discharge of nutrients, other materials or water into, or that may eventually enter, public waters, that may degrade the quality of lakes or cause, or increase aquatic plant or algal growth, in lakes;
  - (e) Discharge of pollutants including pesticides which are approved for use by appropriate federal and state agencies;
- (2) The standards, requirements, criteria and conditions of Section ~~5.7~~ 3.4 of this Ordinance.

## **5.7 Water Supply and Sewage Treatment.**

### **5.71 Water Supply.**

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

### ~~5.71~~ **5.72 Sewage treatment.**

Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- A. Publicly-owned sewer systems must be used where available.
- B. All individual sewage treatment systems must meet or exceed the requirements of Aitkin County's ~~Individual Subsurface Sewage Treatment System and Wastewater Ordinance No. 1~~ and any subsequent revisions, a copy of which is hereby adopted by reference and declared to be a part of this ordinance.
- C. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 5.21 of this ordinance.
- D. Lots created after January 21, 1992, through the subdivision/platting process and/or after January 23, 1996, through the metes and bounds descriptions must have two (2) septic system sites capable of supporting standard/Type I individual sewage treatment systems. Both sites must be designated as septic system sites and must remain undisturbed except for use as a septic system site.
- E. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with section 6.4 of this ordinance.
- F. Transfer without certificate prohibited. The title to real estate with a dwelling unit, mobile home or any other building served by or required to have an ISTS, or before the transfer of title by deed, contract or lease of a term of three (3) years or more shall not be transferred on or after January 1, 1992, without a Certification of Compliance to the grantee or lessee, prior to the time of transfer. Involuntary transfers and transfers by operation of law are excluded from this requirement.



- G. Time of sale shall mean prior to Transfer of Title to Real Estate with dwelling unit, mobile home or any building served by or required to have an ISTS, or, before the transfer of title by deed, contract or lease of a term of three (3) years or more.
- ~~H. Recertification of a system shall not be required by the county within (5) years of its initial certification date. A reinspection may take place within (5) years of the initial certification at the option of the applicant.~~
- ~~I. If the sanitary system is in compliance with the requirements of this ordinance, the Zoning Administrator shall cause a Certificate of Compliance to be issued to the present owner, which shall state that the sanitary system has been inspected and is in compliance with the minimal requirements of this ordinance.~~
- J. The proposed buyer shall not take occupancy of the dwelling unit prior to the issuance of a Certificate of Compliance, except as per Aitkin County's Individual Subsurface Sewage Treatment System and Wastewater Ordinance, No. 1, Section 4.45 9.5, B and any subsequent revisions.
- In all instances, even if in the event the property in question is not conveyed and the system is non-conforming the system must be brought into compliance within (10) months of the report date.
- ~~K. The fee for the inspection of the Certificate of Compliance shall be established by the County Board and shall be paid prior to the inspection.~~

## SECTION 6.0 – NONCONFORMITIES

It is the intent of Section 6.0 to not encourage the continuation of nonconformities but to encourage, over time, compliance with Section 5.0 of this Ordinance.

All legally established nonconformities as of the date of adoption of this ordinance and respective amendments may continue, but they will be managed according to applicable state statutes and other regulations of this 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 this ordinance. Replacement of nonconforming structures under validly issued variances are considered to be in compliance with this 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.

### 6.1 Construction on nonconforming lots of record.

- A. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 6.2 of this ordinance may be allowed as building sites for dwelling purposes without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.

- B. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot.
- C. Variances shall only be granted in accordance with Minnesota Statutes, Chapter 394. A variance shall not circumvent the general purpose and intent of this ordinance. No variance shall be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- D. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 6.2 of this ordinance, the lot must not be considered as a separate parcel of land for the purpose of sale or development. The lots must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 6.2 of this ordinance.
- E. No portion of an existing lot shall be separated from the existing parcel unless all portions meet or exceed the lot size requirements in Section 5.1 of this Ordinance **and the requirements of section 2.05 of the Subdivision Regulations of Aitkin County**. However, a portion of a lot may be separated from the existing parcel as long as the existing parcel meets the requirements of Section 5.1 of this Ordinance and the newly created parcel is combined with an adjacent parcel. The existing parcel must meet the septic system requirements of a newly created lot as in Section ~~5.74~~ **5.72**, D, of this Ordinance.
 

**Exception:** An existing parcel may be combined with an adjacent parcel(s) under different ownership, to make the adjacent parcel(s) more conforming.

**6.2 Minimum lot area and width standards for single residential nonconforming lots of record.**

The minimum lot area (square feet) and minimum lot width standards (in feet) for single residential lots created prior to the date of enactment of this Ordinance for the lake classifications are the following:

A. Natural environment:	
Riparian area	60,000 <del>52,800</del>
Lot width at shore	150 <del>132</del>
*Building Coverage	15%
*Impervious surface coverage	25%
B. Recreational development:	
Riparian area	30,000 <del>26,400</del>
Lot width at shore	100- <del>99</del>
*Building Coverage	15%
*Impervious surface coverage	25%
C. General development:	
Riparian area	15,000 <del>13,200</del>
Lot width at shore	75 <del>66</del>
*Building Coverage	15%
*Impervious surface coverage	25%
Non-riparian area	30,000 <del>26,400</del>
Lot width	100 <del>99</del>



*Building Coverage	15%
*Impervious surface coverage	25%

**6.3 Additions/expansions to non-conforming principal structures built prior to January 21, 1992 without a variance. If a variance has been granted for an addition/expansion to a principal structure since January 21, 1992, then Sections 6.3 A, B, and C do not apply and a variance is required for any future additions and/or expansions.**

A. All additions or any enlargement of an existing sub-standard principal structure shall be allowed providing all of the following criteria will be met: (If all of the following criteria are met, a one-time expansion since January 21, 1992 will be allowed without a variance.)

- (1) The addition/expansion will not decrease the setback of the existing structure from the ordinary high water level,
- (2) The addition/expansion will not exceed 50 percent of the total volume of the existing structure, or exceed 50 percent of the assessed market value as indicated in the records of the County Assessor,
- (3) The existing structure is setback to a minimum of a line parallel with the Shore Impact Zone,
- (4) Impervious surface coverage of the parcel or lot shall not exceed 25 percent.
- (5) The existing structure and proposed addition/expansion must meet all other setback distance requirements of this Ordinance.

B. 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:

- (1) a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
- (2) the deck encroachment toward the ordinary high water level (OHWL) does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet to the OHWL, whichever is more restrictive;
- (3) The deck is not roofed or screened; and
- (4) All other setback distance requirements of this Ordinance must be met.

C. Patios shall be allowed without a variance and not meeting the required setback distance from the ordinary high water level if all of the following criteria and standards are met:

- (1) The patio encroachment from the principle structure toward the ordinary high water level does not exceed 20 percent of the existing setback distance of the structure from the ordinary high water level or does not encroach closer than 30 feet to the OHWL, whichever is more restrictive.
- (2) The patio is not roofed or screened,
- (3) Impervious surface requirements must be met,
- (4) All other setback distance requirements of this Ordinance must be met, and
- (5) The patio must be within 2 feet of the principal structure.

~~D. A structure may be flood proofed (according to Section 5.41 of the Aitkin County Flood Plain Management Ordinance) to raise the lowest floor level at or above the referenced flood protection elevation and not be considered as a volume expansion if the following are met:~~

- ~~(1) The height of the lowest floor level can not exceed 4 feet above the 100-year flood elevation.~~

**6.4 Nonconforming sewage treatment systems.**

- A. A sewage treatment system not meeting the requirements of Section ~~5.7~~ 5.72 of this ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level, lot line or road right-of-way.
- B. The governing body of Aitkin County has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. Aitkin County will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed 10 months. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 103F.201 to 103F.221, in effect at the time of installation may be considered as conforming unless they are determined to be failing.
- C. If a structure exists that is served by a holding tank and there is room on the property or adjoining property under the same ownership that is capable of supporting a standard ISTS, then no permits shall be issued until a standard/Type I ISTS is installed.

## **SECTION 7.0 – CONSERVATION SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS (PUD's)**

### **7.1 Types of PUD's Permissible.**

Conservation Subdivisions and Planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 4.23 of this ordinance and the official zoning map. On Natural Environmental Lakes no more than 25% of a lakes shoreline can be in duplex, triplex, quadplex, conservation subdivisions and/or planned unit developments.

### **7.2 Processing of PUD's**

Conservation Subdivisions and Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six (6) or less new dwelling units or sites since the date this ordinance was adopted (January 21, 1992) is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 7.5. Approval cannot occur until the environmental review process (EAW/EIS) is complete. All developments must contain at least 400 feet of lot width.

### **7.3 Application for a Conservation Subdivision or a PUD.**

The developers are encouraged to hold preliminary discussions with the Zoning Administrator and County Land Survey Coordinator to become familiar with the application submittal requirements, so that developers have an opportunity to understand the review process and community interests. The applicant for a Conservation Subdivision or a PUD must submit the following documents prior to final action being taken on the application request:

- 7.31** Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics such as bluffs and slopes greater than 25 percent;
- 7.32** The surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
- 7.33** Adequate soils information to determine suitability for building and 2 standard onsite sewage treatment system capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
- 7.34** Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths out to 15 feet, type of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
- 7.35** A site plan and/or preliminary plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, existing and post-construction vegetation plan which also designates which areas are included in the open space requirements as described in Section 7.82, screening of structures as viewed from the water, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or preliminary plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

- 7.36 A property owners association agreement (for residential PUD's and Conservation Subdivision's) with mandatory membership, and all in accordance with the requirements of Section 7.8 of this ordinance.
- 7.37 Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD's; 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 7.8 of this ordinance; from a qualified holder as defined in Minnesota Statutes, section 84C.01-02. and 3) For conservation easements, a statement of preliminary acceptance.
- 7.38 When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
- 7.39 Those additional documents as requested by the Zoning Administrator that are necessary to explain how the PUD will be designed and will function.

**7.4 Site "Suitable Area" Evaluation.**

Proposed new or expansions to existing planned unit developments and conservation subdivisions must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 7.5.

- 7.41 The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

<b>SHORELAND TIER DIMENSIONS</b>	<b>UNSEWERED (feet)</b>	<b>SEWERED (feet)</b>
General development lakes – first tier.....	200	200
General development lakes – second and additional tiers .....	267	200
Recreational development lakes.....	267	267
Natural environment lakes .....	400	320
All river classes .....	300	300

- 7.42 The suitable area within each tier is next calculated by excluding from the tier area all accessory structures, commercial facilities not involving dwelling units or sites, wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to the conservation subdivision, residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites. In areas with overlapping tiers due to close proximity of public waters to each other, the more restrictive rules for the area shall be used, excluding the first tier.

**7.5 Conservation Subdivision, Residential and Commercial PUD Density Evaluation.**

The procedures for determining the "base" density of a Conservation Subdivision or PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer. Structures that straddle tiers shall be rated as part of the tier closer to the ordinary high water level.

**7.51 Residential PUD and Conservation Subdivision "Base" Density Evaluation:**

- A. The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density

of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the conservation subdivision and residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 7.8.

**7.52 Commercial PUD “Base” Density Evaluation:**

- A. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
- B. Select the appropriate floor area ratio from the following table:

**Commercial Planned Unit Development  
Floor Area Ratios\*  
Public waters classes**

*Average unit floor area (sq. ft.)	Sewered General Development Lakes; First tier on Unsewered General Development Lakes; urban, agricultural, Tributary River Segments	Second and additional tiers on Unsewered General Development Lakes; Recreational Development Lakes; Transition and Forested River Segments	Natural Environment Lakes and Remote River Segments
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

\*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed for 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1000 square feet.

- C. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- D. Divide the total floor area by tier computed in Item C. above by the average inside living area size determined in Item A. above. This yields a base number of dwelling units and sites for each tier.

- E. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section 7.8.

### **7.53 Density Increase Multipliers:**

- A. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 5.0 are met or exceeded and the design criteria in Section 7.8 are satisfied. The allowable density increases in Item B. below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 (fifty) percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 (twenty-five) percent greater than the minimum setback.
- B. Allowable Dwelling Unit or Dwelling Site Density Increases for Conservation Subdivision, Residential or Commercial Planned Unit Developments; maximum density increase in each tier shall not exceed (25%). To receive density increases, the shore impact zone must be revegetated to acceptable standards as recommended by the Aitkin County Soil and Water Conservation District and approved by the Aitkin County Planning Commission. Revegetation of the shore impact zone is not necessary if the Aitkin County Soil and Water Conservation District and the Aitkin County Planning Commission determine the existing vegetation is adequate and covenants, deed restrictions or permanent easements are established to ensure long-term preservation.
- C. No dwelling unit or dwelling site density increase multiplier will be allowed for lands having average slopes over ~~12 (twelve)~~ **18 (eighteen)** percent, as measured over horizontal distances of 50 (fifty) feet or more, that are not bluffs; **and no density increase multiplier will be allowed for Residential Planned Unit Developments or Conservation Subdivisions on Natural Environment Lakes.**

### **7.6 Special Provisions: Mobile Homes and Mobile Home Parks.**

**7.61 Purpose.** It is the purpose of this regulation to permit the development of mobile home parks in a manner that will promote and improve the general health, safety, convenience and welfare of the citizens by minimizing any adverse effects of such developments.

**7.62 General Requirements, mobile homes and mobile home parks.** It shall be unlawful for any person to construct, alter, or extend any mobile home park, structures or uses within the park unless he holds a valid permit issued by the Zoning Administrator upon compliance with all provisions of this ordinance. In addition to all other requirements imposed by law, the following regulations shall be observed.

**Mobile home and mobile home parks permitted:** Permits shall be issued for mobile homes and mobile home parks only in districts designated elsewhere in this ordinance.

**Area and yard requirements:** Mobile home parks shall comply with all area and yard requirements prescribed for such uses in the district in which located.

**Lot area occupancy:** The buildings and trailers in any mobile home park – together with any accessory buildings already on the lot – shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot.

**Landscaping – unused areas:** All areas not used for access parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than thirty (30) feet in width when adjoining residential districts, shall be established and maintained within the trailer park along its exterior boundaries.

Accessory buildings: All mobile homes which are established as a single-dwelling unit or within a mobile home park shall have a accessory building or garage for storage purposes for each mobile home unit. The size of the accessory building shall be a minimum of four (4) feet by six (6) feet.

**7.63 Mobile Home Park, Submission of Plan.** An application for the establishment of a mobile home park shall be filed with the Zoning Administrator and must be accompanied by a plan drawn to scale and prepared by a, registered land surveyor, civil engineer or architect. Such drawing shall include, but not necessarily be limited to the following:

- A. Accurate dimensions if the proposed mobile home park shall be drawn to a scale of one (1) inch equals one hundred (100) feet or larger
- B. The number, location and size of all mobile home lots.
- C. The location and width of roadways, walkways, approaches and method of ingress and egress from the public highways.
- D. The complete electrical service installation, wire service outlets and lighting facilities, complete layout of unit parking spaces and the number of square feet therein, together with the dimensions thereof.
- E. The location of electric power or gas distribution system, water mains or wells or water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, sanitary sewers or septic tanks, sewer drain lines, fire protection stalls, fire hydrants, and other buildings, structures or uses contemplated for use by the applicant.
- F. The applicant shall submit seven (7) copies of the plan to the Zoning Office of which the Zoning Office shall distribute two (2) copies to the Planning Commission and one (1) each to the State Department of Transportation if abutting a State or Federal highway, Aitkin County Highway Department if abutting a county road, State Department of Natural Resources, Township Clerk, and the Aitkin County Soil and Water Conservation District.

**7.64 Mobile Home Parks – Requirements.** Mobile home parks shall be designed and maintained in accordance with the following requirements:

- A. Park area: The minimum mobile home park area shall be not less than three (3) acres.
- B. Lot area: The minimum lot area per mobile home unit site within the park shall be four thousand (4,000) square feet.
- C. Access: Each park shall abut upon a public road and each mobile home lot shall have direct access to a private hard surface road.
- D. Mobile home sitting: Mobile homes shall be located at least fifty (50) feet from any public road right-of-way, and at least thirty (30) feet from mobile home park boundary. There shall be a minimum distance of ten (10) feet between an individual mobile home and the right-of-way of a mobile home park street or common parking area or other common areas. Mobile homes and their additions shall be separated from each other and from other building and structure by at least twenty (20) feet, provided that mobile homes placed end to end may have a clearance of twenty (20) feet where opposing rear walls are staggered.
- E. Utilities: No building, plumbing, heating and electrical requirements other than those adopted pursuant to Minnesota Statutes Section 327.31 – 327.34 shall be required. A sanitary sewer or septic system and water system shall be installed in accordance with County and State specifications.



- F. Interior roads: The minimum roadway width of interior one-way roads with parking permitted on one side shall be twenty-one (21) feet. The minimum roadway width of two-way roads with parking permitted on two sides shall be thirty-six (36) feet and surfaced according to County specifications for residential roads and maintained in good condition and lighted at night.
- G. Recreation area: There shall be provided within each mobile home or trailer park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area of two thousand five hundred (2,500) square feet in the aggregate or one hundred (100) square feet for each mobile home space in said park whichever is the greatest. The recreation sites shall be furnished, equipped and maintained for the use of the mobile home facilities.
- H. Length of occupancy: No mobile home or trailer shall remain in a mobile home or trailer park for a period exceeding fifteen (15) days without connection to a permanent sanitary sewer system of the park.
- I. Mobile home skirting: Every unit within the park shall be skirted.
- J. Maintenance: It shall be the responsibility of the mobile home park owner to see that good housekeeping and living conditions are maintained in the mobile home park at all times. Each mobile home lot shall be landscaped or maintained in grass. No unused building materials, debris, or rubbish shall be allowed to accumulate.
- K. Vehicle storage: no more than two (2) motor vehicles shall be stored or kept on any mobile home lot. No vehicle shall be dismantled, nor shall mechanical work except for minor repair nature be done on any vehicle on a mobile home lot; nor shall any automotive vehicle that is not in an operable condition be parked, stored or kept on the mobile home lot or in a mobile home park, except a vehicle that became inoperable when it was in the mobile home park and then it shall not be parked in that condition for a period of more than seven (7) days.

**7.7 Travel Trailer Park and Campgrounds.** In the case of travel trailer park or campground project consisting of two (2) or more units to be constructed on a plot of ground of at least three (3) acres not subdivided into the customary streets and lots, an application for a planned unit development permit for such a project shall be made to the Zoning Administrator. Before recommending the approval of the permit to the County Board, the Planning Commission shall require the applicant to:

- A. The applicant shall submit seven (7) copies of the plan drawn to a scale of one (1) inch equals one hundred (100) feet or a larger scale. The plan must be prepared by a Registered Land Surveyor, Civil Engineer or Architect.
- B. The Zoning Office shall submit two (2) copies to the Planning Commission and one (1) each to the State Department of Transportation, if abutting a State or Federal Highway, Aitkin County Highway Department if abutting a county road, State Department of Natural Resources, Township Clerk, Aitkin County Soil and Water Conservation District.
- C. Have a minimum size campsite to accommodate one family group that is at least two thousand (2,000) square feet in area. Campsites are limited to one (1) RV or tent per site.
- D. Have a roadway with driving surface of fourteen (14) feet for one-way and twenty-four (24) feet for two-way roads.
- E. Have traffic control consisting of parking limited to individual campsite spurs and parking areas constructed for that purpose. No parallel parking on site access roads within camping area shall be permitted. Barrier posts or other traffic control devices shall be installed to eliminate parking along site access roads and prevent users from setting up camp on areas other than designated campsites.



- F. Have a setback for all campsites and permanent structures for one hundred fifty (150) feet from a Natural Environment lake, one hundred (100) feet from a Recreational Development lake and seventy-five (75) feet from a General Development lake. The setbacks would be from the ordinary high water level. The setback from any adjacent public road, street or highway shall be fifty (50) feet. The setback distance from adjacent property boundaries shall be 30 feet.
- G. Provide sanitary facilities. All sanitary facility installations shall comply with the current standards of the Minnesota Department of Health, as well as any other applicable State and Local codes and standards. In conjunction with and in addition to the above, the following minimum standards shall apply.
- H. Provide disposal facilities.

- (1) Sealed vault-type pit toilets: sealed vault-type pit toilets shall comply with the setbacks designated in the Shoreland Management Standards.

The bottom of the vault in sealed vault-type toilets shall be a minimum of one (1) foot above the highest known ground water table.

- (2) Central buildings with flush toilets: Central buildings shall comply with the setbacks designated in the Shoreland Management Standards.
- (3) Provide water holding tank dumping facilities: Any overnight camping facility to be used by camper or trailer units equipped with waste holding tanks shall have a minimum of one dumping facility per one hundred (100) units or fractions thereof. A minimum of one thousand five hundred (1,500) gallon holding tank is required with curbing and water supply to wash area.
- (4) Solid waste disposal: Garbage cans shall be provided at a minimum ratio of one (1) can per two (2) units. Garbage cans shall be provided with non-tip stands and tight fitting covers.

No on-site solid waste disposal areas will be permitted. Solid waste shall be disposed of at the approved solid waste facility which serves the projects area.

#### **7.71 Structure replacement within an existing resort.**

Local governments may allow resorts to maintain and replace their structures, without regard to available density, so long as the establishment continues to operate as a resort and all of the following standards are met:

A. Structures, including lodges, shall not be replaced any closer to any waterbody or setback than the existing structure. Replacement structures must meet elevation and maximum height requirements for the relevant shoreland classification. For resorts established prior to the date of local adoption of these standards, structures not meeting the structure setbacks in Section 5.21, A and bluff setbacks, must only be replaced with structures with the same or lesser height of building, notwithstanding provisions of Section 7.71, item A (1). There shall be no increase in structure footprint, except as follows:

(1) An increase in the structure footprint or height of structure may be permitted to minimally meet federal, state, or local dwelling standards or codes, provided there is no increase in structure footprint lakeward and no increase in structure width as measured parallel to shore. To minimally meet such standards or codes means that the replacement structure shall not add new architectural elements such as more bedrooms than the original structure.

(2) A structure within the first tier that is moved or replaced outside the shore impact zone and landward to meet the structure setback requirements to the maximum extent feasible within the tier with regard to wetlands, bluffs, land below the ordinary high water level of public waters, and sewage treatment systems, may be permitted a larger building footprint provided it conforms with the allowable density

standards in each tier as calculated in Section 7.52, and the impervious surface coverage within the first tier shall not exceed 25 percent.

B. A specified area within the development shall be restored and maintained in a natural state to the following standards:

(1) For developments with less than 50 percent of shore impact zone currently in a natural state, at least 10 percent of the shore impact zone and shoreline shall be restored to its natural state or, alternatively, in front of each replacement structure for its entirety, a buffer strip consisting of native vegetation of trees, shrubs, understory plants extending from the shoreline landward 35 feet shall be created according to a plan approved by the local government.

(2) For developments with at least 50 percent of the shore impact zone currently in a natural state, this condition shall be preserved and maintained according to a plan approved by the local government.

C. For resorts with 20 or more dwelling units, erosion control and stormwater management for the entire resort shall be designed by certified personnel in erosion and sediment control using the best management practices found in the latest Pollution Control Agency's stormwater best management practices manual, approved by the local government, and effectively implemented. For resorts with less than 20 dwelling units, erosion control and stormwater management plans for the entire resort shall be approved by the local government and effectively implemented.

D. For developments that exceed or will exceed the allowable density as calculated in Section 7.52, stormwater runoff from the expansion structures and associated impervious surfaces created shall be specifically mitigated using best management practices that may include filter strips, infiltration basins, rain gardens and other conservation designs. Best management practices must be designed and installed in accordance with the latest Pollution Control Agency's stormwater best management practices manual.

## **7.8 Maintenance and Design Criteria.**

### **7.81 Maintenance and Administration Requirements.**

- A. Before final approval of a planned unit development or conservation subdivision, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- B. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. For areas greater than ten (10) acres, easements shall be held by a qualified unit of government, Conservation Organization, Land trust or similar organization authorized to hold interest in real property pursuant to Minnesota Statutes, Section 84C.01-05, as approved by the local unit of government. Local units of government may also hold or co-hold as easement. The instruments must include all of the following protections:
- (1) commercial uses shall be prohibited (for residential developments);
  - (2) vegetation and topographic alterations other than to prevent personal injury or property damage and for restoration efforts based on an approved shoreland vegetation buffer plan shall be prohibited;
  - (3) construction of additional buildings, impervious surface or storage of vehicles and other materials shall be prohibited;
  - (4) uncontrolled beaching of watercraft shall be prohibited; and
  - (5) dumping, storage, processing, burning, burying, or landfill of solid or other wastes shall be prohibited.

- C. Shoreland vegetation shall be preserved, restored and maintained according to the approved shoreland vegetation buffer plan. The loss of vegetation shall be replaced in-kind.
- D. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential developments must use an owners association with the following features:
  - (1) membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
  - (2) each member must pay a pro rate share of the association's expenses, and unpaid assessments can become liens on units or sites;
  - (3) assessments must be adjustable to accommodate changing conditions; and
  - (4) the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities, and it must enforce covenants, deed restrictions, and easements. The association must have a land stewardship plan for common open space areas greater than 10 acres specifically focusing on the long-term management of these open space lands.
- E. Amendments or revisions to covenants or deed restrictions. Before establishing or recording any common interest community, the developer shall submit documents, including all covenants, conditions, restrictions, easements, and operating rules and procedures associated with the development, for review and approval by the local government unit pursuant to Minnesota Statutes, Section 515B.1-106. Under no circumstances shall covenants or deed restrictions be modified without the local government units determination that the proposed changes fully comply with the requirements of Section 7.0.
- F. All residential developments must contain at least five (5) dwelling units or sites.

**7.82 Open Space Requirements.** Residential and commercial developments must contain open space meeting all of the following criteria:

- A. At least 50 percent of the total project area must be permanently preserved as common open space. Common open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries, and at least 75 50 25 percent of the common open space must be upland area. At least 33 percent of the common open space shall be retained in a contiguous area.
- B. The land area of all dwelling units/sites and accessory structures, the space between buildings in a cluster, an area of 25 feet around each structure, all road rights-of-way, and all land covered by impervious surfaces, road surfaces, parking areas, or structures, shall not be included in the computation of common open space.
- C. A shoreland vegetation buffer plan designed and implemented meeting the standards in Section 5.31.
- D. Open space may include outdoor recreational facilities for use by owners of the dwelling units/sites, or the public.
- E. The shore and bluff impact zones, based on normal structure setbacks shall be included as common open space. New developments, and redevelopments of existing developments shall meet vegetation standards in Section 5.31. No impervious surfaces shall be allowed within the shore impact zone, except for boat launches, stairways, lifts or landings. For conservation subdivisions, there must be at least one access corridor to the shore impact zone common open space for use by all members of the owners association. The minimum width of an access corridor shall be 50 feet, and access corridors shall be in upland areas.
- F. Common open space shall not include commercial facilities.

- G. The appearance of common open space areas, including topography, vegetation, and allowable uses, shall be preserved by use of permanent easements, public dedication and acceptance, or other equally effective and permanent means. For permanent easements, a willing party for receiving easements must be declared, otherwise a party may be assigned pursuant to Minnesota Statutes 375.18, Subp. 12.
- H. Common open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
- I. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;

### **7.83 Erosion Control and Storm Water Management.**

Erosion control and storm water management plans must be developed and the development must:

- (1) be designed by certified personnel in erosion and sediment control using the best management practices found in the latest Minnesota Pollution Control Agency's storm water best management practices manual, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans must be reviewed by the Aitkin County Soil and Water Conservation District and approved by the Aitkin County Planning Commission; and
- (2) be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 5.3.

### **7.84 Centralization and Design of Facilities.**

Centralization and design of facilities and structures must be done according to the following standards:

- (1) planned unit developments and conservation subdivisions must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Section 5.2 and 5.7 of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
- (2) dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. The site design must incorporate the use of narrower road right-of-ways than conventional subdivisions, some single loading streets, looped roadways versus cul-de-sacs, use of pervious surfaces and preservation of trees, unique resources, and scenic vistas. Setbacks from the ordinary high water level must be increased in accordance with Section 7.53 of this Ordinance for Developments with density increases;

- (3) For conservation subdivisions, riparian lot standards shall meet the minimums in Sections 5.1 – 5.13, and lots shall not extend into the shore impact zone. For conservation subdivisions, the non-riparian lot standards that apply are the lot size and width standards in Section 5.1 – 5.13, however these are the maximum lot size and width standards for these developments, not minimum lot size and lot width standards.
- (4) shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to ground water and bedrock, or other relevant factors. Boating facilities shall be located adjacent to the deepest water available. The number of spaces provided for continuous beaching, mooring, or docking of water craft must not exceed one for each allowable dwelling unit or site in the first tier (not withstanding existing mooring sites in an existing commercially used harbor). Individual docks shall not be allowed. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers, and their watercraft shall be stored outside the building setback line. All shore recreational facilities shall be approved by the Aitkin County Planning Commission;
- (5) structures, parking areas, and other facilities must meet or exceed the structure setbacks in Section 5.21, and must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
- (6) accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and
- (7) water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 5.22 of this ordinance and are centralized.

## **7.9 Conversions**

Existing resorts or other land uses and facilities may be converted to residential developments if all of the following standards are met:

- 7.91** Proposed conversions must be initially evaluated using the same procedures for residential developments involving all new construction. All inconsistencies between existing features of the development and these standards must be identified.
- 7.92** Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
- 7.93** Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
  - (1) removal of extraneous buildings, docks, boat launching areas and ramps, or other facilities that no longer need to be located in shore or bluff impact zones;
  - (2) remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
  - (3) if existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where

feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

- 7.94** Existing dwelling unit or dwelling site densities that exceed standards in Section 7.5 may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Adopted by the Aitkin County Board of Commissioners this 24th Day of  
April, 2018.

\_\_\_\_\_  
**Chairperson**  
**Aitkin County Board of Commissioners**

**Attest:**

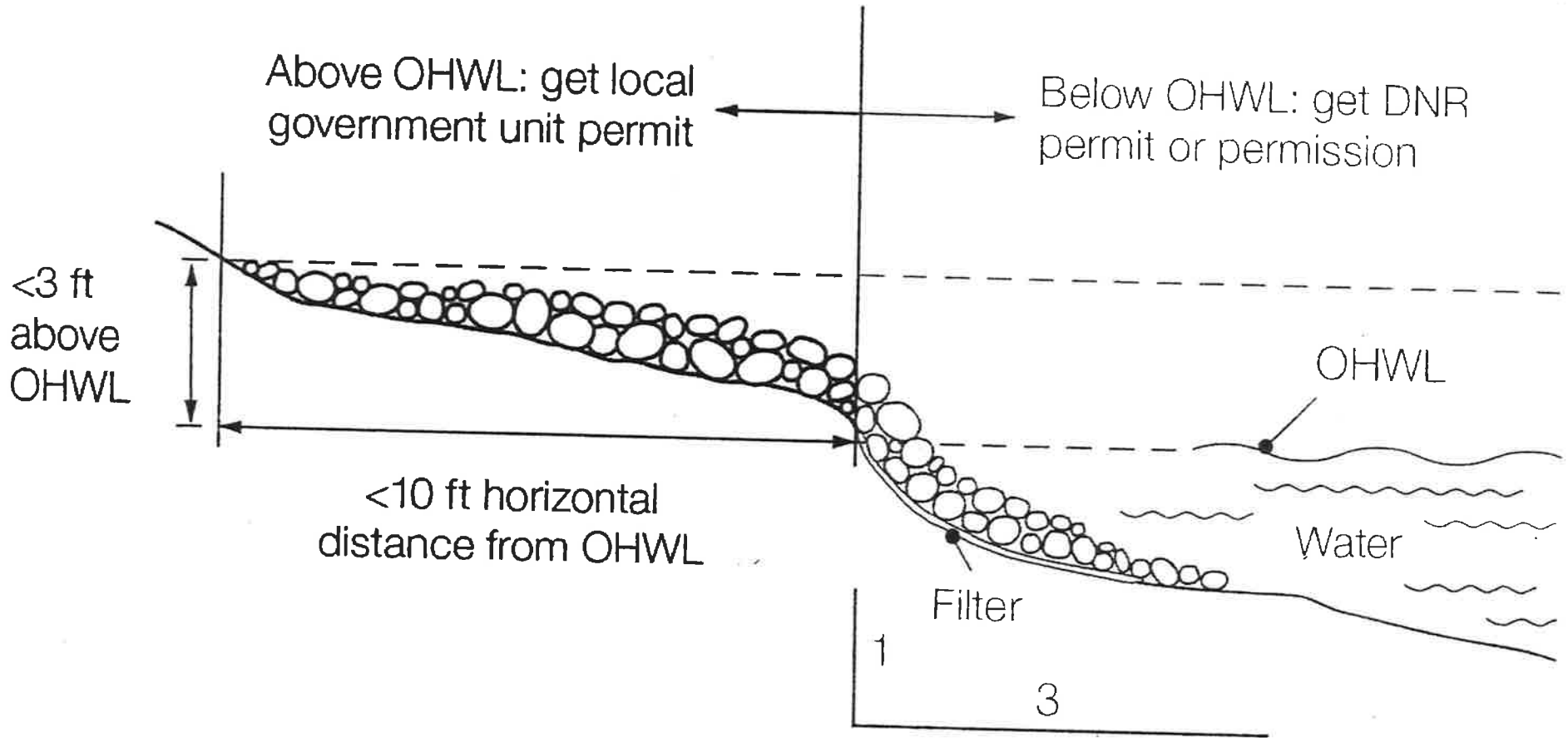
\_\_\_\_\_  
**Jessica Seibert**  
**Aitkin County Administrator**

**Approved as to Form:**

\_\_\_\_\_  
**Jim Ratz**  
**Aitkin County Attorney**

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# Riprap Guidelines



Finished slope below OHWL must be less than a 1:3 ratio