

# Aitkin County Zoning Ordinance **draft 2-27-18**

## [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the zoning ordinance adopted April 1970 and subsequent revisions thereof and said ordinance of April 1970 shall be repealed as of the effective date of the ordinance herein.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 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 Sewage Treatment System and Wastewater Ordinance No.1 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 ~~42~~ 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 (~~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 (100) 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 member ship 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 ~~on~~ **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).
- (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 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.
- E. The owner must be in compliance with all local, state and federal statutes, rules, regulations and permit requirements at all times.
- F. 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 owners residence.
- G. 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.
- H. All animals at the property must have current vaccinations.
- I. 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.

- J. All dogs must be kept indoors at night, during feeding, and when the dogs are not supervised.
- K. Except for traditional sled dog species, chaining or tethering shall not be used for confining animals.
- L. Kennel facilities shall be designed to accommodate seasonal extremes including adequate heating, cooling, ventilation and lighting.
- M. An indoor confinement area must be ventilated. Drafts, odors, and moisture condensation must be minimized.
- N. 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.
- O. Clean, potable water must be made available to all animals at least twice daily.
- P. All feeding and water receptacles must be kept clean and sanitary.
- Q. Animals with any clinical evidence of infections, contagious or communicable disease must be separated from other animals.
- R. The owner must keep the kennel free of nuisance conditions caused by, but not limited to, noise, smell, insects, rodents and other pests.
- S. Runoff from the kennel area shall be treated onsite by natural vegetation or other means to prevent contamination of surface or ground water.
- T. All dogs over 6 months of age shall be exercised daily.
- U. Kennel facilities must be cleaned and disinfected as often as necessary to maintain clean and sanitary conditions.
- V. 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.
- W. 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	€ P	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
<b>Exotic Animals</b>	<b>NP</b>	<b>NP</b>	<b>C</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>
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	<del>P</del> 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