

Aitkin County Board of Commissioners
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: February 4, 2013

Via: Patrick Wussow, County Administrator

From: Terry Neff, Environmental Services Director

Title of Item:

Amendment to Zoning Ordinance

Requested Meeting Date: February 12, 2013 Estimated Presentation Time: 10

Presenter: Terry Neff, Environmental Services Director

Type of Action Requested (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute _____
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) _____

Fiscal Impact (check all that apply)

- Is this item in the current approved budget? Yes No (attach explanation)
- What type of expenditure is this? Operating Capital Other (attach explanation)
- Revenue line account # that funds this item is: _____
- Expenditure line account # for this item is: _____

Staffing Impact (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected. Yes No
- Applicable job description(s) may require revision. Yes No
- Item may impact a bargaining unit agreement or county work policy. Yes No
- Item may change the department's authorized staffing level. Yes No



Supporting Attachment(s)


- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) _____

Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.

-Aitkin County Environmental Services Planning and Zoning
209 Second Street NW
Room 100
Aitkin, MN 56431
Phone: 218-927-7342
Fax: 218-927-4372



MEMORANDUM

DATE: February 4, 2013
TO: Aitkin County Board of Commissioners
FROM: Terry Neff, Environmental Services Director 
RE: Public Hearing for Amendments to the General Zoning Ordinance

The Ordinance Review committee consisting of: Commissioner - Brian Napstad, Commissioner - Anne Marcotte, Pete Gansen - P&Z, Steve Hughes - SWCD, Rich Courtemanche – Land Dept., Pat Wussow – Administrator, Jim Ratz – Attorney and myself, met on February 1, 2013 to review proposed changes to the General Zoning Ordinance. As mentioned in my January 15, 2013 memo to the Board, the proposed changes are to address vacation/private home rentals and interim uses, update sections 1, 3, 6-11, 13,14,16,17, Appendix A and Article 14. Most of the sections need to be amended to allow the aforementioned uses. Other sections proposed for amendment address current office procedures, reference appropriate ordinances, and update language. Appendix A is the list of uses that are permitted, conditional use permit required or not permitted. This list has not been updated for decades and is in need of amendment. Article 14 is the Zoning Table that also needs updating. Enclosed is a copy of the proposed amendments. ~~Strikethrough~~ is language that is proposed for deletion and **red** is proposed new language.

At the February 12, 2013, Aitkin County Board of Commissioners meeting, I will be requesting approval to hold the public hearing on the proposed amendments before the Aitkin County Planning Commission on March 18, 2013.

If you have any questions prior to the meeting, please contact me at 218-927-7342 or by e-mail at tneff@co.aitkin.mn.us.

enclosure

c:\ctybrd\ctybrd2013

[SECTION 1] STATUTORY AUTHORIZATION

In second paragraph change "Aitkin County Upper Mississippi River Conservation Ordinance" to "~~the~~ **the Mississippi Headwaters Board Management Plan**".

[SECTION 3] DEFINITIONS

3.05, (1) – eliminate.

3.13 – "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 ~~three feet~~ **thirty (30) inches** above ground.

3.52 – "Sewage Treatment System" means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described in ~~Section 18.04~~ **Aitkin County Individual Sewage Treatment System and Wastewater Ordinance No.1 and subsequent amendments of this ordinance.**

Add definition of:

"Department" - means the Aitkin County Environmental Services Department.

"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.

"Vacation/Private Home Rental" – 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 (31) consecutive days.

[SECTION 6] EXTRACTIVE USE STANDARDS

6.00, 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 Article 11.00 of this ordinance, and then only if all of the ~~following~~ standards and requirements **of the Aitkin County Mining and Reclamation Ordinance** are met.

6.00, A, 1 – eliminate.

6.00, A, ~~2~~ **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 ~~prepare a rehabilitation plan for the site addressing mitigation of the effects of erosion, sedimentation, and restoration of the site and shall conform to fulfill such plans~~ **comply with Section 3.8 of the Aitkin County Mining and Reclamation Ordinance.**

6.00,A,3 – change to 6.00,A, **2.**

[SECTION 7] SPECIAL PROVISIONS: MOBILE HOME AND MOBILE HOME PARKS

7.03,f and 7.05,A,B – change number of copies to be submitted from seven (7) to **eleven (11)**, and number of copies to the planning commission from two (2) to **five (5)** and include the **Township Chairperson** to get a copy.

[SECTION 8] ADMINISTRATION

8.31 – ~~Certificate of Sanitary Sewer Compliance is required as defined in Section 18.04.~~ **A septic system Certificate of Compliance is required as defined in the Aitkin County Individual Sewage Treatment System Ordinance No.1 and subsequent amendments.**

[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, ~~with a maximum of two (2) consecutive full terms.~~ 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 ~~chairman~~ **chairperson**, ~~vice-chairman~~ **chairperson**, and secretary.

SubSection 2. The ~~chairman~~ **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-chairman~~ **chairperson** shall act for the ~~chairman~~ **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 ~~chairman~~ **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 Article IV, SubSection 1**, shall follow immediately thereafter.

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

9.05 Meetings:

SubSection 1. Meetings shall be held on the third Monday of each month at ~~4:00~~ 7:30 P.M., in the Aitkin County Courthouse unless otherwise specified by the ~~chairman~~ 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 ~~chairman~~ chairperson. It shall be the duty of the ~~chairman~~ 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. Roll Call;~~
- ~~b. Reading of minutes of previous meeting;~~
- ~~c. Communications;~~
- ~~d. Reports of officers and committees;~~
- ~~e. Old business;~~
- ~~f. New business; and~~
- ~~g. Adjournment.~~

- 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. 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 (20) five (5)** 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 removable **ed** for a cause by a majority vote of the County Board of Commissioners upon the filing of written **charges 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 **charges 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, ~~however,~~ **S**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 two (2) years, with a maximum of three (3) consecutive full terms. 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 ~~chairman~~ **chairperson**, ~~vice-chairman~~ **chairperson**, and secretary.

SubSection 2. The ~~chairman~~ **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-chairman~~ **chairperson** shall act for the ~~chairman~~ **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 ~~Chairman~~ **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 ~~Chairman~~ **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. ~~Roll Call~~
- b. ~~Reading and approval of minutes of preceding meeting~~
- c. ~~Reports of committees~~
- d. ~~Hearings of appeals~~
- e. ~~Old Business~~
- f. ~~New business, and~~
- g. ~~Adjournment~~

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. Adjourn meeting.

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 laid held over. The Chairman 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 Chairman chairperson shall then call for a vote on the case that had been laid 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. ~~Statement of the case by the chairman~~
- b. ~~The argument in favor of the appeal~~
- c. ~~The argument in opposition to the appeal and,~~
- d. ~~Rebuttal by both sides.~~

- 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, or condition, **or a minimum of twelve (12) months has passed.**

10.08 Decisions:

SubSection 1. Time of Decisions: Final decision of the Board shall be made ~~no later than thirty (30) days from the date of the hearing~~ **according to MN Statutes Section 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 ~~Chairman~~. **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 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 (20) five (5)** 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 MN Statutes Section 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 (20) five (5)** 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 ~~removable~~**ed** 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 ~~charges~~ **causes**.
- 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 MN Statutes Section 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 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 ~~conditional~~ **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 ~~conditional~~ use will not increase local or state expenditures in relation to costs of servicing or maintaining neighboring properties;
3. That the location and character of the proposed ~~conditional~~ use are considered to be consistent with a desirable pattern of development for the locality in general;
4. That the proposed ~~conditional~~ use conforms to the comprehensive land use for the County;
5. That adjoining property owners, and others required to be given notice pursuant to Minnesota Statutes, Chapter 394, have been given written notice pursuant to Minnesota Statutes, Chapter 394, of the proposed ~~conditional~~ use and of the hearing before the Planning Commission;
6. That other applicable requirements of this ordinance, or other ordinances of the County have been met.
7. The ~~requested~~ **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 deem 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 13] VIOLATIONS AND PENALTIES

13.04 Change \$700.00 to \$1,000.00. Also change the last sentence to read "Each day that a violation is permitted to exist shall constitute a separate offense and shall be the duty of the County Attorney to institute proper action. 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

14.01 Late Application Fee: ~~Late application fee may be levied up to a triple 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 16]

16.0 – Sanitary Systems Installer Permits: Eliminate entire subpart including a.,b.,c.,d.

[SECTION 17]

Eliminate 17.0, a,b, and c. and replace with the following:

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 one (5) year in order to determine the compliance level of the owner with the conditions of approval. Subsequent renewals shall not be for more than five (5) years. 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. Detailed and to scale floor plan of the structure, including the number of bedrooms and all sleeping accommodations,
 - 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 and sewage treatment systems.
 - d. Rules and regulations for guests and emergency contact information (police, fire, hospital, septic tank pumper).
 - 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.
- (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 Owner shall allow the County access to the interior of the structure to verify the information on the submitted plans in preparation of staff analysis of the request for the Planning Commission.
- (5) 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.

- (6) On-site parking shall be provided which is sufficient to accommodate the occupants of the vacation/private home rental. On-site parking shall only be on an improved surface (gravel, asphalt, or concrete). 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.
- (7) The use of recreational vehicles, tents, accessory structures or fish houses to obtain additional occupancy is prohibited.
- (8) Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Mn 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.
- (9) On premise advertising signs are prohibited.
- (10) The owner shall provide a visual demarcation of the property lines as determined by the Planning and Zoning Administrator or designee.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) The Planning Commission may impose noise standards in order to assist in reducing potential impacts on neighboring properties.
- (16) All vacation/private home rentals, operating prior to the effective date of these standards, shall be in compliance with this Section within one hundred twenty (120) days of the effective date of these standards.

17.01 Water Supply and Sewage Treatment

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 Individual Sewage Treatment System and Wastewater Ordinance No.1 and subsequent revisions.** ~~Minnesota Pollution Control Agency's ...~~ A copy of which is hereby adopted by reference and declared to be a part of this ordinance
- C thru J – Eliminate.

APPENDIX A- CLASSIFICATION LIST

An open circle, \emptyset 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”. An X 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

CLASSIFICATION LIST	FR	R	C	M	P	O
Advertising display, mfg.	NP	NP	\emptyset C	XP	np	np
Ag. Impl., distr., display, rep., sale	\emptyset C	NP	XP	XP	np	np
Airport, public, private	\emptyset C	NP	NP	NP	\emptyset c	\emptyset c
Amusement park	\emptyset C	NP	\emptyset C	NP	\emptyset c	np
Animal Hospital	\emptyset C	NP	\emptyset C	XP	C	C
Antique Sales	\emptyset C	\emptyset C	XP	XP	C	C
Antique Displays, auto, mach., etc.	\emptyset C	NP	XP	XP	npC	C
Appliance rep., small hshld and/or sales	\emptyset C	\emptyset C	XP	XP	npC	C
Armory	XP	XP	XP	NP	XP	\emptyset c
Asphalt products & processing	\emptyset C	NP	C	\emptyset C	\emptyset c	\emptyset c
Assc., (clubs, lodges) private	\emptyset C	\emptyset C	XP	NP	np	np
Athletic club	\emptyset C	NP	XP	NP	np	np
Athletic field	XP	XP	XP	XP	XP	XP
Auditorium, Assembly Hall	XP	XP	XP	NP	XP	XP
Auto, Truck, Sales, repair and parts	\emptyset C	NP	XP	XP	np	C
Bakery mfg., sales (small home operation)	\emptyset C	\emptyset C	XP	NP	np	\emptyset c
Baked goods, mfg. (industrial type)	NP	NP	\emptyset C	XP	np	np
Bank & Trust Co., Loan Co.	\emptyset C	\emptyset C	XP	NP	np	np
Bar, Saloon, Cocktails, Tavern	\emptyset C	NP	XP	C	\emptyset c	C
Beauty Shop	XP	\emptyset C	XP	XP	\emptyset c	\emptyset c
Bed and Breakfast	C	C	NP	NP	C	C
Beverage, Wholesale, and Storage	\emptyset C	NP	XP	XP	np	np
Bicycle, Snowmobile, rep and sales	\emptyset C	NP	XP	XP	np	C
Bottled Gas, Storage, Distribution	\emptyset C	NP	\emptyset C	XP	np	C
Bowling Alley	\emptyset C	\emptyset C	XP	XP	np	np
Broadcast Studio (Radio & TV)	\emptyset C	\emptyset C	XP	XP	\emptyset c	\emptyset c

Bldg. Contractor, large equip warehouse	⊖ C	NP	⊖ C	XP	np	C
Bldg. Contractor, light res. & general	XP	⊖ C	XP	XP	C	C
Bldg. Materials, storage & sales	⊖ C	⊖ C	XP	XP	⊖c	⊖c
Brewery/Distillery	C	NP	P	P	C	C
Bus Line, depot, garage, repair	NP	NP	XP	XP	np	np
Bus Storage (school) (private)	XP	⊖ C	XP	XP	XP	XP
Business Office, general	⊖ C	⊖ C	XP	XP	C	⊖c
Business Office, professional	XP	XP	XP	XP	XP	⊖c
CLASSIFICATION LIST	FR	R	C	M	P	O
Café, restaurant, supper club	⊖ C	NP	XP	XP	⊖c	⊖c
Campground, private & public	⊖ C	⊖ C	⊖ C	NP	⊖c	⊖c
Carpenter Shop & Power Woodworking	⊖ C	NP	⊖ C	XP	C	C
Carpet & Rugs, sales & storage	⊖ C	⊖C	XP	XP	⊖c	⊖c
Carwash	⊖ C	NP	XP	XP	⊖c	⊖c
Cement, concrete, mfg., sales & storage	C	NP	C	XP	np	C
Cemetery (except family burial)	⊖C	⊖C	NP	NP	⊖c	⊖c
Childcare Center, playschool	⊖C	⊖C	⊖C	NP	⊖c	⊖c
Church, synagogue	XP	XP	XP	NP	XP	XP
Coin machine, rental & service	⊖C	NP	XP	XP	np	C
College	XP	NP	XP	NP	⊖c	⊖c
Community Center, town hall	XP	XP	XP	NP	XP	XP
Convent	XP	XP	XP	NP	XP	⊖c
Curio & Souvenir Shop	⊖C	NP	XP	NP	⊖c	⊖c
Dairy Farm (exclusive of residence)	XP	⊖C	NP	NP	P	⊖p
Dairy Products, sales & storage	XP	NP	XP	XP	O	XP
Dance Hall, Pavilion	⊖C	NP	NP	XP	⊖c	C
Disposal Plant, sewage	⊖C	⊖C	⊖C	⊖C	⊖c	⊖c
Dog Pound, kennel	XC	NP	⊖C	XC	Xc	⊖c
Drive-In Restaurant	⊖C	NP	XP	XP	⊖c	C
Drive-In Theater	⊖C	NP	⊖C	⊖C	⊖c	C
Driving Range, golf	⊖C	NP	XP	NP	Xc	C
Dry Cleaning, Bulk processing	NP	NP	XP	XP	np	np
Dwelling, single family (mobile)	XP	XP	⊖C	⊖C	XP	XP
Dwelling, duplex	XP	XP	⊖C	⊖C	⊖c	⊖c
Dwelling, multiple	⊖C	⊖C	⊖C	⊖C	⊖c	⊖c
Eggs, Poultry Farm	XP	⊖C	⊖C	XC	XP	XP
Electric Company, substations	⊖C	⊖C	⊖C	⊖C	⊖c	⊖c
Elevators, grain, corn, etc.	⊖C	⊖C	⊖C	XP	⊖c	⊖C
Essential Services	XP	XP	XP	XP	XP	XP
Explosives	NP	NP	NP	⊖C	np	np
Express Co., warehouse, garage	⊖C	⊖C	⊖C	XP	⊖c	⊖c
Fairground	⊖C	NP	⊖C	⊖C	XP	⊖c
Farm (except livestock & poultry, commercial)	XP	XP	XP	XP	XP	XP
Farm (including livestock & poultry, comm.)	XP	⊖C	⊖C	⊖C	XP	XP

Farm, hobby	XP	OC	OC	OC	XP	XP
Florist, greenhouse, nursery & sales	XP	OC	XP	XP	XP	XP
Forestland, private, commercial, public	XP	XP	XP	XP	XP	XP
Frozen food, cold storage locker	OC	NP	XP	XP	C	C
Fur farm, preparation, storage	XC	NP	OC	OC	OC	OC
Game preserve	XP	OC	NP	NP	XP	XP
Game Farm (with hunting)	OC	NP	NP	NP	OC	OC
CLASSIFICATION LIST	FR	R	C	M	P	O
Garage, public storage	OC	NP	XP	XP	XC	OC
Gasoline-Commercial retail	OC	NP	XP	NP	XC	XC
Golf Course	OC	OC	NP	NP	XC	XC
Gravel Pit, exclusive of crushing	XC	OC	XC	XC	XC	XC
Gravel Pit, quarry, crushing operation	OC	OC	XP	XC	OC	OC
Grocery (with bait)	OC	OC	XP	XP	OC	C
Group Home (handicapped)	OC	OC	OC	NP	OC	OC
Home, Old Age, Children, Nursing, Maternity	XP	OC	OC	NP	OC	OC
Home Occupation (small)	XP	OC	OC	NP	OC	OC
Hospital, public, private	OC	OC	OC	NP	OC	OC
Housing, group or cluster (PUD)	OC	OC	OC	OC	OC	OC
Ice, Manufacturing, Sales	OC	NP	XP	XP	OC	OC
Ice Skating Rink, Outdoor & Public	XP	OC	XP	XP	OC	OC
Industrial Park (PUD)	OC	NP	OC	XP	np	np
Junk & Salvage Yard	OC	NP	NP	OC	np	np
Laboratory, research, commercial, etc.	OC	NP	XP	XP	OC	OC
Laundry, bulk processing	NP	NP	XP	XP	np	np
Laundromat	OC	NP	XP	XP	OC	OC
Liquor, off-sale	OC	NP	XP	XP	OC	OC
Lumber yard, retail	OC	NP	XP	XP	OC	OC
Machine Shop & Factory	OC	NP	OC	XP	np	np
Meat processing, Locker plant	OC	NP	XP	XP	C	C
Mineral Exploration	OC	OC	OC	OC	OC	OC
Mining, quarry, equipment, crushing, etc.	OC	OC	OC	OC	OC	OC
Mobile home, seasonal or travel trlr, temp.	XC	OC	XP	NP	XC	XC
Mobile home park	OC	OC	OC	NP	OC	OC
Motel	OC	NP	XP	OC	OC	OC
Museum, historical display	OC	NP	XP	NP	OC	OC
Oil products, fuel storage (bulk)	NP	NP	OC	XP	np	np

Paper & Wood products, processing	C	NP	OC	OC	np	C
Park, Playground, (no overnight)	XP	XP	XP	XP	XP	XP
Pipe, culvert, mfg.	OC	NP	OC	XP	np	C
Pipe Line, gas, oil, etc.	OC	OC	OC	OC	OC	OC
Printing, lithograph, photo, etc.	OC	NP	XP	XP	np	np
Professional office, doctor, etc.	XP	OC	XP	XP	OC	OC
Public Bldg., including utility plant	OC	OC	XP	XP	XP	OC
Race Track	OC	NP	OC	OC	OC	OC
Radio, TV transmitting station	OC	NP	OC	XP	OC	OC
Railroad, service & repair	NP	NP	NP	XP	np	np
CLASSIFICATION LIST	FR	R	C	M	P	O
Retail stores, sales (not specified)	OC	NP	XP	XP	OC	OC
Resort, rental cabins, including residence	XC	OC	XP	OC	OC	OC
Roadside Park, rest (no overnight)	XP	XP	XP	XP	XP	XP
Roller Skating Rink, indoor ice skating	OC	NP	XP	XP	OC	OC
Sauna, steam bath, commercial	OC	NP	XP	OC	OC	OC
Sawmill	OC	NP	OC	XP	OC	OC
Sawmill portable (temporary)	XP	NP	XP	XP	XP	XP
School, public & private	XP	OC	XP	NP	OC	OC
School, commercial (beauty, etc.)	OC	NP	XP	XP	OC	OC
Second Hand Store, Flea Market	OC	NP	XP	OC	OC	OC
Septic Tank Mfg.	OC	NP	OC	XP	np	O
Shopping Center (PUD)	OC	NP	XP	OC	OC	OC
Shooting Range (trap, skeet, rifle, archery)	OC	NP	NP	NP	OC	OC
Solid Waste Site (Hazard, Toxic)	-----	NOT	PER	MIT	TE	D
Solid Waste Disposal Site	OC	NP	NP	NP	OC	OC
Swimming Pool, public	OC	NP	XP	NP	OC	C
Taxidermist	XP	OC	XP	XP	OC	OC
Tire Repair, equipment, sales	OC	NP	XP	XP	OC	OC
Timber harvest, logging operation	XP	OC	XP	XP	XP	XP
Transmitter Towers	OC	NP	OC	XP	OC	OC
Vacation/Private Home Rental	C	C	C	C	C	C
Water Reservoir	XP	XP	XP	XP	XP	XP
Welding Shop	OC	NP	OC	XP	C	C
Wood products, secondary (pallet, etc.)	OC	NP	OC	XP	OC	OC

[Article 14 Appendix B– Zoning Tables]

Section 14.00 Zoning Schedule

General Category	Zone District	Examples of Permitted Uses *	Lot Width	Per Unit Lot Area** (Minimum Lot Size)	Road Setback from right of way Trunk Highways				Side yard Setback ***	Bldg. Lot Cov.
					Federal	State	County	Township		
Farm-residential	F-R	Single & 2 family dwellings, agricultural, forestry, & seasonal use, etc.	300'	2.5 acres – if platted 5 acres – metes and bounds	50'	50'	50'	30'	20'	35%
Residential	R	Single & 2 family dwellings, churches, accessory use or structure, etc.	100'	Individual water supply 20,000 sq. ft. 1 st unit, 10,000 sq. ft. each add. Unit.	50'	50'	50'	30'	10'	35%
			100'	Multiple ownership water supply 14,000 sq ft 1 st unit, 7,000 sq. ft. each add. Unit.	50'	50'	50'	30'	10'	35%
			75'	Multiple ownership water supply & sewer system, 10,000 sq. ft. 1 st unit, 5,000 each add. Unit.	50'	50'	50'	30'	10'	35%
Commercial	C	Shopping centers, General commercial uses, shop, etc. XXXX	100'	Same as R district	50'	50'	50'	30'	10'	50%
Manufacturing Industrial	M	Limited Industry, warehouses, small repair shops, etc.	100'	20,000 sq. ft.	50'	50'	50'	30'	20'	50%
Public Multi-Purpose	P (6R)	Parks, Recreation, State Forest, etc.	300'	2.5 acres – if platted 5 acres – metes and bounds	50'	50'	50'	30'	20'	35%
Open Space	O	Agricultural & Forestry uses. Flood plains, swamp lands, and other areas unsuitable or unsafe for development.	300'	2.5 acres – if platted 5 acres – metes and bounds	50'	50'	50'	30'	20'	35%

Shoreland (See Shoreland Management Ordinance)		Lands within 1,000 ft. of lake, pond, or flowage & 300 ft from river or stream. (3 classes).								
GENERAL DEVELOP- MENT	GD	Structural set- back 75' Sewer setback- 50'	100'	20,000 sq. ft.	50'	50'	50'	30'	10'	30%
	RD	Structural setback 100' Sewer setback 75'	150'	40,000 sq. ft.	50'	50'	50'	30'	10'	30%
RECREAT- IONAL DEVELOP- MENT	NE	Structural set- back 200' Sewer setback 150'	200'	80,000 sq. ft.	50'	50'	50'	30'	10'	30%
NATURAL ENVIRON- MENT										

*This list is representative only. See section 19.00 Appendix A for a more complete classification list and conditional uses. **Greater area, if needed to meet soil conditions (See subdivision platting regulations). ***~~Accessory buildings may be constructed within ten (10) feet of the side and rear lot lines in some districts provided that no portion of the structure shall extend within seven (7) feet from any lot line and that building's housing livestock shall not be closer than thirty five (35) feet for any lot line or dwelling and shall comply with state and county health requirements. XXXX Same as Article 4.01e.~~

Note: Lots within an approved subdivision plat may meet the minimum requirements of the R zone and State Shoreland Management Standards.

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