



Board of County Commissioners Agenda Request

3A
Agenda Item #

Requested Meeting Date: January 24, 2017

Title of Item: Proposed Zoning and Shoreland Ordinance Amendments

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <i>*provide copy of hearing notice that was published</i>
Submitted by: Terry Neff, Environmental Services Director		Department: Environmental Services
Presenter (Name and Title): Terry Neff, Environmental Services Director if needed.		Estimated Time Needed: 30 min
Summary of Issue: See attached memorandum.		
Alternatives, Options, Effects on Others/Comments: Proposed amendments satisfy supreme court decision regarding signs, provide an allowance for patios, reference appropriate sections of ordinance, allow secondary dwellings, update definitions, etc.		
Recommended Action/Motion: Approval of proposed amendments.		
Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ N/A Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

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: January 10, 2017
TO: Aitkin County Board of Commissioners
FROM: Terry Neff, Environmental Services Director 
RE: Proposed Amendments to the Shoreland Management Ordinance and Zoning Ordinance

The Ordinance Review Committee consisting of: Brian Napstad – Former Commissioner, Anne Marcotte - Commissioner, Pete Gansen - P&Z, Steve Hughes - SWCD, Nathan Burkett – Former County Administrator and myself, met several times over the past few months to review proposed changes to the Zoning and Shoreland Management Ordinances.

A public hearing was held before the Aitkin County Planning Commission on December 19, 2016. Two members of the public were in attendance, both Farm Island Township representatives. Enclosed is a copy of the proposed amendments to each of the Ordinances. ~~Strikethrough~~ is language that is proposed for deletion, **red** is proposed new language by the Ordinance Committee and **green** is proposed language by the Planning Commission.

At the January 24, 2017, Aitkin County Board of Commissioners meeting I will be present to answer any questions the Board may have regarding the proposed amendments. If the proposed amendments are satisfactory to the Board, I will be requesting adoption of the proposed amendments.

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

c:\ctybrd\ctybrd2017

December 22, 2016

General Ordinance Proposed Amendments 2016

[SECTION 3] DEFINITIONS AND REGULATIONS

3.26A 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.

3.54 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.

3.57 Sign: "Sign" means any display or device designed to inform ...

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 of 50 feet or more 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.

[SECTION 5]

SIGNS (DISPLAYS)

5.0 Purpose: It is the intent of this ordinance to permit business 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 advertising 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 advertising structure is not caused to exceed any size limitation imposed by this ordinance.
- b. Lighted advertising 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 Exceptions: A permit shall not be required for the following classes of signs:~~

5.04 Signs – No Permit Required:

~~a. Class A Signs: 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. Class B Signs: B. On-premises real estate 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 50 feet.**~~

- ~~1. Flags and insignias of any government except when displayed in connection with commercial promotion.~~
- ~~2. Legal notices, identification, information, or directional signs erected by governmental bodies.~~
- ~~3. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.~~
- ~~4. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.~~
- ~~5. A temporary sign indicating real estate for rent or for sale related to the premises only on which it is located.~~
- ~~6. Political poster in accordance with applicable state laws provided that they are removed within ten (10) days following the election for which they were intended.~~

C. Off-premises directory signs in the specific interest of the traveling public which advertise a business activity, an area of interest, or a service available at the specific location within twelve (12) air miles of the premises on which it is located.

a. Type 1: ~~Recreational directory signs indicating the direction to a cottage, resort, residence, or similar use. Such signs that identify the dwelling owners. Such signs shall not exceed four (4) square feet in area. When a common posting is provided all such signs shall be attached thereto.~~ Recreational 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.

5.03 2 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 shall have an electronic or mechanical changeable message at intervals of less than five (5) minutes, except for that portion of a sign that displays time and temperature.~~ PC recommends leaving in – could lead to unforeseen problems.
- fe. No sign structure shall be so designed that both sides of the structure can be viewed from any one traffic lane.

5.034 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.

5.045 Classification of Signs Requiring Permit:

- A. On-Premise Signs: ~~On-premise signs, which advertise business activity or service performed on the property.~~ 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.

~~1. Class C Signs: Type 1:~~

- ~~a. Type 1: Signs advertising a permitted home occupation or professional office in residential area. Such signs shall not exceed nine (9) square feet in area, and if illuminated shall be indirectly lighted. No more than one (1) such sign for each use located on the premises shall be permitted. No permit necessary.~~

- ~~b. Type 2: Signs or bulletin boards for public, charitable, or religious institutions. Such signs **in the farm/residential, open and public zoning districts** shall not exceed **sixteen 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. Such signs may be placed at the right-of-way line of the roadway. Permit required, however, no fee for permit.

Type 2:

- ~~e. Type 3: Signs advertising a business activity or service available in a commercial or manufacturing zoning district industrial area, or a business that is permitted in the zoning district or a business on commercially assessed property that is allowed with a conditional use permit, shall have no~~ 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. ~~No more than one (1) such sign for each story may be attached to a building facade, and no sign may project more than four (4) feet beyond a building when attached thereto, or be higher than four (4) feet above the top roof line. Free standing signs shall not exceed twenty-two (22) feet in height from above the ground.~~
 - ~~d. Type 4: Signs advertising the sale of farm products on the premises. Such signs shall not exceed twenty four (24) square feet in area, and no more than three (3) non-lighted signs advertising produce may be erected within one hundred (100) feet of the stand.~~
 - ~~e. Type 5: Signs advertising a resort or recreational business activity or products available. Such signs shall not exceed twenty four (24) square feet in area, and no more than one (1) such sign for each roadway upon which the property faces shall be permitted.~~
- 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 ~~ten (10) feet off the right-of-way line of the roadway~~ outside the road right-of-way, unless otherwise specified. All other setback distance requirements of the underlying zoning district must be met.
- ~~1. Class D Signs: Signs or billboards which advertise general brand of product, an area of interest, a business activity or service available which is not in direct relation to the use of the premises on which it is located. Such signs shall not exceed two hundred (200) square feet in area. Free standing signs shall be erected outside a line parallel with and ten (10) feet from the roadway right-of-way, shall not exceed twenty-two (22) 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 advertising 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.**

2. ~~Class E Signs: Off-premises directory signs in the specific interest of the traveling public which advertise a business activity, an area of interest, or a service available at the specific location within twelve (12) air miles of the premises on which it is located.~~
 - a. ~~Type 1: — Recreational directory signs indicating the direction to a cottage, resort, residence, or similar use. Such signs shall not exceed four (4) square feet in area. When a common posting is provided all such signs shall be attached thereto. Recreational 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.~~
 - b. ~~Type 2: — Signs advertising a business or service available. Such signs shall not exceed twenty-four (24) square feet in area, and no more than two (2) such signs relating to any one use shall be permitted in the approaching direction along any one roadway.~~

5.056 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.

- 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 ~~and these grading and filling activities not exempted by Section 3.70 of this ordinance.~~ Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator 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 ~~18~~ **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 ~~3.70~~ 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.

16.0 Travel Trailer Park Campground:

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

17.0 (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, including the number of bedrooms with dimensions and all other 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 (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).

17.01, B – All private sewage treatment systems must meet or exceed the Aitkin County Individual ~~Subsurface~~ Sewage Treatment System and Wastewater Ordinance No. 4 and

...

Classification List – “Group Home” – change to “Group Home – 7 or more residents”.

- “Dwelling – Secondary Unit” – allow as permitted in Farm Residential, Public and Open and as a CUP/IUP in Residential, Commercial and Manufacturing.
-

Appendix B – add to Farm Residential, Open and Public, under “Examples of Permitted Uses” – Dwelling – Secondary Unit and Duplex dwellings (in Farm Residential 2 family dwelling will be changed to Duplex Dwelling).

Appendix B – In Residential , under “Examples of Permitted Uses” – change 2 family dwelling to Duplex Dwelling.

Appendix B – under the General Category column “Open Space”.

c:\terry\ordinance\genord12-2016amend

December 24, 2016

Shoreland Ordinance Proposed Amendments 2016

- 2.6 – at the end of the paragraph add – “Mississippi Headwaters Board Comprehensive Management Plan”.
- 2.711 **Accessory structure or facility.** “Accessory structure” or “facility” means any building or improvement subordinate to a principal structure which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks. An accessory structure shall not be used for human habitation. **Examples of accessory structures are, but not limited to, garages, pole buildings, sheds, gazebos, decks, platforms, storage containers, fish houses, and similar structures.**
- 2.719a **Building Coverage.** “Building Coverage” means the ground surface covered by any building or appurtenance, including, but not limited to, decks, ~~platforms,~~ overhangs and projections therefrom, outdoor furnaces, fishhouses, sheds, carports, lean-to’s, or any similar building. **Building coverage does not include eaves of 24 inches or less.**
- 2.728 **Deck.** “Deck” means a horizontal, unenclosed platform, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point the deck surface extends more than ~~thirty~~ **six** inches above ground. For ...
- 2.740 **Guest cottage.** “Guest cottage” means a structure used as a dwelling unit that ~~may contains~~ sleeping spaces and/or kitchen and/or ~~bathroom~~ **bathing** facilities **or any other feature that would make the structure more oriented towards a sleeping unit** in addition to those provided in the primary dwelling unit on a lot.
- 2.740A **Habitable Structure.** “Habitable Structure” means a structure which contains one or more of the following – one or more sleeping areas, bath tub, **or** shower, ~~toilet facilities, or any other feature that would make the structure more oriented towards a dwelling unit than an accessory structure.~~
- 2.744 **Impervious surface coverage.** “Impervious surface coverage” means any structure, facility or surface that sheds water including structures and facilities, sewage treatment system absorption areas (equal to 190 sq.ft./bedroom), retaining walls, and roadway surfaces and parking areas. Impervious surface does not include eaves of ~~two feet~~ **24 inches** and less.
- 2.759 **Patio.** “Patio” means any surface other than a deck ~~or platform~~ that is used in a similar manner as a deck ~~or platform~~ **but does not exceed 6 inches above grade, excluding accessories.** Sidewalks less than five (5) feet in width are not considered patios.
- ~~2.762 Platform...~~

2.776 **Setback.** "Setback" means the minimum horizontal distance between a structure, including overhangs, eaves or projections (of greater than twenty four (24) inches) therefrom, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road right-of-way, property lines, or other facility.

2.785 **Steep slope.** "Steep slope" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 of 18 percent or more, as measured over horizontal distances of 50 feet or more, that are not bluffs.

2.786 **Structure.** "Structure" means any building or appurtenance, including decks, platforms, patios within the building setback from the OHW, overhangs and ...

3.11 A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks, platforms, patios within the building setback from the OHW, and signs), the ...

3.12,1 Decks, platforms patios and accessory structures ...permits for decks or platforms patios unless the...

4.14, A. Mississippi River – Shoreland that falls within the corridor shall be excluded from this Ordinance and be governed by the Mississippi Headwaters Board Management Plan Ordinance except where this ordinance is more restrictive.

5.14, D – Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions ...

After Subitem (4). Access for nonriparian lots can only be through a controlled access lot. Easements or other instruments drafted for nonriparian lot owners to allow access to public waters shall be prohibited.

~~5.14, I~~ — ~~Patio's shall be allowed without a variance and not meeting the required setback distance from the ordinary high water level if all of the following criteria and standards are met:~~

- ~~(1) The principle structure, excluding decks and platforms, must meet all setback distance requirements in 5.21, A and B.~~
- ~~(2) The patio encroachment from the principle structure toward the ordinary high water level does not exceed 20 percent of the existing setback distance of the structure from the ordinary high water level,~~
- ~~(3) The patio is not roofed or screened,~~
- ~~(4) Impervious surface requirements must be met.~~
- ~~(5) The patio must be located within 2 feet of the principle structure.~~
- ~~(6) No patio is allowed within the bluff impact zone.~~

5.22, A (1) for lakes, by placing the lowest floor at a level at least **three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher.**

5.22, G In addition to the water oriented accessory structure (WOAS) allowed in 5.22, B, a patio will be allowed that meets the following:

- 1) Shall be no larger than 2 square foot per lineal foot of lot width, and
- 2) The patio must be setback from the ordinary high water (OHW) level of at least 10 feet, and
- 3) The area between the patio and the OHW level must be in native vegetation or grass cover or natural state or not mowed, and
- 4) The patio runoff must not drain towards the water body.
- 5) Patios must be located within the open area as described in 5.31,B(2)c. If the patio is located outside this area it must be located where there is a 25 foot unmowed vegetated buffer between the lake and patio or outside the shore impact zone.
- 6) Maximum size of a patio and any other water oriented structures shall not exceed a combined square footage of 400 sq.ft. on a Natural Environment lake and 600 sq.ft on a General Development lake or Recreational Development lake.

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

5.31 Vegetation Alterations.

B. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 5.62 and 5.63, respectively, is allowed subject to the following standards:

- (1) Cutting of trees and shrubs within the shore and bluff impact zones and on steep slopes is not allowed, except as provided for in subparagraph (2) below. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is approved by the soil and water conservation district in which the property is located.
- (2) A vegetation alteration permit is required prior to vegetative clearing in the shore impact zone and bluff impact zone and on steep slopes. In shore impact zones and bluff impact zones and on steep slopes, no clearing or cutting of trees and shrubs will be allowed until a plan is submitted to and ~~reviewed by Aitkin County Soil and Water Conservation District and~~ approved by the Aitkin County Planning and Zoning Office. The approved plan shall be submitted with the application for the vegetation alteration permit. The approval of the plan may require re-vegetation to meet the intent of this section. Limited pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and

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

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

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

- (d) Burning of yard waste (including leaves, twigs, stumps, and grass) is not permitted within the shore and bluff impact zones or on steep slopes. A fire ring or pit is allowed as long as it does not exceed 4 3 feet in diameter.
- (e) **Exception-** Limited pruning is allowed as long as adequate screening and shading as viewed from the water is maintained and preserved, during leaf on periods of the year. Dead, diseased or hazardous trees may be removed with the landowners being encouraged to replace them by planting a species suitable for the site.

5.32 Grading and Filling/Land Alteration Permits

- A. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate land alteration permit. However, the grading and filling standards in this Section E must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- D. Except for the activities described in Items A and C above, a plan must be submitted to the ~~Aitkin County Soil and Water Conservation District for review and to the Aitkin County Planning and Zoning Office for approval~~ prior to issuance of a land alteration permit. A land alteration permit may require the revegetation of the shore impact zone to meet the intent of Section 5.31.

Activities requiring a land alteration permit:

- (1) On steep slopes ~~of 18 percent slope or greater~~ and shore and bluff impact zones - activities that involve the excavation ~~and/or~~ placement of ~~earthen material of more than 240 sq.ft. of area~~ ~~ten (10) cubic yards of material.~~

With a permit, a minimum amount of excavation ~~and/or~~ placement of material to achieve the goal of the project may be permitted but shall not exceed 30 cubic yards ~~of material~~. The 30 cubic yards is the maximum amount of excavation or placement of material allowed on an existing parcel of land. The excavation or placement of material shall be done within any existing or proposed recreational use area or access path and not in a separate area; and

- (2) Outside of steep slopes ~~of 18 percent slope or greater~~ and shore and bluff impact zones - activities that involve the excavation or placement of more than fifty (50) cubic yards of material.

However, when at any one time, more than 200 cubic yards of excavation or fill is proposed ~~outside the permitted excavation of the structure~~, an erosion or sedimentation plan must be submitted to the Aitkin County Zoning Office for referral to the Aitkin County Water and Soil Conservation District for technical review and approval.

- (3) Excavation or placement of fill, as described in D (1) and D (2) above, is allowed no more than twice, unless the excavation or placement of fill is to regrade an annual ice ridge.
- (4) Access to water bodies for purposes of launching ~~traileered~~ watercraft require a land alteration permit. A plan must be submitted to the Aitkin County Soil and Water Conservation District for review and to the Aitkin County Planning and Zoning for approval. The plan must show how surface water run-off will be managed to prevent erosion and sedimentation into the water body. The intent is to prevent exposed soil and/or concrete/asphalt driveways to the lake and to use vegetated areas for filtration. In certain cases, if needed to accomplish the purpose of the access, vegetation intermixed with soil/concrete/asphalt may be permitted.

5.52 Specific Standards

- A. As of June 1, 2005, building coverage of lots must not exceed 15 percent of the lot area, and total impervious surface coverage of lots must not exceed 25 percent of the lot area. Lot area must not include ~~wetland areas~~, bluff areas or land below the ordinary high water ...

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

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

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

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

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

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

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

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

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

(5) The patio must be within 2 feet of the principal structure.

c:\terry\ordinance\shoreord12-2016amend