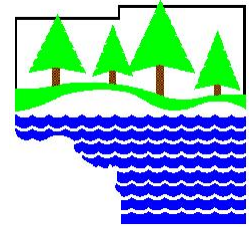


**Information for Shoreland Overlay Residential (Updated:
2016.11.04)**

Itasca County Environmental Services
123 NE 4th Street
Grand Rapids, MN 55744
Phone: (218) 327-2857
Fax: (218) 327-7331
TDD: (218) 327-2806
Fax: (218) 327-7331
Website: www.co.itasca.mn.us



GENERAL INFORMATION

SOME TERMS TO KNOW

- ◆ **SHORELAND** is land located within 1,000 feet from the ordinary high water level (OHWL) of a lake, pond, or flowage or land located within 300 feet from a river or stream. If property of interest is shoreland, then Shoreland Overlay Zoning District regulations apply. See Article 5 of the Zoning Ordinance.
- ◆ **SHORE IMPACT ZONE** is land between the OHWL and a line parallel to it at 50 percent of the structure setback.
- ◆ **BLUFFS** are embankments in the shoreland that rise 25 feet or more above the OHWL and have a grade of an average 30 percent or more towards the lake. New structures shall be located 30 feet from the top of a bluff. No structures except stairways and landings shall be placed within a bluff impact zone, which is the land located within 20 feet from the top of a bluff.

VEGETATIVES BUFFERS are required. See Section 5.9.1 (page 46ff) of the Zoning Ordinance.

VEGETATION ALTERATIONS are regulated. See Section 5.9.1 (page 46ff) of the Zoning Ordinance.

JURISDICTIONS

- ◆ **WATER (LAND BELOW THE OHWL)** – Minnesota DNR – (218) 327-4106
- ◆ **WETLANDS** – Itasca County Soil and Water Conservation District – (218) 326-0017
- ◆ **SHORELAND (LAND ABOVE THE OHWL)** – Environmental Services – (218) 327-2857

MINIMUM PARCEL SIZE

Every parcel has a required minimum parcel size depending on the zoning district it is located in. Contact Environmental Services for more information (327-2857). Also, see page 8 of this handout for more subdivision information.

- ◆ **CONFORMING PARCELS** are parcels that meet the minimum parcel size requirements of the Zoning Ordinance. These parcels can be developed provided land use and setback requirements are maintained.
- ◆ **NONCONFORMING PARCELS OF RECORD** are parcels that do not meet the current minimum parcel size requirements, but were legally recorded prior to zoning, which came into effect November 1, 1969, or met the minimum parcel size requirements at the time it was legally recorded. These parcels can be developed if documentation is provided to Environmental Services when a Zoning Permit is applied for and current setbacks are met. See Article 4 of the Zoning Ordinance for more information.
- ◆ **NONCONFORMING PARCELS** are parcels that did not meet the minimum parcel size requirements of the Zoning Ordinance that was in effect at the time the parcel was recorded. A variance is required to develop a nonconforming parcel, and variances are not guaranteed to be approved.

Residential Development in Shoreland Districts

Section 5.6.7—Minimum parcel area, width, and setbacks. The following tables contain the minimum parcel area, parcel width, and setback standards for residential development (per dwelling unit) in Shoreland Districts. **The minimum setbacks for dwellings from the side yards shall be 15’ and 30’ from the rear yards.** For accessory buildings setbacks see Section 3.17.6. Setbacks are measured from the closest part of the structure, i.e. deck or eaves/overhang.

RESIDENTIAL DWELLING UNIT REQUIREMENTS								
Lake Class	Minimum Parcel Size				Riparian Setbacks		Maximum	
	Riparian		Non-riparian		Structure (Ft.)	Sanitation Septic Tank Sewage Treatment (Ft.)	Impervious Surface (% of Parcel)	Building Stories / Height (Ft.)
	Width (Ft.) Approx. Depth (Ft.)	Area (Ac.)	Width (Ft.) Approx. Depth (Ft.)	Area (Ac.)				
	Area in Sq. Ft.		Area in Sq. Ft.					
A. General Development	150 218 32,670	.75	150 290 43,560	1	75	50 Tank 100 Treatment	20 ¹	2.5 / 35
B. Recreational Development-2	200 327 65,340	1.5	200 436 87,120	2	100	75 Tank 100 Treatment	15 ¹	2.5 / 35
C. Recreational Development-1	200 436 87,120	2	200 545 108,900	2.5	100	75 Tank 100 Treatment	15 ¹	2.5 / 35
D. Natural Environment-1	200 436 87,120	2	200 545 108,900	2.5	200	100 Tank 150 Treatment	12	2.5 / 35
E. Natural Environment-2	300 363 108,900	2.5	300 436 130,680	3	100	100 Tank 150 Treatment	12	2.5 / 35
F. Natural Environment-3	300 436 130,680	3	300 515 152,460	3.5	100	100 Tank 150 Treatment	12	2.5 / 35
G. Phosphorus Sensitive ²	<i>See Underlying Lake Classification</i>					100 Tank ³ 150 Treatment ³	12	2.5 / 35
River Class								
H. Tributary	150	Zone			100	75	12	2.5 / 35
I. Forested	200	Zone			150	100	12	2.5 / 35
J. Remote	300	Zone			200	150	12	2.5 / 35
K. Bigfork River	330	5			100	150	12	2.5 / 35
L. Mississippi River -Scenic	330	5			150	125	12	35
M. Mississippi River - Wild	330	10			200	150	12	18

¹ Incentive: Property owner can increase the coverage allowed by 5% if erosion control and stormwater management conform to the shoreline vegetative buffer standards.

² See Sanitation Ordinance

³ Performance system required if setbacks not maintained.

*All officially designated National Wild River Scenic Waterways and Trout Streams shall be classified NE-1.

Section 5.6.8—When subdividing within the Shoreland District, both the frontage and lot width at the building line shall conform to shoreland requirements. The parcel shall also be continuous lakeshore. All officially designated Trout Streams shall be assigned to the Natural Environment-I class. The other rivers and streams shall be assigned the Remote or Forested classification, with the exception of the Bigfork River and Mississippi River. The remaining protected non-class watercourses as shown on the Itasca County's Protected Waters Inventory Map shall be assigned the Tributary class.

Section 5.7—Additional Use Restrictions for All Shoreland Districts

The following additional restrictions shall be placed on land uses in all Shoreland Districts:

- 5.7.1 Agricultural use standards. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting and activities related thereto are permitted uses in Shoreland Districts provided they are allowed in the underlying zoning district and provided the following provisions are met:
- A. Steep slopes, shore impact zone, and bluff impact zones are maintained in permanent vegetation or if under agricultural or home gardening use that use is operated under a conservation plan approved by the Itasca County Soil and Water Conservation District.
 - B. Manure spreading within the Shoreland District is done only under a manure management plan approved by the Itasca County Soil and Water Conservation District and is done in such a manner as to minimize the impact on soils and public water. In any case, manure spreading is prohibited in the shore impact zone. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 100' from the ordinary high water level.
 - C. The use of fertilizer or pesticides within Shoreland Districts must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation. Only phosphorous free fertilizers may be used unless a current soil test documents the need for the addition of phosphorous. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 100' from the ordinary high water level.
 - D. Feedlots are a prohibited use within Shoreland Overlay Districts.
 - E. Keeping of livestock is regulated by Section 3.6.

Section 5.6.2—Controlled Access Lots

If access to public waters in any Shoreland District is intended for dwellings in non-riparian tiers, access shall be accommodated only through a controlled access lot that complies with all of the standards contained in Section 5.6.2 of the Zoning Ordinance.

Section 5.10—Shore Access Stairways, Lifts, and Landings

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

- 5.10.1 Width.** Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments.
- 5.10.2 Landings.** Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments.
- 5.10.3 Canopies/roofs.** Canopies or roofs are not allowed on stairways, lifts, or landings.
- 5.10.4 Construction.** Stairways, lifts, and landings may be constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
- 5.10.5 Location.** Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
- 5.10.6 Handicapped.** Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of Sections 5.10.1 through 5.10.5 are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

Section 5.11—Water-Oriented Accessory Structures

Water-related accessory structures must obtain a permit. Permits will be authorized provided that all of the following criteria are met:

- 5.11.1 OHWL.** The location shall be no closer than 10' from the ordinary high water level within the shore impact zone. However, no structures are allowed within a bluff impact zone and no structures other than piers and docks, shall be placed at an elevation such that the lowest floor, including the basement floor is less than 3' above the highest known water level.
- 5.11.2 Not a dwelling.** The structure shall not contain a dwelling, interior sanitary facility or water supply and shall not be utilized for other uses such as fuel sales, bait sales, and motor repair.
- 5.11.3 Size.** The overall size shall not exceed 250 square feet with a maximum of 2' overhang/eaves.
- 5.11.4 Height.** The height shall not exceed 10'. The roof shall not be utilized for a deck, storage or any other purpose for which a roof is not normally intended.
- 5.11.5 Screening.** The structure shall be screened by trees or shrubs as viewed from the water, and such screening shall extend to the OHWL.
- 5.11.6 Location.** The location shall be a minimum of 10' from the side yards or located in the view corridor or directly adjacent to the view corridor, whichever location is further from the lot line.

Section 5.12—Attached Ground-Level Patio Platforms and Attached Decks

Attached ground-level platforms and attached decks may be allowed within the required structure setback from the ordinary high water level without a variance on structures existing on the date the shoreland ordinance standards were first adopted (November 1972) if all of the following criteria and standards are met:

- 5.12.1 No alternative.** A thorough evaluation of the property and structure reveals no reasonable location for this addition meeting or exceeding the existing ordinary high water level setback of the structure.
- 5.12.2 Setback.** The platform or deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing shoreline setback of the structure from the ordinary high water level or does not encroach closer than 30', whichever is more restrictive.
- 5.12.3 Materials.** The platform or deck is constructed primarily of wood, and is not roofed or screened or enclosed in any manner.
- 5.12.4 Height.** No part of the structure shall exceed 5' in height above ground level.
- 5.12.5 Size.** The platform or deck shall not exceed 160 square feet in total size.
- 5.12.6 Screening.** The structure shall be screened by trees or shrubs as viewed from the water, and such screening shall extend to the OHWL.
- 5.12.7** A detached ground level patio platform may be allowed within the shore impact zone, at a setback of not less than 10' from the ordinary high water mark, provided Sections 5.12.4 and 5.12.5 is maintained and provided further that the total size of a water related accessory structure and the patio platform does not exceed a total of 250 square feet.

Section 3.10.3—New, revised, or changed use accesses onto county roads. All new, revised or change of use accesses onto county roads shall require approval of from the Itasca County Transportation and Physical Development Department. The County Director of Land Management and Physical Development, or designee, shall determine the appropriate location, size, and design of such accesses and may limit the number of accesses in the interest of public safety and efficient traffic flow. **If issuance of a driveway access permit on a county highway is required, it shall be obtained before the issuance of any zoning permit.**

Section 3.8—Public Road Setbacks

The following minimum provisions apply to setback distances for permitted structures from roads. Other provisions of this ordinance may require a greater setback in certain districts or for certain structures or uses.

3.8.1 Classes. For the purpose of determining the distance that buildings and structures shall be set back, the highways, streets, roads, and alleys are divided into the following classes:

A. Class "A" Highways

1. All State and Federal Highways are hereby designated as Class "A"
2. Setback. The setback for Class "A" Highways shall be 135' from the centerline of the highway or 35' from

the right-of-way line, whichever distance is greater.

3. On an Interstate or four-lane highway, the setback shall be measured from the centerline nearest the parcel.

B. Class "B" Highways

1. All County State Aid Highways or those Class "B" highways as designated by the County Director of Transportation and Land Management.
2. Setback. The setback for Class "B" highways shall be 110' from the centerline of the highway or 35' from the right-of-way line, whichever distance is greater. If, upon the recommendation of the Director of TLM, a structure setback of 15' from the right-of-way is allowed on Class B highways that have been upgraded with established right-of-ways that will not need to be modified.

C. Class "C" Highways

1. All Town and County roads not otherwise classified are hereby designated as Class "C" highways.
2. Private roads. Any private roadway having a dedicated right-of-way of 33' or greater and serving three or more dwellings shall be classified as a Class "C" highway.
3. Setback. The setback for Class "C" highways shall be 68' from the centerline of the highway or 35' from the right-of-way line, whichever distance is greater.

D. Alleys

1. Setback. The setback for alleys shall be 5' from the right-of-way.

Section 3.17—Additional Structure and Sanitation Setbacks for All Districts

The following additional structure and sanitation setbacks apply in all districts:

3.17.1 Top of bluff. All structures must be setback at least 30' from the top of a bluff.

3.17.2 Unplatted cemetery. All structures must be setback at least 50' from the nearest edge of an unplatted cemetery.

3.17.3 Bluff impact zones. No structures, except stairways and landings, shall be placed within a bluff impact zone.

3.17.4 High water elevations. Structures, except piers, docks, decks, and boathouses shall be placed in accordance with the following restrictions. The elevation to which the lowest floor, including the basement, is placed shall be determined as follows for lakes, rivers, and streams:

- A. At an elevation which is at least consistent with the Regulatory Flood Protection Elevation (RFPE) as published by the FEMA in Flood Insurance Rate Maps, text, or in other accepted technical studies, or
- B. If FEMA documents have not been produced for the area, consistent with an elevation determined by the landowner conducting a technical evaluation to determine the effects of proposed construction upon flood stages and flood flows and to establish the RFPE.
- C. The zoning official may allow the following alternatives to A) 3' above the highest known water level or B) 3' above the ordinary high water level, whichever is the higher elevation.
- D. In instances where lakes have a history of extreme water fluctuations, or have no outlet capable of keeping the lake level at or below a level 3' above the ordinary high water level, the zoning official may require structures to be placed higher.

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

3.17.7 Accessory buildings. Accessory buildings, including attached garages, must be setback at least 10' from the side and rear lot lines. Setback is measured from the eaves or overhang.

Section 3.2—Water Supply

Any private or public drinking water supply for domestic purposes must meet or exceed standards for water quality established by the Minnesota Department of Health and the Minnesota Pollution Control Agency. This standard does not apply to non-potable water supplies not used for human consumption.

Section 3.3—Sewage Treatment

Any premises used for human occupancy must be provided with an adequate method of sewage treatment that meets or exceeds the provisions of the Itasca County Sanitation Ordinance and the Minnesota Pollution Control Agency's Rules, Chapter 7080. Publicly owned sewer systems must be used where available.

Section 3.4—Impervious Surfaces

All structures, roads, driveways and other impervious surface coverage combined shall not cover more than 25% of any lot or parcel or multiple parcels considered as a single development application unless approved as a variance.

Section 3.5—Building Height

The maximum height for a structure shall not exceed 35' except for non-residential agricultural buildings; industrial buildings; and steeples, spires, or similar structures related to a religious facility which shall not exceed 70'.

ITASCA COUNTY ZONING ORDINANCE

- 1) Go to www.co.itasca.mn.us
- 2) Click on “Departments”
- 3) Click on “Environmental Services”
- 4) Scroll to the bottom of the page and click on “Itasca County Zoning Ordinance”
- 5) Click on “Itasca County Zoning Ordinance” again

MAPS

- 1) Go to www.co.itasca.mn.us
 - 2) Click on “Maps”
 - 3) Select “Interactive GIS Maps”
- TIPS:
- 1) Click on “Zoom In” / Click and drag cursor over your township and range / Click and drag cursor over your section / keep zooming in
 - 2) Click on “Identify Parcel” to get the tax parcel information on a parcel number that you click on

ITASCA COUNTY SANITATION SYSTEM REQUIREMENTS

Lake Classification	Setback	River Classification	Setback
Natural Environment 1	100' tank; 150' sewage treatment	Remote	150'
Natural Environment 2	100' tank; 150' sewage treatment	Forested	100'
Natural Environment 3	100' tank; 150' sewage treatment	Tributary	75'
Recreational Development 1	75'	Bigfork	150'
Recreational Development 2	75'	Mississippi River-Scenic	125'
General Development	50'	Mississippi River-Wild	150'

*All officially designated National Wild River Scenic Waterways and Trout Streams shall be assigned the NE1 classification.

- ◆ **Design Requirements:** The complete design requirements are set forth in the MPCA MN Rules, ISTS Chapter 7080 and are adopted by reference in the Itasca County Sanitation Ordinance.
- ◆ **ISTS Permits:** A permit is required prior to installation or alteration and an approved field evaluation and design must be submitted to accompany said permit. Permit is valid for 12 months to start construction. Prior to covering, the system shall be inspected and a compliance/noncompliance certificate issued.
- ◆ **Failing Septic Systems:** Any ISTS that discharges sewage to a seepage pit, drywell, or leaching pit and any system with less than 3' of soil/sand between the bottom of the treatment area and the saturated soil level. Existing systems, installed prior to April 1, 1996, in non-shoreland areas do not have to be upgraded if 2' of soil separation is provided.
- ◆ **ISTS Replacement:** A failed ISTS shall be upgraded, replaced, or repaired in compliance with MPCA 7080 within 24 months. An ISTS posing an imminent threat to public health or safety shall be upgraded within 10 months.
- ◆ **Certificate of Compliance (CoC):** For existing systems, a CoC shall be valid for 3 years unless identified an imminent threat. An existing system is any system built before April 1, 1996. CoC on new and replacement systems shall be valid for 5 years unless identified an imminent threat.
- ◆ **Inspection Requirements for Existing ISTS:** An existing ISTS shall require an inspection when: 1) Deemed appropriate by Environmental Services Administrator; 2) Upon the transfer of property; or 3) Permit/Variance requests for bedroom addition or replacement of dwelling.
- ◆ **ISTS Constructed May 27, 1989 – January 23, 1996:** If a system was constructed May 27, 1989 – January 23, 1996, and does not comply with applicable requirements and is not an imminent threat, the property owner applying for a permit has 5 years to bring the system into compliance.
- ◆ **Dwelling Replacement or Bedroom Addition:** If a zoning permit or variance request to replace a dwelling or bedroom is received between May 1 and October 31, a CoC is required prior to issuance of the permit or variance. If a request is received between November 1 and April 30, the County may issue the permit or variance with the requirements that a compliance inspection be completed by the following June 1 and a CoC is submitted by the following September 30.
- ◆ **Minimum Setback Requirements:** See table below.

	Property Line	Occupied Building	Large Tree	Buried Water Pipe/Pressure	Shallow Well	Deep Well	Above Watertable
Septic Tank	10'	10'	NA	10'	50'	50'	NA
Sewage Treatment	10'	20'	10'	10'	100'	50'	3'
Privy	10'	10'	NA	NA	100'	50'	3'

PLANNING AND ZONING FEE SCHEDULE EFFECTIVE 02/28/2010

1	Single Family Dwelling (includes Manufactured Home, Cabin), Deck, Garage, and Septic (SSTS) Management Plan ALL TOGETHER	\$275.00
2	Dwelling and Deck Only	\$127.00
3	Dwelling Addition/Alteration	\$65.00
	Dwelling Addition (DECK)	\$50.00
4	Emergency Number / Addressing	\$50.00
5	Sanitation System (SSTS) and Management Plan	\$175.00
6	Sanitation System Alteration and Management Plan	\$175.00
7	Sanitation for Sauna (No shower/bathroom)	\$60.00
8	SSTS Certificate of Compliance	\$150.00
9	SSTS Re-inspection Fee	\$75.00
10	Commercial Establishment with Sanitation - Includes Industrial and Public Facilities	\$400.00
11	Commercial Establishment without Sanitation - Includes Industrial and Public Facilities	\$250.00
12	Commercial Establishment Additions – Includes Industrial and Public Facilities	\$150.00
13	Accessory Structure or Addition To	\$60.00
14	Variance and Appeal to PC/BoA	\$475.00
15	Conditional Use	\$475.00
	PC/BoA Site Re-inspection Fee	\$100.00
16	Zone Change Requests / Maps Amendments	\$450.00
17	Plat / Subdivision (Major / RLS)	\$450.00
	Plus \$50 / Lot	\$50.00
18	Minor Subdivision	\$300.00
19	1 to 6 Unit Commercial Planned Unit Development (PUD Expansion) with or without ISTS	\$225.00
20	Residential Planned Unit Development (PUD)	\$450.00
20	Commercial Planned Unit Development (PUD)	\$450.00
20A	Residential Planned Unit Development PER UNIT PERMIT FEE as they are constructed	\$127.00
21	Commercial Planned Unit Development (PUD)	\$450.00
21A	Commercial Planned Unit Development 1 to 6 Unit Permit Fee—with or without ISTS	\$225.00
	For each additional 1 to 6 units as they are constructed.	\$225.00
22	Shoreland Alteration Permit	\$80.00
23	Restoration Order	\$300.00
24	Change In Use Permit (* Dependent upon type of use)	*
25	Home Occupation	\$50.00
26	Handicap Permit	\$225.00
27	Temporary Borrow Area Permit	\$200.00
28	Extractive Use Permit	\$400.00
29	Registration of Grandfathered-In Extractive Use	\$450.00
30	Certificate of Occupancy	\$115.00
31	Establishment of Water Surface Use Ordinance	\$450.00
32	Ordinances: Zoning	\$30.00
	Ordinances: Sanitation, Subdivision and Public Waters	\$20.00
33	Comprehensive Management Plan	\$10.00
34	Amendment to Comprehensive Management Plan	\$500.00