A000722389
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5/21/2018 4:09:57 PM

PAGES: 196 REC FEES: \$0.00

NICOLLE ZUEHLKE
ITASCA COUNTY RECORDER

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ZONING ORDINANCE

ITASCA COUNTY, MINNESOTA

EFFECTIVE DATE: May 1, 2018

Cost: \$30.00

Page 1
Itasca County Zoning Ordinance
Effective: 5/1/2018

TABLE OF CONTENTS

ARTICLE	SECTION	PAGE
ARTICLE 1	INTRODUCTION	5
	Title	5
	Adoption, Effective Date, and Repeal Statement	5
	Reference to Prior Ordinance	5
	Reference to Other County Ordinances	5
	Authority, Scope, Purpose, and Intent	5
	Rules of Construction and Interpretation	6
	Definitions	6
	Severability	6
ARTICLE 2	GENERAL PROVISIONS	7
	Permits are Required	7
	Sanitation System Certified or Upgraded Required for Permits or Variance Request	7
	Site Suitability Required	7
	Applicant Responsibility	7
	Uses Not Provided for within Zoning Districts	8
	Rezoning (Zoning District Changes) and the Comprehensive Land Use Plan	8
	Relationship to Federal and State Lands	8
	Relationship to Township Zoning Ordinances	8
	Relationship to Big Fork River, Mississippi River, and Western Mesabi Mining Plans	8
	Classification of Public Waters	9
	Establishments of Zoning Districts	10
	Zoning Map	10
	Rules of Interpretation of Zoning District Boundaries	10
ARTICLE 3	GENERAL STANDARDS FOR ALL ZONING DISTRICTS	11
	Intent of this Article	11
	Water Supply	11
	Sewage Treatment	11
	Impervious Surface	11
	Building Height	12
	Agricultural Operations	12
	Shoreland Area Standards	13
	Road Setbacks	14
	Off-Street Parking and Loading	15
	Permitting for Work within County Highway Right-of-Ways	16
	Recycling Center - Auto, Appliance, and Junkyard	17
	Temporary Borrow Area	18
	Extractive Uses	19
	Home Occupations I and II	26
· · ·	Forest Management Standards	27
	Surface Water Management	27
	Additional Structures and Sanitation Setbacks for All Districts	28
ARTICLE 4	NONCONFORMING USES, STRUCTURES, PARCELS & SSTS	30
	Intent	30
	Nonconforming Parcels or Parcels of Record	30
	Existing Structures and Uses	31

	Structures Approved Prior to Adoption Date	31
	Limited Maintenance, Repair, Restoration, Replacement, Improvements, Alterations, and Additions Allowed	32
	Changes to Reduce Nonconformity Allowed	33
	Discontinuance of Lawful Nonconforming Use	33
	Failing Sewage Treatment Systems	34
	Nonconforming Recycling Center - Auto, Appliance, and Junkyard; Time Limited; Requirements for Conditional Use Permit	34
	Change from Conforming to Nonconforming Use	34
	Side Yard Setbacks	34
	Designated Floodplains	34
ARTICLE 5	SHORELAND OVERLAY ZONING DISTRICTS	35
	Intent	35
	Relationship to Other Zoning Districts	35
	Shoreland Overlay Zoning District Boundaries	35
	Parcels Which Cross Zoning District Boundaries	36
	Description of Public Water Classes and Zoning Districts	37
	Uses, Parcel Area, Parcel Width, Setback, and Other Standards	38
	Additional Use Restrictions for All Shoreland Overlay Zoning Districts	44
	Additional Standards for All Shoreland Overlay Zoning Districts	45
	Shoreland Alterations Regulated	46
	Placement and design of roads, driveways, and parking areas	51
	Soil erosion plan and stormwater management required	51
	Alteration to bed of public waters	51
	Shore Access Stairways, Lifts, and Landings	52
	Water-Oriented Accessory Structures	52
	Detached Ground-Level Patio Platform	53
	Dry Saunas and Gazebos Notification to DNR, MHB, BFRB, and WMMPB	54
	Site Suitability Checklist	54
ARTICLE 6	FARM RESIDENTIAL ZONING DISTRICT	55
ARTILCE 7	RURAL RESIDENTIAL ZONING DISTRICT	58
ARTICLE 8	LIGHT INDUSTRIAL COMMERCIAL ZONING DISTRICT	60
ARTILCE 9	RECREATIONAL COMMERCIAL ZONING DISTRICT	63
ARTICLE 10	URBAN EXPANSION ZONING DISTRICT - RESERVED	66
ARTILCE 11	PUBLIC LAND ZONING DISTRICT	67
ARTICLE 12	INDUSTRIAL ZONING DISTRICT	68
ARTICLE 13	IRON MINING OVERLAY ZONING DISTRICT	70
ARTICLE 14	TOWERS	73
ARTICLE 15	CONSERVATION DEVELOPMENTS	81
	Purpose	81
	Geographic Scope	82
	Permits Required	82
	Pre-Application Meeting Encouraged	82
	Minor Conservation Development Permit Application Process	83

	Major Conservation Development and Noncompliant Minor Conservation Development Permit Application Process	85
	Development Density	90
	Design Criteria for Residential Conservation Developments	92
	Manufactured Home Park or Development	97
ARTICLE 15A	RESORTS	99
	Purpose	99
	Geographic Scope	99
	New Resorts	100
	Existing Resorts	110
	Resort Conversions	114
ARTICLE 16	ADMINISTRATION	115
ARTICLE 17	ITASCA COUNTY PLANNING COMMISSION AND BOARD OF ADJUSTMENT	117
ARTICLE 18	HEARINGS AND HEARING NOTICES	121
	Public Hearing	121
	Hearing Notices	121
	Judicial Review	124
ARTICLE 19	VARIANCES AND OTHER APPEALS	125
ARTICLE 20	AMENDMENTS	129
ARTICLE 21	CONDITIONAL USES	131
ARTICLE 22	FEES	136
ARTICLE 23	ENFORCEMENT	139
ARTICLE 24	DEFINITIONS	140
INDEX A	Site Suitability Checklist Form	178
INDEX B	Effective Dates	183
INDEX C	Reference Documents	185
INDEX D	List of Tables Used in Ordinance	187
INDEX E	Signature Page	189
INDEX F	Affidavit and Summary of Amendments	191
INDEX G	Resolution	194

ITASCA COUNTY, MINNESOTA

Article 1 INTRODUCTION

Section 1.1 Title

This Ordinance shall be known as the "Zoning Ordinance for Itasca County, Minnesota."

Section 1.2 Adoption, Effective Date, and Repeal Statement

The Ordinance shall be effective upon adoption by the County Board of Commissioners and publication as required by law. This Ordinance repeals and replaces all prior zoning ordinances and any other ordinances or provisions that are inconsistent with this Ordinance.

Section 1.3 Reference to Prior Ordinance

Some provisions of this Ordinance refer to the prior Ordinances. The prior Ordinances shall mean the Zoning Ordinances of Itasca County with the effective dates of September 15, 1998, October 1, 2003, July 1, 2004, and December 1, 2005, inclusive of all amendments thereto.

Section 1.4 Reference to Other Itasca County Ordinances

Itasca County has duly enacted other ordinances that include, but are not limited to, the subdivision of land, sanitation, and solid waste. Contact Environmental Services Department for more information.

Section 1.5 Authority, Scope, Purpose, and Intent

The purpose of this Ordinance is to implement the goals of the adopted Comprehensive Land Use Plan of Itasca County by establishing comprehensive land use regulations for that portion of Itasca County, Minnesota, outside the incorporated limits of municipalities in accordance with the provisions of Minn. Stat. Chapt. 103A-I: Water, Chapt. 394: Planning and Development, Zoning, and Minn. Rules, Chapt. 6120: DNR Shoreland and Floodplain Management. The provisions of this Ordinance are adopted to promote the health, safety, convenience, and general welfare of the inhabitants of Itasca County and to encourage the most appropriate use of land in the County. In pursuance of these purposes, this Ordinance establishes zoning districts for Itasca County and regulates the uses of land and shoreland areas and the use and construction of all structures in those zoning districts. This Ordinance also provides for its administration and enforcement and for penalties for its violation.

It is the intent of this Ordinance that all of the following shall be in full compliance with the terms of this Ordinance and other applicable regulations: the use of any shoreland of public waters; the size and shape of parcels; the use, type, size, location, placement, and replacement of structures on parcels; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land.

Section 1.6 Rules of Construction and Interpretation

The following rules of construction and interpretation apply to this Ordinance:

- 1.6.1 Conflict. Where any provision of this Ordinance conflicts with another rule, regulation, or ordinance of the County, the provision that is more restrictive shall prevail. For example, a provision that requires a five-acre minimum parcel size for residential use is more restrictive than a provision that requires a two-acre minimum parcel size for residential use. Except that in Shoreland Overlay Zoning Districts, the provisions of the Shoreland Overlay Zoning District shall prevail even if it is less restrictive than the underlying zoning district provisions, unless specifically provided otherwise;
- 1.6.2 Private restrictions. This Ordinance is not intended to interfere with any private restrictions placed upon a property by easement, restrictive covenant, deed restrictions, or permits previously adopted or issued pursuant to law;
- 1.6.3 Minimum requirements. This Ordinance establishes minimum requirements for the use and development of land; and
- 1.6.4 Powers not limited. This Ordinance does not limit or repeal any other power granted to Itasca County.

Section 1.7 Definitions

Definitions for words and terms used in this Ordinance are defined in Article 24. If not defined herein, words and terms shall be given their common usage.

Section 1.8 Severability

The provisions of this Ordinance are separable. If any court of competent jurisdiction adjudges any provision of this Ordinance or the application of any provision of this Ordinance to a person or circumstance to be invalid, such judgment shall not affect any other provision of this Ordinance nor specifically included in said judgment.

Article 2 GENERAL PROVISIONS

Section 2.1 Permits are Required

A permit is required for new structures; change in use; new additions; alterations, maintenance, or remodeling of a structure that costs more than 50 percent of its market value; replacement of structures; signs; sanitation systems; shoreland alterations; and home occupations II (see Fee Schedule). Permits required by this Ordinance shall be procured prior to commencing the project or operation. No land shall change in use and no structure or part thereof including manufactured homes, decks, signs, installation or alteration of a sanitation system, and shoreland alterations not exempted in Section 5.9 shall be hereafter erected, constructed, reconstructed, moved, or structurally altered until the Zoning Official has approved and issued the appropriate Zoning Permit. No permit shall be approved and issued by the Zoning Official unless the application for said permit shall meet all the provisions of this Ordinance and other applicable County ordinances. It shall also be the responsibility of the applicant to adhere to township, state, and federal rules and to obtain state and federal permits where required by township, state, and federal laws and rules. Mitigation conditions shall be required on all Zoning Permits for Variances, Conditional Uses, and nonconforming structures.

Section 2.2 Sanitation System Certified or Upgrade Required for Permit or Variance Request

Permit and Variance requests for replacement of a residential or commercial structure or a bedroom addition shall be required to have the existing sanitation system certified or upgraded in accordance with the Itasca County Sanitation Ordinance.

Section 2.3 Site Suitability Required

Land shall be suited to the purpose for which it is to be used. Development shall not be allowed on a parcel if it is not suitable for development for any of the following reasons, unless appropriate remediation approved by the Planning Commission is included in the design of the development:

- 2.3.1 Periodic or occasional flooding;
- 2.3.2 Presence of wetlands or lands with high water table;
- 2.3.3 Rocky or impermeable soils; or
- 2.3.4 Unstable topographic areas.

Section 2.4 Applicant Responsibility

The applicant for a Zoning Permit under this Ordinance shall assume all responsibility for any adverse effects created pursuant to permits granted under this Ordinance. Furthermore, the applicant shall assume all responsibility to ensure that all improvements shall comply with the appropriate setbacks from their property boundaries.

Section 2.5 Uses Not Provided for Within Zoning Districts

When a land use in any zoning district is not specifically listed as a Permitted Use or Conditional Use, the land use may be considered as a Conditional Use. The applicant shall make a showing that the proposed use is similar to a Permitted Use or Conditional Use, consistent with the purpose of the zoning district in which the proposed use will be located, compatible with surrounding uses, and conforms to the Comprehensive Land Use Plan. The Zoning Administrator shall determine if the Conditional Use Permit Application is complete and then submit the Application for consideration by the Planning Commission. The Application shall be accompanied by the appropriate fee for a Conditional Use Permit. If the use is of a commercial nature and proposed for a residential zoning district (Rural Residential or Farm Residential), the Planning Commission shall hold a public hearing, evaluate the Application under the criteria in Article 21, and submit a report of its finding and recommendations to the County Board. The County Board shall hold a public hearing, evaluate the Application under the criteria in Article 21, consider the Planning Commission's report, and act on the Application. A notice of extension of the 60-day time deadline requirement of Minn. Stat. 15.99 shall be provided if necessary.

Section 2.6 Rezoning (Zoning District Changes) and the Comprehensive Land Use Plan This Ordinance implements the Itasca County Comprehensive Land Use Plan and any maps therein describing orderly development; therefore, if a request for rezone, which is a change in zoning district, substantially conflicts with the Comprehensive Land Use Plan and its maps, a completed application to amend the Comprehensive Land Use Plan and its maps shall accompany the Rezone Application. The Comprehensive Land Use Plan and its maps can only be amended in accordance with the process as described in this Ordinance.

Section 2.7 Relationship to Federal and State Lands

No land owned or leased by the federal government or by the State of Minnesota shall be subject to the provisions of the Ordinance.

Section 2.8 Relationship to Township Zoning Ordinances

Where lands within Itasca County are also subject to zoning regulations adopted by a township in accordance with Minn. Stat. Chapt. 462, the most restrictive regulations shall apply. Where townships have adopted an ordinance pursuant to applicable statutes, it shall be the responsibility of the property owner to secure the necessary permits from the Township Zoning Official.

Relationship to Big Fork River Plan, Mississippi Headwaters Board

Comprehensive Plan, and the Western Mesabi Mining Area Management Plan
Pursuant to authorization in Minn. Stat. Chapt. 103G, the Itasca County Board has adopted special
area land use plans for those portions of the Big Fork River Management Plan Corridor, the
Mississippi Headwaters Board Corridor, and the Western Mesabi Mining Area that lie within Itasca
County, the boundaries of which are established on the Official Zoning District Map of Itasca
County. Additional land use regulations apply to lands that lie within these special areas. Lands that
lie within these special areas have additional land use regulations which are contained in the Big
Fork River Plan and the Mississippi Headwaters Board Comprehensive Plan. No Zoning Permit
shall be issued for lands within these special areas unless the use or structure shall comply with the
additional land use regulations contained in the Big Fork River Plan and the Mississippi Headwaters

Board Comprehensive Plan. It is the responsibility of an applicant to obtain copies of these plans and meet the requirements contained in the plans in addition to the requirements contained in this Ordinance, specifically in Article 5.

Section 2.10 Classification of Public Waters

Public waters within Itasca County are classified according to policies contained in Minn. Stat. Chapt. 103F and Minn. Rules 6120.2500-6120.3900. The Itasca County Public Waters Classification List shall be on file with the Zoning Official and recorded in the Office of the County Recorder and is incorporated in this Ordinance by reference. The classes shall also be noted on the Official Zoning District Map. This Ordinance contains regulations that apply to the use of shoreland areas for each class of public waters (see Article 5). It is the responsibility of an applicant to obtain a copy of the Classification List to determine the classification of adjacent public waters and to comply with the regulations for that class of waters as contained in this Ordinance and other applicable state and federal regulations.

Lakes, rivers, and streams within Itasca County are hereby divided into the following categories (see the Itasca County Public Waters Classification List):

	3		.,.		
LAKES		RIVERS/STREAMS		SPECIAL CLASSES	
1.	General Development (GD)	1.	Tributary (T)	1.	Phosphorus Sensitive Lakes
2.	Recreational Development-2 (RD-2)	2.	Forested (F)	2.	Bigfork River
3.	Recreational Development-I (RD-1)	3.	Remote (R)	3.	Mississippi River - Scenic
4.	Natural Environment-1 (NE-1)			4.	Mississippi River - Wild
5.	Natural Environment-2 (NE-2)				
6.	Natural Environment-3 (NE-3)				

All rivers and streams within Itasca County that are officially designated Trout Streams are assigned to Public Water Classification of Natural Environment-1.

See also the Mississippi Headwaters Board Comprehensive Plan for Itasca County for classification along the Mississippi River and the Big Fork River Plan for classification along the Bigfork River.

Section 2.11 Establishment of Zoning Districts

The following zoning districts are established within Itasca County:

- Shoreland Overlay Zoning Districts corresponding to the Public Waters Classification List referenced in Section 2.10 and as described in Article 5.
- FR Farm Residential Zoning District
- RR Rural Residential Zoning District
- I Industrial Zoning District
- IM Iron Mining Overlay Zoning District
- P Public Lands Zoning District
- RC Recreational Commercial Zoning District
- LIC Light Industrial Commercial Zoning District
- UE Urban Expansion Zoning District

The following list sets forth how zoning districts changed upon approval of the new zoning districts that came into effect October 1, 2003:

- Residential and Seasonal Residential became Rural Residential Zoning District
- Heavy Industrial became Industrial Zoning District
- Open became Farm Residential Zoning District
- Waterfront Public became Public Lands Zoning District

Section 2.12 Zoning Map

The boundaries of the zoning districts are set forth on the Official Zoning District Map of Itasca County. The Map may be amended upon approval by the County Board. The Map is on file with the Environmental Services Department. The Map with all notations, explanatory materials, and amendments is hereby incorporated by reference in this Ordinance.

Section 2.13 Rules of Interpretation of Zoning District Boundaries

Unless otherwise indicated on the Official Zoning District Map, zoning district boundaries are intended to follow the centerline of streets or railroads, section lines, plotted parcel lines, shorelines of bodies of water or watercourses, and if the shoreline changes, the boundaries shall be construed as moving with the actual shoreline. The Zoning Official shall make interpretations of boundaries when the line is not clear.

Article 3 GENERAL STANDARDS FOR ALL ZONING DISTRICTS

Section 3.1 Intent

All uses of land within any zoning district in Itasca County shall meet a set of performance standards to protect natural resources and the quiet enjoyment of all residents. The provisions of this Article shall be applied to all zoning districts and shall be in addition to the requirements in any specific zoning district.

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 (MPCA). 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 Minn. Rule, Chapts. 7080-7083. Publicly owned sewer systems must be used where available.

Section 3.4 Impervious Surface

All structures, roads, driveways, and other impervious surface coverage combined shall not exceed the percentages in Table 1 on any parcel or multiple parcels considered as a single development application.

Table 1. Impervious Surface Coverage Allowed

	Impervious Surface Coverage	e Allowed		
Zoni	ng Districts	Percent Allowed		
FR	Farm Residential Zoning District			
RR	Rural Residential Zoning District	25		
I Industrial Zoning District				
P	Public Lands Zoning District			
RC	Recreational Commercial Zoning District	50		
LIC	Light Industrial Commercial Zoning District	50		
Over	lay Zoning Districts			
Shor	eland Overlay Zoning District			
	General Development	20 1		
	Recreational Development	15 1		
	Natural Environment			
	Phosphorus Sensitive	12		
	Rivers			
IM	Iron Mining Overlay Zoning District	Underlying Zoning District		
UE	Urban Expansion Zoning District			

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

Section 3.5 Building Height

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

Section 3.6 Agricultural Operations

Agricultural operations within Itasca County shall comply with the following general standards:

- 3.6.1 Maintenance of steep slopes, shore impact zones, and bluff impact zones. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are Permitted Uses if steep slopes, shore impact zones, and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. Animals shall not be picketed, fenced, or otherwise contained in shore impact zones, bluff impact zones, or on steep slopes.
- 3.6.2 Feedlots limited. New or expansions of existing confined animal operations and feedlots are allowed only on parcels in Farm Residential Zoning Districts having a minimum of five acres or more and on parcels Industrial Zoning Districts provided they comply with Minn. Rules, Chapt. 7020, and are specifically prohibited in all other zoning districts, including Shoreland Overlay Zoning Districts.
- 3.6.3 Livestock buildings. Buildings housing livestock shall be a minimum of 50 feet from any parcel line and dwelling unit on the same parcel and a minimum of 250 feet from a residential dwelling unit on another parcel.
- 3.6.4 Setback from residential dwelling units and wells. No animals may be penned within 200 feet of a neighboring residential dwelling unit or 150 feet from any wells other than the landowner, except up to five domesticated dogs or cats shall be permitted. *Penned* is the confined feeding, breeding, raising, or holding of animals. This provision does not apply if the animals are pastured in an area of 10 acres or more.

- 3.6.5 Keeping of livestock limited. Recognizing that residential uses and the keeping of livestock may be incompatible, the following limits apply to all other zoning districts. Domesticated pets, such as dogs and cats but specifically excluding horses, may be kept without a permit. Local ordinances may require licensing.
 - A. On parcels of less than five acres, keeping of livestock is not permitted.
 - B. On parcels five to nine acres, three animal units are allowed.
 - C. On parcels or contiguous parcels larger than nine acres, three animal units plus one animal unit for every two acres beyond nine acres are allowed.
 - D. Keeping of animals in amounts in excess of the limits in Section 3.6.5 B, C, and F shall require a Conditional Use Permit.
 - E. On all lakes, livestock uses shall be setback 150 feet from the ordinary high water level. Animals shall not be picketed, fenced, or otherwise contained in shore impact zones, bluff impact zones, or on steep slopes.
 - F. Animal units shall be determined according to Table 2: Table 2. *Animal Units*

Animal	Animal Units (A.U.)		
1 dairy cow	1.4		
1 slaughter steer, heifer, horse	1.0 (each)		
1 swine	0.4		
1 sheep, goat, dog	0.2		
1 duck, turkey	0.02		
1 chicken	0.01		

3.6.6 Right-to-farm. All agricultural operations on parcels in Farm Residential Zoning Districts having a minimum of five acres or more and on parcels in Industrial Zoning Districts being conducted in compliance with the terms of this Ordinance and other applicable state and federal regulations shall not be deemed a violation of this Ordinance regardless of the fact that there may have been changes in the surrounding character of the area.

Section 3.7 Shoreland Area Standards

Shoreland areas within Itasca County are subject to special rules and regulations. Shoreland standards in Article 5 shall apply to all lands within 1,000 feet in depth of the ordinary high water level (OHWL) of all public lakes and 300 feet in depth of the OHWL of all rivers, streams, and landward extents of all floodplains. The Big Fork River Management Plan Corridor extends 500 feet from the OHWL on each side of the river and adjacent lands. The Mississippi Headwaters Board Corridor of the Scenic Class extends 500 feet from the OHWL and the Wild Class extends 1,000 feet from the OHWL on each side of the river and adjacent lands. Such areas shall be measured at right angles to the water's edge.

Section 3.8 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 zoning 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, 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 Highways.
 - 2. Setback. The setback for Class A Highways shall be 135 feet from the centerline of the highway or 35 feet 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
 - All County State Aid Highways or those Class B Highways as designated by the County Director of Transportation / Highway Engineer are hereby designated as Class B Highways.
 - 2. Setback. The setback for Class B Highways shall be 110 feet from the centerline of the highway or 35 feet from the right-of-way line, whichever distance is greater. If upon the recommendation of the Director of Transportation / Highway Engineer a structure setback of 15 feet from the right-of-way is allowed on Class B Highways that have been upgraded with established right-of-ways, it 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 road having a dedicated right-of-way of 33 feet 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 feet from the centerline of the highway or 35 feet from the right-of-way line, whichever distance is greater.
 - D. Allevs
 - 1. Setback. The setback for alleys shall be five feet from the right-of-way.
- 3.8.2 Setbacks at intersections. Where a parcel is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner parcel. No buildings shall be projected beyond the front yard line of either road.
- 3.8.3 Culverts within setbacks. Unless the organized township has established a policy, the property owner shall supply the necessary culverts within required setbacks. The culverts shall be approved by County Director of Transportation / Highway Engineer prior to placement, and all expenses incurred in the installation of the culvert shall be the responsibility of the property owner.
- 3.8.4 Setback exceptions. No permitted structure, use, or part thereof shall be placed between the setback lines established in this Section and the highway, with the following exceptions:
 - A. Open fences;
 - B. Utility transmission poles and lines;
 - C. Upon an approved Variance; and
 - D. The planting and harvesting of agricultural crops, shrubbery, and trees provided that no crop, shrubbery, or trees shall be so located, maintained, or permitted to grow so that the view across the sectors at the intersections shall be obstructed.

Section 3.9 Off-Street Parking and Loading

- 3.9.1 Standards. Off-street parking and loading uses shall conform to the following standards:
 - A. Residential. Parking spaces for residential parking shall be on the same parcel as the residential dwelling unit or a parcel that is contiguous to the parcel with the dwelling unit.
 - B. Storage. Off-street parking areas in any zoning district shall not be utilized for open storage of goods.
 - C. Loading areas. Loading areas shall be sufficient to meet the requirement of the use and shall provide adequate area for parking and maneuvering on the site without impact on adjacent properties or the public right-of-way.
- 3.9.2 Minimum size and design of off-street parking areas. Off-street parking areas shall conform to the following design and maintenance requirements:
 - A. Surfacing and drainage. Off-street parking areas shall be improved with a durable surface that minimizes the generation of dust. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area in accordance with an approved stormwater management plan. Durable and dustless surface may include crushed rock and similar treatment. Parking areas for six or fewer vehicles shall be exempt from the provisions of this Section 3.9.2.A.
 - B. Minimum size. The following minimum size requirements shall be met:
 - 1. Parking space. A parking space shall be at least nine feet wide by twenty feet long.
 - 2. Parking lots. In considering parking lots, a standard of 300 square feet per parking space shall be used to compute total requirements including maneuvering areas. Off-street parking areas shall be of sufficient size to provide parking for patrons, customers, suppliers, visitors, and employees.
 - C. Existing spaces. Existing off-street parking spaces existing on or before the effective date of this Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.
 - D. Screening. Off-street parking areas shall be screened when a commercial, recreational or industrial use off-street parking area or access driveway contains more than four parking spaces and is within 30 feet of an existing residential use or Rural Residential Zoning District.
- 3.9.3 Tourist accommodations: One and one-half spaces for each room or unit.
- 3.9.4 Theater, stadium, auditorium, house of worship, or other places of public assembly: One parking space for each five seats, based on the maximum seating capacity.
- 3.9.5 Stores and other retail business establishments: One parking space for each 100 square feet of total retail floor area.
- 3.9.6 Eating and drinking establishments: One parking space for each three seats.
- 3.9.7 Office buildings: One parking space for each 200 square feet of office floor space.
- 3.9.8 Industrial, manufacturing, or wholesale establishments: One parking space for each five workers based on peak employment.

Section 3.10 Permitting for Work within County Highway Right-of-ways

- 3.10.1 Work within County highway right-of-way. Any and all work within the right-of-way of County highways will require permits from the Itasca County Transportation Department. Any unauthorized work must be removed by the landowner or the County may arrange for removal at the landowners' expense. Examples of work requiring permits include, but are not limited to, paving of driveway, mailbox support installation, fencing, planting of trees or other vegetation, culvert end treatments, driveway or entrance installation, and excavation or filling for drainage and utility installations (water, sewer, gas, electric, telecommunications).
- 3.10.2 Utility permits. Utilities (water, sewer, gas, electric, telecommunications) may be installed within County highway right-of-ways only by permit from the Itasca County Transportation Department. Permit applications will only be accepted from and must be signed by the owner of the utility. This Section governs private landowners as well as utility companies.
- 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 Department. The County Director of Transportation / Highway Engineer 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 Approach Permit on a County highway is required, it shall be obtained before the issuance of any Zoning Permit.
- 3.10.4 Access to state highways. Accesses on any state highway shall require the approval of the Minnesota Department of Transportation (MnDOT).
- 3.10.5 Access to township roads. Accesses on any township road shall require the approval of the appropriate Township Board of Supervisors.
- 3.10.6 The location or placement of any sign on highways or roads not controlled by state or federal regulations shall be in compliance with applicable statutes and under the enforcement of the Director of Transportation / Highway Engineer or the authorized representative.

Section 3.11 Recycling Center - Auto, Appliance, and Junkyard

Auto, appliance, and junkyard recycling centers are allowed only in the Farm Residential and Industrial Zoning Districts as Conditional Uses. Auto, appliance, and junkyard recycling centers are prohibited in all other Shoreland Overlay Zoning Districts and Non-Shoreland Overlay Zoning Districts. In addition to meeting the provisions of Article 21, an auto, appliance, or junkyard recycling center must meet all the following requirements before a Conditional Use Permit may be granted:

- 3.11.1 Application information. Conditional Use Permit Applications for auto, appliance, and junkyard recycling centers shall include the following:
 - A. Site plan showing the locations of all existing and proposed buildings and indicating areas for storage, staging, and processing of materials. The site plan must also show the location of any floodplain area, wetland, streams, other bodies of water, and steep slopes;
 - B. Plan for screening;
 - C. Signage plan showing the location and size of on-site signs, which conforms to the sign requirements of this Ordinance;
 - D. Copy of the applicant's EPA ID Number Notification and a copy of the applicant's hazardous waste license if hazardous waste is handled or stored;
 - E. Hazardous waste management plan that conforms to MPCA guidelines, if hazardous wastes are involved; and
 - F. Materials management plan that includes the types of materials to be stored or accepted and the average daily number and maximum daily number of each type of material that will be on site and a plan for disposing of materials.
- 3.11.2 Screening required. The operations of the junkyard must be completely enclosed within a building, fence, screen planting or other device of such height as to completely screen the operations of the junkyard from adjacent properties and public right-of-ways.
- 3.11.3 Time limit for a Conditional Use Permit. The Conditional Use Permit may be granted for a period up to five years from the date of the approval of the Permit.
- 3.11.4 Change in ownership. The Conditional Use Permit shall terminate with a change in ownership unless such new owner agrees to continue to abide by and be responsible for all conditions specified in the existing permit at the time of the change in ownership.
- 3.11.5 Planning Commission visit. The Planning Commission must view the proposed site prior to issuing a Conditional Use Permit.
- 3.11.6 Other conditions shall apply. The following conditions shall apply to all Conditional Use Permits issued for auto, appliance, and junkyard recycling centers:
 - A. All vehicles must remain upright unless the motor and running gear have been removed;
 - B. No stacking of vehicles is permitted. All automobile bodies, chassis, or major portions thereof, must be stored in rows not more than two vehicles deep with a space of at least 12 feet between rows; and
 - C. Time of day and day of week limitations for crushing of vehicles shall be included in the Conditional Use Permit.
- 3.11.7 Mining. Mining and mineral processing wastes and the storage thereof shall not be defined as junk and therefore shall not come under the terms of this Section.

Section 3.12 Temporary Borrow Area

- 3.12.1 Where allowed by Zoning Permit. Temporary borrow area operations over one acre are allowable by permit only in Rural Residential, Farm Residential, Recreational Commercial, Light Industrial Commercial, Public, Industrial, Iron Mining Overlay and Urban Expansion zoning districts provided all of the requirements of this Section are complied with.
- 3.12.2 Where allowed by Conditional Use Permit. Temporary borrow area operations of any size are allowable by Conditional Use in Shoreland Overlay Zoning Districts, which include the Big Fork River Management Plan Corridor and Mississippi River Scenic Class.
- 3.12.3 Where prohibited. Temporary borrow area operations of any size are prohibited in Mississippi River Wild Class.
- 3.12.4 Exemptions from permit. Temporary borrow area operations which involve less than one acre of ground disturbance shall be allowed except in Shoreland Overlay Zoning Districts.

3.12.5 Requirements.

- A. A Temporary Borrow Area Permit is a Zoning Permit issued by the County pursuant to its authority conferred by Minn. Stat. 394.21 et. seq. All permits issued under these provisions shall be valid for only the duration of the particular construction or maintenance project and shall in no case exceed two years. The applicant shall verify that the operation is for the purpose of construction or maintenance under a contract with or directly conducted by a government agency or a private firm involved in construction or maintenance responsibility.
- B. The applicant shall specify the volume of material intended to be excavated or processed for the specified road or maintenance project.
- C. The following provisions shall apply to the entry and re-entry to the temporary borrow area site and to the establishment, operation, and care of any temporary borrow area site:
 - 1. It shall be the responsibility of the permit holder to obtain and maintain authorizations necessary to conduct temporary borrow area activities and to enter and re-enter the temporary borrow area site;
 - 2. All trees, brush, stumps, and debris resulting for clearing, stripping, and temporary borrow area operations shall be burned or buried at 10-acre intervals and at the cessation of the operation;
 - 3. All final slopes shall be maintained at a slope not to exceed 3-to-1 unless the naturally occurring slope is steeper than 3-to-1, in which case final slopes shall not be steeper than the original natural slope;
 - 4. The tops of all banks shall be rounded to conform to the surrounding topography; and
 - 5. Those temporary borrow areas that are reclaimed for purposes of a Minnesota Department of Natural Resources State Wildlife Management Area and/or wetland mitigation will be allowed exceptions from Section 3.12.5.E.2-4 to enhance wildlife habitat. Temporary borrow areas reclaimed for these purposes may have areas left unvegetated to enhance wildlife habitat.

- D. A site development plan shall be filed with the Application detailing the following:
 - 1. Dust, noise, and other emission of potential concerns and mitigation plans;
 - 2. Hours and duration of operation;
 - 3. Proposed vegetation and topographic alterations; and
 - 4. Erosion control plan.
- E. A written plan for reclamation of the affected area shall be filed detailing:
 - 1. The nature and extent of the reclamation;
 - 2. A detailed map at a scale of 1 inch equals 100 feet or larger showing which parts of the land shall be reclaimed for forest, pasture, crop, dwellings, structures, or other uses:
 - 3. Proposed topographic contours after any filling;
 - 4. Depth of proposed restored topsoil;
 - 5. Type of fill proposed to be used; and
 - 6. Estimated progress and completions dates.
- F. General Stormwater Permit may be required as set forth in Section 3.16.

Section 3.13 Extractive Uses

- 3.13.1 Intent. It is the intent of this Section to provide performance standards for the extraction of mineral resources not regulated under Minn. Stats. 93.44-93.51, including sand, gravel, rock, soil, and other materials; to provide standards for related activities, including stockpiling of materials, washing of rock, crushing, bituminous, asphalt, hot mix processing equipment, parking facilities, haul roads, settling basins, and buildings; to provide for the orderly extraction of mineral resources; and to provide for the reclamation of land disturbed by such extraction in order to encourage productive future use of the land and to eliminate safety hazards. Reclamation may include, but is not limited to, the planting of forests, the seeding of grasses and legumes, the planting of crops, the enhancement of vegetative and aquatic resources, and the establishment of a management entity for the affected areas.
- 3.13.2 Where allowed by Zoning Permit. Extractive use operations over one acre are allowable by permit in Industrial, Iron Mining Overlay, Public, Recreational Commercial, Light Industrial Commercial, and Urban Expansion zoning districts provided all of the requirements of this Section are complied with. Extractive use operations over one acre are allowable by permit in Rural Residential and Farm Residential zoning districts provided there is not a neighboring residence within 1,000 feet of the extractive use operation and related facilities.
- 3.13.3 Where allowed by Conditional Use Permit. A Conditional Use Permit shall be required if there is a neighboring residence within 1,000 feet of the extractive use operation and related facilities to impose conditions to mitigate potential environmental and nuisance issues. Extractive use operations over one acre are allowable by Conditional Use Permit in the Shoreland Overlay Zoning Districts, which includes the Big Fork River Management Plan Corridor and Mississippi River Scenic Class.
- 3.13.4 Where prohibited. An extractive use operation over one acre is prohibited in the Mississippi River Wild Class.

- 3.13.5 Exemptions from permit. Extractive use operations which comprise surface extraction operations involving less than one acre of ground disturbance shall be allowed.
- 3.13.6 Permit required. Following the date of adoption of this Ordinance, no entity shall engage in new or expand existing extractive use operations or renew operations that have not been active within five years of September 15, 1998, on any land in Itasca County without first obtaining a permit from the Environmental Services Administrator. Any operation begun prior to 1998 which is active on the effective date of the prior Ordinance dated October 1, 2003, shall comply with the setback standards set forth in Section 3.13.8.A, provided that in the event the existing operations do not meet those standards, said operations shall expand no closer to the feature from which the setback is measured, and may continue operations for five years at which time the operation shall be registered as set forth in Section 3.13.15 or cease operation. The application for a permit for new extractive use operations must provide or be accompanied by the following:
 - A. Statement that the applicant has the right by ownership or lease to extract and to reclaim the land described in the application.
 - B. Statement estimating the expected duration of the extractive use operation, including starting and completion dates.
 - C. Detailed map or maps at a 1 inch equals 100 feet scale or larger showing proposed location of any buildings, equipment storage areas, operation areas, and any other uses incorporated in the excavation process.
 - D. Site development plan shall be filed with the application detailing the following:
 - 1. Dust, noise, and other emission of potential concern and mitigation plans;
 - 2. Hours and duration of operation;
 - 3. Proposed vegetation and topographic alterations; and
 - 4. Erosion control plan.
 - E. A written plan for reclamation of the affected area detailing:
 - 1. The nature and extent of the reclamation:
 - 2. A detailed map at a scale of 1 inch equals 100 feet or larger showing which parts of the land shall be reclaimed for forest, pasture, crop, dwellings, structures, or other uses;
 - 3. Proposed topographic contours after any filling;
 - 4. Depth of proposed restored topsoil;
 - 5. Type of fill proposed to be used; and
 - 6. Estimated progress and completions dates.
- 3.13.7 Other permits required. Prior to construction the property owner shall be responsible for obtaining any other applicable permit required for an extractive use relating to fuel and hazardous materials management, air quality management, solid waste management, water quality management, water withdrawals, rip rap and discharge outlets, discharge of dredged, or fill materials within waters and wetland from the local, state, or federal agency or department, including a stormwater permit as set forth in Section 3.16.

- 3.13.8 Extractive use operation performance requirements. The following performance standards must be met for the issuance of an Extractive Use Permit or the continuation of a Conditional Use Permit for an extractive use operation. These are minimum requirements and the County Planning Commission may impose additional requirements.
 - A. Setbacks. Extraction operations, including excavating or stockpiling and machinery, shall not be conducted or placed closer than noted as follows:
 - 1. 100 feet to the boundary of any adjoining property;
 - 2. 50 feet to the right-of-way of any existing or platted road;
 - 3. 250 feet to an established residence other than the owner/operator of said extractive use;
 - 4. 200 feet to the boundary of an incorporated municipality; and
 - 5. 200 feet to the ordinary high water level.
 - B. Vegetation clearing plan. Clearing of the site shall conform to the approved development and reclamation plan and existing trees, shrubs, and vegetation shall not be prematurely stripped.
 - C. Screening. Adequate planting, screening, buffering, and/or berming shall be provided sufficient to screen the operation from public view from roads and adjacent properties.
 - D. Entrance and exit standards.
 - Ingress and egress access points from or onto any road shall be identified and only those
 access points shall be used. All access points shall be approved by the appropriate state,
 county and/or local government having jurisdiction. Access points shall be located to
 avoid the routing of vehicles from the mining operation over roads that primarily serve
 residential areas.
 - 2. Access points shall be constructed to avoid traffic safety hazard and to minimize the view into the extractive use site.
 - 3. During the hours of operation, "Trucks Hauling" signs shall be placed along the public roads leading to the extractive use site entrances at a distance of not less than 500 feet from the entrances. The applicable road authority shall approve size and type of sign. Signs shall be removed or covered during non-operating hours.
 - 4. Accesses shall be controlled by the owner or operator of the extractive use operation.
 - 5. Dust control shall be implemented as necessary from the processing site to the nearest paved road on operations that have over 10 one-way hauling trips or five round-trips per day.
 - E. Hours of operation.
 - 1. Overall extractive use operation shall be from 6 a.m. to 7 p.m., Monday through Saturday.
 - 2. Emergency situations concerning public safety shall be approved by the Itasca County Director of Transportation / Highway Engineer or authorized designee.
 - 3. There shall be no mechanical equipment operation started before 6 a.m.
 - F. Spillage onto roads. Precautions shall be taken to minimize the deposit of dirt and extracted material from trucks onto the public roads. Trucks used in hauling materials from the operation shall be loaded in such a manner as to minimize spillage onto public roads. Any spillage shall be removed promptly by the operator at the operator's own expense.
 - G. Amount of cover removed. The amount of soil, groundcover, and/or overburden to be removed shall be the minimum amount necessary.
 - H. Use of explosives. When explosives are used, the operator shall use the utmost care and take all necessary precautions not to endanger life or damage or destroy property. The method of storing and handling explosives shall conform to all state and federal laws and regulations.
 - I. Dust and noise control. Operating procedures will be implemented to control dust and noise to minimize impacts on adjoining properties and roads.
 - J. Reclamation plan required. A reclamation plan that meets the provisions of Section 3.13.11 shall be implemented in all its terms.
 - K. Other requirements. Any other performance requirements specified in the permit.

- 3.13.9 Property transfer notice. During the duration of the Extractive Use Permit, it shall be the property owner's responsibility to notify the Environmental Services Department prior to transferring ownership of the property.
- 3.13.10 Financial assurances required.
 - A. Insurance. On County controlled lands, the Lessee (Operator) shall purchase liability insurance naming the County as an insured or additional named insured in an amount at least equal to the minimum liability limits set forth in Minn. Stat. 466.04 subd. I, which is currently \$400,000 per person which shall be increased to \$500,000 for a claim on or after July 1, 2009, and \$1,200,000 for multiple claims on or after July 1, 2009, and agrees to provide a Certificate of Insurance or other document to the Itasca County Auditor / Treasurer demonstrating to the County that such insurance has been procured.
 - B. Bond Security for reclamation. Prior to beginning operations on lands not controlled by the County, the property owner, contracted, or authorized extractive use operator shall post a bond, cash deposit, or other acceptable securities payable to Itasca County and filed with the Itasca County Auditor / Treasurer and be in such form as the County may require. It shall be the responsibility of the property owner, contracted, or authorized extractive use operator to provide the County a licensed engineer's written estimate of the total cost to reclaim the property that will be stripped of overburden during the time period the permit will be in effect. The sum of the security shall equal the written cost estimated to reclaim the disturbed portion of the property to standards required by the County in this Ordinance. The bond, cash deposit, or other securities shall be available to the County for a time period of not less than one year following the expiration of the Extractive Use Permit in the event that the property owner or extractive use operator does not fulfill it reclamation requirements, in which case the County will assume the reclamation obligation and shall include a provision for notification to the County at least 60 days prior to cancellation or non-renewal. In the event that the property owner or extractive use operator reclaims part or all of the extractive use operation area earlier than required by the permit, a revised estimate by a licensed engineer of the estimated remaining reclamation cost may be submitted to the County with a request for reducing the amount of the bond, cash deposit, or other security, which request shall be reasonably considered and granted by the County.

- 3.13.11 Reclamation standards. All extractive uses requiring a permit shall have a reclamation plan with the following minimum terms:
 - A. Slopes after reclamation. No portion of the reclaimed slope of the site shall exceed three feet horizontal to one foot vertical incline after reclamation unless the naturally occurring slope is steeper than 3-to-1 in which case final slopes shall not be steeper than the original natural slope.
 - B. Topsoil storage and reapplication. All feasibly recoverable topsoil on an extractive use site shall be saved for future application, unless it can be demonstrated that it is not all needed for reclamation. Topsoil shall be reapplied to the finished slopes as uniformly as possible. Sites which lack adequate topsoil shall have the topsoil applied preferentially to the finished sloped areas.
 - C. Seeding, revegetation, and stabilization.
 - 1. Seeding mixture shall be in accordance with the recommendations of the Itasca County Soil and Water Conservation District and shall use native seeds to the fullest extent possible.
 - 2. Planting of woody vegetation may be accepted in combination with other stabilization techniques.
 - 3. Sodding may be required for drainage ways, ditch checks, and highly erosive areas of a site as shown on the reclamation plan or as required by the Environmental Services Department.
 - 4. Riprap may be required for drainage ways, ditch outlet, culvert ends, or bridge openings as shown on the reclamation plan or as required by the Environmental Services Department.
 - 5. All seeding, revegetation, and stabilization on inactive portions of the pit shall be implemented upon completion of extractive activities. The final revegetation and restoration must be completed within one year of cessation of the operation and verified by the Zoning Official.
 - 6. Areas reclaimed for purposes of Minnesota Department of Natural Resources State Wildlife Management Areas and/or wetland mitigations shall be allowed exceptions to enhance wildlife habitat.
- 3.13.12 Mining of metallic minerals and peat. Mining of metallic minerals and peat as defined in Minn. Stats. 93.44-93.51 shall be a Permitted Use in Farm Residential, Rural Residential, Public, and Industrial Zoning Districts provided the provisions of this Ordinance and Minn. Stats. 93.44-93.51.
- 3.13.13 For existing extractive use operations established prior to 1998, see Section 24.2.103.
- 3.13.14 Extractive Use Permits or Conditional Use Permits. Owners and operators of any extractive use operation commencing after the adoption of the Ordinance dated December 1, 2005, shall obtain an Extractive Use Permit or Conditional Use Permit and shall be processed in accordance with the requirements as set forth in Sections 3.13.1-3.13.11 of this Ordinance.

3.13.15 Registration of Existing Extractive Use Facilities

- A. Persons, firms, partnerships, association, corporations, or other entities that commenced extraction prior to 1998 and as described in Section 3.13.6 shall not be required to obtain a Conditional Use Permit, but shall register the extractive use operation by obtaining an Extractive Use Facility Registration Permit from the Itasca County Environmental Services Department. All land owners and/or operators of extractive use operations subject to this paragraph shall complete and submit the Extractive Use Facility Registration Permit which must be approved by the Environmental Services Administrator no later than October 1, 2008, or said facility must cease operation.
- B. Failure to fulfill these requirements within said time limits will result in an order to immediately cease and desist all surface and subsurface removal and/or moving of earth.
- C. Extractive Use Facility Registration Permit applicants shall submit the following information to the Environmental Services Administrator:
 - 1. Name, address, and phone number of contact person for the operator and landowner;
 - 2. Acreage and complete legal description of the subject property on which the facility is located, including all contiguous property owned by the landowners;
 - 3. Existing structures;
 - 4. Existing drainage and permanent water areas;
 - 5. Existing vegetation;
 - 6. Existing wells and private sewer systems;
 - 7. A narrative outlining the type of material to be excavated, mode of operation, estimated quantity of material to be extracted, and other pertinent information to describe the existing extractive use facility;
 - 8. Size of existing extractive use facility and maximum size of extractive use facility;
 - 9. Estimated time frame facility has been and will be operated, including hours per day, days per week, months per year, and number of years in operation;
 - 10. A general description of surface waters, existing drainage patterns, and groundwater conditions within 300 feet of the subject property;
 - 11. Copies of all applicable state and federal application documents and operating permits including, but not limited to, MPCA permits, wetland permits, historical and archeological permits, and stormwater permits issued for the existing extractive use facility;
 - 12. A description of site screening, landscaping, and other best management practices;
 - 13. A description of the site hydrology and drainage characteristics during extraction for each phase of mineral extraction including plans to control erosion, sedimentation, and water quality of stormwater runoff; and
 - 14. Each registered extractive use facility must submit a reclamation plan that is consistent with Itasca County standards and consistent with the environment of the extractive use facility and surrounding area.

- D. Extractive Use Facility Registration Permit applicants shall comply with the following requirements:
 - 1. Setbacks.
 - a. No excavation shall take place within 50 feet of adjoining property lines or no closer than existing operations are already located unless a Variance is approved by the Board of Adjustment as set forth in Article 19. Exception: Visual screening, reclamation, and berming of overburden material are allowed within this setback.
 - b. No excavation shall take place within 250 feet to an established residence other than the owner/operator of said extractive use unless a Variance is approved by the Board of Adjustment as set forth in Article 19. This requirement is not applicable for extractive use operations in operation before and has been used annually since a residence within 250 feet of the extractive use facility was constructed.
 - c. No excavation shall take place within 200 feet to the boundary of an incorporated municipality and ordinary high water level. Exception: Existing extractive use facility(s) already operating within these limits shall not expand or encroach toward the incorporated municipality and/or ordinary high water level; and
 - d. No excavation shall take place within 50 feet of any road right-of-way line of any existing platted road, unless written consent by the adjacent road authority with jurisdiction over right-of-way is obtained and a copy is submitted to the Itasca County Environmental Services Department;
 - 2. Hours of operation shall be 6 a.m. to 7 p.m., Monday through Saturday. Exceptions: On governmental projects an over-the-counter permit is required to operate longer hours and consideration of same will be based on the location and potential impact on residential area. Due to special circumstances Variances may be applied for through Itasca County Environmental Services, as set forth in Article 19, to alter the hours of operation in any extractive use facilities for specific needs;
 - 3. As a condition of registration, Itasca County staff has the right to access the subject property; and
 - 4. Mining operations shall be conducted so active extraction operation of the existing extractive use facility exposes no more than 40 acres at any one time. Exception: At the time of registration, if an existing extractive use facility already exceeds the 40 acres of exposed area, the maximum amount of exposed area shall not exceed 80 acres at any one time and the total parcel of the extractive use property to be registered shall include a minimum of 160 acres.

Section 3.14 Home Occupations I and II

3.14.1 Intent. It is the intent of this Section to establish standards and regulations for allowed Home Occupations in residential dwellings or accessory buildings. Home Occupations I and II should fit smoothly and quietly into its residential context without creating undue disruption, traffic, noise, or other hazards that are detrimental to the health, safety, or welfare of its neighbors. Furthermore, it is the intent of the Ordinance to make provisions for the growth of Home Occupations I and II while retaining protections for residential neighborhoods.

3.14.2 Standards for Home Occupations I.

Home Occupations I (HOI) may be carried on as an allowed use without the issuance of a Zoning Permit within a residential dwelling or accessory structure by a member of the family residing on the premises in accordance with the following standards:

- A. The HOI shall be clearly incidental and subordinate to the use of the premises as a residence or customary farming operation;
- B. Only one person who does not reside on the premises but is employed in connection with the HOI may be present on the premises at one time in association with a HOI employment capacity;
- C. No internal or external alterations to the residential structure are necessary in order to carry on the HOI, including, but not limited to, the creation of a separate or exclusive business entrance;
- D. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference in excess of that generally associated with a residential use or farming operation;
- E. The HOI shall not be of the type that will generate automobile traffic in excess of that generally associated with a residence or customary farming, forestry, and contractor operation. The HOI shall not be the type that requires the traffic or overnight parking of heavy equipment, including more than two semi-trailers and more than one large tractor/truck;
- F. The outdoor display or storage of goods, materials, supplies, or equipment visible from other properties or a public right-of-way shall not be allowed with the exception of native agriculture produce in season;
- G. Typical HOI include, but are not limited to, uses such as electricians, plumbers, building contractors, sales of agricultural produce, sales offices, rock shops, minor production and sales of items made from local resources, catering services, used book stores, antique stores, dressmaking, home bakeries, internet sales, satellite offices, furniture upholstering and repairing, leather crafting, real estate offices, hair-dressers, hat-makers, music teachers, therapists, and other occupations which are of the same general character and conducted and used so as not to change the character of the immediate neighborhood. Other forms of HOI are allowed if they are similar to these examples and compatible with the immediate neighborhoods in which they are located:
- H. Only one sign may be on the parcel advertising the business which shall not be illuminated and shall not measure greater than 12 square feet in area; and
- Storage for small contractors whose work is primarily off site shall be allowed. All
 supplies and materials must be stored inside and all wastes must be kept inside until
 disposed of in accordance with applicable regulations.

3.14.3 Standards for Home Occupation II.

Home Occupations II (HOII) may be carried on as an allowed nonresidential use by the issuance of a Zoning Permit by the inhabitants thereof which may be conducted inside as well as outside the primary residence if it complies with the following standards:

- A. The applicant shall submit a site plan identifying the driveway location, parking area, outside storage areas, existing and proposed buildings, and any other related information relative to the use. Staff inspection required;
- B. A primary residence shall be on the property that is occupied by the business owner;
- C. There may only be one sign on the parcel advertising the business which shall not be illuminated and shall not measure greater than 24 square feet in area;
- D. No more than five persons other than those that occupy the dwelling may be regularly employed;
- E. The outdoor storage of items not generally considered to be retail display items shall be screened from view from public roads, abutting residences, public surface waters, and public recreational facilities;
- F. Outside storage of solid waste shall not be allowed;
- G. In addition to the off-street parking requirements for the residents and employees, there shall be a minimum of one off-street parking space for the business;
- H. HOII businesses include, but are not limited to, uses such as excavation services, small scale manufacturing, machine or welding shops, carpentry/cabinet making, electrician/plumber contractors, small engine repair/sales, greenhouse/florist/nursery/landscape and plant sales, bait sales, and curio shops. The home business shall not be a salvage facility or other use that is industrial in character. Other forms of HOII are allowed by a Zoning Permit if they are similar to these examples and compatible with the immediate neighborhoods in which they are located; and
- I. In a Rural Residential Zoning District or Shoreland Overlay Zoning District based on the underlying zoning district, HOII shall require a Conditional Use Permit.

Section 3.15 Forest Management Standards

The commercial harvesting of timber and associated reforestation to the maximum extent possible should be conducted consistent with current voluntary water quality best management practices adopted by the Minnesota Department of Natural Resources and the provisions of the Minnesota Forest Resources Council's Voluntary Site-Level Forest Management Guidelines.

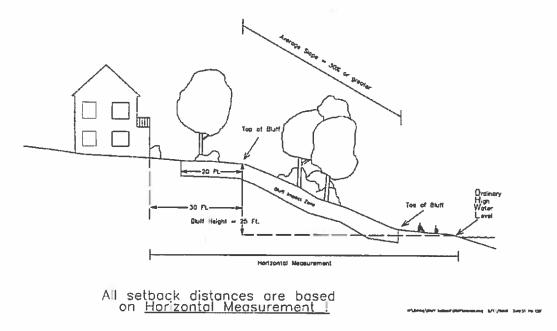
3.15.1 A Shoreland Alteration Permit as set forth in Section 5.9.2 shall be required prior to any timber harvesting within the shore impact zone to regulate and prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife.

Section 3.16 Surface Water Management

Surface water management on all lands in Itasca County shall comply with the Itasca County Storm Water Management Ordinance when adopted. Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency.

Section 3.17 Additional Structure and Sanitation Setbacks for All Zoning Districts
The following additional structure and sanitation setbacks apply in all zoning districts:
3.17.1 Top of bluff. All structures must be setback at least 30 feet from the top of a bluff.

Setback from the top of bluffs



- 3.17.2 Unplatted cemetery. All structures must be setback at least 50 feet 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 water-oriented accessory structures shall be placed in accordance with the following restrictions. The elevation to which the lowest finished floor, including the basement, is placed shall be determined as follows for lakes, rivers, and streams:
 - A. If FEMA documents have been produced for the area, then the elevation shall be 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;
 - B. If FEMA documents have not been produced for the area, then the elevation shall be 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; or
 - C. The Zoning Official may allow the following alternatives to A. or B.: The elevation may be three feet above the highest known water level or three feet above the OHWL, 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 three feet above the OHWL, 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.
- 3.17.6 Accessory buildings. Accessory buildings, including attached garages, must be setback at least 10 feet from the side and rear parcel lines. Setback is measured from the eves or overhang.

3.17.7 Travel trailers.

- A. Except as provided in this Section, two or more travel trailers on a parcel shall be prohibited. Two or more travel trailers on a parcel shall be permitted in the following circumstances:
 - 1. When the requirements applicable to Resorts (Article 15A) are met; or
 - 2. When travel trailers are utilized with the permission of the property owner or possessor for a maximum of 10 days per year.
- B. A travel trailer may be utilized on a parcel provided that all of the following requirements are met:
 - 1. There is no permanent or seasonal dwelling on the parcel of land;
 - 2. Not more than one travel trailer is permitted on the parcel;
 - 3. The parcel size of the parcel shall conform to the applicable lake class or zoning district;
 - 4. There shall be adequate sanitation facilities;
 - 5. The travel trailer shall be currently licensed and not permanently set up; and
 - 6. The placement of the travel trailer shall be outside the shore impact zone and bluff impact zone.
- C. If there is a permanent or seasonal dwelling on a parcel of land, only the principal resident's travel trailer (maximum of one travel trailer) shall be permitted except as provided in Section 3.17.7.A.

Article 4 NONCONFORMING USES, STRUCTURES, AND PARCELS

Section 4.1 Intent

It is the intent of this Ordinance to allow the continuance of any nonconforming structure or use existing at the date of adoption of this Ordinance. It is the intent of this Ordinance to provide for the regulation of nonconforming uses, structures, and parcels and to specify conditions under which nonconforming uses, structures, and parcels will be maintained. Furthermore, it is the intent of this Ordinance that nonconforming uses shall be eventually brought into conformity. When an addition is made to a nonconforming structure in accordance with this Article, the existing structure shall be in sound condition and shall not be removed once the new construction is completed.

Section 4.2 Nonconforming Parcels or Parcels of Record

A parcel of record is a parcel of land already in existence, which means a legally recorded, platted, or authorized parcel prior to November 1, 1969 or amendments thereto, including the enactment of this Ordinance, that was a buildable parcel under prior ordinances, even though it may be smaller in width, length, or area than required by this Ordinance. A nonconforming parcel of record may be used for Permitted Uses, provided the following requirements are met:

- 4.2.1 Must meet 75 percent of current standards. The parcel meets 75 percent of the current minimum parcel area (in square feet) and minimum parcel width (in feet) standards for a single residential dwelling unit for the zoning district or for the classification of the lake where the parcel is located;
 - A. Exception: This 75 percent standard is not required for nonconforming parcels of record that were already in existence, which means legally recorded, platted, or authorized prior to November 1, 1969. All applicable setbacks shall be maintained.
- 4.2.2 Separate ownership required. The parcel has been in separate ownership from contiguous parcels at all times since it became substandard;
- 4.2.3 Contiguous parcels under same ownership. Where two or more contiguous parcels are held by one owner and could be combined to meet or more nearly meet the minimum width, length, and area requirements for a Permitted Use, the contiguous parcels shall be combined and legally described as a single parcel;
 - A. Exception: Combination of contiguous parcels of record under the same ownership shall not be required if each individual parcel of record meets 75 percent of the current parcel area (in square feet) and minimum parcel width (in feet) standards for a single residential dwelling unit for the classification of the lake or zoning district where the parcel is located.
 - B. Exception: Combination of contiguous parcels of record under the same ownership shall not be required if each individual parcel of record has been developed with a lawfully existing dwelling unit.
- 4.2.4 Setbacks. New structures or additions to existing structures shall meet all setback requirements of this Ordinance;
- 4.2.5 Sewage treatment and water supply. Sewage treatment and water supply facilities can be provided that meet the provisions of this Ordinance, Minnesota Department of Health requirements, Itasca County Sanitation Ordinance, and other state and federal regulations; and
- 4.2.6. Impervious surface. Maximum impervious surface coverage shall not exceed 20 percent of the parcel area.

Section 4.3 Existing Structures and Uses

Any structure or use lawfully existing upon the adoption date of this Ordinance or an amendment thereto that is not in conformity with the provisions of this Ordinance may be continued in its use, at the size and in the manner of operation existing upon the date of adoption of this Ordinance with no additional Variance.

- 4.3.1 Nonconforming structures. Nonconforming structures may continue through repair, replacement, restoration, maintenance, or improvement provided a Variance is not required and that is in accordance with Section 4.6. All nonconforming structures shall not be expanded, enlarged, extended, intensified, newly constructed, structurally altered, reconstructed, substituted, relocated, or moved nor existing uses changed without coming into conformity with the provisions of this Ordinance, with the exceptions specifically listed in Sections 4.4-4.8.
- 4.3.2 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 OHWL without a Variance on structures existing on the date the shoreland ordinance standards were first adopted (November 15, 1972) if all of the following criteria and standards are met:
 - A. No alternative. A thorough evaluation of the property and structure reveals no reasonable location for this addition meeting or exceeding the existing OHWL setback of the structure;
 - B. Setback. The platform or deck encroachment toward the OHWL does not exceed 15 percent of the existing shoreline setback of the structure from the OHWL or does not encroach closer than 30 feet, whichever is more restrictive;
 - C. Materials. The platform or deck is constructed primarily of wood and is not roofed, screened, or enclosed in any manner;
 - D. Height. No part of the structure shall exceed five feet in height above ground level.
 - E. Size. The platform or deck shall not exceed 160 square feet in total size; and
 - F. Screening. Trees or shrubs shall screen the structure as viewed from the water and such screening shall extend to the OHWL.
 - G. Exemption: High Water Elevation. Attached ground-level patio platforms and attached decks are exempt from the high water elevations as set forth in Section 3.17.4.

Section 4.4 Structures Approved Prior to Adoption Date

Any proposed structure which will become nonconforming under this Ordinance but for which a Zoning Permit has been lawfully granted prior to the adoption date may be completed in accordance with the approved plans provided construction is started within one year of the adoption date. Such structure and use shall thereafter be a legally nonconforming structure and use.

Section 4.5 Limited Maintenance, Repair, Restoration, Replacement, Improvements, Alterations, and Additions Allowed

All restorations, replacements, alterations, or additions to nonconforming structures require a Variance except for the following:

4.5.1 Maintenance, repairs, and improvements. Normal maintenance and repairs of a lawful nonconforming structure are allowed without a Zoning Permit provided the cost of the maintenance, repairs, and improvements do not exceed 50 percent of the structure's market value. If the cost of the maintenance, repairs, and improvements exceeds 50 percent of the structure's market value, a Zoning Permit is required. Maintenance, repairs, and improvements include necessary nonstructural and structural repairs and incidental alterations, which do not physically extend or intensify the nonconforming use or structure. Permits issued under this Section shall include lakeshore mitigation requirements to restore shore impact zone to effectively screen structure(s) as viewed from the waters as set forth in Section 5.9.1.B.3.b. A shoreline buffer consisting of trees, shrubs, and ground cover of native plants and understory shall be required as in Table 3. Table 3. Buffer Requirements for Maintenance, Repairs, and Improvements of Nonconforming Structures

Lake ClassBuffer (Distance from OHWL landward in feet)General Development10Recreational Development15Natural Environment50Phosphorus Sensitive50

- 4.5.2 Additions. Additions to nonconforming structures require a Zoning Permit and must meet the following conditions:
 - A. Location limited. No part of the addition is toward the already nonconforming setback and no part of the addition will be located within a shore or bluff impact zone;
 - B. Septic area. No part of the addition encroaches upon the septic treatment system or septic expansion area;
 - C. Size limited. The proposed addition in combination with any additions allowed since April 1, 1995, shall not increase the square footage of the footprint of the original structure as it existed on April 1, 1995, by more than 100 percent or a maximum of 1,000 square feet;
 - D. Height. The addition or completed structure shall not exceed a total of 20 feet if within the shore impact zone or 25 feet if between the shore impact zone and required setback;
 - E. Actual dimensions filed. Verification by site inspection or plat drawing showing actual measured dimensions shall be filed with the Environmental Services Department prior to construction; and
 - F. Lakeshore mitigation. Permits issued under Section 4.5.2 shall include lakeshore mitigation requirements to restore shore impact zone to effectively screen structure(s) as viewed from the waters as set forth in Section 5.9.1.B.3.b. A shoreline buffer consisting of trees, shrubs, and ground cover of native plants and understory shall be required as in Table 4.

Table 4. Buffer Requirements for Additions to Nonconforming Structures

Lake Class	Buffer (Distance from OHWL landward in feet)
General Development	10
Recreational Development	15
Natural Environment	50
Phosphorus Sensitive	50

- 4.5.3 Replacements and restorations. Nonconforming structures and accessories located within homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes may be replaced or restored upon issuance of a Zoning Permit provided the requirements set forth in Section 4.5.2.E-F are met.
- 4.5.4 Expansions to replacements or restorations. Expansions to replacements or restorations of nonconforming structures and accessories located within homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes may be allowed provided the requirements in 4.5.2 are met.
 - A. A Zoning Permit shall be applied for if a nonconforming structure is destroyed by fire or other peril to the extent of 50 percent of its market value. A Zoning Permit shall be procured within 180 days of when the property is damaged. If no Zoning Permit has been applied for within the time allowed for by this paragraph, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
- 4.5.5 Damaged structure. If a structure is damaged by fire, flood, storm, explosion, earthquake, war, riot, or other natural disasters to an extent of more than 50 percent of its market value at the time of such damage, it shall not be rebuilt, replaced, enlarged, or altered except in conformity with the provisions of this Ordinance.

Section 4.6 Changes to Reduce Nonconformity Allowed

A lawful nonconforming use or parcel may not be changed except to lessen the nonconformity. A lawful nonconforming structure may be moved or replaced at same square footage to lessen the nonconformity upon the issuance of a Zoning Permit by the Zoning Official.

Section 4.7 Discontinuance of Lawful Nonconforming Use

Whenever lawful nonconforming land use or structure occupancy is discontinued for a period of 12 months, the subsequent land use or the structure occupancy shall be made to conform to the provisions of this Ordinance.

Section 4.8 Failing Sewage Treatment Systems

A sewage treatment system not meeting the requirements of this Ordinance, Itasca County Sanitation Ordinance, Minnesota Department of Health regulations, Minn. Rules, Chapts. 7080-7083 requirements, and other state and federal requirements shall be considered failing.

- 4.8.1 Inspection required. A compliance inspection for individual sewage treatment systems is mandatory upon transfer of property and upon receipt of information of system failure. The cost of the inspection shall be borne by the landowner or purchaser.
- 4.8.2 Requirements. Failing sewage treatment systems shall be subject to the following requirements:
 - A. A failing sewage treatment system must be upgraded, repaired, or replaced in compliance with Minn. Rules, Chapts. 7080-7083, requirements within a 24-month period.
 - B. A subsurface sewage treatment system posing an imminent threat to public health or safety shall be upgraded, replaced, or repaired within 10 months.
 - C. For purposes of this provision only, a sewage treatment system shall not be considered failing if the only deficiency is the system's improper setback from the ordinary high water level.

Section 4.9 Nonconforming Recycling Center – Auto, Appliance, and Junkyard; Time Limited; Requirements for Conditional Use Permit

A nonconforming auto, appliance, and junkyard recycling center use in a zoning district in which auto and appliance recycling centers are an allowed Conditional Use may continue upon issuance of a Conditional Use Permit as provided for in Article 3 and Article 21.

Section 4.10 Change from Conforming to Nonconforming Use

The change from a conforming use or structure to a nonconforming use or structure after the effective date of this Ordinance shall be a violation of this Ordinance. No yard or parcel of land existing on the date of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements of this Ordinance.

Section 4.11 Side Yard Setbacks

Side yard requirements for any structure on a parcel of record shall conform as near as possible to the requirements of this Ordinance. In such cases where compliance is not possible, a side yard requirement equal to 10 percent of the parcel width at the building line shall be required on each side of the parcel, but in no case shall the side yard be less than five feet.

Section 4.12 Designated Floodplains.

Notwithstanding Section 4.3, the Board of Adjustment shall regulate the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the national flood insurance program and not increase flood damage potential or increase the degree of obstruction to flood flows in the floodway. Such structures and uses shall comply with Section 3.17.4.

Article 5 SHORELAND OVERLAY ZONING DISTRICTS

Section 5.1 Intent

The State of Minnesota in Minn. Stat. Chapt. 103F has defined shoreland areas and described limitations on uses and locations of structures in those areas. This Article implements the requirements of Minn. Stat. Chapt. 103F by establishing special land use provisions for the Shoreland Overlay Zoning Districts within Itasca County. The objective of this Article is to maintain and restore the natural beauty and attractiveness of shoreland and to provide environmental protection for the water resource.

Section 5.2 Relationship to Other Zoning Districts

Shoreland Overlay Zoning Districts are overlay zoning districts. They incorporate underlying zoning districts and impose additional or varying requirements from the requirements of the underlying zoning districts. When there is a conflict between the provisions of the Shoreland Overlay Zoning District and the underlying zoning district, the provisions of the Shoreland Overlay Zoning District prevail.

Section 5.3 Shoreland Overlay Zoning District Boundaries

Shoreland Overlay Zoning District boundaries are defined on the Official Zoning District Map and are generally described as follows:

- 5.3.1 Lakes. The zoning district boundary for lakes is 1,000 feet from the ordinary high water level (OHWL) of a lake, pond, or flowage.
- 5.3.2 Rivers. The zoning district boundary for rivers is 300 feet from the OHWL of a river or stream or the landward extent of a flood plain designated by Ordinance on a river or stream, whichever is greater.
- 5.3.3 Big Fork River Management Plan Corridor. The zoning district boundary for the Big Fork River Management Plan Corridor is 500 feet from the OHWL on each side of the river.
- 5.3.4 Mississippi River Headwaters Corridor. The zoning district boundary for the Mississippi River Headwaters Corridor is described in the Mississippi Headwaters Comprehensive Plan and is generally 1,000 feet on either side of the river for those areas classified as Wild and at least 500 feet on either side of the river for those areas classified as Scenic.

Section 5.4 Parcels Which Cross Zoning District Boundaries

Parcels may contain a portion that lies within two Shoreland Overlay Zoning Districts or a portion that lies within a Shoreland Overlay Zoning District and a non-shoreland area.

- 5.4.1 Within two Shoreland Overlay Zoning Districts.
 - A. Riparian. In the event that a parcel lies within two overlapping Shoreland Overlay Zoning Districts, the classification of the lake or river on which the development is proposed to front shall control.
 - B. Non-riparian. Whenever the Shoreland Overlay Zoning Districts of two or more public waters shall overlay, then the shoreland area for each such public water shall separate at the topographic divide to determine the appropriate classification. If there is not a topographic divide clearly delineated, then the midpoint between the two water bodies shall determine the appropriate classification.
- 5.4.2 Within a Shoreland Overlay Zoning District and non-shoreland area. Structures and uses on the portion of a parcel that lies within a Shoreland Overlay Zoning District must conform to the provisions of this Article. Structures and uses on the portion that lies within another zoning district must conform to the provisions of that zoning district. When a structure or use crosses the boundary between the Shoreland Overlay Zoning District and another zoning district, the most restrictive provisions shall be applied to the entire parcel.

Section 5.5 Description of Public Water Classes and Zoning Districts

As stated in Section 2.10, public waters within Itasca County are classified according to policies contained in Minn. Stat. Chapt. 103F and Minn. Rules 6120.2500-6120.3900 and are listed in the Itasca County Public Waters Classification List. Shoreland Overlay Zoning Districts have been established for the following classes of public waters: General Development lakes, two categories of Recreational Development lakes, three categories of Natural Environment lakes, Phosphorus Sensitive lakes, multiple shoreland management areas, Trout Streams, Remote river segments, Forested river segments and Tributary river segments. Itasca County has adopted a special river classification and zoning district for the Big Fork River Management Plan Corridor and two special classifications and zoning districts for the Mississippi Headwaters River Corridor, Wild and Scenic. Following are descriptions of each general classification:

- 5.5.1 General Development (GD) lakes. GD lakes are large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes are extensively used for recreation and except for the very large lakes are heavily developed around the shore. Second and third tiers of development are common.
- 5.5.2 Recreational Development (RD) lakes. RD lakes are medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. Moderate levels of recreational use and existing development often characterize them.
- 5.5.3 Natural Environment (NE) lakes. NE lakes are small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and soils unsuitable for septic systems. These lakes usually do not have much existing development or recreational use.
- 5.5.4 Phosphorus Sensitive (PS) lakes. PS lakes are lakes exhibiting the greatest potential for water quality impairment as determined by the Minnesota Lake Eutrophication Analysis Procedure (MNLEAP Itasca, W. Walker, 2005). MNLEAP uses readily available information (i.e., watershed area, lake area, mean depth, and lakeshore land use inputs) to provide a simple screening tool for predicting natural and developed lake water quality conditions. The sanitation setbacks and impervious surface coverage requirements on PS lakes are the same as Natural Environment lakes.
- 5.5.5 Trout Streams. All Trout Streams officially designated by the Minnesota Department of Natural Resources shall be assigned to the Natural Environment-1 lake class. Designated Trout Streams are specifically listed in Minn. Rule 6264.0050 subp. 4 and are subject to periodic change. If the Trout Stream identified in the Itasca County Public Waters Classification List should deviate in any way from those listed in Minnesota Rules cited above, then the designation listed in Minnesota Rules shall take precedence.
- 5.5.6 Remote river segments. Remote river segments are located in roadless, forested, and sparsely populated areas.
- 5.5.7 Forested river segments. Forested river segments are located in forested and sparsely to moderately populated areas.
- 5.5.8 Tributary river segments. Tributary river segments include river segments that are not classified as Remote or Forested.

Section 5.6 Uses, Parcel Area, Parcel Width, Setback, and Other Standards

- 5.6.1 Rules for measurement. The following rules shall apply to measuring:
 - A. Parcel width shall be measured and met at both the OHWL and at the building line.
 - B. Structure setback and sanitation setback for riparian parcels shall be measured at right angles from the OHWL to the building line. Structures include roads, driveways, and parking areas.
- 5.6.2 Controlled access lots. If access to public waters in any Shoreland Overlay Zoning 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 this Ordinance. Lots intended as controlled accesses to public waters are permissible and must meet or exceed the following standards:
 - A. Said lot must meet the width and size requirements for residential lots in the respective lake class and be suitable for the intended uses of controlled access lots. If access for more than six non-riparian dwelling units is to be allowed over a controlled access, the lot must be increased by 25 percent for each non-riparian dwelling unit over six;
 - B. Lake access does not impact critical fish or wildlife habitat;
 - C. If docking, mooring, or over-water storage of more than six watercrafts is allowed at a controlled access lot, then the width and area of the lot must be increased by 25 percent for each watercraft beyond six;
 - D. The landward end of all docks must meet a 10 feet setback from the nearest lot line. Docks must be placed so that no portion extends across the projection of the setback from side lot lines into the lake and so as not to block access from an adjacent property owner to open water;
 - E. Said lot must be jointly owned by all purchasers of lots in the Subdivision or by all purchasers of non-riparian lots in the Subdivision who are provided riparian access rights on the access lot; and
 - F. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They may also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or other enjoyment of normal property rights by adjacent property owners. Examples of insignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over-water and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimum topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer leaf-on conditions.
- 5.6.3 Limits to reduce crowding potential. The number of controlled access lots per lake shall not exceed those set forth in Table 5. If there is no public access on the lake, then the number of controlled access lots on a given lake may be double the numbers indicated in Table 5.

 Table 5. Number of Controlled Access Lots per Lake

	Acres of Water	per Mile o	f ALL Shoreline	
		70 or Less	70-150	150 or More
Acres of Water	70 or Less	2	3	4
per Mile of	70-150	1	2	3
PRIVATE Shoreline	150 or More	Not Allowed	1	2

- 5.6.4 Permitted Uses. The following are Permitted Uses in Shoreland Overlay Zoning Districts:
 - A. Accessory Structures;
 - B. Agriculture. All forms of agriculture, horticulture, and animal husbandry, including necessary farm structures and processing of agricultural products but excluding fur farms and commercial kennels, provided that the provisions of Section 3.6 and Section 5.7.1 are met;
 - C. Bed and Breakfast Inns;
 - D. Conservation Developments, Minor;
 - E. Conservation Easements;
 - F. Controlled Access Lots that meet the provisions of Sections 5.6.2-5.6.3;
 - G. Day Care Facilities I;
 - H. Dwellings, Multi-Family. Duplex, triplex, and quad dwellings are permitted in Recreational Development and General Development Shoreland Overlay Zoning Districts provided that each dwelling unit meets the parcel width and area requirements for a dwelling unit contained in Section 5.6.7.D-F. Duplex, triplex, and quad dwellings are prohibited in all other Shoreland Overlay Zoning Districts. Multi-family dwellings are permitted provided that the dwelling unit parcel has frontage on a publicly owned and maintained road. If the parcel does not front on a publicly owned and maintained road, a dwelling is allowed provided the landowner signs a notice of limited public services prior to receiving a Zoning Permit that is recorded with the Environmental Services Department with a copy to the applicable township;
 - Dwellings, Single-Family. Such dwellings are permitted provided that the dwelling unit
 parcel has frontage on a publicly owned and maintained road. If the parcel does not front
 on a publicly owned and maintained road, a dwelling is allowed provided the landowner
 signs a notice of limited public services prior to receiving a Zoning Permit that is
 recorded with the Environmental Services Department with a copy to the applicable
 township;

- J. Dwellings, Temporary Second. Temporary second dwellings as defined in Section 24.2.265 are permitted provided all of the following conditions are met:
 - 1. For the Shoreland Overlay Zoning District, the parcel size must comply with the minimum parcel dimensions of duplex parcels as set forth in the State Shoreland Standards and in Table 6.

Table 6.	Duplex Si	ize Requirements	for Temporary	y Second Dwellings
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Duplex Parcel Size Requirements for Temporary Second Dwelling					
	Ripa	arian	Non-l	Riparian	
	Area Width (Sq. Ft.) (Ft.)		Area (Sq. Ft.)	Width (Ft.)	
General Development	40,000	180	80,000	265	
Recreational Development	80,000	225	80,000	265	
Natural Environment	120,000	300	160,000	400	
Tributary		150			
Forested		300			
Remote		450			

- 2. The dwelling unit is a mobile home or manufactured home that is clearly temporary and does not cover more than 1,000 square feet of land surface and shall not exceed 15 feet in height;
- 3. The dwelling unit shall comply with applicable structure setbacks;
- 4. The dwelling unit shall have adequate sanitation facilities that comply with applicable design requirements and setbacks; and
- 5. The dwelling unit is removed within 90 days of when the family member(s) no longer occupies the dwelling, which in this case means to reside, live, or dwell in said home. This time frame may be extended by the Environmental Services Administrator because of winter or spring weather conditions.
- K. Essential Services;
- L. Existing Resort Expansion as regulated by Section 15A.4
- M. Fish Hatcheries;
- N. Forestry. All forms of forestry uses including processing, necessary structures, and construction of access roads to remove timber;
- O. Foster Homes;
- P. Game Refuges;
- Q. Group Homes 1;
- R. Home Occupations I that meet the provisions of Section 3.14;
- S. Home Occupations II as regulated by the underlying zoning district that meet the provisions of Section 3.14;
- T. Public Parks and Recreational Areas; and
- U. Wildlife Areas.

- 5.6.5 Conditional Uses. The Planning Commission may consider approval of the following Conditional Uses in Shoreland Overlay Zoning Districts:
 - A. Conservation Developments, Major;
 - B. Conservation Developments, Noncompliant Minor;
 - C. Educational Classroom Facility for safety training, classroom safety training in conjunction with youth firearms training, 4-H activities, adult firearm safety training, various governmental agencies firearms safety training and similar types of training activities. The property for these training facilities shall not abut the shoreline of any lake, river or stream and shall be located a distance of over 200 feet away from the OHWL of any lake, river or stream.
 - D. Extractive Uses over one acre that meet the provisions of Section 3.13;
 - E. Fish Farms. Private Fish Farms if the underlying zoning district is Farm Residential, Recreational Commercial, or Light Industrial Commercial;
 - F. Group Homes II;
 - G. Home Occupations II as regulated by the underlying zoning district that meet the provisions of Section 3.14;
 - H. Houses of Worship; not to be located any closer than 350 feet away from the ordinary high water level (OWHL) of any lake, river or stream and for parcels that do not touch public waters;
 - I. New Resorts. The Planning Commission may consider approval of Conditional Use Permits of new Resorts on General Development and Recreational Development lakes, Big Fork River, and Mississippi River Scenic Class provided the underlying zoning district is Recreational Commercial, Light Industrial Commercial, or Industrial and only if they meet all of the following standards and Article 15A.3:
 - 1. Setback or screening. Uses without water-oriented needs must be located on parcels without public waters frontage or, if such uses are located on shoreland parcels with public waters frontage, these uses must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions.
 - 2. Screening of parking. In addition to meeting impervious surface coverage limits, setbacks, and other applicable zoning standards, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - 3. Moorings. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
 - 4. Signs and lighting. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public subject to the following general standards:
 - a. No advertising signs or supporting facilities for signs may be placed in or upon public waters;
 - b. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the Itasca County Sheriff:
 - c. When necessary signs may be placed within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as project brands and prices, must not be located higher than 10 feet above the ground and must not exceed 32 square feet in size. If

- illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
- d. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- J. Storage of petroleum and hazardous materials. See Section 5.7.2;
- K. Temporary Borrow Areas that meet the provisions of Section 3.12; and
- L. Towers that meet the provisions of Article 14.
- 5.6.6 Prohibited uses. Uses not specifically listed in Sections 5.6.4-5.6.5 are prohibited in Shoreland Overlay Zoning Districts.
- 5.6.7 Minimum parcel area, width, and setbacks. Table 7 contains the minimum parcel area, parcel width, setback standards, maximum impervious surface coverage, and maximum heights. The minimum suitable area per parcel shall be 10,000 square feet. Suitable area is calculated by excluding all wetlands, bluff, major utility easements greater than 30 feet in width, or land below the OHWL of public waters. The minimum setbacks for dwellings from the side yards shall be 15 feet and 30 feet from the rear yards. The minimum side and rear yard setbacks for structures housing livestock shall be 100 feet from the nearest parcel lines. For accessory buildings setbacks see Section 3.17.7. Setbacks are measured from the closest part of the structure, including decks, eves, or overhangs. See Table 7.

Table 7. Residential Dwelling Unit Requirements

		Minimum Parcel Size			Riparian Setbacks		Maxim	Maximum	
	Riparian		Non-ripariar	Rose Committee	Structure	Sanitation	Impervious	Building	
Lake Class	Width (Ft.) Approx. Depth (Ft.) Area in Sq. Ft.	Area (Ac.)	Width (Ft.) Approx. Depth (Ft.) Area in Sq. Ft.	Area (Ac.)	(FL)	Septic Tank Sewage Treatment (Ft.)	Surface (% of Parcel)	Stories / Height (Ft.)	
A.	150	.75	150	l	75	50 Tank	201	2.5 / 35	
General Development	218 32,670	:	290 43,560			100 Treatment			
B. Recreational Development-2	200 327 65,340	1.5	200 436 87,120	2	100	75 Tank 100 Treatment	151	2.5 / 35	
C. Recreational Development-1	200 436 87,120	2	200 545 108,900	2,5	100	75 Tank 100 Treatment	151	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		See Und	erlying Lake Classificat	ion		100 Tank ³ 150 Treatment ³	12	2.5 / 35	
River Class	rosalismo naide		of the second			News Rep. 200			
H. Tributary	150	Zone			100	75	12	2.5 / 35	
1. 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.

5.6.8 When subdividing within the Shoreland Overlay Zoning District, both the frontage and parcel width at the building line shall conform to Shoreland Overlay Zoning District 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 classes with the exceptions of the Big Fork River and Mississippi River (see Mississippi Headwaters Comprehensive Plan, which includes the Mississippi Headwaters Standards for Land Use). The remaining protected unclassified watercourses as shown on the Itasca County's Protected Waters Inventory Map shall be assigned the Tributary class.

² See Sanitation Ordinance

³ Performance system required if setbacks not maintained.

- Section 5.7 Additional Use Restrictions for All Shoreland Overlay Zoning Districts
 The following additional restrictions shall be placed on land uses in all Shoreland Overlay
 Zoning Districts:
- 5.7.1 Agricultural use standards. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, wild crop harvesting, and activities related thereto are Permitted Uses in Shoreland Overlay Zoning 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 (SWCD);
 - B. Manure spreading within the Shoreland Overlay Zoning District is done only under a manure management plan approved by the Itasca County SWCD 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 feet from the OHWL;
 - C. The use of fertilizer or pesticides within Shoreland Overlay Zoning 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 150 feet from the OHWL;
 - D. Feedlots are a prohibited use within Shoreland Overlay Zoning Districts; and
 - E. Keeping of livestock is regulated by Section 3.6.
- 5.7.2 Storage of petroleum and hazardous materials. Commercial storage of petroleum products and hazardous materials require a Conditional Use Permit in Shoreland Overlay Zoning Districts except when associated with a licensed Resort and the following conditions are met:
 - A. The aggregate volume of storage tanks does not exceed 500 gallons unless a permit is acquired from the Environmental Services Department;
 - B. The storage tank and operation thereof comply with Minn. Rules, Chapter 7151;
 - C. The storage site is setback at a distance equal to the required sanitation setback listed in Section 5.6.7;
 - D. An impervious containment structure is in place in a size large enough to capture and contain all of the stored material in the case of a leak or spill; and
 - E. Customer self-service of gas dispensation shall not be allowed.

Section 5.8 Additional Standards for All Shoreland Overlay Zoning Districts

The following standards apply to all structures and uses in Shoreland Overlay Zoning Districts within Itasca County. When there is a conflict between the provisions of the Shoreland Overlay Zoning District and the underlying zoning district, the provisions of the Shoreland Overlay Zoning District prevails. See Section 5.9 for Shoreland Alteration Permit requirements.

- 5.8.1 Alteration of vegetation and topography. Alteration of vegetation and topography in shoreland areas is regulated under this Ordinance to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, preserve historic and archeological sites, prevent bank slumping, and protect fish and wildlife habitat.
 - A. General standard. The general standard for alteration of vegetation and topography is that the minimum amount of alteration that is necessary for the Permitted Use is allowed.
 - B. Site preparation allowed. Within the general standard stated above, alterations to vegetation and topography, including grading, filling, and excavation, necessary for the construction of structures and sewage treatment systems are allowed under an approved Zoning Permit that meets all the provisions of Section 5.8.1.
 - C. Roads, driveways, and parking areas. Alterations to vegetation and topography for roads, driveways, and parking areas are regulated by Section 5.9.3.
 - D. Steep slopes. Removal of vegetation on steep slopes is not allowed, except to allow one access path from a residence to the shore that is 12 feet or less in width.
 - E. Shore impact zone. Such zone is land located between the OHWL of public water and a line parallel to it at a setback of 50 percent of the structure setback. A shoreline buffer shall exist in the shore impact zone consisting of trees, shrubs and low ground cover of native plants and understory in a natural state as regulated by Section 5.9.
 - F. Bluff impact zone. Such zone is a bluff and land located within 20 feet from top of bluff.
 - G. Burning. Burning of vegetative debris and yard waste is prohibited within the shore impact zone.
- 5.8.2 Fertilizers. Fertilizers used for lawn maintenance must have a zero percent phosphorus content level.
- 5.8.3 Pesticides. The use of pesticides is prohibited within 50 feet of the OHWL or the shore impact zone, whichever is greater, except programs supported by county, state, or federal agencies.

Section 5.9 Shoreland Alterations Regulated

Shoreland alterations of vegetation and topography shall be regulated and minimized to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values including historic sites and archaeological sites, prevent bank slumping, and protect fish and wildlife habitat.

5.9.1 Vegetation alterations.

- A. Exemption. Vegetation alteration necessary for the construction of permitted structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 5.9.3 are exempt from the vegetation alteration standards that follow.
- B. Standards. Removal or alteration of vegetation shall be subject to the following standards:
 - A shoreline buffer shall exist in the shore impact zone, consisting of trees, shrubs, and low ground cover of native plants and understory consistent with natural cover of shorelines in the area. Buffer depth from the OHWL shall be as in Table 8:

Table 8. Shoreland Alteration Buffer Depths Required

Buffer Depth by Public Waters Classification	Feet
General Development	10
Recreational Development	15
Natural Environment	50
Phosphorus Sensitive	50
Agricultural, Urban and Tributary River Segments	50
Forested and Transition River Segments	50
Remote River Segments	50

- 2. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forestland conversion to another use outside of the shore and bluff impact zones is allowable as Conditional Useif an erosion control and sedimentation plan is developed and approved by the Itasca County SWCD; and
- 3. Vegetation clearing and removal of native ground cover, plants, and leaf matter within the shore and bluff impact zones and on steep slopes shall not be allowed, except the following:
 - a. Limited clearing of trees and brush and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways, landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities shall be allowed. An access path shall not exceed a cleared width of 12 feet. Only one shoreline recreation use area shall be allowed on each residential parcel and it shall not exceed 15 feet in depth by the width in Table 9.

Table 9. Maximum Width of Shoreline Recreation Use on Residential Parcels

Public Water Classification	Maximum Width in Feet Parallel to Shore
General Development	30
Recreational Development	30
Natural Environment	20
Phosphorus Sensitive	20
Agricultural, Urban, and Tributary	30
Forested and Transition	20
Remote	10

- b. Vegetation within the shore impact zone shall be maintained to screen structures with trees and shrubs so that the structures are at most 50 percent visible from public waters during summer, leaf-on conditions. The maximum view corridor shall be less than 50 feet or one-third of the parcel width, whichever is less;
- c. Along rivers, existing shading of water surfaces is preserved; and
- d. The above provisions are not applicable to the removal of trees, limbs, or branches that pose safety hazards.

5.9.2 Shoreland alterations and permits.

- A. Separate permit not required. Alterations and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued Zoning Permits for these facilities do not require the issuance of a separate Shoreland Alteration Permit. However, the shoreland alteration standards in Section 5.9.2 must be incorporated into the issuance of permits for construction of structures, sewage treatment system, and driveways.
- B. View corridor. In shore impact zones and bluff impact zones, limited clearing is permitted for a view corridor with up to a maximum width opening of 50 feet. Beyond the shore and bluff impact zones only limited clearing is allowed. Within the structure setbacks, bluff impact zones, and on steep slopes, alterations of vegetation and soil movement shall be kept to a minimum and shall be consistent with the Field Office Technical Guide of the Natural Resource Conservation Service.
- C. Activities requiring a permit. A Shoreland Alteration Permit shall be required for the following activities:
 - 1. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones;
 - 2. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones; and
 - 3. Within the shore and bluff impact zones, a Shoreland Alteration Permit shall also be required for all of the following and shall be done in accordance with listed restrictions:
 - Lake access roads constructed to avoid a straight sight line and a maximum width of 12 feet.
 - b. Ice ridge removal maximum width at the bottom of the opening shall be 12 feet and the maximum width at the top of the opening shall be 25 feet.
 - c. Beach sand blankets maximum size of 30 feet along the shoreline by 15 feet back from the OHWL and shall be located within the view corridor. The sand must be clean with no organic materials. The natural slope must be less than five percent and the sand blanket application must be constructed in a way that will prevent erosion.
 - d. Landscaping retaining walls maximum height of two feet except as determined by the Zoning Official but not to exceed four feet. To the extent possible, a landscaping retaining wall should be designed to display natural aesthetics. Retaining walls for the purpose of shore protection are allowed only if a permit is obtained from the Minnesota Department of Natural Resources (MnDNR).
 - e. Riprap allowed for erosion control. Additional permit(s) may also be required from the MnDNR. To the extent possible, riprap should be designed to display natural aesthetics.

- D. Standards. The following considerations and conditions must be adhered to during the issuance of Zoning Permits, Shoreland Alteration Permits, Conditional Use Permits, Variances, and Subdivision approvals:
 - 1. Grading or filling in any Type 2, 3, 4, 5, 6, 7, or 8 wetland as defined in MnDNR rules must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
 - a. Sediment and pollutant trapping and retention;
 - b. Storage of surface runoff to prevent or reduce flood damage;
 - c. Fish and wildlife habitat;
 - d. Recreational use:
 - e. Shoreline or bank stabilization;
 - f. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals or others; and
 - g. Evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the MnDNR, or the U.S. Army Corps of Engineers.
 - 2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
 - 3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetation cover must be established as soon as possible.
 - 4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
 - 5. Altered areas must be stabilized to acceptable erosion control standards consistent with the Field Office Technical Guide of the Natural Resource Conservation

 Service
 - 6. Fill or excavated material must not be placed in a manner that creates an unstable slope.
 - 7. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater.
 - 8. Fill or excavated material must not be placed in bluff impact zones.
 - 9. Any alterations below the OHWL of public waters must first be authorized by the Commissioner of the DNR under Minn. Stat. 103G.245.
 - 10. Alterations of topography may only be allowed if they are accessory to permitted or Conditional Uses and do not adversely affect adjacent or nearby properties.

E. Shoreland Alteration Permit process.

- 1. Authority. A Shoreland Alteration Permit shall be issued upon the order of the Itasca County Zoning Official.
- 2. Application and fee. Application for a permit shall be accompanied by the necessary fee, shall be on a form prescribed by the Zoning Official, and shall include the data required by the form.
- 3. Inspection required prior to issuance of permit. No alteration or excavation shall be undertaken prior to the issuance of the permit. Prior to issuance of the permit, consideration shall be given to how extensively the proposed activities would affect the functional qualities of any wetland. The permit shall require that the alteration or excavation be conducted in compliance with the restrictions and requirements listed in the permit.
- 4. Special restrictions may apply. The issuing officer may establish special restrictions, which in the administrative judgment of the issuing officer are necessary under the circumstances to govern the alteration/excavation activity. The issuing officer may require that the applicant obtain a soil erosion control plan approved by the Itasca County SWCD. The special restrictions shall be set forth in the permit and shall be binding upon the permit holder.
- 5. Appeal. The permit holder may appeal the decision of the issuing officer to impose special restrictions by filing a Notice of Appeal with the Itasca County Board of Adjustment.

F. Order for Restoration process.

- Authority. Shoreland alterations or excavation that violate the terms of a Shoreland Alteration Permit issued under Section 5.9.2 shall be subject to an Order for Restoration. An Order for Restoration shall be issued at the direction of the Itasca County Zoning Official in cooperation with the MnDNR and the Itasca County SWCD.
- 2. Application and fee. Application for an Order for Restoration shall be accompanied by the appropriate fee and shall be on a form prescribed by the Zoning Official. The landowner receiving an order for restoration shall pay the established fee.
- 3. Inspection required prior to issuance of permit. Prior to issuance of an Order for Restoration, the issuing officer shall give consideration as to how extensively the proposed Order for Restoration would affect the functional qualities of the wetland. The issuing officer shall determine whether restoration in full or in part is necessary under the circumstances to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values and archaeological sites, prevent bank slumping, and protect fish and wildlife habitat. The Order for Restoration shall set forth the corrective actions mandated together with special restrictions.
- 4. Special restrictions may apply. The issuing officer may establish special restrictions, which include emergency erosion and soils stabilization controls and deadlines, which in the administrative judgment of the issuing officer are necessary under the circumstances to govern the corrective action. The special restrictions shall be set forth in the Order for Restoration and shall bind person(s) subject to said Order.
- 5. Appeal. Filing a Notice of Appeal with the Itasca County Board of Adjustment thereof shall make appeal of an Order for Restoration or of any of the special restrictions.

- 5.9.3 Placement and design of roads, driveways, and parking areas.
 - A. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters.
 - B. A qualified individual must provide documentation that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the Field Office Technical Guide of the Natural Resource Conservation Service.
 - C. Roads, driveways, and parking areas must meet structure setbacks and not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
 - D. Public and private watercraft access ramps, approach roads and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of Section 5.9.1 are met. For private facilities, the grading and filling provisions of Section 5.9.2 must be met.
- 5.9.4 Soil erosion plan and stormwater management required. When applying for a Subdivision or Conservation Development within a Shoreland Overlay Zoning District, an erosion control and stormwater management shall be designed using the best management practices found in Chapter 12 of the Pollution Control Agency's Minnesota Stormwater Manual. It shall be the responsibility of the applicant to provide such plan. With the application, the applicant shall submit a detailed site and grading plan, which is drawn to scale, showing the proposed project site and surrounding area, showing all relevant topography and elevations of the area to be excavated or filled, and any other information the Zoning Official may require. Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency.
- 5.9.5 Alteration to bed of public waters. Any alteration to the bed of public waters, including construction of marinas, channels, ditches, or lagoons; dredging of bottom, muck, or weeds; or filling in a lake or river bed, including marshlands; and installation of permanent docks and other projections, shall require a permit from the Commissioner of the Department of Natural Resources.

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 parcels. Wider stairways may be used for commercial properties, public open-space recreational properties, Conservation Developments, and Resorts;
- 5.10.2 Landings. Landings for stairways and lifts on residential parcels 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, Conservation Developments, and Resorts;
- 5.10.3 Canopies or 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 parcels, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
- 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 Section 5.10 are complied with in addition to the requirements of Minn. Rules, Chapt. 1341.

Section 5.11 Water-Oriented Accessory Structures

A Zoning Permit must be obtained for the construction of water-oriented accessory structures (WOAS). Permits will be authorized provided all of the following criteria are met:

- 5.11.1 Setbacks. The location shall be no closer than 10 feet from the OHWL within the shore impact zone. The location shall be a minimum of 10 feet from the side yards, located in the view corridor, or directly adjacent to the view corridor, whichever location is furthest from the parcel line.
- 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 a two feet overhangs or eves;
- 5.11.4 Height. The height shall not exceed 10 feet. 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. Trees or shrubs as viewed from the water shall screen the structure and such screening shall extend to the OHWL;
- 5.11.6 Color. Earth tone colors preferred;

Section 5.12 Detached Ground-Level Patio Platform

A detached ground-level patio platform may be allowed within the shore impact zone at a setback of not less than 10 feet from the ordinary high water level provided no part of the structure shall exceed five feet in height above ground-level and the size shall not exceed 160 square feet. Exemptions are as follows:

- 5.12.1 Exemption Size: The combined size of a water-oriented accessory structure and the patio platform shall not exceed a total of 250 square feet.
- 5.12.2 Exemption High Water Elevations. Detached ground-level patio platforms are exempt from the high water elevations as set forth in Section 3.17.4.

Section 5.13 Dry Saunas and Gazebos

Dry Saunas and gazebos are permitted accessory structures if the following criteria are met:

- 5.13.1 Setbacks. Such structures may be located closer to the water body than the structure setback from the ordinary high water level (OHWL), but are not permitted in the shore or bluff impact zones. Side yard setback is 10 feet;
- 5.13.2 Not a dwelling. No such structure, including saunas, shall contain any water supply or plumbing including drains. No such structure shall contain any cooking facilities;
- 5.13.3 Interior. No such structures shall contain any insulation or heating of any kind, with the exception of saunas, limited to the hot-room only;
- 5.13.4 Size. The size of such structures shall not exceed 250 square feet and is limited to one each per residential parcel;
- 5.13.5 Height. The height shall not exceed 12 feet and nor may the roof be used for any purpose other than a roof;
- 5.13.6 Screening. Such structures shall be screened from view from the water body, except a 12 foot wide view corridor;
- 5.13.7 Color. Earth tone colors preferred; and
- 5.13.8 Materials. Such structures must be constructed primarily from wood and placed on footings without slab foundation.

Section 5.14 Notification to Minnesota Department of Natural Resources, the Mississippi Headwaters Board, the Big Fork River Board and the Western Mesabi Mine Planning Board

- 5.14.1 Minnesota Department of Natural Resources. The Zoning Official shall send copies of all notices of any public hearings to consider Variances, Amendments, or Conditional Use Permits within a Shoreland Overlay Zoning District to the Commissioner of the Department of Natural Resources or the Commissioner's designated representative.
- 5.14.2 Big Fork River Board. The Zoning Official shall send copies of all notices of any public hearings to consider Variances, Amendments, or Conditional Use Permits within the Big Fork River Management Plan Corridor to the Big Fork River Board.
- 5.14.3 Mississippi Headwaters Board. The Zoning Official shall send copies of all notices of any public hearings to consider Variances, Amendments, or Conditional Use Permits within the Mississippi Headwaters Corridor to the Mississippi Headwaters Board.
- 5.14.4 Western Mesabi Mine Planning Board. The Zoning Official shall send copies of all notices of any public hearings to consider Variances, Amendments, or Conditional Use Permits within the Western Mesabi Mining Area to the Western Mesabi Mine Planning Board.
- 5.14.5 Copy of Subdivision or Plat. For reviewing entities that receive notices of hearing required in Article 18 to consider proposed Subdivisions or Plats, a copy of the Subdivision or Plat must be included in the notice. The applicant shall provide additional copies of the proposed Subdivision or Plat to the Zoning Official for this purpose.
- 5.14.6 Final approval. The Zoning Official shall send a copy of approved Variances, Amendments or Conditional Use Permits to the agency to which notice was required to be sent. Final approvals shall include a copy of any approved Subdivision or Plat. The applicant shall provide additional copies of the proposed Subdivision or Plat to the Zoning Official for this purpose.

Section 5.15 Site Suitability Checklist

Applicants for Conditional Use Permits and requests for rezoning, Resort conversions, and Conservation Developments for Shoreland Overlay Zoning Districts shall complete a Site Suitability Checklist and provide all information requested on the checklist before an application is deemed complete and reviewable by the Planning Commission, if at the time the application is filed the Environmental Services Administrator determines completion of this Site Suitability Checklist will aid the review process or at the request of a concerned citizen. See Index A for Site Suitability Checklist form.

Article 6 FARM RESIDENTIAL ZONING DISTRICT

Section 6.1 Purpose

The purposes of the Farm Residential Zoning District are to implement the following goals, including those contained in the Itasca County Comprehensive Land Use Plan:

- 6.1.1 To protect and promote the continuation of rural living, farming, and forestry in areas of Itasca County that have historically contained these uses and, therefore, have developed compatible residential patterns and transportation infrastructure;
- 6.1.2 To permit primarily agriculture and forestry land uses and activities;
- 6.1.3 To separate agricultural and forestry land uses and activities from incompatible residential, commercial, industrial development, and public facilities;
- 6.1.4 To achieve the goals of growth management, natural resource protection, and economic diversity as stated in the Itasca County Comprehensive Land Use Plan; and
- 6.1.5 To maintain agricultural and forest land in sufficient size tracts for economic operations.

Section 6.2 Permitted uses

The following are Permitted Uses in Farm Residential Zoning Districts:

- 6.2.1 Accessory Structures;
- 6.2.2 Agricultural Roadside Stands. Roadside stands no greater than 300 square feet in size for the sale of agricultural products, which are grown and prepared on the premises;
- 6.2.3 Agriculture. All forms of agriculture, horticulture, and animal husbandry, including necessary farm structures and processing of agricultural products but excluding fur farms and commercial kennels, provided that the provisions of Section 3.6 are met;
- 6.2.4 Bed and Breakfast Inns;
- 6.2.5 Conservation Developments, Minor;
- 6.2.6 Conservation Easements:
- 6.2.7 Day Care Facilities I;
- 6.2.8 Dwellings, Single and Multi-Family. Such dwellings are permitted provided that the dwelling unit parcel has frontage on a publicly owned and maintained road. If the parcel does not front on a publicly owned and maintained road, a dwelling is allowed provided the landowner signs a notice of limited public services prior to receiving a permit that is recorded with the Environmental Services Department with a copy to the applicable township;
- 6.2.9 Dwellings, Temporary Second. Temporary second dwelling as defined in Section 24.2.265 and provided all of the following conditions are met:
 - A. The dwelling unit is a mobile home or manufactured home that is clearly temporary and does not cover more than 1,000 square feet of land surface and shall not exceed 15 feet in height;
 - B. The dwelling unit shall comply with applicable structure setbacks;
 - C. The dwelling unit shall have adequate sanitation facilities that comply with applicable design requirements and setbacks; and
 - D. The dwelling unit is removed within 90 days of when the family member(s) no longer occupies the dwelling, which in this case means to reside, live, or dwell in said home. The Environmental Services Administrator may extend this time frame because of winter or spring weather conditions.
- 6.2.10 Essential Services;
- 6.2.11 Existing Resort Expansion as regulated by Section 15A.4

- 6.2.12 Extractive Uses over one acre that meet the provisions of Section 3.13. A Conditional Use Permit is required if there is a residence within 1,000 feet of the extractive use and related facilities;
- 6.2.13 Forestry. All forms of forestry uses including processing, necessary structures, and construction of access roads to remove timber:
- 6.2.14 Foster Homes:
- 6.2.15 Group Homes I;
- 6.2.16 Home Occupations I and II that meet the provisions of Section 3.14;
- 6.2.17 Noncommercial Recreation;
- 6.2.18 Public Parks and Recreational Areas;
- 6.2.19 Temporary Borrow Areas that meet the provisions of Section 3.12;
- 6.2.20 Towers that meet the provisions of Article 14; and
- 6.2.21 Wildlife Areas.

Section 6.3 Conditional Uses

The Planning Commission may consider approval of the following Conditional Uses in Farm Residential Zoning Districts:

- 6.3.1 Agricultural commercial activities directly related to agriculture, such as tractor or tire repair, veterinary office, welding, seed, and agricultural chemical sales, that do not employ more than six employees;
- 6.3.2 Antique and Gift Shops;
- 6.3.3 Bars, Cocktail Lounges, Taverns, and Restaurants (Liquor Sales, On/Off);
- 6.3.4 Conservation Developments, Major;
- 6.3.5 Conservation Developments, Noncompliant Minor;
- 6.3.6 Day Care Facilities II;
- 6.3.7 Dwelling, Temporary Farm Housing. Temporary farm housing provided that the use:
 - A. Takes place on a farm of at least 25 acres;
 - B. Utilizes mobile homes or manufactured housing;
 - C. Is used only to house farm laborers or members of the landowner's family; and
 - D. Is removed when farm laborers or members of the landowner's family no longer occupy the housing.
- 6.3.8 Fur Farms provided the minimum parcel size is five acres;
- 6.3.9 Game Farms provided the minimum parcel size is five acres;
- 6.3.10 Group Homes II;
- 6.3.11 Houses of Worship:
- 6.3.12 Kennels, Commercial. Such kennels provided the minimum parcel size is five acres; and
- 6.3.13 Recycling Centers Auto, Appliance, and Junkyards that meet the provisions of Section 3.11.

Section 6.4 Conditional Use Permit Additional Standards

The following standards shall be applied when reviewing applications for Conditional Use Permits within Farm Residential Zoning Districts:

- 6.4.1 The proposed use shall be sited upon lands which are less suitable for commercial agriculture and forestry than other agricultural lands within the zoning district;
- 6.4.2 The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural and forest land that is converted to the proposed use; and

6.4.3 The proposed use shall be located in close proximity to existing buildings whenever possible and appropriate.

Section 6.5 Uses Not Listed See Section 2.5.

Section 6.6 Parcel Size, Area, Bulk, Height, and Yard Requirements

The following are minimum requirements for Farm Residential Zoning Districts:

6.6.1 Minimum parcel width, area, and dwelling side and rear yard setbacks are contained in Table 10. The minimum suitable area per parcel shall be 10,000 square feet. Suitable area is calculated by excluding all wetlands, bluff, major utility easements greater than 30 feet in width, or land below the OHWL of public waters.

Table 10. Residential Development Requirements in Farm Residential (FR) Zoning Districts

	Type of	Minimum Size		Dwelling Se	tbacks (Ft.)
	Dwelling	Width (Ft.)	Area (Ac.)	Side Yard	Rear Yard
FR with Livestock	Single	200	5		
	Duplex	200	5.5	15	30
	Triplex	250	6] 13	30
	Quad	300	6.5		
FR without Livestock	Single	200	2.5		
	Duplex	200	3	16	20
	Triplex	250	3.5	15	30
	Quad	300	4		

- 6.6.2 The minimum side and rear yard setbacks for Accessory Structures are set forth in Section 3.17.6 and for Livestock Buildings are set forth in Section 3.6.3.
- 6.6.3 Setbacks from roads are set forth in Section 3.8.
- 6.6.4 The maximum height of any building or structure shall be 35 feet, excluding agricultural related farm utility buildings.
- 6.6.5 Sewage treatment shall meet the provisions of the Itasca County Sanitation Ordinance and Minn. Rules, Chapts. 7080-7083.

Article 7 RURAL RESIDENTIAL ZONING DISTRICT

Section 7.1 Purpose

The Rural Residential Zoning District is intended to provide a residential district that is predominantly shoreland and rural in character and allows activities that do not degrade the rural residential character. This zoning district shall be used to promote a high quality residential living environment.

Section 7.2 Permitted Uses

The following are Permitted Uses in Rural Residential Zoning Districts:

- 7.2.1 Accessory Structures;
- 7.2.2 Agricultural Roadside Stands. Roadside stands no greater than 300 square feet in size for the sale of agricultural products, which are grown and prepared on the premises;
- 7.2.3 Bed and Breakfast Inns;
- 7.2.4 Conservation Developments, Minor;
- 7.2.5 Conservation Easements:
- 7.2.6 Day Care Facilities 1;
- 7.2.7 Dwellings, Single and Multi-Family. Such dwellings are permitted provided that the parcel has frontage on a publicly owned and maintained road. If the parcel does not front on a publicly owned and maintained road, a dwelling is allowed provided the landowner signs a notice of limited public services prior to receiving a permit that is recorded with the Environmental Services Department with a copy to the applicable township;
- 7.2.8 Dwellings, Temporary Second. Temporary second dwelling as defined in Section 24.2.265 and provided all of the following conditions are met:
 - A. The dwelling unit is a mobile home or manufactured home that is clearly temporary and does not cover more than 1,000 square feet of land surface and shall not exceed 15 feet in height;
 - B. The dwelling unit shall comply with applicable structure setbacks;
 - C. The dwelling unit shall have adequate sanitation facilities that comply with applicable design requirements and setbacks; and
 - D. The dwelling unit is removed within 90 days of when the family member(s) no longer occupies the dwelling, which in this case means to reside, live, or dwell in said home. The Environmental Services Administrator may extend this time frame because of winter or spring weather conditions.
- 7.2.9 Essential Services;
- 7.2.10 Existing Resort Expansion as regulated by 15A.4
- 7.1.11 Extractive Uses over one acre that meet the provisions of Section 3.13. A Conditional Use Permit is required if there is a residence within 1,000 feet of the extractive use and related facilities:
- 7.2.12 Forestry. All forms of forestry uses including processing, necessary structures, and construction of access roads to remove timber;
- 7.2.13 Foster Homes:
- 7.2.14 Group Homes I;
- 7.2.15 Home Occupations I that meet the provisions of Section 3.14;
- 7.2.16 Noncommercial Recreation:
- 7.2.17 Public Parks and Recreational Areas;
- 7.2.18 Temporary Borrow Areas that meet the provisions of Section 3.12; and
- 7.2.19 Wildlife Areas.

Section 7.3 Conditional Uses

The Planning Commission may consider approval of the following Conditional Uses in Rural Residential Zoning Districts:

- 7.3.1 Conservation Developments, Major;
- 7.3.2 Conservation Developments, Noncompliant Minor;
- 7.3.3 Day Care Facilities II;
- 7.3.4 Group Homes II;
- 7 3.5 Home Occupations II that meet the provisions of Section 3.14; and
- 7.3.6 Kennels, Private. Such kennels provided the minimum parcel size is five acres.

Section 7.4 Uses Not Listed

See Section 2.5.

Section 7.5 Parcel Size, Area, Bulk, Height, and Yard Requirements

The following are minimum requirements for Rural Residential Zoning Districts:

7.5.1 Minimum parcel width, area, and dwelling side and rear yard setbacks are contained in Table 11. The minimum suitable area per parcel shall be 10,000 square feet. Suitable area is calculated by excluding all wetlands, bluff, major utility easements greater than 30 feet in width, or land below the OHWL of public waters.

Table 11 Ra	esidential Development	Requirements in Rural	Residential (RR)	Zoning Districts
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Type of	Minimu	m Size	Dwelling Setbacks (Ft.)		
Dwelling	Width (Ft.)	Area (Ac.)	Side Yard	Rear Yard	
Single	200	1.5			
Duplex	200	2	1.5	20	
Triplex	250	2.5	15	30	
Quad	300	3			

- 7.5.2 The minimum side and rear yard setbacks for Accessory Structures are set forth in Section 3.17.6.
- 7.5.3 Setbacks from roads are set forth in Section 3.8.
- 7.5.4 The maximum height of any building or structure shall be 35 feet.
- 7.5.5 Sewage treatment shall meet the provisions of the Itasca County Sanitation Ordinance and Minn. Rules, Chapts. 7080-7083.

Article 8 LIGHT INDUSTRIAL COMMERCIAL ZONING DISTRICT

Section 8.1 Purposes

The purpose of the Light Industrial Commercial Zoning District is to implement the following goals including those contained in the Itasca County Comprehensive Land Use Plan:

- 8.1.1 To protect and promote the continuation of light commercial areas in Itasca County that have historically contained these uses and therefore have developed compatible commercial patterns and transportation infrastructure;
- 8.1.2 To make land available to meet the needs of commercial establishments and light industrial plants in the form of compact business development to avoid problems of mixed land use and traffic congestion; and
- 8.1.3 To achieve the goals of growth management, natural resource protection, and economic diversity as stated in the Itasca County Comprehensive Land Use Plan.

Section 8.2 Permitted Uses

The following are Permitted Uses in Light Industrial Commercial Zoning Districts:

- 8.2.1 Accessory Structures;
- 8.2.2 Antique and Gift Shops;
- 8.2.3 Auto and Truck Sales, Repairs, Parts, and Supplies (Garage Public);
- 8.2.4 Bait Sales;
- 8.2.5 Bed and Breakfast Inns;
- 8.2.6 Cafés and Restaurants (no alcoholic beverages);
- 8.2.7 Carpenter Shops / Power Woodworking Shops;
- 8.2.8 Contractor, Equipment and Material Storage;
- 8.2.9 Convenience Stores;
- 8.2.10 Day Care Facilities I;
- 8.2.11 Dwellings, Single and Multi-Family. Such dwellings are permitted provided that the dwelling unit parcel has frontage on a publicly owned and maintained road. If the parcel does not front on a publicly owned and maintained road, a dwelling is allowed provided the landowner signs a notice of limited public services prior to receiving a permit that is recorded with the Environmental Services Department with a copy to the applicable township;
- 8.2.12 Dwellings, Temporary Second. Temporary second dwelling as defined in Section 24.2.265 and provided all of the following conditions are met:
 - A. The dwelling unit is a mobile home or manufactured home that is clearly temporary and does not cover more than 1,000 square feet of land surface and shall not exceed 15 feet in height;
 - B. The dwelling unit shall comply with applicable structure setbacks;
 - C. The dwelling unit shall have adequate sanitation facilities that comply with applicable design requirements and setbacks; and
 - D. The dwelling unit is removed within 90 days of when the family member(s) no longer occupies the dwelling, which in this case means to reside, live, or dwell in said home. The Environmental Services Administrator may extend this time frame because of winter or spring weather conditions.
- 8.2.13 Essential Services;
- 8.2.14 Existing Resort Expansion as regulated by Section 15A.4
- 8.2.15 Extractive Uses over one acre that meet the provisions of Section 3.13;
- 8.2.16 Forestry. All forms of forestry uses including processing, necessary structures, and Page 60

- construction of access roads to remove timber;
- 8.2.17 Foster Homes;
- 8.2.18 Gasoline. Bottled Gas Storage and Distribution, Bulk Storage, Tank Oil, and/or Service Stations;
- 8.2.19 Group Homes I;
- 8.2.20 Home Occupations I and II that meet the provisions of Section 3.14;
- 8.2.21 Horticulture. Florist, Greenhouse, Nursery, and Landscaping Sales;
- 8.2.22 Machine and Welding Shops;
- 8.2.23 Professional Offices:
- 8.2.24 Recycling Centers Public;
- 8.2.25 Small Engine Repairs / Sales;
- 8.2.26 Storage Warehouses;
- 8.2.27 Temporary Borrow Areas that meet the provisions of Section 3.12;
- 8.2.28 Towers that meet the provisions of Article 14; and
- 8.2.29 Trailer, Manufactured Home, RV, and Camper Sales.

Section 8.3 Conditional Uses

The Planning Commission may consider approval of the following Conditional Uses in Light Industrial Commercial Zoning Districts:

- 8.3.1 Agriculture. All forms of agriculture, horticulture, and animal husbandry, including necessary farm structures and processing of agricultural products but excluding fur farms and commercial kennels, provided that the provisions of Section 3.6 are met;
- 8.3.2 Bars, Cocktail Lounges, Taverns, and Restaurants (Liquor Sales, On/Off);
- 8.3.3 Day Care Facilities II;
- 8.3.4 Electric, Light and Power Company Yards;
- 8.3.5 Fur Farms provided the minimum parcel size is five acres;
- 8.3.6 Group Homes II;
- 8.3.7 Kennels, Commercial. Such kennels provided the minimum parcel size is five acres;
- 8.3.8 Manufactured Home Parks:
- 8.3.9 New Resorts as regulated by Section 15A.3;
- 8.3.10 Sawmill / Lumber Yards; and
- 8.3.11 Target Shooting Facilities.

Section 8.4 Uses Not Listed

See Section 2.5.

Section 8.5 Parcel Size, Area, Height, and Yard Requirements

The following are minimum requirements for Light Industrial Commercial Zoning Districts:

8.5.1 Minimum parcel width, area, and dwelling side and rear yard setbacks are contained in Table 12. The minimum suitable area per parcel shall be 10,000 square feet. Suitable area is calculated by excluding all wetlands, bluff, major utility easements greater than 30 feet in width, or land below the OHWL of public waters.

Table 12. Residential Development Requirements in Light Industrial Commercial (LIC) Zoning Districts

Type of	Minimum Size		Minimum Size		Dwelling Set	backs (Ft.)
Dwelling	Width (Ft.)	Area (Ac.)	Side Yard	Rear Yard		
Single	200	1				
Duplex	200	1.5	1.5	20		
Triplex	250	2	15	30		
Quad	300	2.5				

- 8.5.2 The minimum side and rear yard setbacks for Accessory Structures are set forth in Section 3.17.6.
- 8.5.3 Setbacks from roads are set forth in Section 3.8.
- 8.5.4 The maximum percent of impervious surface coverage per parcel is 50 percent.
- 8.5.5 The maximum height of any building or structure shall be 35 feet, excluding agricultural related farm utility buildings.
- 8.5.6 Sewage treatment shall meet the provisions of the Itasca County Sanitation Ordinance and Minn. Rules, Chapts. 7080-7083.

ARTICLE 9 RECREATIONAL COMMERCIAL ZONING DISTRICT

Section 9.1 Purpose

The purpose of the Recreational Commercial Zoning District is to protect and encourage the sound development of the recreational industry in Itasca County. To achieve the goal to develop an integrated green space and recreation system that provides diverse, developed and undeveloped, recreational opportunities for all residents and visitors while protecting unique scenic and natural areas as stated in the Itasca County Comprehensive Land Use Plan.

Section 9.2 Permitted Uses

In fostering recreational development, related commercial uses serving recreational needs are permitted.

- 9.2.1 Accessory Structures;
- 9.2.2 Antique and Gift Shops;
- 9.2.3 Bed and Breakfast Inns;
- 9.2.4 Cafés and Restaurants at licensed Resorts (no alcoholic beverages);
- 9.2.5 Day Care Facilities I;
- 9.2.6 Dwellings, Single and Multi-Family. Such dwellings are permitted provided that the dwelling unit parcel has frontage on a publicly owned and maintained road. If the parcel does not front on a publicly owned and maintained road, a dwelling is allowed provided the landowner signs a notice of limited public services prior to receiving a permit that is recorded with the Environmental Services Department with a copy to the applicable township;
- 9.2.7 Essential Services:
- 9.2.8 Existing Resort Expansion as regulated by Section 15A.4
- 9.298 Extractive Uses over one acre that meet the provisions of Section 3.13:
- 9.2.10 Forestry. All forms of forestry uses including processing, necessary structures, and construction of access roads to remove timber;
- 9.2.11 Foster Homes;
- 9.2.12 Group Homes I;
- 9.2.13 Home Occupations I and II that meet the provisions of Section 3.14;
- 9.2.14 Public Parks and Recreational Areas;
- 9.2.15 Temporary Borrow Areas that meet the provisions of Section 3.12; and
- 9.2.16 Towers that meet the provisions of Article 14.

Section 9.3 Conditional Uses

The Planning Commission may consider approval of the following Conditional Uses in Recreational Commercial Zoning Districts:

- 9.3.1 Agriculture. All forms of agriculture, horticulture, and animal husbandry, including necessary farm structures and processing of agricultural products but excluding fur farms and commercial kennels, provided that the provisions of Section 3.6 are met;
- 9.3.2 Bait Sales:
- 9.3.3 Bars, Cocktail Lounges, Taverns, and Restaurants (Liquor Sales, On/Off);
- 9.3.4 Cafés and Restaurants (no alcoholic beverages) licensed Resorts exempt;
- 9.3.5 Community Centers / Township Halls;
- 9.3.6 Convenience Stores;
- 9.3.7 Day Care Facilities II;
- 9.3.8 Fur Farms provided the minimum parcel size is five acres;
- 9.3.9 Group Homes II;
- 9.3.10 Gasoline. Bottled Gas Storage and Distribution;
- 9.3.11 Houses of Worship;
- 9.3.12 Kennels, Commercial. Such kennels provided the minimum parcel size is five acres;
- 9.3.13 Nursing Homes;
- 9.3.14 Professional Offices;
- 9.3.15 New Resorts as regulated by Section 15A.3;
- 9.3.16 Small Engine Repairs / Sales;
- 9.3.17 Storage Warehouses; and
- 9.3.18 Trailer, Manufactured Home, RV, and Camper Sales.

Section 9.4 Prohibited Uses

The following uses are prohibited in Recreational Commercial Zoning Districts:

- 9.4.1 Agriculture Implements, Distribution Display Repairs and Sales;
- 9.4.2 Contractor, Equipment and Material Storage;
- 9.4.3 Electric, Light and Power Company Yards;
- 9.4.4 Gasoline. Gasoline Bulk Storage, Tank Oil, and/or Service Stations;
- 9.4.5 Machine and Welding Shops;
- 9.4.6 Mining. Mineral extraction, mineral processing, metals production, mineral or metal storage, storage and stockpiling of mining and mineral processing waste materials and byproducts, storage of mining and processing equipment, and other activities associated therewith that meet the provisions of Section 3.13 and Article 13 and includes industries, facilities, and activities regulated by Minn. Stats. 93.44-93.51. Also, structures necessary for mining, mineral processing, metals production operations, ancillary facilities, and activities that meet the provisions of Section 3.13 and Article 13;
- 9.4.7 Recycling Centers Auto, Appliance, and Junkyards that meet the provisions of Section 3.11:
- 9.4.8 Sanitary Landfills;
- 9.4.9 Sawmill / Lumber Yards; and
- 9.4.10 Target Shooting Facilities.

Section 9.5 Uses Not Listed

See Section 2.5.

Section 9.6 Parcel Size, Area, Height, and Yard Requirements

The following are minimum requirements for Recreational Commercial Zoning Districts:

9.6.1 Minimum parcel width, area, and dwelling side and rear yard setbacks are contained in Table 13. The minimum suitable area per parcel shall be 10,000 square feet. Suitable area is calculated by excluding all wetlands, bluff, major utility easements greater than 30 feet in width, or land below the OHWL of public waters.

Table 13. Residential Development Requirements in Recreational Commercial (RC) Zoning Districts

Type of	Minimu	ım Size	Dwelling Setbacks (Ft	
Dwelling	Width (Ft.) Area (Ac.)		Side Yard	Rear Yard
Single	200	1		
Duplex	200	1.5	1.5	30
Triplex	250	2	15	
Quad	300	2.5		

- 9.6.2 The minimum side and rear yard setbacks for Accessory Structures are set forth in Section 3.17.6.
- 9.6.3 Setbacks from roads are set forth in Section 3.8.
- 9.6.4 The maximum percent of impervious surface coverage per parcel is 50 percent.
- 9.6.5 The maximum height of any building or structure shall be 35 feet.
- 9.6.6 Sewage treatment shall meet the provisions of the Itasca County Sanitation Ordinance and the Minn. Rules, Chapts. 7080-7083.
- 9.6.7 Uses and improvements on riparian parcels shall comply with Section 5.9.

Article 10 URBAN EXPANSION ZONING DISTRICT - RESERVED

Urban Expansion Zoning District regulations will be determined through agreements with all applicable public entities. These agreements will detail the boundaries, uses, and special provisions.

Section 10.1 Urban Growth Boundary (UGB)

Urban Growth Boundary (UGB), when adopted on the Official Zoning District Map, is intended to define the boundaries in which urban development should occur. The UGB is designed to encourage compact, efficient development and discourage development that is more costly and consumes natural resources. The UGB also helps to ensure that urban services will not be reduced by service demands of new development in rural areas.

Article 11 PUBLIC LAND ZONING DISTRICT

Section 11.1 Purpose

The purpose of the Public Land Zoning District is to recognize the unique ownership, control, and use characteristics of land owned by government agencies in Itasca County.

Section 11.2 Relationship to Federal and State Lands

Although federal and state lands are contained within the Public Land Zoning District, no land owned or leased by the federal government or by the State of Minnesota shall be subject to the provisions of this Ordinance.

Section 11.3 Permitted Uses

The following are Permitted Uses in Public Land Zoning Districts:

- 11.3.1 Agriculture, but not including agricultural related buildings or feedlots;
- 11.3.2 County Garages;
- 13.3.3 Essential Services;
- 11.3.4 Extractive Uses over one acre that meet the provisions of Section 3.13;
- 11.3.5 Forestry. All forms of forestry uses including processing, necessary structures, and construction of access roads to remove timber;
- 11.3.6 Game Refuges;
- 13.3.7 Leases for residential and recreational purposes on publicly owned parcels and structures and activities allowed under the terms of the lease;
- 11.3.8 Mining Uses that meet the provisions of Articles 12 and 13;
- 11.3.9 Public Parks and Recreational Areas:
- 11.3.10 Temporary Borrow Areas that meet the provisions of Section 3.12;
- 11.3.11 Towers that meet the provisions of Article 14;
- 11.3.12 Water Access Points; and
- 11.3.13 Wildlife Areas.

Section 11.4 Yard, Area, and Building Size Requirements

Permitted residential development on lease lots must conform to the following minimum yard, area, and building size requirements or meet the requirements of the applicable Shoreland Overlay Zoning District:

Minimum parcel width, area, and structure side and rear yard setbacks are contained in Table 14. The minimum suitable area per parcel shall be 10,000 square feet. Suitable area is calculated by excluding all wetlands, bluff, major utility easements greater than 30 feet in width, or land below the OHWL of public waters.

Table 14. Building Requirements in Public Land Zoning Districts

Minimum Size		Primary Building & Accessory Structure Setbacks (Ft.)		
Width (Ft.)	Area (Ac.)	Side Yard	Rear Yard	
200	2.5	50	50	

11.4.2 Setbacks from roads are set forth in Section 3.8.

Article 12 INDUSTRIAL ZONING DISTRICT

Section 12.1 Purpose

The purpose of the Industrial Zoning District is to separate heavy industrial uses that may conflict with uses that are permitted in the other zoning districts.

Section 12.2 Permitted Uses

The following are Permitted Uses in Industrial Zoning Districts:

- 12.2.1 Agriculture. All forms of agriculture, horticulture, and animal husbandry, including necessary farm structures and processing of agricultural products but excluding fur farms and commercial kennels, provided that the provisions of Section 3.6 are met;
- 12.2.2 Essential Services:
- 12.2.3 Existing Resort Expansion as regulated in Section 15A.4
- 12.2.4 Extractive Uses over one acre that meet the provisions of Section 3.13;
- 12.2.5 Forestry. All forms of forestry uses including processing, necessary structures, and construction of access roads to remove timber;
- 12.2.6 Manufacturing;
- Mining. Mineral extraction, mineral processing, metals production, mineral or metal storage, storage and stockpiling of mining, mineral processing waste materials and byproducts, storage of mining and processing equipment, and other activities associated therewith that meet the provisions of Section 3.13 and Article 13 and includes industries, facilities, and activities regulated by Minn. Stats. 93.44-93.51. Also, structures necessary for mining, mineral processing, metals production operations, ancillary facilities, and activities that meet the provisions of Section 3.13 and Article 13;
- 12.2.8 Storage Warehouses;
- 12.2.9 Temporary Borrow Areas that meet the provisions of Section 3.12; and
- 12.2.10 Towers that meet the provisions of Article 14.

Section 12.3 Conditional Uses

Under the provisions detailed in Article 21, the Planning Commission may consider approval of industrial and commercial uses determined to be compatible with the purposes of the Industrial Zoning District.

12.3.1 New Resorts as regulated in Section 15A.3

Section 12.4 Parcel Size, Area, Height, and Yard Requirements

The following are minimum requirements for the Industrial Zoning District:

12.4.1 Minimum parcel width, area, and structure side and rear yard setbacks are contained in Table 15.

Table 15.	Building .	Requirements	in	Industrial	Zoning	Districts
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Minimum Size		Setback Exterior P	Setback from Shared Parcel Line		
Width (Ft.)	Area (Sq. Ft.)	Primary and Accessory Structure Side Yard (Ft.)	Primary and Accessory Structure Rear Yard (Ft.)	Structures Housing Livestock Side and Rear Yard (Ft.)	Industrial Use Abut to Existing Residential Zoning District (Ft.)
200	40,000	30	50	100	150 (See 12.4.4)

- 12.4.2 The maximum percent of impervious surface coverage per parcel is 50 percent.
- 12.4.3 Setbacks from roads are set forth in Section 3.8.
- When an industrial use abuts an existing residential zoning district boundary, the minimum setback for primary buildings and accessory structures shall be 150 feet for the distance of the shared parcel line, and in an approved industrial park the setback shall apply only for that portion of the perimeter of the park that abuts an existing residential zoning district.

Section 12.5 Industrial Performance Standards

Any industrial or commercial use, permitted or conditional, in this zoning district shall comply with the following performance standards in addition to the general standards for all zoning districts contained in Article 3:

- 12.5.1 Any Permitted Use shall be so constructed and operated as to create no public nuisance with respect to noise, vibration, odor, emission of smoke or particulate matter, glare and heat, or as to create fire or explosive hazards.
- 12.5.2 Any Permitted Use shall comply with all applicable federal and state pollution laws, ordinances, and regulations.
- Where a Permitted Use abuts a residential use, there shall be provided along any rear, side, or front line, a buffer strip not less than 40 feet in width with plant materials at least six feet in height and of such kind as to provide year-round, effective visual screen when viewed from the residential use. If the required screening is set back from the residential use line, the portion of the buffer strip facing the residential use shall be attractively maintained. Fencing may be used in lieu of planting materials. The fencing shall be not less than four and not more than eight feet in height and shall be of such materials as to effectively screen the industrial or commercial use. The exterior 25 feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory.
- Materials stored on site shall be stored in a safe, neat manner and in a shed or structure whenever possible. If not possible, they shall be stored in a secure area and in such a manner as to pose no health or environmental threat.
- 12.5.5 For any industrial facility or activity that is regulated by the federal or state government, such facility or activity shall be subject to the permitting conditions or requirements as established by that higher level of government, such conditions and requirements to supersede less restrictive county or other local ordinances or regulations.

Article 13 IRON MINING OVERLAY ZONING DISTRICT

Section 13.1 Purpose

The purpose of the Iron Mining Overlay Zoning District is to provide for current or future heavy mining activities that may be governed by Minn. Stats. 93.44-93.51 and separate these uses from incompatible uses. Support the Comprehensive Land Use Plan by designating industrial zoning districts using the Iron Mining Overlay Zoning Subdistricts A, B, and C with mining as the priority Permitted Use that includes identified and potential iron ore mining resources. The Mining Industry Objectives includes the following:

- Continuation and expansion of the mining industry;
- Encourage value-added processing and use of mining products;
- Ensure availability of mineral resources for mining while mitigating the impact on surrounding areas; and
- Designate adjacent lands necessary for processing minerals and storing overburden, lean ore, tailings, and other mining activities.

Section 13.2 Geographic boundaries

The Iron Mining Overlay Zoning District consists of the three Subdistricts A, B, and C as defined by the Official Zoning District Map and may overlay other zoning districts.

- 13.2.1 Subdistrict A is the sub-crop of the Biwabik Formation less municipalities and the sub-crop of the Biwabik Formation located in Township 54 Range 26 and Township 54 Range 27, which is regulated by the underlying zoning district.
- 13.2.2 Subdistrict B is the permit-to-mine areas or mine disturbed ground; and
- 13.2.3 Subdistrict C is possible future mining related activities.

Section 13.3 Relationship to Shoreland Overlay Zoning District

When there is a conflict between the provisions of the Iron Mining Overlay Zoning District and the Shoreland Overlay Zoning District, the Shoreland Overlay Zoning District shall prevail.

Section 13.4 Permitted Uses in Subdistricts A and B

The following are Permitted Uses in Subdistricts A and B:

- 13.4.1 Accessory Structures;
- 13.4.2 Agriculture. All forms of agriculture, horticulture, and animal husbandry, including necessary farm structures and processing of agricultural products but excluding fur farms and commercial kennels, provided that the provisions of Section 3.6 are met;
- Dwellings, Single-Family. Such dwellings are permitted provided that the dwelling unit parcel has frontage on a publicly owned and maintained road. If the parcel does not front on a publicly owned and maintained road, a dwelling is allowed provided the landowner signs a notice of limited public services prior to receiving a permit that is recorded with the Environmental Services Department with a copy to the applicable township;
- Essential Services, ancillary facilities, and services needed to service the mining and processing activity;
- 13.4.5 Extractive Uses over one acre that meet the provisions of Section 3.13;
- 13.4.6 Forestry. All forms of forestry uses including processing, necessary structures, and construction of access roads to remove timber;
- 13.4.7 Home Occupations I and II that meet the provisions of Section 3.14;
- Mining. Mineral extraction, mineral processing, metals production, mineral or metal storage, storage and stockpiling of mining and mineral processing waste materials and byproducts, storage of mining and processing equipment, and other activities associated therewith that meet the provisions of Section 3.13 and Article 13 and includes industries, facilities, and activities regulated by Minn. Stats. 93.44-93.51. Also, structures necessary for mining, mineral processing, metals production operations, ancillary facilities, and activities that meet the provisions of Section 3.13 and Article 13;
- 13.4.9 Temporary Borrow Areas that meet the provisions of Section 3.12; and
- 13.4.10 Towers that meet the provisions of Article 14.

Section 13.5 Permitted Uses in Subdistrict C

All uses allowed as Permitted Uses in the underlying zoning district.

Section 13.6 Conditional Uses in Subdistricts A and B

Under the provisions detailed in Article 21, the Planning Commission may consider approval of industrial uses determined to be compatible with the purpose of the Iron Mining Overlay Zoning District as Conditional Uses in Subdistricts A and B.

Section 13.7 Conditional Uses in Subdistrict C

Under the provisions detailed in Article 21, the Planning Commission may consider approval of the following Conditional Uses in Subdistrict C:

- 13.7.1 All uses allowed as Conditional Uses in the underlying zoning district;
- 13.7.2 Conservation Developments;
- 13.7.3 Major Subdivisions; and
- 13.7.4 Minor Subdivisions.

Section 13.8 Parcel Size, Area, Height, and Yard Requirements

- 13.8.1 The minimum requirements for parcel size, area, height, and yard and structure setbacks shall be as required by the underlying zoning district.
- 13.8.2 The structure setbacks from the roads are set forth in Section 3.8.

Section 13.9 Performance Standards

- 13.9.1 Any Permitted Use or Conditional Use in this zoning district shall comply with the performance standards for all zoning districts contained in Article 3.
- Site conditions specifically related to mining such as, but not limited to, possible subsidence from underground mining, open pit bank stability, mine shaft collars, and others specifically related to mining, mineral processing, or metals production but not specifically referred to in this Ordinance, shall also be considered when reviewing Permitted Uses and Conditional Uses in the Iron Mining Overlay Zoning District.

Section 13.10 Pre-existing Uses

Uses that are permitted and exist as of the date of adoption of this Article shall continue to be Permitted Uses in accordance with Article 4.

Article 14 TOWERS

Section 14.1 Applicability and Permits Required

It shall be unlawful for any person, firm, or corporation to erect, to place any tower, wireless telecommunication facility, or wind energy conservation system greater than 35 feet in height without first receiving the appropriate permits from Itasca County. Nor may any person, firm, or corporation alter, modify, transform, or add to in any way an existing tower, wireless telecommunication facility, or wind energy conservation system without first receiving the appropriate permits.

Section 14.2 Application Review

The Itasca County Zoning Official may contract with an independent technical expert to review technical materials submitted by the applicant and/or to determine if additional information is necessary. The tower facility applicant shall pay the cost of such review and/or independent analysis.

Section 14.3 Time Limit on Tower Construction

Construction of an approved tower, including all accessory structures, including footings and foundations, must be completed within one year following the date of the permit, extendable for another year by the Itasca County Environmental Services Department. All landscaping must be installed within the first growing season immediately following construction.

Section 14.4 Effect on Tower Facilities Existing Prior to December 1, 2005

Tower facilities and antennas in all zoning districts and in existence as of the date of adoption of this Ordinance that do not conform to or comply with this Ordinance are subject to the following provisions:

- 14.4.1 Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respect with the provision contained herein.
- 14.4.2 If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a Zoning Permit if the cost of repairing the tower to its former use, location, and physical dimensions would be less than 50 percent of its value as determined by the Itasca County Assessor.

Section 14.5 Exceptions

The provisions contained herein shall not govern the following towers:

- 14.5.1 Any privately owned tower or antenna less than 70 feet in height and operated by a federally licensed amateur radio station operator or is used exclusively as a receive-only antenna;
- 14.5.2 Towers operated by a government entity for emergency services; and
- 14.5.3 Towers associated with utility transmission lines regulated by the Public Utilities Commission.

Section 14.6 Activities that Do Not Require a Permit

The following tower facility activities will be allowed in all zoning districts within Itasca County without having to make application but must still meet the appropriate general provisions of this Ordinance with the exception of private amateur radio or receive-only antennas, which must meet the setbacks listed for towers herein but otherwise be regulated as accessory structures in each zoning district identified within the Itasca County Zoning Ordinance.

- 14.6.1 Antennas less than 70 feet in height used by amateur radio operators or used as receive-only antennas incidental to residential use;
- 14.6.2 Routine maintenance of existing tower facilities or modification of lighting to conform to federal, state, or local requirements; and
- 14.6.3 The addition of an antenna to a tower facility that meets the standards of this Ordinance and does not increase the height of the tower facility (additional support facilities will still need an administrative Zoning Permit).

Section 14.7 Activities Requiring an Administrative Zoning Permit

The following tower facility activities require an administrative Zoning Permit from the Itasca County Zoning Official; these activities must meet the standards outlined within this Article:

- 14.7.1 The addition or placement of accessory structures at the tower facility premises; and
- 14.7.2 The addition of commercial antennas on existing structures such as, but not limited, to buildings, flagpoles, church steeples, cupolas, ball field lights, and power line support devices that result in an overall height of less than 35 feet of the structure and does not require major modifications to the structure.

Section 14.8 Activities Requiring a Conditional Use Permit

A Conditional Use Permit shall be required for the following activities. A Conditional Use Permit must meet the provisions of Article 21 and Sections 14.10-14.11. Exceptions for Article 14 are listed in Section 14.5.

- 14.8.1 The construction of a new tower 200 feet or more in height only upon a showing of need by the applicant;
- 14.8.2 The addition of a commercial antenna to an existing structures such as, but not limited, to buildings, flagpoles, church steeples, cupolas, ball field lights, and power line support devices that results in the structure exceeding 35 feet in height;
- 14.8.3 An addition, including an antenna, to an existing tower facility that increases a tower's height to 200 feet or more;
- 14.8.4 Adding an antenna to an existing tower facility that would require the placement of lighting;
- 14.8.5 Towers and tower facilities within a Shoreland Overlay Zoning District only upon a showing of need by the applicant; and
- 14.8.6 Towers and tower facilities within 1,000 feet from any specially designated scenic byway within Itasca County only upon a showing of need by the applicant.

Section 14.9 General Provisions

The following general provisions shall apply to the erection, placement, or modification of any tower, wireless telecommunication facility, or wind energy conservation system that is subject to this Article 14.

- 14.9.1 Tower setbacks. The tower facility shall have a minimum distance to the parcel boundary or recorded easement boundary equal to the height of the tower. This setback may be reduced to one-half the height of the tower provided that the applicant submits an engineering report from a registered professional engineer that certifies that the tower is designed and engineered to collapse upon failure within the distance from the proposed tower to the property line or recorded easement. Wireless telecommunication tower facilities, including all support structures and security fencing, shall not be located within 1,000 feet from the Ordinary High Water Level from any classified lake or within 300 feet of any protected stream or river. The setback from a residence shall be one and one-half times the heights of a tower;
- 14.9.2 Accessory building setbacks. Any tower accessory building shall be subject to the setback requirements listed for the respective zoning district in which the tower is constructed;
- 14.9.3 Fencing. All wireless communication tower facilities shall be secured by a fence at least six feet in height to prohibit access by unauthorized persons. The radius of the perimeter shall be sufficient to contain the tower facility and all support equipment and accessory buildings;
- 14.9.4 Signs. No advertisement or identification of any kind is permitted on a tower facility except applicable warnings and equipment information as required by the manufacturer or by federal, state, or local authorities. The owner's name, telephone number, and site ID numbers shall be posted on the gate of the perimeter fence;
- 14.9.5 Lighting. Towers and antennas shall not be illuminated by artificial means except if the illumination is specifically required by the Federal Aviation Administration or other authority. Any light source utilized for security lighting shall feature down-directional, sharp cut-off luminaries that ensure there is no spillage of illumination off the parcel or easement boundary;
- 14.9.6 Screening. Screening may be prescribed by the Planning Commission depending on the site location and existing available vegetation;
- 14.9.7 Noise. The noise levels associated with any tower facility shall conform to the Minnesota Pollution Control Agency noise level requirements as listed in Minn. Rules, Chapt. 7030; and
- 14.9.8 Tower height. No tower shall be constructed 200 feet or greater in height above ground level unless a Conditional Use Permit is issued upon a showing of need by the applicant.

Section 14.10 Design Requirements

Any proposed construction or modification of towers or tower facilities subject to the provisions of this Article must meet the following design requirements:

- 14.10.1 Towers, antennas, support cables, structures, and fencing shall be designed to blend into the surrounding environment to the maximum extent practical through the use of color and the possible implementation of either stealth or camouflage design.

 Communication towers not requiring FAA or FCC painting or markings shall have either a galvanized finish or painted a color consistent with the surrounding area;
- 14.10.2 At the tower site, the design of the support buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment;
- 14.10.3 If an antenna is installed on a structure other than an independently standing tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible;
- 14.10.4 Towers of a monopole or other freestanding design without the use of guy-wires or supporting cables are preferred, unless the Planning Commission determines that an alternative design would better blend into the surrounding environment. Designs other than monopole or other freestanding towers may be considered upon a showing of need by the applicant;
- 14.10.5 Tower facilities, all support structures, and security fencing shall not be constructed within the boundary of existing Types 1-8 wetlands as designated by the Wetlands Act, Chapt. 8420.0110, subp. 54A-H;
- 14.10.6 Towers and their antennas shall be certified by a licensed professional engineer to ensure that they conform to applicable state structural building standards; and
- 14.10.7 No part of any antenna, tower, lines, cables, equipment, wires, or braces shall at any time extend across or over any part of a right-of-way, public street, highway, or sidewalk without approval from the appropriate governing entity.

Section 14.11 Co-Location Requirements

Any proposed tower shall be designed structurally, electrically, and in all respects able to accommodate both the applicant's antennas and comparable antennas for at least three additional users. Proposed facilities that provide a greater capacity for the placement of additional antennas shall be considered more desirable than towers with more limited capacities. Towers must be designed to allow for future arrangements of antennas and accept antennas mounted at varying heights. Proposals for new commercial wireless communication tower facilities shall not be approved unless the applicant can document to the satisfaction of the Planning Commission that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a two-mile search radius of the proposed tower due to one or more of the following reasons:

- 14.11.1 The planned equipment would exceed the structural capacity of the existing or approved tower or building as documented by a competent registered professional structural engineer or a structural engineer with equivalent credentials and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate the planned equipment at a reasonable cost;
- 14.11.2 The planned equipment would cause interference materially impacting the usability of the other existing or planned equipment at the tower or building as documented by a competent electrical engineer specializing in radio frequency communications and the interference cannot be prevented at a reasonable cost;
- 14.11.3 Existing or approved towers or buildings cannot perform the necessary function or accommodate the planned equipment at a height necessary to function reasonably as documented by a competent electrical engineer specializing in radio frequency communications and/or structural engineer;
- 14.11.4 The applicants shall submit proof of best efforts to negotiate reasonable industry terms regarding the lease or purchase of space on an existing tower; or
- 14.11.6 Coverage objectives of the carrier cannot be met by using existing towers and or other structures within a two-mile radius.

Section 14.12 Conditional Use Permit Application Requirements

In addition to the general provisions as set forth in Section 14.9, Conditional Use Permit applications for new towers shall also meet the following:

- 14.12.1 Site plan(s) drawn to a scale of one inch equals 20 feet or less specifying the location of the tower facility, support structures, transmission buildings, and/or other accessory structures and uses, accesses, parking areas, fences, signs, lighting, landscaped areas, and all adjacent land uses within 250 feet of the tower facility, including all support structures and security fencing;
- 14.12.2 A visual study depicting where within a one-mile radius any portion of the proposed tower facility will be visible. The visual study shall include a viewshed representation of the affected area by means of computer generation, engineering renderings, or a photo rendering of the proposed tower as it would be viewed from each direction;
- 14.12.3 Map showing the search radius for the antenna location and the proposed broadcast coverage obtained by the tower facility, including a narrative describing a search radius of not less than one mile for the requested site, clearly explaining why the site was selected, identifying and locating landing and takeoff areas of aircraft within the search radius, locating all existing tower facilities, and identifying all other structures that may be potential co-location sites;
- 14.12.4 Elevations drawings of "before" and "after" simulating and specifying ground levels, the location and height of antennas, support structures, equipment buildings, and/or other accessory uses, fences, and signs of the tower facility;
- 14.12.5 A letter that requires the tower facility owner and successors to allow the shared use of the tower facility if an additional user agrees in writing to meet reasonable industry terms and conditions for shared use;
- 14.12.6 A copy of a certificate of insurance for liability and workers compensation insurance that requires notification to Itasca County Zoning Official prior to cancellation will be furnished;
- 14.12.7 A copy of the FCC's license or a signed statement from the proposed operator of the tower facility attesting to the fact that the tower facility complies with the current FCC regulations, including compliance with the regulations of the FCC with regard to maximum radio frequency and electromagnetic frequency emissions or a statement from the applicant that no such compliance is necessary and the reasons therefore;
- 14.12.8 A letter of intent or interest on behalf of a carrier that once the tower is constructed it is reasonably sure that an antenna will be mounted within one year after completion:
- 14.12.9 A copy of a pre-FAA determination or a signed statement that the proposed tower facility has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations or that no compliance with Part 77 is required and the reasons therefore;

- 14.12.10 Applicant shall submit proof, in the form of a signed affidavit, demonstrating a good faith effort to lease or purchase space on a nearby existing tower facility. The affidavit shall state why space is not available in accordance with the provisions listed in Section 14.11; and
- 14.12.11 Applicant shall include a five-year wireless telecommunication facilities plan containing the following information. The plan must be updated with each submittal necessary:
 - A. Written description, to the extent possible of type of consumer services each company/carrier will provide to its customers over the next five years (which shall include, but not be limited to, digital and analog Cellular, Personal Communication Services, Specialized Mobile Radio, Paging Private Radio, or other anticipated communication technology);
 - B. A list of all existing sites, existing sites to be upgraded or replaced, and proposed telecommunication facilities within the County for these services by the company;
 - C. A presentation size map of the County that shows the five-year plan for telecommunication facilities or if individual properties are not shown, the geographic service areas of the cell sites. Information provided as a part of the five-year facility plan that is a trade secret pursuant to Minn. Stat. 13.37 shall be classified as non-public data;
 - D. Written acknowledgment by the applicant and landowner that they will abide all applicable Conditional Use Permits;
 - E. The owner of the tower facility shall provide Itasca County with an acceptable financial guarantee in an amount equal to one and one-half times the cost to remove the tower facility and restore the site. The Itasca County Zoning Official shall determine this amount based on input from an independent technical expert and based on the likelihood that the tower facility may be abandoned; and
 - F. Documentation shall be provided prior to the issuance of a Zoning Permit demonstrating that the approved tower facility has been designed to conform to the applicable state structural building standards and accepted electrical engineering methods and practices as specified in applicable provisions of the National Electrical Code and a sworn statement that following completion of construction the tower facility will be inspected at the applicant's expense by a licensed professional engineer.

Section 14.13 Additional Factors Considered in Granting a Conditional Use Permit

The Itasca County Planning Commission shall consider the following factors in addition to the factors listed in Section 14.12 and Article 21 in determining whether to issue a Conditional Use Permit:

- 14.13.1 Height of the proposed tower facility;
- 14.13.2 Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider's equipment;
- 14.13.3 Proximity of the tower to residential structures and residential zoning district boundaries;
- 14.13.4 Nature of uses on adjacent and nearby properties;
- 14.13.5 Surrounding topography;
- 14.13.6 Surrounding tree coverage and foliage:
- 14.13.7 Design and siting of the tower with particular reference to design characteristics and location that have the effect of reducing or eliminating visual obtrusiveness;
- 14.13.8 Proposed ingress and egress;
- 14.13.9 Availability of suitable existing towers and other structures as discussed in Section 14.11; and
- 14.13.10 Impact to the existing aesthetics and character of the surrounding area.

Section 14.14 Revocation of Conditional Use Permit

A Conditional Use Permit issued for a tower or tower facility may be revoked, in accordance with the processing requirements set forth in Article 21, based on a finding that:

- 14.14.1 The permittee has failed to comply with the conditions of approval imposed;
- 14.14.2 The facility has not been properly maintained; or
- 14.14.3 The facility is no longer in use and has not been in use for the previous 12 months. In the event of revocation of a permit, the tower and all accessory structures must be removed and the site restored to its original condition within 180 days. Failure to do so will result in the County completing the removal and site restoration and the permittee shall forfeit any financial guarantee or the cost will be assessed against the property.

Article 15 CONSERVATION DEVELOPMENTS

Section 15.1 Purpose

In accordance with the Itasca County Comprehensive Land Use Plan, the purpose of this Article is to allow for the following:

- Greater flexibility and creativity in the design of residential subdivisions;
- To facilitate the construction of streets, utilities, and public services in a more economical and efficient manner; and
- To promote conservation subdivisions to ensure that citizens in residential developments prosper from the conservation of natural features of the land, including wetlands, forests, shorelines, steep slopes, plants, wildlife, historic sites, and scenic areas.

Conservation Developments provide incentives for developers to encourage the use of conservation development methods over traditional methods of subdivision and development. Criteria, standards, and processing for traditional methods of subdivisions, such as, 'metes and bounds' conveyances, Minor Subdivisions, and Major Subdivisions are set forth in the Itasca County Subdivision Ordinance. The number of units or lots in a Conservation Development determines whether the Conservation Development is a Minor Conservation Development or Major Conservation Development. The various types of Conservation Developments are as follows:

- 15.1.1 Common Interest Communities (CIC) A type of residential development that provides a relationship between buildings and site that cannot be accomplished by the one building-one lot application of the land use provisions of this Ordinance. The purpose of CICs is to encourage well-designed building groups for the development of more than one structure upon a single lot or tract and the integral development of one or more lots as a single tract. CICs are allowed for new projects on undeveloped land, redevelopment of previously built sites or conversions of existing buildings and land in accordance with and created under Minn. Stat. Chapts. 505, 508, 508A, 515, 515A, and 515B; the CIC Plat Manual of Minimum Guidelines; and requirements set forth in this Ordinance.
- Residential Planned Unit Developments (PUD) A type of use where the nature of residency is non-transient and the major or primary focus of the development is not service oriented. Examples are residential apartments, long-term timeshare condominiums, townhouses, cooperatives, and full-fee ownership residences.
- 15.1.3 Manufactured Home Parks or Developments A type of residential development that contains two or more occupied manufactured homes harbored for long-term occupancy upon a tract of land. To include any building structure or enclosure used or intended for use as part of the equipment of the park or development.
- 15.1.4 Conversions A type of development when existing Resorts or other land uses and facilities are converted to residential Conservation Developments provided applicable standards outlined in Article 15A and density requirements in Article 15 are met.

Section 15.2 Geographic Scope

Residential Conservation Development is allowed in Farm Residential, Rural Residential, and Shoreland Overlay Zoning Districts. Residential Conservation Developments shall be the default form of subdivision development in the Shoreland Overlay Zoning District of Natural Environment lakes and Natural Environment classed areas as set forth in Section 5.5.3. If the applicant can demonstrate that a project of superior design can be achieved or that greater compliance with the Comprehensive Land Use Plan goals and objectives can be attained through the use of the conventional development process, then the Planning Commission may approve conventional developments in these areas.

Section 15.3 Permits Required

Permits required for Conservation Developments are as set forth below:

- 15.3.1 Minor Conservation Developments require Conservation Development Permits;
- 15.3.2 Noncompliant Minor Conservation Developments require Conditional Use Permits and Conservation Development Permits; and
- 15.3.3 Major Conservation Developments require Conditional Use Permits.

Section 15.4 Pre-Application Meeting Encouraged

Before submitting a Permit Application, applicants are encouraged to meet with the Environmental Services Department to discuss the permit application process and to demonstrate that the Conservation Development concepts and that the design process set forth in Section 15.8.1 was used to determine the layout of proposed streets, dwelling unit lots, and open space. The Department may invite other agencies to take part in this pre-application meeting.

Section 15.5 Minor Conservation Development Permit Application Process

- 15.5.1 Permit Application. Applicant shall submit a Conservation Development Permit Application, which shall include a Site Plan, to the Environmental Services Department. Twenty (20) copies of the Site Plan must be provided to the Department. Site Plans shall include a map or maps of the proposed development including, but not limited to, the information set forth in Section 15.5.1.A-N unless otherwise required by the Department and documents that include calculations establishing open space and densities. CIC site plans must also include the information set forth in the CIC Plat Manual of Minimum Guidelines and Minn. Stat. Chapts. 505, 508, 508A, 515, 515A, and 515B. (Note: Some of the Manual information may duplicate statute requirements.)
 - A. A scale of not less than 1 inch equals 200 feet;
 - B. Name of development;
 - C. Legal description of property, total acreage, and any proposed unit or lot divisions with a boundary survey;
 - D. Names and addresses of applicant and owner, licensed land surveyor, and designer of the Site Plan:
 - E. Graphic scale and north arrow;
 - F. Date of preparation;
 - G. Existing conditions within 300 feet surrounding the boundaries of the development;
 - H. A layout of the development by tiers locating conditions that includes, but is not limited to:
 - 1. Topographic contours at ten feet intervals at a minimum, but staff may require closer contours depending on the topography of the development;
 - 2. All surface water features;
 - 3. Delineations of wetlands and ordinary high water level;
 - 4. Flood elevations;
 - 5. Bluffs and steep slopes;
 - 6. Existing and proposed roads with right-of-way widths:
 - 7. Existing structures and other facilities:
 - 8. Proposed structures, dwelling units and sites, septic systems, and water supply systems (where public systems will not be provided);
 - 9. Existing and proposed utilities and easements;
 - 10. Lake accesses;
 - 11. Outdoor lighting; and
 - 12. Percent of impervious surface coverage;
 - Erosion control, drainage, and stormwater management plan to address proposed land alterations and buffering or screening of adjacent properties. To the maximum extent possible, landdisturbing activities should not occur within the shore impact zone;
 - J. A property owners' association agreement with mandatory membership;
 - K. Deed restrictions, covenants, permanent easements, or other instruments that ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 15.8. The instruments must include the following protections:
 - 1. Vegetation and topographic alterations shall conform to the land alteration and intensive vegetation removal standards of this Ordinance;
 - 2. Construction of additional buildings or storage of vehicles and other materials prohibited;
 - 3. Uncontrolled beaching prohibited; and
 - 4. Dumping, storage, processing, burning, burying, or landfill of solid or other wastes prohibited.
 - L. A master plan drawing describing the development and the floor plan for any and all residential structures.
 - M. Any additional documents requested by the Zoning Official that are necessary to explain how the CIC will be designed and will function.
 - N. A title binder indicating marketable title.

15.5.2 Review of Permit Application.

- A. Reviewing entities. Upon receipt of a completed Conservation Development Permit Application, the Environmental Services Department shall refer copies of the Site Plan to the following entities for their review and recommendations that will be forwarded to the Planning Commission.
 - 1. Five copies to the Planning Commission;
 - 2. One copy to the County Director of Transportation / Highway Engineer;
 - 3. One copy to the County Surveyor;
 - 4. One copy to the County Auditor / Treasurer;
 - 5. One copy to the County Assessor;
 - 6. One copy to the Town Clerk of the organized township or the Commissioner of the unorganized township in which the proposed development is located;
 - 7. One copy to the Itasca County Soil and Water Conservation District (SWCD);
 - 8. If the proposed development abuts a trunk highway, one copy to the Minnesota District Highway Headquarters;
 - 9. If the proposed development abuts public water, one copy to the Commissioner of the Minnesota Department of Natural Resources or designee;
 - 10. If the proposed development is within a two-mile radius of a municipality, one copy to the municipality;
 - 11. If the development lies within a Shoreland Overlay Zoning District, one copy to the organized lake association. If there is not an organized lake association, the copy shall be sent to the Itasca Coalition of Lake Associations;
 - 12. If the development lies along the designated scenic portion of Highway 38, one copy to the Highway 38 Board;
 - 13. If the development lies within the Big Fork River Management Plan Corridor or the Mississippi Headwaters Corridor, one copy to the Big Fork River Board or the Mississippi Headwaters Board; and
 - 14. If the proposed development is within the Iron Mining Overlay Zoning District, one copy to the Western Mesabi Mine Planning Board.
- B. Time period. Within 20 days of receipt of the Permit Application and Site Plan, the reviewing entities shall submit reports to the Planning Commission expressing recommendation for approval, disapproval, or revisions. If any reviewing entity disapproves the Site Plan as submitted, then the reasons for disapproval shall be fully stated in its report. Also in its report, the reviewing entity shall give recommendations, modifications, or revisions requested for its approval. If no report is received within 20 days, it will be assumed by the Planning Commission that there are no objections to the Site Plan as submitted.
- 15.5.3 Decision by Planning Commission. At the first regular meeting following the receipt of the complete Permit Application and the time periods for review have elapsed, the Planning Commission shall determine whether such Permit Application conforms to design standards and requirements set forth in this Ordinance. The Planning Commission may then approve the Permit Application subject to certain revisions, if appropriate. If in the judgment of the Planning Commission the reviewing entity's report of disapproval, modifications, or revisions are unreasonable, impractical, and would result in substantial hardship or injustice to the applicant, then the Planning Commission may still approve the Permit Application if in their judgment it will achieve the purposes of this Ordinance.

Section 15.6 Major Conservation Development and Noncompliant Minor Conservation Development Permit Application Process

- 15.6.1 Preliminary Permit Applications. Applicant shall submit a Conservation Development Permit Application, which shall include a Site Plan, and a Conditional Use Permit Application in accordance with Article 21 to the Environmental Services Department. A separate fee for the Conditional Use Permit Application shall not be required. The Conditional Use Permit shall be procured simultaneous to preliminary approval of the Conservation Development Permit. Twenty (20) copies of the Site Plan must be provided to the Department. Site Plans shall include a map or maps of the proposed development including, but not limited to, the information set forth in Section 15.6.1A-N unless otherwise required by the Department and documents that include calculations establishing open space and densities. CIC site plans must also include the information set forth in the CIC Plat Manual of Minimum Guidelines and Minn. Stat. Chapts. 505, 508, 508A, 515, 515A, and 515B. (Note: Some of the Manual information may duplicate statute requirements.)
 - A. A scale of not less than 1 inch equals 200 feet;
 - B. Name of development;
 - C. Legal description of property, total acreage, and any proposed unit or lot divisions with a boundary survey;
 - D. Names and addresses of applicant and owner, licensed land surveyor, and designer of the Site Plan;
 - E. Graphic scale and north arrow;
 - F. Date of preparation;
 - G. Existing conditions within 300 feet surrounding the boundaries of the development;
 - H. A layout of the development by tiers locating conditions that includes, but is not limited to, the following:
 - 1. Topographic contours at ten feet intervals at a minimum, but staff may require closer contours depending on the topography of the development;
 - 2. All surface water features and delineation of wetlands;
 - 3. Flood elevations and ordinary high water level delineation;
 - 4. Bluffs and steep slopes;
 - 5. Existing and proposed roads with right-of-way widths;
 - 6. Existing structures and other facilities;
 - 7. Proposed structures, septic systems and water supply systems (where public systems will not be provided);
 - 8. Existing and proposed utilities and easements;
 - 9. Lake accesses;
 - 10. Outdoor lighting; and
 - 11. Percent of impervious surface coverage;
 - I. Erosion control, drainage, and stormwater management plan to address proposed land alterations and buffering or screening of adjacent properties. To the maximum extent possible, land-disturbing activities should not occur within the shore impact zone.
 - J. A property owners' association agreement with mandatory membership.
 - K. Deed restrictions, covenants, permanent easements, or other instruments that ensure the long-term preservation and maintenance of open in accordance with the criteria and analysis specified in Section 15.8. The instruments must include the following protections:
 - 1. Vegetation and topographic alterations shall conform to the land alteration and intensive vegetation removal standards of this Ordinance:
 - 2. Construction of additional buildings or storage of vehicles and other materials prohibited;
 - 3. Uncontrolled beaching prohibited; and
 - 4. Dumping, storage, processing, burning, burying, or landfill of solid or other wastes prohibited;
 - L. A master plan drawing describing the development and the floor plan for any and all residential structures;
 - M. Any additional documents requested by the Zoning Official that are necessary to explain how the CIC will be designed and will function; and
 - N. A title binder indicating marketable title.

- 15.6.2 Preliminary review of Permit Applications.
 - A. Reviewing entities. Upon receipt of completed Permit Applications, the Environmental Services Department shall refer copies of the Site Plan to the following entities for their review and recommendations that will be forwarded to the Planning Commission.
 - 1. Five copies to the Planning Commission;
 - 2. One copy to the County Director of Transportation / Highway Engineer;
 - 3. One copy to the County Surveyor;
 - 4. One copy to the County Auditor/Treasurer;
 - 5. One copy to the County Assessor;
 - 6. One copy to the Town Clerk of the organized township or the Commissioner of the unorganized township in which the proposed development is located;
 - 7. One copy to the Itasca County Soil and Water Conservation District (SWCD);
 - 8. If the proposed development abuts a trunk highway, one copy to the Minnesota District Highway Headquarters;
 - 9. If the proposed development abuts public water, one copy to the Commissioner of the Minnesota Department of Natural Resources or designee;
 - 10. If the proposed development is within a two-mile radius of a municipality, one copy to the municipality;
 - 11. If the development lies within a Shoreland Overlay Zoning District, one copy to the organized lake association. If there is not an organized lake association, the copy shall be sent to the Itasca Coalition of Lake Associations;
 - 12. If the development lies along the designated scenic portion of Highway 38, one copy to the Highway 38 Board;
 - 13. If the development lies within the Big Fork River Management Plan Corridor or the Mississippi Headwaters Corridor, one copy to the Big Fork River Board or the Mississippi Headwaters Board; and
 - 14. If the proposed development is within the Iron Mining Overlay Zoning District, one copy to the Western Mesabi Mine Planning Board.
 - B. Time period. Within 20 days of receipt of the Permit Application and Site Plan, reviewing entities shall submit reports to the Planning Commission expressing recommendation for approval, disapproval, or revisions. If any reviewing entity disapproves the Site Plan as submitted, then the reasons for disapproval shall be fully stated in its report. Also in its report, the reviewing entity shall give recommendations, modifications, or revisions requested for its approval. If no report is received within 20 days, it will be assumed by the Planning Commission that there are no objections to the Site Plans as submitted.

- 15.6.3 Preliminary decision by Planning Commission.
 - A. Notice of public hearing. At least ten days prior to the preliminary review of the Permit Applications by the Planning Commission, a notice shall be published in the County newspaper and in a newspaper of general circulation in the area concerned stating the applicant's name, property location, type of development, and time of the preliminary review by the Planning Commission.
 - B. Written notice. Written notice shall be sent to property owners of record as set forth in Section 18.2.4.
 - C. Public hearing. The Planning Commission shall conduct a public hearing on the Permit Applications and Site Plan. At the first regular meeting following the receipt of the complete Permit Applications and the time periods for review have elapsed, the Planning Commission shall determine whether such Permit Applications and Site Plan conform to design standards and requirements set forth in this Ordinance and applicable Minnesota Statutes. If in the judgment of the Planning Commission the reviewing entity's report of disapproval, modifications, or revisions are unreasonable, impractical, and would result in substantial hardship or injustice to the applicant, then the Planning Commission may still approve the Permit Applications if in their judgment it will achieve the purposes of this Ordinance.
 - 1. Permit Applications. The Planning Commission may then approve the Permit Application subject to certain revisions, if appropriate.
 - 2. Site Plan. Final Site Plan approval still required. Preliminary approval of the Site Plan by the Planning Commission assures the general acceptability of the layout.

- 15.6.4 Final Site Plan. Within one year of Permit Applications approvals, the applicant shall submit a Final Site Plan to the Environmental Services Department. Ten (10) copies of the Final Site Plan must be provided to the Department. The Final Site Plan must be updated to include any conditions made by the Planning Commission during the preliminary approval and the additional information in Section 15.6.4.A. Failure of the applicant to provide the additional information shall indicate applicant's agreement to a delay in scheduling final plan review.
 - A. Long-term management plan of open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective means must be provided to ensure perpetual preservation and maintenance of open space. The instruments must include the following protections:
 - 1. Vegetation and topographic alterations shall conform to the land alteration and intensive vegetation removal standards of this Ordinance;
 - 2. Construction of additional buildings or storage of vehicles and other materials prohibited;
 - 3. Uncontrolled beaching prohibited; and
 - 4. Dumping, storage, processing, burning, burying, or landfill of solid or other wastes prohibited.
 - B. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all CICs must use an owners' association with the following features:
 - 1. Membership must be mandatory for each unit or lot purchaser and any successive purchasers;
 - 2. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or lots;
 - 3. Assessments must be adjustable to accommodate changing conditions;
 - 4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities; and
 - 5. The organization documents shall contain the provision that the Itasca County Planning Commission must review and approve proposed amendments to the documents prior to amendment.
 - C. Proof of title insurance coverage in an amount equal to one and one-half times the market value of the developed property naming the owner and Itasca County as insured.
 - D. Results of septic system suitability.
- 15.6.5 Final review of Final Site Plan.
 - A. Reviewing entities. Upon receipt of the Final Site Plan as per Section 15.6.4, the Environmental Services Department shall refer one copy of the Final Site Plan to the County Surveyor and one copy to the reviewing entities whose reports were incorporated in the Planning Commission's preliminary approval of the Site Plan.
 - B. Time period. Reviewing entities are to review Final Site Plans in a timely manner to ensure conformance to the Site Plan as approved.
 - C. Zoning Official approval. Before final approval can be granted, the applicant shall have received approval from the Zoning Official that the Final Site Plan demonstrates that adequate provisions have been developed that permanently preserve and maintain all open spaces and common facilities and the final plan is in conformance to the preliminary plan as approved.

- 15.6.6 Final decision by Planning Commission.
 - A. Notice of public hearing. At least ten days prior to the final review of the Conservation Development Permit Application by the Planning Commission, a notice shall be published in the County newspaper and in a newspaper of general circulation in the area concerned stating the applicant's name, property location, type of development, and time of the review by the Planning Commission.
 - B. Public hearing. The Planning Commission shall conduct a public hearing on the Final Site Plan. At the first regular meeting following the receipt of the complete Final Site Plan and the Zoning Official's approval as per Section 15.6.5.C, the Planning Commission shall determine whether the Final Site Plan conforms to design standards and requirements set forth in this Ordinance and applicable Minnesota Statutes. The Planning Commission may then approve or disapprove the Final Site Plan.
- 15.6.7 Minor changes after final approval. During the development of an approved Conservation Development, the Zoning Official may approve minor changes in the location, placement, and height of buildings if such changes are required by engineering or other circumstances not foreseen at the time the Final Site Plan was approved.

Section 15.7 Development Density

The density standards found in this Article are the maximum allowed densities and the Planning Commission by considering land use, environmental impacts, and sensitive lake issues, if known, may decrease the permitted densities.

15.7.1 Shoreland areas.

- A. Suitable area.
 - Tiers. Within shoreland areas the proposed development must be divided into
 two tiers. The first tier shall consist of all land lying between a line
 approximately parallel to a line that identifies the ordinary high water level
 (OHWL) at the intervals proceeding landward noted in Table 16. The second tier
 shall consist of all remaining area of the development parcel within the shoreland
 areas.

Table 16. Shoreland Tier Depth Requirements - Conservation Developments

Lake Class	First Tier Depth (Ft.)
General Development	218
Recreational Development 2	327
Natural Environment 2	363
Recreational Development 1	436
Natural Environment I	436
Natural Environment 3	436
River Class	First Tier Depth (Ft.)
Remote, Forested, Tributary	Underlying Zoning District
Big Fork	500
Mississippi - Scenic	500
Mississippi - Wild	1,000

- 2. Suitable area calculation. The suitable area within each tier is calculated by excluding all wetlands, bluffs, major utility easements greater than 30 feet in width, and land below the OHWL of public waters from the tier area. This suitable area and the proposed development are then subjected to the density evaluation steps to arrive at an allowable number of units or lots.
- B. Density. The density is calculated by dividing the suitable area by the appropriate unit or lot size standard as in Table 17. Calculations must be applied by tier as in Table 17. Allowable densities may be transferred to a tier farther from the water body. Structures that straddle tiers shall be rated as part of the tier closer to the OHWL.

Table 17. Density Calculation Standards for Shoreland Areas - Conservation Developments

Density Calculation St		noreland Areas -	- Conservation	n Development	S
	First Tier	Second Tier	First Tier		
	Minimum Sq. Ft. per Unit or Lot	Minimum Sq. Ft. per Unit or Lot	Structure Setbacks (Ft.)	Sanitation Setbacks (Ft.)	
Lake Class					minsky)
General Development	27,770	37,026	75	Tank Treatment	50 100
Recreational Development-2	55,539	74,052	100	Tank Treatment	100 150
Recreational Development-1	74,052	92,565	100	Tank Treatment	100 150
Natural Environment-1	74,052	92,565	200	Tank Treatment	100 150
Natural Environment-2	92,565	111,078	100	Tank Treatment	100 150
Natural Environment-3	111,078	129,591	100	Tank Treatment	100 150
Phophorus Sensitive	See Underlying Lake Classific		sification	Tank Treatment	100 150
Rivers					
Tributary	See Underlying Zoning District		100	75	
Forested			150	100	
Remote			200	150	
Big Fork	157,335		100 150		
Mississippi - Scenic	157,335		150	125	
Mississippi - Wild	314,755 200		150	50	

15.7.2 Non-shoreland areas.

- A. Suitable area. The suitable area is calculated by excluding all wetlands, bluffs, and major utility easements greater than 30 feet in width from the proposed development area.
- B. Density. A minimum area of 56,000 square feet per unit or lot shall be required. The minimum suitable area shall be 10,000 square feet of the required 56,000 square feet per unit or lot. The median average unit or lot size shall not exceed 30,000 square feet.
- C. All other applicable requirements pertaining to processing procedures and plan layouts in this Article shall apply to non-shoreland area Conservation Developments.

15.8 Design Criteria for Residential Conservation Developments

- Design process. Applicants are required to demonstrate that the following design process was used to determine the layout of proposed streets, dwelling unit lots, and open spaces as shown on the site plan:
 - A. Step One: Identify conservation areas.
 - Primary conservations areas such as wetlands, bluff impact zones, and lake or
 river setback areas and secondary conservation areas including unprotected
 elements of the natural landscape such as steep slopes, mature woodlands,
 prime farmlands, meadows, wildlife habitats, and cultural features such as
 historic and archeological sites and scenic view shall be identified and
 delineated.
 - 2. The developable area shall be identified and shall consist of land completely outside primary conservation areas and, to the maximum extent feasible, outside secondary conservation areas.
 - B. Step Two: Calculate the number of dwelling units allowable under Section 15.7 and locate the approximate sites of individual houses within the developable area. Include the delineation of private yards and shared amenities so as to reflect an integrated community, with emphasis on consistency with the Comprehensive Land Use Plan. The number of homes enjoying the amenities of the development should be optimized.
 - C. Step Three: Align streets and trails in order to access the dwelling unit lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
 - D. Step Four: Draw in the lot lines.
 - E. Step Five: Identify on a site plan all parts of the project parcel to be permanently protected as part of the open space.

15.8.2 Open space requirements.

- A. The appearance of common open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means and a willing party for receiving easements must be declared;
- B. At least 50 percent of the total development area shall be permanently preserved as common open space. For Resort conversions, at least 25 percent of the lot width at the structure setback line shall be left as open space;
- C. At least 33 percent of the common open space shall be retained in a contiguous area:
- D. The following developed areas shall not be included in the computation of minimum common open space:
 - 1. Units or lots;
 - Road right-of-ways;
 - 3. Land covered by road surfaces;
 - 4. Land covered by impervious surfaces; and
 - 5. Parking areas or structures, except water-oriented accessory structures or facilities.
- E. If areas with physical characteristics unsuitable for development in their natural state or areas containing significant historic sites or unplatted cemeteries are present, then such areas must be included in the common open space;
- F. Common open space may include outdoor recreation facilities for use by owners of the units or lots or the public;
- G. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
- H. Shoreland areas.
 - 1. No more than 25 percent of the required common open space may consist of wetlands in the Shoreland Overlay Zoning District not abutting public waters;
 - 2. Shore and bluff impact zones must be included as common open space. A shore impact zone management plan shall be addressed in the long-term management plan;
 - a. Existing developments shall preserve at least 50 percent of the shore and bluff impact zones in their natural state or restored to a natural state.
 - b. New developments shall preserve at least 70 percent of the shore and bluff impact zones in their natural state or restored to a natural state.
 - 3. There shall be at least one access corridor to the shore impact zone. The corridor shall meet the following requirements:
 - a. Be accessible to all residents of the Conservation Development;
 - b. Have a minimum width of 50 feet;
 - c. Provide upland access to the area without impacting wetlands; and
 - d. Have a trail and vegetation management plan addressed in the long-term management plan;
 - 4. Clearly visible permanent monuments shall be placed at the corners of units or lots; and
 - 5. Common open space may contain water-oriented accessory structures or facilities.

- 15.8.3 Road and access requirements.
 - A. Roads within and serving Conservation Developments shall be constructed according to American Society of Civil Engineers (ASCE) standards (Residential Streets, 2001, 3rd edition or later, ASCE) and the development plan approved by the Planning Commission, and the local road authority, if applicable.
 - B. Access in the form of dedicated right-of-way or easement, as appropriate, shall be created for connection to adjacent undeveloped properties or public lands that do not have direct access to a public road. Developers or subsequent owners may be entitled to compensation for providing such access.
- Water supply. Development must be connected to a public water supply, if available. Where a public water supply is not available, a development shall establish dedicated areas for on-site water supplies that must be centralized when feasible and shall be installed to meet or exceed applicable rules of the Minn. Rule, Chapt. 4725, to serve the entire development. A covenant must be established among participating owners of units or lots within the development regarding the maintenance of any centralized on-site water supply.
- 15.8.5 Sewage treatment. Development must be connected to a public sewer system, if available. Where a public sewer system is not available, a development shall establish dedicated areas for individual sewage systems that must be centralized when feasible and shall be designed, installed, and operated to meet or exceed applicable rules of the Minn. Rule, Chapts. 7080-7083, and Itasca County Sanitation Ordinance to serve the entire development. A covenant must be established among participating owners of units or lots within the development regarding the maintenance of any centralized sewage system. Additional sewage system requirements are as follows:
 - A. Systems shall be located on the most suitable areas of the development. Sufficient area free of limiting factors must be provided for a replacement soil dispersal system for each system;
 - B. Developments that produce 10,000 gallons of sewage per day require an MPCA State Disposal System permit;
 - C. The potential person capacity of a dwelling unit shall be used to determine the potential gallons generated which, in turn, shall dictate the appropriate systems that should be utilized by the proposed development. County and State standards and regulations apply and should be consulted.
 - D. All new units or lots must utilize water conserving plumbing fixtures and have water meters installed and accessible which serve all sewage-generating appliances.
 - E. No occupancy of any unit or lot of any development shall be allowed until the appropriate sewage disposal system is in place and fully operational.

- 15.8.6 Siting of structures and facilities.
 - A. Units or lots design. Units or lots must be clustered into one or more groups and located on suitable areas.
 - B. Structure design and location. Structures must be designed and located to meet the following criteria. Accessory structures may be permitted as allowed in this Ordinance. Accessory structures, except water-oriented accessory structures, shall meet the principal structure setbacks and they shall be centralized.
 - 1. Setbacks.
 - a. Shoreland areas. Structure and sanitation setbacks from OHWL are set forth in Table 17. Road setbacks are set forth in Section 3.8.
 - b. Non-shoreland areas. Setbacks shall be the same as required for the particular zoning district in which the Conservation Development is located.
 - 2. Elevation. Requirements set forth in Section 3.17.4.
 - 3. Height.
 - a. Shoreland areas. Requirements are set forth in Table 7.
 - b. Non-shoreland areas. Requirements shall be the same as required for the particular zoning district in which the Conservation Development is located.
 - 4. Visibility. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Earth tone colors are preferred.
 - C. Recreation facility siting.
 - 1. Riparian recreation facility siting. Riparian recreation facilities, including but not limited to swimming areas, common docks, watercraft mooring areas, and launching ramps must be clustered in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, and other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable unit or lot in the first tier. Individual docks shall not be allowed. If a water body does not have a public access boat launching facility, then launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units in the same Conservation Development without continuous watercraft mooring spaces provided their watercrafts are stored outside the structure setback area such that they are not visible from the public water.
 - Non-riparian recreation facility siting. Non-riparian recreation facilities should be placed in a manner that avoids major traffic routes and placed in an environmentally sound location. The facilities should also be located in centralized locations for use by the residents of the facility.
 - D. Lighting. All outdoor lighting shall be minimized, designed, and installed so that light does not fall within setback areas or on neighboring properties. Lights shall be covered to direct light downward. Lights shall be directed away from public waters.

15.8.7 Erosion control and stormwater management.

- A. Design and construction. An erosion control and stormwater management plan shall be designed by an engineer and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Erosion control and stormwater management shall be designed using the best management practices found in the Pollution Control Agency's Minnesota Stormwater Manual. To the maximum extent possible, land-disturbing activities should not occur within the shore impact zone.
- B. Stormwater permit. Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency.
- C. Shoreline buffer mitigation plan. A shoreline buffer consisting of trees, shrubs, and ground cover of native plants and understory shall be required as set forth in Section 21.2.4.B.2. This plan shall be approved by Itasca County SWCD.
- D. Impervious surface limits. All Conservation Developments within the shoreland areas are limited to a maximum of 25 percent of impervious surface unit or lot coverage in any tier. Unit or lot impervious surface coverage shall not exceed 25 percent, except on units or lots less than 10,000 square feet for which the impervious surface coverage shall not exceed 35 percent.

15.8.8 Other maintenance requirements.

- A. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective means must be provided to ensure long-term preservation and maintenance of open space.
- B. In the event the person or entity responsible for administration of the long-term management plan fails to administer and perform all or any portion of the plan relating to common open space, the County may serve written notice upon such person or entity setting forth the manner in which the such person or entity has failed to administer and perform the plan. Such notice shall set forth the nature of corrections required and a reasonable time within which to complete corrective action. If corrective action is not completed within a reasonable time, the County may, but the County is not required, to assume responsibility for administration and performance of the plan with respect to such failures; and in furtherance of such action, the County may enter the premises and take all corrective action as may be reasonable, including extended maintenance. The costs of such corrective action may be charged to the person or entity responsible for administration of the long-term management or individual property owners who make up a homeowners' association and may include administrative costs.

Section 15.9 Manufactured Home Park or Development

- Purpose. It is the purpose of this regulation to permit the development of manufactured home parks in a manner that will promote and improve the general health, safety, convenience, and welfare of the citizens by minimizing any adverse effects of such development. Mobile home parks shall be approved only after careful review, including strict interpretation of all existing laws, ordinances, and regulations. Before approval will be granted, consideration will be given to the effect the proposed development will have on the general welfare of the community and to provision for appropriate natural buffers and screening.
- 15.9.2 Minnesota Department of Health. The applicant shall be responsible to obtain the necessary license from the Minnesota Department of Health including approval of the sanitation systems.
- 15.9.3 Minnesota Pollution Control Agency. The applicant shall be responsible to obtain a stormwater permit, prior to construction, if the construction activity (clearing, grading and excavation activities) will result in the disturbance of one acre or more.
- General requirements. It shall be unlawful for any person to construct, alter, or extend any manufactured home park, structures, or uses within the park unless the person holds a valid permit issued by the Zoning Official upon compliance with all provisions of this Ordinance. In addition to all other requirements imposed by law, the following regulations shall be observed.
- 15.9.5 Area and yard requirements. Manufactured home parks shall comply with all area and yard requirements prescribed for such uses in the zoning district in which it is located. Only buildable land shall be considered in the total acreage to be used.
- 15.9.6 Submission of plans. A Conditional Use Permit Application for the establishment of the manufactured home park shall be filed with the Environmental Services Administrator and must include the information set forth in Sections 15.3 and 15.9.8.
- 15.9.7 Review of the Conditional Use Permit Application and preliminary Site Plan and Final Site Plan review and approval. The procedures set forth in Section 15.3shall be followed for preliminary and final approval of a manufactured home park.

- 15.9.8 Additional requirements. Manufactured home parks shall be designed and maintained in accordance with the following requirements:
 - A. Lot Area: The minimum lot area per manufactured home unit site within the park shall be 8,400 square feet, with a minimum width of 70 feet, providing central water and sewer are installed; provided, however, the total number of units in the park shall not exceed the applicable zoning units/acreage requirements. The plan shall include the number, location and size of all manufactured homes;
 - B. Lot Area Occupancy: The buildings or manufactured homes in any park, together with any non-accessory buildings already on the lot, shall not occupy in the aggregate more than 20 percent of the area of the lot;
 - C. Manufactured Home Siting: Manufactured homes shall be located at least 35 feet from any public street right-of-way or highway right-of-way and at least 50 feet from the mobile park boundary line. There shall be a minimum distance of 20 feet between an individual manufactured home and the right-of-way of a park street or common parking area or other common areas. Manufactured homes and their additions shall be separated from each other and from other buildings and structures by at least 20 feet;
 - D. Utilities: No building, plumbing, heating, and electric requirements other than those adopted pursuant to Minn. Stats. 327.31-327.34 shall be required. A sanitary sewer or septic system and water system shall be installed in accordance with County and State specifications;
 - E. The complete electrical service installation, wire service outlets and lighting facilities, complete layout of the unit parking spaces, and the number of square feet therein—together with dimensions thereof;
 - F. The location of electric power or gas distribution system, water mains or wells or water supply outlets for domestic water users, location of sanitary sewers or septic tanks, sewer drain lines, leeching beds, fire protection stalls, fire hydrants and other buildings, structures or uses contemplated for use by the applicant;
 - G. Sanitation: The sewage disposal system shall have a minimum setback of not less than 100 feet from the manufactured home park's property lines. Said sanitation system design shall be submitted and approved by the Minnesota Department of Health;
 - H. Interior Streets: The minimum road right-of-way width of interior streets shall be 50 feet;
 - Fire Protection: Unless it is possible to provide adequate fire protection from fire hydrants on public streets, the developer shall locate the water supply for fire protection within the manufactured home park;
 - J. Maintenance: The park owner shall maintain the park in a clean and orderly condition. Each manufactured home lot shall be landscaped or maintained in grass. No unused building materials, debris or rubbish shall be allowed to accumulate. No outside storage shall be permitted of oil drums or trailer equipment unless it is effectively screened or concealed.
 - K. Vehicle Storage: No more than three motor vehicles shall be stored or kept on any mobile home lot. No vehicle shall be dismantled nor shall mechanical work except of a minor repair nature be done on any automotive vehicle that is not in an operable condition be parked, stored or kept on a lot or in a park, except a vehicle that became inoperable when it was in the mobile home park and then it shall not be parked in that condition for a period of more than seven days.
 - L. Any other requirements as set forth by the Minnesota Department of Health and Minnesota Pollution Control Agency.

Article 15A RESORTS

Section 15A.1 Purpose

In accordance with the Itasca County Comprehensive Land Use Plan, the purpose of this Article is to create standards for new Resort developments and the further development and expansion of existing Resorts. Standards are established that balance protections for the environment and residential neighborhoods while encouraging recreation commercial development as an essential component of a sound and diverse economy that meets the needs of Itasca County residents and visitors. Sections 15A.2 and 15A.3 set forth the criteria, standards, and processing for new Resorts. For existing Resorts and/or expansions see Section 15A.4.

Section 15A.2 Geographic Scope

- 15A.2.1 New Resorts are allowed in Recreational Commercial, Light Industrial Commercial, Industrial, and Shoreland Overlay Zoning Districts of General Development and Recreational Development lakes provided the underlying zoning district is Recreational Commercial, Light Industrial Commercial, or Industrial.
- 15A.2.2 New Resorts are only allowed in the Big Fork River Corridor and the Mississippi River Scenic Class as set forth in the Big Fork River Plan and Mississippi Headwaters Board Comprehensive Plan.
- 15A.2.3 New Resorts are not allowed in the Shoreland Overlay Zoning Districts of Natural Environment lakes nor Remote, Forested, and Tributary rivers. See Section 15A.4 for provisions regarding existing Resorts in these areas.

Section 15A.3 New Resorts

New Resorts must meet the following requirements:

15A.3.1 Permits Required for New Resorts

A Resort Permit and Conditional Use Permit are required. Resorts must contain a minimum of three dwelling units or sites.

15A.3.2 New Resort Pre-Application Meeting Encouraged

Before submitting an application, applicants are encouraged to meet with the Environmental Services Department to discuss the application process and to demonstrate that the Conservation Development concepts and design process that is set forth in the policy document used by the Department was used to determine the layout of proposed roads, dwelling units or sites, and open space. The Department may invite other agencies to take part in this pre-application meeting.

15A.3.3 New Resort Permit Applications Process

- A. Preliminary Permit Applications. Applicant shall submit a Resort Permit Application, which shall include a Site Plan, and Conditional Use Permit Application in accordance with Article 21 to the Environmental Services Department. A separate fee for the Conditional Use Permit Application shall not be required. The Conditional Use Permit shall be procured simultaneous to preliminary approval of the Resort Permit. Twenty (20) copies of the Site Plan must be provided to the Department. Site Plans shall include a map or maps of the proposed development including, but not limited to, the information set forth in Section 15A.3.3.A unless otherwise required by the Department and documents that include calculations establishing open space and densities.
 - 1. A scale of not less than 1 inch equals 200 feet;
 - 2. Name of development;
 - 3. Legal description of property and total acreage;
 - 4. Names and addresses of applicant and owner, licensed land surveyor and designer of the Site Plan;
 - 5. Graphic scale and north arrow;
 - 6. Date of preparation:
 - 7. Existing conditions within 300 feet surrounding the boundaries of the development;
 - 8. A layout of the development by tiers locating conditions that includes, but is not limited to:
 - a. Topographic contours at ten feet intervals at a minimum, but staff may require closer contours depending on the topography of the development;
 - b. All surface water features;
 - c. Delineations of wetlands and ordinary high water level;
 - d. Flood elevation(s);
 - e. Bluffs and steep slopes;
 - f. Existing and proposed roads with right-of-way widths;
 - g. Existing structures and other facilities:
 - h. Proposed structures, dwelling units and sites, septic system(s), and water supply systems (where public systems will not be provided);
 - i. Existing and proposed utilities and easements;
 - j. Lake accesses;
 - k. Outdoor lighting; and
 - I. Percent of impervious surface coverage.

- 9. Erosion control, drainage, and stormwater management plan to address proposed land alterations and buffering/screening of adjacent properties. To the maximum extent possible, land disturbing activities should not occur within the shore impact zone;
- 10. Deed restrictions, covenants, permanent easements, or other instruments that ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 15A.3.5. The instruments must include the following protections:
 - a. Vegetation and topographic alterations shall conform to the land alteration and intensive vegetation removal standards of this Ordinance;
 - b. Construction of additional buildings or storage of vehicles and other materials prohibited;
 - c. Uncontrolled beaching prohibited; and
 - d. Dumping, storage, processing, burning, burying, or landfill of solid or other wastes prohibited.
- 11. A master plan drawing describing the project and the floor plan for any and all structures, indicating floor plans that intended to be variable such as lockouts;
- 12. Any additional documents as requested by Zoning Official that are necessary to explain how the Resort will be designed and will function; and
- 13. A title binder indicating marketable title.

B. Preliminary review of Permits Applications.

- 1. Reviewing entities. Upon receipt of completed Permit Applications, the Environmental Services Department shall refer copies of the Site Plan to the following entities for their review and recommendations that will be forwarded to the Planning Commission.
 - a. Five copies to the Planning Commission;
 - b. One copy to the County Director of Transportation / Highway Engineer;
 - c. One copy to the County Surveyor;
 - d. One copy to the County Auditor / Treasurer;
 - e. One copy to the County Assessor;
 - f. One copy to the Town Clerk of the organized township or the Commissioner of the unorganized township in which the proposed development is located;
 - g. One copy to the Itasca County Soil and Water Conservation District (SWCD);
 - h. If the proposed development abuts a trunk highway, one copy to the Minnesota District Highway Headquarters;
 - i. If the proposed development abuts public water, one copy to the Commissioner of the Minnesota Department of Natural Resources;
 - j. If the proposed development is within a two-mile radius of a municipality, one copy to the municipality;
 - k. If the development lies within a Shoreland Overlay Zoning District, one copy to the organized lake association. If there is not an organized lake association, the copy shall be sent to the Itasca County Coalition of Lake Associations;
 - I. If the development lies along the designated scenic portion of Highway 38, one copy to the Highway 38 Board;
 - m. If the development lies within the Big Fork River Management Plan Corridor or the Mississippi Headwaters Corridor, one copy to the Big Fork River Board or the Mississippi Headwaters Board;
 - n. If the proposed development is within the Iron Mining Overlay Zoning District, one copy to the Western Mesabi Mine Planning Board.

2. Time period for review. Within 20 days of receipt of the Permit Applications and Site Plan reviewing entities shall submit reports to the Planning Commission expressing recommendation for approval, disapproval, or revisions. Also, in its report, the reviewing entity shall give recommendations, modifications, or revisions requested for its approval. If no report is received within 20 days, it will be assumed by the Planning Commission that there are no objections in the plan or plans as submitted.

C. Preliminary decision by Planning Commission.

- 1. Notice of public hearing. At least ten days prior to the preliminary review of the Permit Applications by the Planning Commission, a notice shall be published in the County newspaper and in a newspaper of general circulation in the area concerned stating the applicant's name, property location, type of development, and time of the preliminary review by the Planning Commission.
- 2. Written notice. Written notice shall be sent to property owners of record as set forth in Section 18.2.2.
- 3. Public hearing. The Planning Commission shall conduct a public hearing on Permits Applications and Site Plan. At the first regular meeting following the receipt of the complete Permit Applications and the time periods for review have elapsed, the Planning Commission shall determine whether such Permit Applications and Site Plan conforms to design standards and requirements set forth in this Ordinance and applicable Minnesota Statutes. If in the judgment of the Planning Commission the reviewing entity's report of disapproval, modifications, or revisions are unreasonable, impractical, and would result in substantial hardship or injustice to the applicant, then the Planning Commission may still approve the Permit Applications, if in their judgment it will achieve the purposes of this Ordinance.
 - a. Permit Applications. The Planning Commission may then approve the Permit Application subject to certain revisions, if appropriate.
 - b. Site Plan. Final Site Plan approval still required. Preliminary approval of the Site Plan by the Planning Commission assures the general acceptability of the layout.

- D. Final Site Plan. Within one year of Permit Applications approvals, the applicant shall submit a Final Site Plan to the Environmental Services Department. Ten (10) copies of the Final Site Plan must be provided to the Department. The Final Site Plan must be updated to include any conditions made by the Planning Commission during the preliminary approval and the additional information in Section 15A.3.3.D. Failure of the applicant to provide the additional information shall indicate applicant's agreement to a delay in scheduling final plan review.
 - Long-term management plan of open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include the following protections:
 - a. Vegetation and topographic alterations shall conform to the land alteration and intensive vegetation removal standards of this Ordinance;
 - b. Construction of additional buildings or storage of vehicles and other materials prohibited;
 - c. Uncontrolled beaching prohibited; and
 - d. Dumping, storage, processing, burning, burying, or landfill of solid or other wastes prohibited.
 - 2. Proof of title insurance coverage in an amount equal to one and one-half times the market value of the developed property naming the owner and Itasca County as insured.
 - 3. Results of septic system suitability.

E. Final review of Final Site Plan.

- 1. Reviewing entities. Upon receipt of the Final Site Plan as per Section 15A.3.3.D, the Environmental Services Department shall refer one copy of the Final Site Plan to the reviewing entities whose reports were incorporated in the Planning Commission's preliminary approval of the Site Plan.
- 2. Time period. Reviewing entities are to review Final Site Plans in a timely manner to ensure conformance to the Site Plan as approved.
- 3. Zoning Official approval. Before final approval can be granted, the applicant shall have received approval from the Zoning Official that the Final Site Plan demonstrates that adequate provisions have been developed that preserve and maintain all open spaces and common facilities and the final plan is in conformance to the preliminary plan as approved.

F. Final decision by Planning Commission.

- 1. Notice of public hearing. At least ten days prior to the final review of the Resort Application by the Planning Commission, a notice shall be published in the County newspaper and in a newspaper of general circulation in the area concerned stating the applicant's name, property location, type of development, and time of the review by the Planning Commission.
- 2. Public hearing. The Planning Commission shall conduct a public hearing on the Final Site Plan. At the first regular meeting following the receipt of the complete Final Site Plan and the Zoning Official's approval as per Section 15A.3.3.E.3, the Planning Commission shall determine whether the Final Site Plan conforms to design standards and requirements set forth in this Ordinance and the applicable Minnesota Statutes. The Planning Commission may then approve or disapprove the Final Site Plan.

G. Minor changes after final approval. During the development of an approved Resort, the Zoning Official may approve minor changes in the location, placement, and height of buildings if such changes are required by engineering or other circumstances not foreseen at the time the Final Site Plan was approved.

15A.3.4 New Resort Development Density

The density standards found in this Article are maximum allowed densities and the Planning Commission by considering land use, environmental impacts, and sensitive lake issues, if known, may decrease the permitted densities. New Resorts are defined as those newly licensed after the effective date of this Ordinance.

A. Shoreland areas.

- 1. Suitable area.
 - a. Tiers. Within shoreland areas the proposed Resort must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level (OHWL) at the intervals in Table 18 proceeding landward:

Table 18. Shoreland Tier Depth (Ft.) Requirements - New Resorts

Shoreland Tier Depth (Ft.) Requirements - New Resorts						
Lake Class	GD	RD-1	RD-2	Mississippi and Big Fork R.		
First Tier	218	436	327	500		
Second Tier	290	545	436	500		
Third Tier	All re	All remaining parcel area		***		

b. Developable area determination. The developable area within each tier is determined by excluding all lake and river setbacks, wetlands, bluffs, major utility easements greater than 30 feet in width, land below the OHWL of public waters from the tier area. This developable area and the proposed Resort are then subjected to the density evaluation steps to arrive at an allowable number of dwelling units and/or sites.

- 2. Density. The density shall be based on the following calculations:
 - a. Ratio. Select the appropriate ratio to determine the land surface area that can be covered by structures from Table 19:

Table 19. Density Ratios for New Resorts

Lake Class	Ratio
GD - First Tier (Nearshore Area)	
GD - Second Tier (Lakeview Area)	0.075
RD - First tier (Nearshore Area)	0.075
RD - Second Tier (Lakeview Area)	0.075
GD and RD - Third Tier (Forestview Area)	0.075
Big Fork River and Mississippi River Scenic Class	

- b. Density calculation. Multiply the developable area within each tier by the ratio to yield the total land surface area that can be covered by structures in each tier. For recreational camping areas each site shall be assessed 400 square feet as the land surface covered. Manufactured home sites in recreational camping areas shall use the size equal to the size of the manufactured home or, if unknown, 2000 square feet.
- c. Proposed location of open space and the locations and number of dwelling units or sites for the Resort are then compared with the tier density and suitability analyses herein and the design criteria in Section 15A.3.5. At least 25 percent must be within the first two tiers.
- 3. Density transfers between tiers. Allowable densities may be transferred into a tier farther from the water body. Structures that straddle tiers shall be rated as part of the tier closer to the OHWL.
- B. Non-shoreland areas.
 - 1. Density.
 - a. Dwelling units.
 - i. When public or community sewer and water are available, there shall be a maximum of five Resort dwelling units or youth camp units per acre with a minimum width of 80 feet and 8,000 square feet per dwelling unit.
 - ii. When public or community sewer and water are not available, there shall be a maximum of three Resort dwelling units or youth camp units per acre with a minimum width of 100 feet and 14,500 square feet per dwelling unit.
 - iii. Motel or hotel units to be the maximum of ten per acre and shall be licensed by the Minnesota Department of Health.
 - b. Sites.
 - i. There shall be a maximum of eight sites per acre with a minimum of 2,000 square feet per site. Sewage disposal and water supply shall be provided.
 - ii. A holding tank shall be provided to accommodate camping and recreational vehicles that have self-contained sanitary systems.
 - 2. All other applicable requirements pertaining to processing procedures and plan layouts in this Article shall apply to the non-shoreland Resorts.

15A.3.5 New Resort Design Criteria

- A. Design process. Applicants shall use the following design process in developing the Site Plan:
 - 1. Identify conservation areas, open space, and developable area.
 - a. Conservation areas.
 - i. Identify and delineate the primary conservation areas, including wetlands, bluff impact zones, and lake or river setback areas, on the site plan.
 - ii. Identify the secondary conservation areas, including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmlands, meadows, wildlife habitats, and cultural features such as historic and archeological sites and scenic views.
 - b. Open space. Designate and delineate open space including all primary conservations areas, and to the maximum extent possible, secondary conservation areas. At least 50 percent of the total Resort area shall be designated as permanent open space. At least 25 percent of the open space must be located in the first two tiers.
 - 2. Calculate the density. The total land surface that can be covered by structures by multiplying the suitable area within each tier by the appropriate ratio as outlined in Section 15A.3.4.
 - 3. Site locations. Locate the approximate sites of individual structures and the open space within the developable area.
 - 4. Align roads and trails. Align roads in order to access the dwelling units and trails to connect to existing or future roads, sidewalks, and trails.

B. Open space requirements.

- 1. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by the use of easements, public dedication and acceptance, or other equally effective and permanent means;
- 2. At least 50 percent of the total Resort area shall be permanently preserved as open space;
- 3. At least 25 percent of the open space shall be located in Tier 1 and Tier 2;
- 4. The following developed areas shall not be included in the computation of minimum open space:
 - a. Dwelling units or sites;
 - b. Road right-of-ways;
 - c. Land covered by road surfaces;
 - d. Land covered by impervious surfaces;
 - e. Parking areas or structures, except water-oriented accessory structures or facilities, are developed areas;
 - f. Space between buildings of a cluster; and
 - g. An area of 25 feet around each structure or any impervious surface.
- 5. If areas with physical characteristics unsuitable for development in their natural state or areas containing significant historic sites or unplatted cemeteries are present, then such areas must be included in the common open space;
- 6. Open space may include outdoor recreational facilities for use by guests of the dwelling units or sites or the public;

Page 106
Itasca County Zoning Ordinance
Effective: 5/1/2018

- 7. At least 33 percent of the open space shall be retained in a contiguous area;
- 8. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
- 9. Shoreland areas:
 - a. Shore and bluff impact zones must be included as open space. At least 70 percent of the shore and/or bluff impact zones must be preserved in their natural state or restored to a natural state;
 - b. Open space may contain water-oriented accessory structures or facilities; and
 - No more than 25 percent of the required open space may consists of wetlands in the Shoreland Overlay Zoning District not abutting public waters; and
 - d. At least 75 percent of the common open space must be upland area.
- C. Water supply. Development must be connected to a public water supply, if available. Where a public water supply is not available, a development shall establish dedicated areas for on-site water supplies that must be centralized when feasible and shall be installed to meet or exceed applicable rules of the Minn. Rule, Chapt. 4725, to serve the entire development.
- D. Sewage treatment. Development must be connected to a public sewer system, if available. Where a public sewer system is not available, a development shall establish dedicated areas for individual sewage systems that must be centralized when feasible and shall be designed, installed, and operated to meet or exceed applicable rules of the Minn. Rule, Chapts. 7080-7083, and Itasca County Sanitation Ordinance to serve the entire development. Additional sewage system requirements are as follows:
 - Systems shall be located on the most suitable areas of the development.
 Sufficient area free of limiting factors must be provided for a replacement soil dispersal system for each system.
 - 2. Developments that produce 10,000 gallons of sewage per day require a MPCA State Disposal System permit.
 - 3. The potential person capacity of a dwelling unit shall be used to determine the potential gallons generated which, in turn, shall dictate the appropriate system(s) that should be utilized by the proposed development. County and State standards and regulations apply and should be consulted.
 - 4. All new units or lots must utilize water conserving plumbing fixtures and have water meters installed and accessible which serve all sewage-generating appliances.
 - 5. No occupancy of any unit or lot of any development shall be allowed until the appropriate sewage disposal system is in place and fully operational.

- E. Siting of structures and facilities.
 - 1. Dwelling unit or site design. Dwelling units or sites must be clustered into one or more groups and located on suitable areas.
 - 2. Structure design and location. Structures must be designed and located to meet the following criteria. Accessory Structures may be permitted as allowed in the Zoning Ordinance; however, new Resorts shall be designed and managed such that there are no garages or storage structures associated with dwelling units or sites, adjacent to dwelling units or sites, and other amenities that would encourage long-term residential use.
 - a. Setbacks.
 - i. Shoreland areas. Structure and sanitation setbacks from the OHWL are set forth in Table 17. Road setbacks are set forth in Section 3.8. Resorts on General Development and Recreational Development lakes require separation of structures from adjacent residential parcels. An undeveloped 50 feet buffer shall be required to separate the structures (buildings, playgrounds, docks, and parking areas) from adjacent residential parcels.
 - ii. Non-shoreland areas. Setbacks shall be the same as required for the particular zoning district in which the Resort is located.
 - b. Elevation. Requirements set forth in Section 3.17.4.
 - c. Height.
 - i. Shoreland areas. Requirements are set forth in Table 7.
 - ii. Non-shoreland areas. Requirements shall be the same as required for the particular zoning district in which the Resort is located.
 - d. Visibility. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Earth tone colors are preferred.
 - 3. Recreation facility siting.
 - a. Riparian recreation facility siting. Riparian recreation facilities, including but not limited to swimming areas, docks, watercraft mooring areas, and launching ramps must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, and other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in Tier 1. Launching ramp facilities, including an adequate dock for loading and unloading equipment, may be provided for use by guests of dwelling units or sites located in other tiers.
 - b. Non-riparian recreation facility siting. Non-riparian recreation facilities should be placed in a manner that avoids major traffic routes and placed in an environmentally sound location. The facilities should also be located in centralized locations for use by the guests of the facility.
 - 4. Lighting. All outdoor lighting shall be minimized, designed, and installed so that light does not fall on neighboring properties. Lights shall be covered to direct light downward.

- F. Erosion control and stormwater management.
 - 1. Design and construction. An erosion control and stormwater management plan shall be designed by an engineer and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Erosion control and stormwater management shall be designed using the best management practices found in Chapter 12 of the Pollution Control Agency's Minnesota Stormwater Manual. To the maximum extent possible, land disturbing activities should not occur within the shore impact zone.
 - 2. Stormwater permit. Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency.
 - 3. Impervious surface limits. All Resorts within the shoreland areas are limited to a maximum of 25 percent of impervious surface coverage in any tier.

Section 15A.4 Existing Resorts

Development on existing Resorts shall take place in the following manner:

15A.4.1 Geographic Scope.

Existing resort/expansion is a permitted use in the Rural Residential, Farm Residential, Recreational Commercial, Light Industrial Commercial, Industrial Zoning Districts and the Shoreland Overlay Zoning Districts of General Development and Recreational Development.

15A.4.2 Addition of Adjacent Property to Existing Resorts

If an existing Resort acquires the adjacent property to increase the amount of contiguous lakeshore, an expansion as set forth in Section 15A.4.4 shall also be a permitted use provided the acquired property is in a zoning district allowing resort expansions as permitted uses. The newly acquired property shall be officially incorporated into the Resort property by recording the appropriate documents in the Office of the County Recorder and updating the license with the Minnesota Department of Health.

15A.4.3 Replacement of Existing Structures at Existing Resorts

The following requirements are intended to allow an existing licensed Resort to maintain and/or expand its current business so long as it continues to operate as a licensed Resort. Existing structures may be replaced no closer to any setbacks than the existing structure without a setback or density Variance provided that the following requirements are met:

- A. Shore and bluff impact zones. The structure is outside a shore and/or bluff impact zone:
- B. Footprint. There is no increase in building footprint.
 - 1. Exception: The building footprint is required to be modified to minimally meet space requirements of the Minnesota Department of Health as set forth in Minn. Rule 4625,0900.
- C. Elevation. Requirements set forth in Section 3.17.4;
- D. Height.
 - 1. Shoreland areas. Requirements are set forth in Table 7.
 - 2. Non-shoreland areas. Requirements shall be the same as required for the particular zoning district in which the Resort is located.
- E. Area of natural state restored or maintained. A specified area within the development shall be restored and maintained in a natural state to the following standards:
 - 1. For developments with less than 50 percent of shore impact zone currently in a natural state, one of the following shall be required and a plan shall be submitted to the Environmental Services Department:
 - a. At least 10 percent of the shore impact zone and shoreline shall be restored to its natural state; or
 - b. For each replacement structure, a buffer strip shall be created in accordance with Section 5.9.1.B.1 consisting of native vegetation of trees, shrubs, and understory plants extending along the shore. The plan shall be reviewed by the Itasca County SWCD. Once the plan is received by the SWCD, their report shall be completed within 14 days and a copy submitted to the applicant and the Environmental Services Administrator.

Page 110
Itasca County Zoning Ordinance
Effective: 5/1/2018

If the SWCD does not complete its review and submit their report within the time allowed, the applicant shall be required to create the buffer strip as prescribed in Section 5.9.1.B.1.

2. For developments with at least 50 percent of the shore impact zone currently in a natural state, this condition shall be preserved and maintained.

15A.4.4 Existing Resort Expansions

- A. "Existing resort" define: An "existing resort" is a resort in existence on 3/15/09.
 - 1. Zoning Permit required:
 - a. Resorts in existence on 3/15/09 may expand by adding not more than six new dwelling units or sites, or any combination thereof, since 3/15/09 provided that:
 - i. the establishment continues to operate as a Resort,
 - ii. the requirements in Section 15A.4. 4. B-C are met, and
 - iii. the total number of dwelling units or sites does not exceed 20.
 - b. On adjacent land acquired by a resort after 3/15/09, a resort may expand up to twenty total dwelling units or dwelling sites on the total property provided that:
 - i. the requirements in Section 15A.4.4 B-C are met, and
 - ii. a Site Suitability checklist, as set forth in Section 5.15, is required for an expansion that exceeds six units since 3/15/09.
 - 2. Conditional Use Permit required:

An expansion involving seven or more new dwelling units or dwelling sites on land owned by a resort on 3/15/09 and/or twenty-one or more total new dwelling units or dwelling sites on the total property.

- B. Development density for existing Resorts. The density standards found in this Article are maximum allowed densities and the Zoning Official by considering land use, environmental impacts, and sensitive lake issues, if known, may decrease the permitted densities.
 - 1. Shoreland areas.
 - a. Suitable area.
 - i. Tiers. Within shoreland areas the proposed Resort must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level (OHWL) at the intervals in Table 20 proceeding landward:

Table 20. Shoreland Tier Depth (Ft.) Requirements - Existing Resorts

Shoreland Tier Depth (Ft.) Requirements - Existing Resorts								
Lake Class	GD	RD-2	NE-2	NE-3	RD-1	NE-I	Mississippi (Scenic) and Big Fork R.	
First Tier	218	327	363	436	436	436	500	
Second Tier	290	436	436	508	545	545	500	
Third Tier		All remaining parcel area						

ii. Suitable area calculation. The suitable area within each tier is calculated by excluding all wetlands, bluffs, major utility easements greater than 30 feet in width, and land below the OHWL of public waters from the tier area. This suitable area and the proposed Resort are then subjected to the density evaluation steps to arrive at an

allowable number of dwelling units and/or sites.

- b. Density. The density shall be based on the following calculations:
 - i. Select the appropriate ratio to determine the land surface area that can be covered by structures from Table 21:

Table 21. Density Ratios for Existing Resorts Expansions

Lake Class	Ratio
GD - First Tier (Nearshore Area)	0.125
GD - Second Tier (Lakeview Area)	0.075
RD - First tier (Nearshore Area)	0.075
RD - Second Tier (Lakeview Area)	0.075
GD and RD - Third Tier (Forestview Area)	0.075
Big Fork River and Mississippi River Scenic Class	0.038

- ii. Multiply the area within each tier, excluding all wetlands, bluffs, major utility easements greater than 30 feet in width, and land below the OHWL of public waters, by the ratio to yield the total land surface area that can be covered by structures in each tier. For recreational camping areas each site shall be assessed 400 square feet as the land surface covered. Manufactured home dwelling sites in recreational camping areas shall use the size equal to the size of the manufactured home or, if unknown, 2,000 square feet.
- iii. Proposed locations and number of dwelling units or sites for the Resort are then compared with the tier density and suitability analyses herein and the design criteria in for existing Resorts.
- c. Density transfers between tiers. Allowable densities may be transferred into a tier farther from the water body. Structures that straddle tiers shall be rated as part of the tier closer to the OHWL.
- 2. Non-shoreland areas.
 - a. Density.
 - i. Dwelling units.
 - A. When public or community sewer and water are available, there shall be a maximum of five Resort dwelling units or youth camp units per acre with a minimum width of 80 feet and 8,000 square feet per dwelling unit.
 - B. When public or community sewer and water are not available, there shall be a maximum of three Resort dwelling units or youth camp units per acre with a minimum width of 100 feet and 14,500 square feet per dwelling unit.
 - C. Motel or hotel units to be the maximum of ten per acre and shall be licensed by the Minnesota Department of Health.
 - ii. Sites.
 - A. There shall be a maximum of eight sites per acre with a minimum of 2,000 square feet per site. Sewage disposal and water supply shall be provided.
 - B. A holding tank shall be provided to accommodate camping and recreational vehicles that have self-contained sanitary systems.
 - b. All other applicable requirements pertaining to processing procedures and

plan layouts in this Article shall apply to the non-shoreland Resorts.

- C. Design criteria for existing Resorts.
 - 1. Area of natural state restored or maintained. A specified area within the development shall be restored and maintained in a natural state to the following standards:
 - a. For developments with less than 50 percent of shore impact zone currently in a natural state, one of the following shall be required and a plan shall be submitted to the Environmental Services Department:
 - i. At least 10 percent of the shore impact zone and shoreline shall be restored to its natural state; or
 - ii. For each new structure, a buffer strip shall be created in accordance with Section 5.9.1.B.1 consisting of native vegetation of trees, shrubs, and understory plants extending along the shore. The plan shall be reviewed by the Itasca County SWCD. Once the plan is received by the SWCD, their report shall be completed within 14 days and a copy submitted to the applicant and the Environmental Services Administrator. If the SWCD does not complete its review and submit their report within the time allowed, the applicant shall be required to create the buffer strip as prescribed in Section 5.9.1.B.1.
 - b. For developments with at least 50 percent of the shore impact zone currently in a natural state, this condition shall be preserved and maintained.
 - 2. Water supply. On-site water supplies shall be designed and installed to meet or exceed applicable rules of the Minn. Rule, Chapt. 4725.
 - 3. Sewage treatment. Individual sewage systems shall be designed, installed, and operated to meet or exceed applicable rules of the Minn. Rule, Chapts. 7080-7083, and Itasca County Sanitation Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development.
 - 4. Siting of structures and facilities.
 - a. Structure design and location.
 - i. Setbacks.
 - A. Shoreland areas. Structure and sanitation setbacks from the OHWL are set forth in Table 17. Road setbacks are set forth in Section 3.8.
 - B. Non-shoreland areas. Setbacks shall be the same as required for the particular zoning district in which the Resort is located.
 - ii. Elevation. Requirements set forth in Section 3.17.4.
 - iii. Height.
 - A. Shoreland areas. Requirements are set forth in Table 7.
 - B. Non-shoreland areas. Requirements shall be the same as required for the particular zoning district in which the Resort is located.
 - b. Detached storage structures. There shall be no detached storage structures in excess of 32 square feet associated with dwelling units or sites, adjacent to dwelling units or sites, and other amenities that would encourage long-term residential use.
 - 5. Impervious surface limits. The impervious surface coverage shall not exceed 25 percent within the total project area and in any tier, except impervious surface coverage shall not exceed 35 percent in any tier provided a stormwater management

plan has been reviewed by the Itasca County SWCD that specifically addresses the potential consequences of the expansion. If best management practices were followed in design, installation, and maintenance as found in the Pollution Control Agency's Minnesota Stormwater Manual, then 50 percent of area covered by porous pavers or porous materials shall be counted as impervious surface coverage.

Section 15A.5 Resort Conversions

Resort conversions must meet the following requirements:

- 15A.5.1 **Permits Required for Resort Conversions.** Permits are required as set forth in Article 5 or Article 15 depending upon the nature of the conversion. Operating Resorts may be converted to a residential Conservation Development under the process set forth in Article 5 or Article 15. All conversions shall be approved by the Planning Commission and shall meet the following criteria:
 - A. Evaluation. The conversion shall first be evaluated in terms of the requirements for a new Conservation Development and any inconsistencies from the standards must be presented to the Planning Commission. To be considered for a conversion there must be at least three dwelling units or sites and at least an area of two acres.
 - B. Deficiencies.
 - Water supply and sewage treatment deficiencies shall be corrected prior to any final conversion or a specific timetable approved by the Planning Commission.
 - 2. Impervious surface coverage, open space, and riparian recreation facilities and structures in the shore and bluff impact zones deficiencies shall be corrected as per a timetable approved by the Planning Commission.
 - C. Remedial action. The Planning Commission may order remedial action relating to erosion, vegetative cover, road location, and design.
 - D. Structures. Extraneous structures and facilities in the shore impact zone shall be removed.
- 15A.5.2 **Development Density for Resort Conversion.** See Section 15.7.
- 15A.5.3 Design Criteria for Resort Conversion. See Section 15.8.

Article 16 ADMINISTRATION

Section 16.1 Zoning Official

The Itasca County Zoning Official, also known as "Zoning Administrator" or "Environmental Services Administrator", shall administer this Ordinance.

Section 16.2 Conformity with Zoning Ordinance

From and after the effective date of this Ordinance, the use of all land and every structure or portion of a structure erected, altered, in respect to height and area, added to, replaced, or relocated and every use within a building or use accessory thereto in the County shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued, extended, or changed subject to the special regulations in Article 4 provided with respect to nonconforming properties or land uses. Thereafter no person shall erect, alter, or move any structure or part thereof including such related activities as construction of decks and signs, the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 5.9.2 of this Ordinance or change the use of without first securing a Zoning Permit. The application shall include the necessary information so that the Zoning Official can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided. Permits shall stipulate that any identified failing sewage treatment system as defined by Section 4.8 shall be reconstructed or replaced in accordance with the provisions set forth in the Itasca County Sanitation Ordinance.

Section 16.3 Applications for Zoning Permit

Application for a Zoning Permit shall be made to the Zoning Official on forms to be furnished by the County. Each application for a permit to construct or alter a building shall be accompanied by a plan showing the dimensions of the tract to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of Zoning Permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance. All Zoning Permit applications to the Zoning Official shall be approved within five days or referred to the Planning Commission or Board of Adjustment. Any use, arrangement, or construction without authorization by permit or Variance shall be deemed a violation of this Ordinance and shall be punishable as provided in Article 23 of this Ordinance.

Section 16.4 Zoning Official Responsibilities

The Zoning Official shall make an annual report of activities to the County Board of Commissioners and shall assist any applicant in preparing an application; advise the applicant as to the provisions of the Ordinance; cause to be inspected each project for which a permit has been granted; and notify owners of violations, direct the property owner to correct violations, and if compliance is not obtained within a reasonable time period as determined by the Zoning Official, shall report such violations to the County Attorney who shall proceed with such enforcement as allowed under State law.

16.4.1 Minnesota Statute § 15.99 - The Planning Commission, Board of Adjustment, and Environmental Services Administrator are each authorized to extend and grant requests for extending the time limits in Minn. Stat. 15.99 subd. 2, as amended, to the full extent that the law allows the Itasca County Board to grant such extensions.

Section 16.5 Conformance with Subdivision Ordinance

No Zoning Permit shall be issued to establish a use on any parcel which has been divided or transferred in violation of the Subdivision Ordinance of Itasca County. Platting requirements are as follows:

- 16.5.1 When an approved official plat or approved registered land survey is to be recorded in the Office of the County Recorder, according to State Planning Laws, the following shall control:
 - A. All lands platted or conveyed by metes and bounds within the Shoreland Overlay Zoning District shall conform to Shoreland Overlay Zoning Districts.
 - B. All other lands platted or conveyed by metes and bounds shall conform to non-shoreland Zoning Districts.
- 16.5.2 A Subdivision shall not be approved where a later Variance from one or more standards in the official controls would be needed to use the parcels for their intended purpose. Each parcel shall meet the minimum parcel size and dimensional requirements of Article 5 and provided further that each parcel shall be capable of providing adequate water supply and sewage treatment as set forth in this Ordinance and the Itasca County Sanitation Ordinance.

ITASCA COUNTY PLANNING COMMISSION AND BOARD OF Article 17 **ADJUSTMENT**

Section 17. 1 Authority

The County Board of Commissioners hereby creates the Planning Commission and Board of Adjustment pursuant to Minn. Stats. 394.21 - 394.37 and all acts amendatory thereof.

Section 17.2 Membership and Appointments

- 17.2.1 The Planning Commission and Board of Adjustment shall consist of five regular voting members all of whom shall be appointed by the County Board of Commissioners as provided in this Ordinance.
- 17.2.2 Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a board member from voting thereon shall be decided by a majority vote of all board members except the member who is being challenged.
- 17.2.3 Additional Membership Requirements.
 - A. Members shall be residents of Itasca County.
 - B. No member shall have received during the two years prior to appointment any substantial portion of income from business operations involving the development of land in the County.
 - C. At least three of the members shall reside in the unincorporated area of the County.
 - D. No elected officer of the County or any employee of the Board of Commissioners shall serve on said Board.
 - E. Of the five members, there shall be one residing in each of the five commissioner districts.
- 17.2.4 Ex Officio Members. Ex Officio Members shall serve at the pleasure of the County Board and shall have non-voting privileges. Advisory members may be appointed by the Itasca County Planning Commission and Board of Adjustment to provide technical assistance as needed.

Section 17.3 Appointments

- 17.3.1 At the first required meeting of the County Board of Commissioners in each calendar year, the County Board shall appoint members to the Itasca County Planning Commission and Board of Adjustment to fill expired terms.
- 17.3.2 Terms of Office
 - A. Except as provided in Section 17.3.3 and in the Bylaws and Rules of Procedure, each member of the Itasca County Planning Commission and Board of Adjustment shall be appointed to serve for a period of three calendar years.
 - B. Each calendar year shall be presumed to run from the date of the first required meeting of the County Board of Commissioners in a given calendar year.

17.3.3 Vacancies

- A. Appointments shall be made by the County Board of Commissioners to fill any vacancy for the unexpired duration of the term. Such appointment shall be made at the earliest possible convenience of the County Board.
- B. Vacancies in regular positions shall be declared by the County Board under any of the following conditions:
 - 1. Death of a member;
 - 2. Resignation of a member; and
 - 3. Removal of a member for cause as provided in this Ordinance.

Section 17.4 Removal for Cause

The following shall be deemed sufficient cause, grounds, or reason for the County Board of Commissioners to remove any Itasca County Planning Commission and Board of Adjustment member. The County Board shall remove any member upon the occurrence of nonperformance of duty or misconduct in office, including any of the following conditions as reported to the Board by either the Chairperson of the Itasca County Planning Commission and Board of Adjustment or the Environmental Services Administrator:

- 17.4.1 Failure of the member to attend three consecutive regular Planning Commission and Board of Adjustment meetings or to attend four consecutive regular and special Planning Commission and Board of Adjustment meetings;
- 17.4.2 Attendance at several regular or special Planning Commission and Board of Adjustment meetings for such a short length of time as to render the member's services of little value to the County. The County Board of Commissioners shall make judgment on such matters after receiving a report of the Chairperson or Zoning Official as provided in this Section above;
- 17.4.3 Violation by the member of any land use control ordinance adapted by the County pursuant to Minn. Stats. 394.21-394.37 and all acts amendatory thereof; or
- 17.4.4 Any change in residency status from unincorporated to incorporated and/or commissioner district, if the change causes the makeup of the Board to be inconsistent with Section 17.2.3.

Section 17.5 Organization and Procedures

- 17.5.1 Officers. The Itasca County Planning Commission and Board of Adjustment shall elect a chairperson and vice-chairperson from among its members and shall appoint a secretary who need not be a member.
- 17.5.2 Bylaws and Rules of Procedure. The Itasca County Planning Commission and Board of Adjustment shall adopt rules for the transaction of its business, which shall not be inconsistent with or contrary to the statutes of the State of Minnesota or the Ordinance of this County. The County Board of Commissioners must approve said Bylaws and Rules of Procedure.

17.5.3 Meetings.

- A. The meetings of the Itasca County Planning Commission and Board of Adjustment shall be held regularly as noticed and at the call of the chairperson as their Bylaws and Rules of Procedure may specify.
- B. All meetings of the Itasca County Planning Commission and Board of Adjustment shall be open to the public pursuant to Minnesota Statutes.

17.5.4 Voting.

- A. Each member, including chairperson, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. The majority vote of the members shall be sufficient to reverse or sustain any order, requirement, decision, or determination.
- B. Any question on whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.
- C. Any member who believes he or she may have a conflict of interest or who has a relative who has an interest in any decision to be made by the Itasca County Planning Commission and Board of Adjustment shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to Section 17.5.4.B.
- D. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge the Board shall decide the question pursuant to Section 17.5.4.B.
- 17.5.5 Records. The Itasca County Planning Commission and Board of Adjustment shall keep a written public record of all its transactions, findings and determinations on all matters referred to it and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

Section 17.6 Authority and Duties

- 17.6.1 As prescribed by this Ordinance, the Itasca County Planning Commission and Board of Adjustment shall conduct public hearing before any Zoning Ordinance Text Amendment, Zoning Map Amendment, Conditional Use / Revocation, Variance, Preliminary Major Conservation Development, Preliminary Major Subdivision/Plat, or other Appeal may be approved or recommended for approval.
- 17.6.2 Whenever a question arises concerning the interpretation of any section of this Ordinance, it shall be the duty of the Itasca County Planning Commission and Board of Adjustment to ascertain all facts concerning said question.
- 17.6.3 The Itasca County Planning Commission and Board of Adjustment shall have other such duties and authorities as are prescribed by proper ordinances of this County.
- 17.6.4 The Board of Adjustment shall have the exclusive authority to order the issuance of Variance from the terms of any official control, including restrictions placed on nonconformities.
- 17.6.5 The Board of Adjustment shall have the exclusive authority to order the issuance of permits for buildings and uses in areas designated for future public use on an official map.

Section 17.7 Other Appeals

- 17.7.1 The Board of Adjustment shall have the exclusive authority to hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance or official control adopted pursuant to Minn. Stats. 1574 and 394.21 394.37 as amended.
- 17.7.2 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 a permit.
- 17.7.3 Appeals shall be taken to the Board of Adjustment within 45 days of receipt of notice from the Zoning Official of any order, requirement, decision, or determination made by him.

Section 17.8 Public Hearings

- 17.8.1 The Itasca County Planning Commission and Board of Adjustment shall conduct public hearings on all applications and other appeals brought before it, giving due notice as set forth in Article 17. Such hearings shall be conducted according to applicable Minnesota Statutes, Article 17, and their Bylaws and Rules of Procedure.
- 17.8.2 Decisions by the Itasca County Planning Commission and Board of Adjustment shall be rendered on all appeals within 35 days from the date the public hearing is closed.
- 17.8.3 The reasons/findings of fact for the decision of the Itasca County Planning Commission and Board of Adjustment shall be stated in writing, showing the vote on each member on each question or if absent or failing to vote indicating such fact.

Section 17.9 Compensation

Regular members of the Itasca County Planning Commission and Board of Adjustment may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings and in the conduct of business of the Itasca County Planning Commission and Board of Adjustment.

Article 18 **HEARINGS AND HEARING NOTICES**

Section 18.1 Public Hearing

As prescribed in this Ordinance, public hearings shall be held before any Zoning Ordinance text amendment, Zoning Map amendment, Conditional Use Permit, Variance Appeal, Major Conservation Development Application, Major Subdivision, or other Appeals may be approved or recommended for approval. Such public hearings may be continued from time to time and additional hearings may be held.

Section 18.2 Hearing Notices

Notice of the time, place, and the purpose of any public hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned and in the official newspaper of the County at least ten days before the hearing, except that notice of public hearings in connection with the adoption by ordinance of any comprehensive plan or amendment thereto or the adoption or amendment of any official controls shall be given in the manner provided by Minn. Stat. 375.51 subd. 2. In addition to the requirements of Minn. Stat. 375.51 subd. 2, written notice of public hearings on all official controls and amendments thereto shall be sent to the governing bodies of all towns and all municipalities located within the County. Publication of said amendments or adoption of any comprehensive plan or amendments shall be made in compliance with Minn. Stat. 375.51 subd. 3. A copy of the Ordinance and any amendments thereto or any comprehensive plan shall be available to the public for inspection in the office of the Itasca County Auditor's Office. Copies of said amendments, comprehensive plan, or ordinance shall be available at a cost as determined by the Auditor's Office.

- 18.2.1 Notifications to government entities and associations.
 - A. Townships and County Commissioners. Copies of all notices of any public hearings to consider Variances, amendments, or Conditional Uses shall be sent to the Township in which the parcel lays and County Commissioners.
 - B. Lake associations. Copies of all notices of any public hearings to consider Variances, amendments, or Conditional Uses shall be sent to the existing, active, organized lake association if the parcel lies within a Shoreland Overlay Zoning District. If no such lake association exists, notice shall be given to the Itasca County Coalition of Lake Associations. In order for a lake association to be entitled to notice, the lake association shall make a written request to be notified. Said request shall be filed with the Environmental Services Department and shall contain the address and phone number of the association's representative who is authorized to receive notice on behalf of the association. This request shall be updated when the information changes. Lake associations must provide written notice of a current mailing address to the Zoning Official each year.
 - C. Department of Natural Resources. The Zoning Official shall send copies of all notices of any public hearings to consider Variances, amendments, or Conditional Use Permits within a Shoreland Overlay Zoning District to the Commissioner of the Department of Natural Resources or the Commissioner's designated representative.
 - D. Big Fork River Board. The Zoning Official shall send copies of all notices of any public hearings to consider Variances, amendments, or Conditional Use Permits within the Big Fork River Management Plan Corridor to the Big Fork River Board.
 - E. Mississippi Headwaters Board. The Zoning Official shall send copies of all notices

- of any public hearings to consider Variances, amendments, or Conditional Use Permits within the Mississippi Headwaters Corridor to the Mississippi Headwaters Board.
- F. Western Mesabi Mine Planning Board. The Zoning Official shall send copies of all notices of any public hearings to consider Variances, amendments, or Conditional Use Permits within the Iron Mining Overlay Zoning District to the Western Mesabi Mine Planning Board.
- G. Final decisions. A copy of approved amendments and Subdivision/Plats and final decisions granting Variances or Conditional Uses under local shoreland management controls must be sent to all parties required to receive notice of public hearings under Section 18.2.1.A-F above postmarked within ten days of final action.
- 18.2.2 Notifications to public. Written notice of public hearings regarding the application of official controls to specific properties, including but not limited to Conditional Uses, Variances, zoning regulations, and Subdivision regulations, shall be sent to property owners of record within 500 feet of the affected property in incorporated areas. In unincorporated areas, the written notice shall be as follows:
 - A. Variances. In the case of Variances, to owners of record within 500 feet of the affected property;
 - B. Conditional uses. In the case of Conditional Uses, to owners of record within one-quarter mile of the affected property or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners;
 - C. Official controls. In the case of all official controls, including but not limited to zoning regulations and Subdivision regulations, to owners of record within one-half mile of the affected property;
 - D. Preliminary Major Conservation Developments. For preliminary Major Conservation Development applications, written notices shall be sent to property owners of record within one-half mile of unincorporated areas. Written notice shall also be given to the affected board of town supervisors and the municipal council of any municipality within two miles of the affected property; and
 - E. Preliminary Major Subdivision Platting. For preliminary Major Subdivision Plats, written notice shall be sent to property owners of record within 500 feet of the affected property in incorporated areas and within one-half mile in unincorporated areas.
- 18.2.3 Zoning Ordinance Text Amendments.
 - A. Notice of public hearings regarding Zoning Ordinance text amendments shall be published in newspapers of this County as prescribed by Minn. Stat. 375.51 and all acts amendatory thereof.
 - B. In addition to the requirements of Minn. Stat. 375.51, written notice of public hearings on all text amendments shall be sent to the governing bodies of all towns and municipalities located within the County.

- 18.2.4 Zoning Map Amendments/Rezoning. For Map amendments initiated by the property owner of record, notice of the time, place and purpose of the hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned and in the official newspaper of the County, at least ten days before the hearing. Written notice providing the same information shall be sent to the following:
 - A. All property owners of record within 500 feet of the affected property in incorporated areas and within one-half mile of the affected property in unincorporated areas;
 - B. The clerk of the affected town board of supervisors;
 - C. The municipal council of any municipality within two miles of the affected property;
 - D. The applicant,
 - E. The closest lake association. In order for a lake association to be entitled to notice, the lake association shall make a written request to be notified. Said request shall be filed with the Zoning Department and shall contain the address and phone number of the association's representative who is authorized to receive notice on behalf of the association. This request shall be updated when the information changes; and
 - F. The appropriate school district.

For Map amendments initiated by the County Board or Planning Commission, notice shall be given in the manner prescribed in Section 18.2.3 of this Article except that, in instances of township or countywide amendments resulting from the recent completion of a comprehensive plan or plan amendment, written notice need not be sent to property owners of record.

Section 18.3 Hearing Procedures

Hearings shall be conducted according to all applicable requirements of Minnesota Statutes, of this Ordinance and of the Rules of Procedures of the Planning Commission or the Board of Adjustment. All members of the public shall have ample opportunity to be heard in person, in writing, or by authorized representative.

Section 18.4 Judicial Review

- 18.4.1 The Planning Commission's determination on Conditional Use Permits and decisions revoking Conditional Use Permits that are listed as a Conditional Use Permit in the Shoreland Overlay Zoning District and Zoning Districts shall be final. The County Board's determination on Conditional Use Permits that are not listed and are in a Rural Residential or Farm Residential Zoning District shall be final. Any aggrieved person may obtain judicial review by obtaining a writ of certiorari from the Court of Appeals within 60 days after the aggrieved party shall have received due notice of the proceeding and decision sought to be reviewed and by serving said writ appeal upon the Itasca County Auditor and any other adverse party within such period of 60 days.
- 18.4.2 All decisions by the Board of Adjustment in granting Variances or in hearing appeals from any administrative order, requirement, or decision shall be final except that any aggrieved person or persons or any department, board, or commission of the jurisdiction, or of the State shall have the right to appeal within 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.
- 18.4.3 All decisions by the County Board of Commissioners pertaining to Zoning Ordinance text amendments and Zoning Map amendments (rezones) and all decisions of the Planning Commission on Minor and Major Conservation Developments and Subdivisions shall be final. Judicial review under this section shall be initiated by a declaratory judgment action or injunction initiated within 30 days after the governmental unit makes the decision.

Article 19 VARIANCES AND OTHER APPEALS

Section 19.1 Variances

A permit application that includes a request for a modification or deviation from any of the provisions of this Ordinance shall be processed as a Variance. No variance in any zoning district shall have the effect of allowing land uses prohibited in that zoning district.

Section 19.2 Applications, Hearings, Decisions, Authority, and Criteria 19.2.1 Applications

- A. An appeal for a variance shall be filed with the Environmental Services Department on a proper form provided for that purpose. Other appeals shall be filed in a manner prescribed by the Zoning Official.
- B. Appeals shall be filed in a timely manner in advance of scheduled hearing date as the Planning Commission and Board of Adjustment provides in its Bylaws and Rules of Procedures. Said public hearing and written notice shall be conducted in accordance with Article 18 and applicable Minnesota Statutes.
- C. Appeal forms shall be complete and shall clearly specify the grounds of the appeal. Where required by the nature of appeal, the application shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and the nature of the circumstances surrounding the appeal. The required fee shall accompany the appeal.
- D. The Zoning Official shall reject and refuse to refer to the Itasca County Planning Commission and Board of Adjustment any appeal not accompanied by the required fee or by other materials and information as required by this Ordinance.
- E. Each application for a variance shall be referred to the following parties for recommendation. If no report is received within 20 days, it will be assumed by the Board of Adjustment that there are no objections in the application as submitted.
 - Town Board or governing body for recommendation. The Town Clerk or governing body shall submit a report to the Board of Adjustment expressing recommendation for approval, disapproval, or revisions within 20 days. If the Town Board or governing body disapproves the application as submitted, then the reasons for disapproval shall be fully stated in writing. Also, the Town Board shall give recommendations, modifications, or revisions requested for their approval.
 - 2. Also, if the requested variance is within a Shoreland area, the organized lake association shall be notified, or if there is no organized lake association, the Itasca County Coalition of Lake Associations shall be notified. In order for a lake association to be entitled to notice, the lake association shall make a written request to be notified. Said request shall be filed with the Environmental Services Department and shall contain the address and phone number of the association's representative who is authorized to receive notice on behalf of the association. This request shall be updated when the information changes.
 - 3. Also, if the requested Variance is within the Iron Mining Overlay District, the Western Mesabi Mine Planning Board shall be notified.
- F. If in the judgment of the Board of Adjustment, the disapproval, modifications, or revisions are unreasonable, impractical, and would result in substantial hardship or injustice to the applicant, the Board may still approve the application, if in its judgment it will achieve the objectives of this Ordinance.

19.2.2 Hearings. This process is set forth in Article 18 and the Bylaws and Rules of Procedure for the Planning Commission and Board of Adjustment.

19.2.3 Decisions.

- A. A certified copy of any order issued by the Board of Adjustment acting upon any appeal shall be filed with the County Recorder for recording. The order shall include a legal description of property involved. It shall be the responsibility of the Zoning Official to carry out this provision within 20 days of the issuance of the order.
- B. After any appeal to the Board of Adjustment has been approved, the Appellant shall have 12 months after receipt of notice of the decision to make application to the Zoning Official for any permit necessary to begin the structure or the use for which the appeal was made.
- C. When a Variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved Variance required in Section 18.2.1.G shall also include the Board's summary of the public record / testimony and the findings of fact and conclusions which supported the issuance of the Variance.

19.2.4 Criteria for decisions.

- A. The Board of Adjustment may authorize a Variance from the terms of this Ordinance which will not be contrary to public interest, where owing to special conditions a practical difficulty would be created by carrying out the strict letter of the Ordinance, and when the terms of the Variance are consistent with the spirit and intent of this Ordinance and with the Itasca County Comprehensive Land Use Plan.
- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. No Variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
- C. When in the opinion of the Board of Adjustment a Variance may result in a material adverse effect on the environment, the Appellant may be required by the Board of Adjustment to demonstrate the nature and extent of the effect.
- D. It shall be the burden of the Appellant to demonstrate sufficient practical difficulty to sustain the need for a Variance. Absent a showing of practical difficulty as provided in Minnesota Statutes and this Ordinance, the Board of Adjustment shall not approve any Variance.
- E. The Board of Adjustment may impose conditions in the granting of Variances to insure compliance, to protect the environment, and to protect adjacent properties and the public interest, but any and all conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.

Page 126
Itasca County Zoning Ordinance
Effective: 5/1/2018

- F. In an application for development that includes a Variance from the requirement for nonconforming parcels of record in Section 4.2.3 that states, "Where two or more contiguous parcels are held by one owner and could be combined to meet or more nearly meet the minimum width, length, and area requirements for a Permitted Use, the contiguous parcels shall be combined and legally described as a single parcel," the Appellant must show the following:
 - 1. That issuance of the Variance will not unreasonably alter the building density of the locality;
 - 2. That soil characteristics allow for safe and sanitary placement of the well and septic systems upon both the subject parcel as well as parcels or property within 100 feet of the subject parcel; and
 - 3. That placement of septic systems can be accomplished without causing pollution to wells, lakes, streams, rivers or other wetlands.
- G. For existing developments, the application for a Variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. If the Variance is issued, it must require reconstruction of a nonconforming sewage treatment system.
- H. A Variance from setback requirements must be obtained before any use, sewage treatment system or zoning permit is issued for a parcel. In evaluating the Variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the parcel and shall deny the Variance if adequate facilities cannot be provided.
- I. Lakeshore mitigation. Measures are required for the issuance of certain permits, Conditional Uses, and Variances, to mitigate the impacts of developments, nonconforming structures, or uses on lake water quality. Lakeshore mitigation requirements shall be determined according to the following Mandatory Mitigation Practices:
 - 1. Evaluate and upgrade ISTS to comply with the requirements of Minn. Rules, Chapts. 7080-7083.
 - 2. Implement erosion control, storm water management, and mitigation plan. This may be accomplished by working with Itasca SWCD or other sources but final plan must be reviewed by Itasca SWCD.
 - 3. The mitigation plan shall consist of restoring shore impact zone to effectively screen structure(s) as viewed from the waters as set forth in Section 5.9.1.B.1. A shoreline buffer consisting of trees, shrubs and ground cover of native plants and understory shall be required as in Table 22.

Table 22. Buffer Requirements for Variances and Other Appeals

Lake Class	Buffer (Distance from OHWL landward)
GD	10'
RD	15'
NE	50'
Sensitive	50'

4. Plant materials for native vegetation buffers shall be as prescribed according to the landscape position, water table, soil type and exposure of the project site. For

- every 5,000 square feet of buffer are, there shall be a variety of types of native trees, shrubs, forbs, and grasses planted to achieve full coverage. The survival of planting materials must be maintained for a minimum of five years, so that the approved coverage plan is adhered to. This coverage plan may be inspected periodically to assure compliance.
- 5. Other mitigation practices may be required by Planning Commission / Board of Adjustment such as the use of exterior building materials that blend with natural vegetation.

Section 19.3 Other Appeals

- 19.3.1 The Board of Adjustment shall always act with due consideration to promoting the public health, safety, convenience and welfare, encouraging the most appropriate use of land and conserving property value and shall permit no structure, building, or use detrimental to a neighborhood.
- 19.3.2 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 a permit.

ARTICLE 20 AMENDMENTS

Section 20.1

This Ordinance and the Zoning Maps may be amended whenever the public health, safety, convenience, and general welfare would best be served by such amendment, in accord with the Itasca County Comprehensive Land Use Plan by the procedures set forth in this Article.

Section 20.2 Zoning Ordinance Text

- 20.2.1 The County Board or Planning Commission may initiate a text amendment to this Ordinance. An amendment not initiated by the Planning Commission shall be referred to it for study, public hearing and report back to the County Board in writing.
- 20.2.2 Public hearings on text amendments by the Planning Commission, including requirements of notice to the public, shall be conducted pursuant to Minnesota Statutes regulating the adopting of ordinances by Counties and by the standards set forth in Article 18 of this Ordinance.
- 20.2.3 After conducting a Public Hearing on an Ordinance text amendment, the Planning Commission shall report in writing to the County Board within 30 days of the close of the public hearing. Upon filing of a report by the Planning Commission, the County Board, in the manner prescribed by Minnesota Statutes, may by resolution adopt the amendment or any portion thereof as it deems advisable

Section 20.3 Zoning Map [Rezone], Official

An amendment to the Zoning Map may be initiated by the County Board, Planning Commission/Board of Adjustment, or by the property owner of record upon the completion and filing of a map amendment (rezone) application with the Environmental Services Department.

- 20.3.1 The Planning Commission shall conduct at least one public hearing on all property Zoning Map amendments and report to the County Board in writing within 30 days of the close of the hearing(s).
 - A. The Planning Commission shall give notice of public hearings for Zoning Map Amendments in the manner prescribed in Article 18 of this Ordinance.
 - B. Each application for an amendment or zoning district change shall be referred to the Town Board for recommendation. The Town Clerk shall within 20 days submit a report to the Planning Commission expressing recommendation for approval, disapproval, or revisions. If no report is received within 20 days, it will be assumed by the Planning Commission that there are no objections to the application as submitted.
 - C. If the Town Board disapproves the application as submitted, the reasons for disapproval shall be fully stated in writing. Also, the Town Board shall submit recommendations, modifications, or revisions requested for their approval.
 - D. If in the judgment of the Planning Commission, the disapproval, modifications, or revisions are unreasonable, impractical, and would result in substantial hardship or injustice to the applicant, the Planning Commission may still recommend approval of the application, if in its judgment it will achieve the objectives of this Ordinance.
 - E. The Planning Commission's report to the County Board shall contain a statement of evidence relied upon, the factual determinations made from the evidence and the criteria used in reaching its recommendations.
 - F. Failure of the Planning Commission to report to the County Board within the herein prescribed time shall be deemed to be approval by the Planning Commission of the

proposed amendment.

- 20.3.2 Upon the filing of a report by the Planning Commission or upon expiration of the 30-day period, the County Board may by resolution adopt the amendment or any portion thereof as it deems advisable.
- 20.3.3 Once the County Board has acted upon an amendment, the matter shall not be reconsidered nor shall any additional amendments involving the same parcel of property be heard or considered by the Planning Commission or the County for at least 12 months.

20.3.4 Guidelines for Rezoning - Amendments to Zoning Map, Official

Amendments to the Zoning Map shall be recommended for approval to the County Board upon finding by the Planning Commission that all of the following conditions exist:

- A. The proposed zoning does not substantially conflict with the Itasca County Comprehensive Land Use Plan;
- B. The proposed zoning shall not be spot zoning, which is zoning that discriminates in favor of one parcel or parcel out of context with surrounding parcels;
- C. The original zoning was inconsistent with the Comprehensive Land Use Plan; or an error was made in the Comprehensive Land Use Plan, which should now be corrected along with the zoning district; or substantial changes have occurred in the community, which should result in the Comprehensive Land Use Plan and the zoning being amended; and
- D. A clear public need for and benefit from the proposed rezoning shall exist beyond any benefit or convenience to the landowner.

Article 21 CONDITIONAL USES

Section 21.1 Planning Commission and County Board Review

Any use listed in this Ordinance as a Conditional Use may be permitted only after an application for a Conditional Use Permit has been reviewed and approved by the Planning Commission and when expressly required under the Ordinance by the County Board.

Section 21.2 Application, Hearings, Decisions, and Conditions

21.2.1 Applications.

- A. An application shall be filed with the Zoning Official on a form provided for that purpose. Upon receipt of a fully completed application, as determined by the Zoning Official, the application shall be submitted to the Planning Commission for review at its next regularly scheduled meeting if such meeting is at least 30 days from the date of filing. If the next regularly scheduled meeting is less than 30 days from the date of filing, the application shall be submitted to the Planning Commission for review at the meeting immediately following.
- B. The application shall be complete and shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and proposed use, as well as any other information required to make clear the nature of the request and proposed use.
- C. The required fee shall accompany the application.
- D. The Zoning Official shall reject any application not accompanied by the required fee or by other material and information as required by this Ordinance. Notification of rejection, along with the reason for such action, shall be given the applicant within ten days of the decision.

21.2.2 Hearings – Public Hearing Required.

- A. The Planning Commission and County Board shall conduct a public hearing on each application, giving notice as provided in Article 18.
- B. Such public hearings shall be conducted according to applicable Minnesota Statutes and to the rules of procedure of the Planning Commission and County Board.

21.2.3 Decisions.

- A. Decisions of the Planning Commission and County Board on applications shall be made according to the general requirements and criteria for such permits as listed in Section 21.6 and to any special requirements and criteria applicable to the particular application.
- B. The Planning Commission and County Board shall do the following:
 - 1. If the request is denied, require those voting against the request to state on the record the reasons why they oppose the request;
 - 2. If the request is denied, at the time of denial, state in writing the reasons for the denial; and
 - 3. If the request is granted or denied, render its formal decision in writing within 35 days of the close of the public hearing, stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing and according to the criteria contained in this Ordinance.
- C. After a Conditional Use Permit is granted, a certified copy of the decision shall be filed with the County Recorder or Registrar of Titles. It shall be the responsibility of the Environmental Services Department to carry out this provision.

21.2.4 Conditions.

- A. The Planning Commission and County Board may impose such conditions or restrictions, as it deems necessary to protect the public interest including, but not limited to, matters relating to environmental protection, appearance, lighting, hours of operation, and performance characteristics.
- B. Lakeshore Mitigation. As a condition of issuance of certain permits, Conditional Uses, and Variances measures shall be required to mitigate the impacts of developments, nonconforming structures or uses on lake water quality. Lakeshore mitigation requirements shall be determined according to the following Mandatory Mitigation Practices:
 - 1. Evaluate and upgrade ISTS to comply with the requirements of Minnesota Rules Chapter 7080.
 - 2. Implement erosion control, storm water management, and mitigation plan. This may be accomplished by working with Itasca SWCD or other sources but final plan must be reviewed by Itasca SWCD.
 - 3. The mitigation plan shall consist of restoring shore impact zone to effectively screen structure(s) as viewed from the waters as set forth in Section 5.9.1.B.1. A shoreline buffer consisting of trees, shrubs and ground cover of native plants and understory shall be required as follows.

Table 23. Buffer Requirements for Conditional Uses

Lake Class	Buffer (Distance from OHWM landward)
GD	10'
RD	15'
NE	50'
Sensitive	50'

- 4. Plant materials for native vegetation buffers shall be as prescribed according to the landscape position, water table, soil type and exposure of the project site. For every 5,000 square feet of buffer area, there shall be a variety of types of native trees, shrubs, forbs, and grasses planted to achieve full coverage. The survival of planting materials must be maintained for a minimum of five years, so that the approved coverage plan is adhered to. This coverage plan may be inspected periodically to assure compliance.
- 5. Other mitigation practices may be required by Planning Commission / Board of Adjustment such as the use of exterior building materials that blend with natural vegetation.
- C. When appropriate, restrictive covenants may be entered into regarding such matters.
- D. A Conditional Use Permit shall remain in effect for so long as the conditions agreed upon are observed. However, whenever it is deemed advisable, a time limitation or review requirement may be placed as a condition on any permit.

Section 21.3 General Criteria and Requirements

- 21.3.1 All classes of Conditional Use Permits may be approved only upon a showing by the applicant that the standards and criteria stated in this section will be satisfied. Since by definition a Conditional Use is a special use not generally appropriate within the zoning district, the applicant bears the burden of demonstrating a right to the permit by making such showing. Absent such showing, the Planning Commission shall deny any application.
- 21.3.2 A Conditional Use Permit may be granted only upon finding all of the following:
 - A. The use conforms to the Comprehensive Land Use Plan of the County;
 - B. The use is compatible with the existing neighborhood;
 - C. The use shall not materially adversely impact air quality and water quality;
 - D. The use shall not cause soil disturbance;
 - E. The site has sufficient access for ingress and egress;
 - F. The site is adequate for water supply and sewage treatment; and
 - G. The use shall not cause unsafe or unhealthy conditions.
- 21.3.3 When in the opinion of the Planning Commission a Conditional Use Permit may result in a material adverse effect on the environment, the applicant may be requested by the Planning Commission to demonstrate the nature and extent of the effect and to demonstrate methods for mitigating or minimizing the adverse effects.

Section 21.4 Revocation of a Conditional Use Permit

- 21.4.1 A Conditional Use Permit may be revoked by the Planning Commission for good cause upon due notice and hearing.
- 21.4.2 Good cause shall include any violation of the agreed upon conditions attendant to the Conditional Use Permit.
- 21.4.3 Notice of intent to revoke. A written notice of intent to revoke shall be prepared by the Itasca County Zoning Official or his/her representative. This notice shall include the following:
 - A. Identity and address of the Conditional Use Permit holder(s);
 - B. Legal description of the real property to which a Conditional Use Permit applies;
 - C. The facts alleged to constitute good cause to revoke and the dates or approximate dates of alleged violations(s);
 - D. The date, time and place of the public hearing of the Planning Commission at which time revocation of said Conditional Use Permit will be considered and determined;
 - E. The right of the Conditional Use Permit use holder or his authorized representative to attend and be heard at said hearing; and
 - F. The right of said Conditional Use Permit holder or other aggrieved person to appeal any termination made by the Planning Commission to the Itasca County Board of Commissioners subject to the procedures and requirements of Section 18.4 of this Ordinance.
- 21.4.4 Service of notice of intent to revoke. The notice of the intent to revoke shall be served by certified mail addressed to the Conditional Use Permit holder, together with the owner(s) and mortgagee(s) of record of the subject property, the latter not less than ten days before the

public hearing of the Planning Commission. Additionally, notice of intent to revoke shall be mailed by first class mail to those entitled to notice pursuant to Article 18 of this Ordinance.

Section 21.5 Decision

- 21.5.1 The Planning Commission shall conduct its public hearing according to applicable Minnesota Statutes and to the Rules of Procedure of the Planning Commission.
- 21.5.2 The Planning Commission shall render its decision in writing within 35 days of the close of the public hearing, stating its reasons in sufficient details so that it can be determined that the decision was made in reliance on evidence and testimony given at the public hearing and for good cause. The vote of the Planning Commission shall be indicated on the written decision.
- 21.5.3 The Planning Commission's written decision shall be served by certified mail upon the Conditional Use Permit holder, as well as the owner of record and any mortgagee of record relative to the subject property.
- 21.5.4 Judicial review of the Planning Commission's decision to revoke a Conditional Use Permit shall be governed by Section 18.4.1.

Section 21.6 Recording with County Recorder

Upon revocation of a Conditional Use Permit and upon expiration of the time to perfect an appeal or upon exhaustion of appeals, whichever is later, a certified copy of the decision to revoke shall be filed with the County Recorder for record. The decision to revoke shall include the legal description of the property involved. It shall be the responsibility of the Zoning Official to carry out this provision.

Article 22 FEES

Section 22.1 Schedule of Fees

The County Board shall establish by resolution a schedule of fees applicable to all permit applications, petitions, certificates of compliance and appeals. The fee schedule resolution shall be attached to all copies of this Ordinance that are distributed to the public. The schedule of fees may be altered or amended by County Board resolution.

- 22.1.1 No application for a Zoning Permit, Certificate of Compliance, Conditional Use Permit, Minor and Major Conservation Development Permit, or any other required permit, nor any petition to amend the Zoning Ordinance Map, nor any appeal to the Board of Adjustment shall be recognized, acted upon, issued, or granted unless and until all required fees have been submitted in full by means of cash, check, or money order to the Zoning Official. Receipts of fees shall be subject to their collection by the County. If a fee is submitted by check or money order, no permit granted, or action taken shall be of any force or effect until the check or money order submitted shall prove collectible.
- 22.1.2 Should a permit, certificate, petition or appeal be denied, the fee shall not be refunded.
- No local unit of government (city, town, or special purpose district) shall be required to pay a fee for any permit, certificate, or appeal.
- Any permit shall be valid for 12 months after date of issue. When construction has not been started on a validated permit within a 12-month period from the date of issue, one 12-month extension of time may be granted on application to the appropriate office or board. If the time periods above have been met, the permit shall remain valid until construction is complete.
- 22.1.5 To expedite the processing of a permit, the applicant may request a special meeting of the Planning Commission or the Board of Adjustment. If the request is granted, the administrative costs for the special meeting shall be paid by the applicant in advance of the meeting.

PLANNING AND ZONING FEE SCHEDULE EFFECTIVE 2/28/2010

	Single Family Dwelling (includes Manufactured/Modular Home, Cabin), Deck, Garage and Septic (SSTS)	
	(Design must include Management Plan) (All Together)	\$ 275.00
2	Dwelling and Deck Only	\$ 127.00
3	Dwelling Addition/Alteration	\$ 65.00
3A	Dwelling Addition (DECK)	\$ 50.00
4	Emergency Number / Addressing	\$ 75.00
5	Sanitation System (SSTS) and Management Plan	\$ 175.00
6	Sanitation System Alteration and Management Plan	\$ 175.00
7	Sauna (No shower/bathroom)	\$ 60.00
8	SSTS Certificate of Compliance	\$ 150.00
9	SSTS Re-inspection Fee	\$ 75.00
10	Holding Tank and Operating Permit	\$ 150.00
11	Operating Permits for all Other SSTS	\$ 200.00
12	Privy	\$ 60.00
13	Commercial Establishment with Sanitation - Includes Industrial and Public Facilities	\$ 400.00
14	Commercial Establishment without Sanitation - Includes Industrial and Public Facilities	\$ 250.00
15	Commercial Establishment Additions - Includes Industrial and Public Facilities	\$ 150.00
16	Accessory Structure or Addition To	\$ 60.00
17	Variance and Appeal to PC/BoA	\$ 475.00
18	Conditional Use	\$ 475.00
	PC/BoA Site Re-inspection Fee	\$ 100.00
19	Zone Change Requests / Maps Amendments	\$ 450.00
	Plat / Subdivision (Major / RLS)	\$ 450.00
	Plus Per Parcel	\$ 50.00
	Road Sign Post (each)	\$ 100.00
20	Road Name Sign (each)	\$ 50.00
	Minor Subdivision	\$ 300.00
	Road Sign Post (each)	\$ 100.00
21	Road Name Sign (each)	\$ 50.00
	1 to 6 Unit Resort Expansion with or without SSTS	+ 55.55
22	For each additional 1 to 6 units as they are constructed	\$ 225.00
23	Conservation Development	\$ 450.00
24	Conservation Development PER UNIT PERMIT FEE as they are constructed	\$ 127.00
25	Resort/New Resort Development	\$ 450.00
26	Shoreland Alteration Permit	\$ 80.00
27	Restoration Order	•
28		\$ 300.00
29	Change In Use Permit (* Dependent upon type of use) Home Occupation II	
_		\$ 50.00
30	Handicap Permit	\$ 225.00
31	Temporary Borrow Area Permit	\$ 200.00
32	Extractive Use Permit	\$ 400.00
33	Registration of Grandfathered-In Extractive Use	\$ 450.00
34	Certificate of Occupancy	\$ 115.00
35	Establishment of Water Surface Use Ordinance	\$ 450.00
2C 1	Ordinances: Zoning	\$ 30.00
36 37	Ordinances: Sanitation, Subdivision and Public Waters	\$ 20.00

38	Comprehensive Management Plan	
39	Amendment to Comprehensive Management Plan	\$ 500.00
40	Communications Tower	\$ 500.00

Article 23 ENFORCEMENT

Section 23. 1 Unlawful Actions

It is declared unlawful for any person, firm, corporation, or contractors of such to violate any of the terms and provisions as set forth by State regulation or the provisions of any ordinance, regulations, or other official control by the Board.

23.1.1 Any person, firm, or corporation or agent, employees, or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or resist enforcement of any of the provisions (including violations of conditions and safeguards established in connection with grants of Variances or Conditional Uses) of this Ordinance shall be guilty of a misdemeanor upon conviction. Each day that a violation continues to exist shall constitute a separate offense. All fines for violation shall be paid to the County. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Ordinance.

Article 24 DEFINITIONS

Section 24.1 General Rules

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- 24.1.1 The word "shall" is mandatory and not discretionary; the word "should" is strongly advisory; and the word "may" is permissive.
- 24.1.2 The word "person" includes any individual, firm, partnership, corporation, company, association, joint stock association or body politic: includes any trustee, receiver, assignee or other similar representative thereof.
- 24.1.3 Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular.
- 24.1.4 Words shall be given their common usage if not defined herein.

Section 24.2 Definitions

For the purpose of this Ordinance, the following definitions shall apply:

24.2.1 Accessory Structure

A structure on the same parcel or set of contiguous parcels with and of a nature customarily incidental and subordinate to the principal use or structure.

24.2.2 Accessory Use

A use on the same parcel or set of contiguous parcels with and of a nature customarily incidental and subordinate to the principal use or structure.

24.2.3 Active Cemetery

A cemetery that has had a burial occur within the past 12 months.

24.2.4 Addition

A structure added laterally to an existing building and occupying ground without the limits of the building to which it constitutes an addition. The addition of minor structural elements such as chimneys, bay windows, and roof overhangs of two feet or less shall not be considered as an addition. The enclosure or partial enclosure of an existing screened porch, deck, roofed deck, patio, or roofed patio shall be considered an addition.

24.2.5 Adjacent Property, Adjoining Property

Any portion of a parcel or larger tract of land that is not over one-quarter mile from the concerned premises or has common property line with the concerned premises. A parcel or large tract of land that is squarely across a road, other than an Expressway or a Major Thoroughfare, from the concerned premises, shall be construed as having a common property line. A parcel or larger tract of land that corners the concerned property shall be considered as having a common property line at such cornering point.

24.2.6 Adult Uses

Adult uses include adult bookstores, adult motion picture theaters, adult motion picture sales/rental, adult mini-motion picture theaters, adult massage parlors, adult stem room/bathhouse/sauna facilities, adult companionship establishments, adult conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses, or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. Activities classified as obscene as defined by Minn. Stat. 617.241;; or Successor Statutes are not included.

24.2.7 Agricultural Operation

Real or personal property used for the production of crops including, but not limited to, fruit and vegetable production, tree farming, livestock, poultry, dairy products, or poultry products, but not a facility primarily engaged in processing agricultural products. Unless specifically limited by this Ordinance, an agricultural operation shall also include certain farm activities and uses such as the following:

- A. Chemical and fertilizer spraying;
- B. Farm machinery noise;
- C. Extended hours of operation;
- D. Storage and spreading of manure and biosolids under State permit, if so required by the State;
- E. Open or covered storage of machinery;
- F. Normal farm activities that produce odors;
- G. On farm processing or marketing of farm products;
- H. Yard waste and leaf composting site;
- I. Animal pasturing and feeding; and
- J. Soil tillage, crop planting and harvesting, and related activities.

24.2.8 Agriculturally Oriented Business

A business including, but not limited to, commercial storage and blending of liquid and dry fertilizers; grain and feed sales; general repair and installation services for agricultural equipment; custom meat processing; agricultural supplies and products sales or warehousing; livestock sales barns and accessory facilities; greenhouse and nursery sales; and riding stables.

24.2.9 Agriculture

The art or science of cultivating the soil and activities incident thereto; the growing of soil crops in the customary manner on open tracts of land; the accessory raising of livestock and poultry; farming. The term shall include incidental retail selling by the producer of products raised and processed on the premises, provided that space necessary for parking of vehicles or customers shall be furnished off the public right-of-way.

24.2.10 Airport or Heliport

Any area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

24.2.11 Alley

A public way used primarily as a service access to the rear or side of a property that abuts a road.

24.2.12 Alteration

An increase in the height, width, or depth of a building. (See also Structural Alteration.)

24.2.13 Animal Feedlot

An animal feedlot shall have the meaning given in Minn. Rule 7020.0300 subp. 3; or Successor Rules. Animal feedlot shall include any Manure Storage Structure.

24.2.14 Animal Feedlot, Existing

Means and Animal Feedlot as defined in Minn. Rule 7020.0300 subp. 3; or Successor Rules that was operational on the effective date of the Ordinance.

24.2.15 Animal Feedlot, Expansion of

A change to an Animal Feedlot that results in an increase in the current actual, registered or permitted capacity or which establishes a new feedlot.

24.2.16 Animal Feedlot, New

Shall have the meaning given in Minn. Rule 7020.0300 subp. 15; or Successor Rules.

24.2.17 Animal Manure

Animal manure shall have the meaning given in Minn. Rule 7020.0300 subp. 4; or Successor Rules.

24.2.18 Animal Unit or A.U.

A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer.

24.2.19 Animals, Domestic Farm

Cattle, hogs, horses, sheep, goats, chickens, and other animals commonly kept for food producing or other purposes.

24.2.20 Animals, Domestic Pets

Dogs, cats, birds, and similar animals commonly kept as personal pets. Animals considered wild, exotic or non-domestic, such as lions, bears, wolves and similar animals, shall not be considered domestic pets but may be considered farm animals with appropriate controls and management.

24.2.21 Antenna, Microwave

A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point-to-point UHG or VHF radio waves in wireless communications and including the wiring, related ground equipment and the supporting structure thereof.

24.2.22 Antenna, Personal Wireless Service

A device consisting of a metal, carbon filter, or other electromagnetically conductive rods or elements on a single supporting pole or other structure and used for the transmission and reception of wireless communication radio waves including cellular, personal communication service (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services and including the wiring, related ground equipment and supporting structure thereof.

24.2.23 Antenna, Radio and Television Broadcast Transmitting

A wire, set of wires, metal or carbon fiber rod, or other electromagnetic element used to transmit or retransmit public or commercial broadcast radio, television programming or telecommunications and including the wiring, related ground equipment, and the support structure thereof.

24.2.24 Antenna, Radio and Television Receiving

A wire, set of wires, metal or carbon filter element(s) other than satellite dish antennas, used to receive radio, television, or electromagnetic wave and including the supporting structure thereof.

24.2.25 Antenna, Satellite Dish

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbit ally based uses. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television, receive only) and satellite microwave antennas and the wiring, related ground equipment, and support structure thereof.

24.2.26 Antenna, Short-Wave Radio Transmitting and Receiving

A wire, set of wires, or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for non-commercial short-wave radio communications and including the supporting structure thereof.

24.2.27 Antenna Support Structure

Any pole, telescoping mast, tower, tripod or any other structure that supports a device used in the transmitting or receiving of electromagnetic energy.

24.2.28 Aquaculture

The culture of privately owned aquatic life for consumption or sale.

24.2.29 Attorney

The County Attorney of Itasca County, Minnesota or authorized representative.

24.2.30 Auditor

The County Auditor of Itasca County, Minnesota or authorized representative.

24.2.31 Automobile Salvage, Wrecking

See Junkyard.

24.2.32 Basement

Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on three or four sides, regardless of the depth of excavation below ground level.

24.2.33 Bed and Breakfast Inn

An owner-occupied Single Family Dwelling Unit in which not more than five rooms are rented on a nightly basis for a period of seven or less consecutive days by the same person. Meals may or may not be provided to residents or overnight guests. All such establishments shall be duly licensed by all applicable city, county, and state regulations. Bed and Breakfast Inns shall comply with the single-family minimum parcel width/area requirements as specified by the Shoreland or zoning district in which the establishment is located. Adequate parking shall be supplied. Signs identifying these inns shall not exceed three square feet.

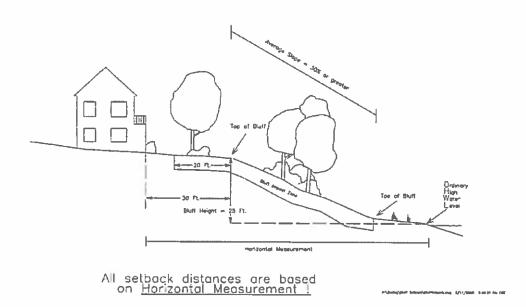
24.2.34 Best Management Practices (BMP)

A practice or combination of practices for preventing or reducing the impacts of development, particular land uses or other activities on the environment. BMPs are defined in county ordinances or Minnesota Rules for agriculture, forest management, and construction practices.

24.2.35 Bluff

A topographic feature such as a hill, cliff or embankment having the following characteristics: Part or all of the feature is located in a Shoreland area; The slope rises at least 25 feet above the ordinary high water level (OWHL) of the water body; The grade of the slope from the toe of the bluff to a point 25 feet or more above the OHWL averages 30 percent or greater; and the slope must drain toward the water body. An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff. See diagram below.

Setback from the top of bluffs



24.2.36 Bluff Impact Zone

A bluff and the land located within 20 feet from the top of a bluff. See diagram above.

24.2.37 Board

Itasca County Board of Commissioners or County Board.

24.2.38 Board of Adjustment

The Board of Adjustment for Itasca County, Minnesota, as created by this Ordinance.

24.2.39 Boathouse

A structure designed and used solely for the storage of boats or boating equipment. See Water-Oriented Accessory Structure.

24.2.40 Borrow Area (Temporary or Over One Acre)

Land use involving the excavation or digging of material for use as fill exclusively at a road construction or road maintenance project. The borrow area designation would terminate once the particular road construction or maintenance project is completed, but shall in no case exceed two years.

24.2.41 Buffer

A strip of land intended to create a physical separation between potentially incompatible uses of land.

24.2.42 Buildable Parcel Area

The contiguous area of a lot parcel that is sufficient in area to accommodate the construction of water supply systems, sewage treatment systems, buildings and driveways, while still providing for adequate setbacks. Floodways, areas below the OHWL, wetlands, right-of-ways (public and private), major utility easement greater than 30 feet in width, and bluffs cannot be included in calculating the buildable area of a parcel.

24.2.43 Building Line

A line parallel to a parcel line or the ordinary high water level (OHWL) at the required setback beyond which a structure may not extend.

24.2.44 Bunkhouse

A residential accessory structure used for sleeping quarters with no sanitation, cooking facilities, or water under pressure.

24.2.45 Cabin, Seasonal Residence, Recreational Residence

A residence for use on a part-time basis of not over 180 days in any calendar year and not requiring complete public services such as school bus transportation or snow plowing of roads.

24.2.46 Camper

A trailer, motor home, tent-trailer, or other structure capable of providing shelter and mounted on or hitched to a self-propelled vehicle.

24.2.47 Campground

An area accessible by vehicle and containing campsites or camping spurs of tent and trailer camping. A campground is considered a Resort as set forth in Article 15A that limits use to part-time camping in a tent, trailer, tent-trailer, motor home, or other structure capable of providing shelter and mounted on or hitched to a self-propelled vehicle.

24.2.48 Camping Unit

A camping unit shall consist of either:

- A. One camper, one tent-trailer, one travel-bus, or two tents and in any event not more than eight occupants per camping unit; or
- B. Not more than four unsheltered occupants of a camping unit site.

24.2.49 Camping Unit Site

The area on which a camping unit would be allowed to stay overnight. Overnight shall mean any time from sunset until sunrise the following morning.

24.2.50 Change in Operation

Shall have the meaning given in Minn. Rule Part 7020.0300 subp. 7; or Successor Rules.

24.2.51 Changes

Any change in premises use, size or shape, structure size or location, structure addition, or any other physical change of any nature that may affect classification or compliance with this Ordinance.

24.2.52 Church, Mosque, Synagogue, House of Worship

A structure, together with its accessory structures and uses, where persons assemble for religious worship and which structure, together with its accessory structures or uses, is maintained and controlled by a religious body organized to sustain public worship.

24.2.53 Clear-cutting

Clear-cutting means the removal of an entire stand of trees, shrubs, bushes, or non-agricultural vegetation.

24.2.54 Club or Lodge

An association of persons who are bona fide members paying annual dues with use of premises being restricted to members and their guests.

24.2.55 Clustering or Clustered

A development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

24.2.56 Collector Road

A road that serves as a principal connection between a thoroughfare or expressway and minor roads.

24.2.57 Commercial

The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, or services. For the purposes of this Ordinance, Commercial shall not include Agricultural or Industrial, nor shall it include transmission or distribution facilities of any Utility, nor shall it include any Waste Disposal facility.

24.2.58 Common Interest Community

A residential development of well designed building groups for long term residential use and allowed under a residential Conservation Development ordinance. Common Interest Communities (CIC) are created under Minn. Stat. Chapts. 505, 508, 508A, 515, and the Common Interest Community Plat Manual.

24.2.59 Community Water and Sewer Systems

Utility systems serving a group of structures, parcels, or an area of the County with the design and construction of such utility systems as approved by the County and the State of Minnesota.

24.2.60 Comprehensive Land Use Map

The official map adopted and established together with the Comprehensive Land Use Plan (CLUP) that guides the future growth and development of Itasca County. This map identifies those specific areas that could be rezoned or allowed by Conditional Use in the future in accordance with the goals and objectives of the CLUP.

24.2.61 Comprehensive Land Use Plan (CLUP)

The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts ordinances and maps which constitute the guide for the future development of the County or any portion of the County.

24.2.62 Conditional Use

A use that would not be appropriate generally or without restrictions throughout the zoning district but which if controlled as to number, area, location within the neighborhood, and other pertinent considerations would not be injurious to the public health, safety, welfare, morals order, appearance, prosperity, or general welfare thereof. Such uses may be granted by issuance of Conditional Use Permits by the Planning Commission.

24.2.63 Conforming

To be, act, use, or exist in accordance with this Ordinance and any Regulations or Standards promulgated hereunder, and with any special requirements imposed hereunder, and with any special requirements imposed in the issuance of any permits hereunder, where such special requirements are required to allow the granting of such permits. In many situations it is implied or required that the Laws and Regulations of the State of Minnesota also be complied with in order to be in accord with this Ordinance and Regulations or Standards promulgated hereunder.

24.2.64 Conservation Development

A method of subdivision characterized by common open space and compact dwelling unit that are clustered in groups. The purpose of a Conservation Development is to create greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities.

- A. Minor Conservation Development is one that contains 10 or less dwelling units that is in compliance with all provisions of Article 15.
- B. Major Conservation Development is one that contains 11 or more dwelling units and would require the processing of a Conditional Use Permit and Conservation Development Permit application as set forth in Article 15.
- C. Non-compliant Minor Conservation Development is one that contains 10 or less dwelling units that is not in compliance with all provisions in Article 15 and would require the processing of a Conditional Use Permit and Conservation Development Permit application as set forth in Article 15.

24.2.65 Conservation Easement

A voluntary, legally binding agreement that limits certain types of uses or prevents development from taking place on a piece of property now and in the future, while protecting the property's ecological or open space values.

24.2.66 Contiguous Parcel

One or more parcels that meets one of the following characteristics:

- A. Parcels that geometrically abut for a length equal to the minimum parcel width required in the zoning district at any one point are contiguous;
- B. Contiguous parcels that cross political subdivision boundaries remain contiguous; or
- C. Parcels that are separated by a public road shall be considered non-contiguous. Parcels that are separated by private roads may be considered contiguous provided such parcels are treated as contiguous under the Subdivision Ordinance.

24.2.67 Controlled Access Lot

A riparian lot that meets or exceeds the lot dimensions of a conforming riparian lot for the classification of the abutting public waters does not have a residential dwelling or other buildings and is owned and intended for controlled access to abutting public waters for launching and retrieving watercraft by owners of lots in contiguous non-riparian tiers.

24.2.68 Conventional Development

A method of subdivision characterized by limited open space and parcels that are spread evenly throughout a parcel in a lot and block design. Conventional developments generally have one primary residence per parcel.

24.2.69 Cooperative

A common interest community in which the real estate is owned by an association, each of whose members is entitled by virtue of the member's ownership interest in the association to a proprietary lease.

24.2.70 Corner Parcel

A parcel situated at the junction of and fronting on two or more roads or highways.

24.2.71 County

Itasca County, Minnesota.

24.2.72 County Board

The Board of County Commissioners of Itasca County, Minnesota.

24.2.73 Covenants; Restrictive Covenants

Legal obligation(s) arising by dedication, contract, deed, or other instrument that runs with land and is/are binding upon and enforceable by current and subsequent owners or covenant-beneficiaries.

24.2.74 Day Care, Family

A day care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

24.2.75 Day Care Facility I

Any facility, public or private, which for gain or otherwise regularly provides 12 or less persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty-four hours per day, in a place other than the persons' own home. Day care facilities include but are not limited to: family day care homes, group family day care homes, day care centers, day nursery schools, developmental achievement centers, day treatment programs, adult day care centers and day services. Day care facility shall not include Group Home I or Group Home II facilities as defined in Sections 1.43 and 1.43-1. Person means an adult who is handicapped by reason of mental retardation, mental illness, chemical dependency, or physical handicapped; a child whether handicapped or not, and for the purposes of adult day care, adult foster care and supportive living residences would include any adult who is functionally impaired.

24.2.76 Day Care Facility II

Any facility, public or private, which for gain or otherwise regularly provides 13 to 16 persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the persons' own home. Day care facilities include, but are not limited to: family day care homes, group family day care home, day care centers, day nursery, nursery schools, developmental achievement centers, day treatment programs, adult day care centers and day services. Day care facilities shall not include Group Home I and Group Home II as defined in Sections 1.43 and 1.43.1. Person means an adult who is handicapped by reason of mental retardation, mental illness, chemical dependency or physical handicapped; a child whether handicapped or not; and for purposes of adult day care, adult foster care and supportive living residences would include any adult who is functionally impaired. (Reference: Minn. Stats. 245A.11 subds. 3-4 and 245A.14 subd. 2)

24.2.77 Deck

A horizontal, unenclosed platform with or without attached railings, seats, trellises, and attached or functionally related to a principal use or site and at any point extending more than one foot above ground.

24.2.78 Demolition Debris

Solid waste resulting from the demolition of buildings, roads, and other man-made structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts--not to include asbestos wastes or hazardous wastes.

24.2.79 Demolition Debris Landfill Disposal Facility

A site used to dispose of demolition debris, except for asbestos or other hazardous waste.

24.2.80 Designated Trout Stream

Officially designated Trout Streams designated as such by order of the Commissioner of Natural Resources.

24.2.81 Deviation

The term deviation is synonymous with the term Variance. Any use of or reference to the term deviation in this Ordinance shall be construed to mean Variance as defined below.

24.2.82 Disposal Facility

A facility for the storage, reduction, recycling, processing, or disposal of solid waste.

24.2.83 District

A section of the County for which the regulations governing the height, area, and use of buildings and premises are the same.

24.2.84 **Domestic Fertilizer**

Shall have the meaning given in Minn. Rule 7020.0300 subp. 11; or Successor Rules.

24.2.85 **Drive-in Facility**

Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers while occupying or facilitated by drive through or drive-up in a motor vehicle.

24.2.86 Dump

An area used for permanent disposal of wastes.

24.2.87 Duplex, Triplex, and Fourplex or Quad

A residential structure on a single lot, having two, three, or four dwelling units, respectively, being attached by common walls and each unit equipped with separate living quarters, which sleeping or cooking facilities. Each unit is considered a separate dwelling unit. Duplex, Triplex, and Quad dwellings are permitted in Recreational Development and General Development Shoreland Overlay Zoning Districts provided that each dwelling unit meet the parcel width and area requirements for a dwelling unit contained in Section 5.6.7. Duplex, Triplex, and Quad dwellings are prohibited in all other Shoreland Overlay Zoning Districts.

24.2.88 Dwelling

A residential structure containing one or more dwelling units.

24.2.89 Dwelling, Condominium

A residential structure housing two or more families with separate living quarters, which are sleeping or cooking facilities for each, owned jointly, with individual sovereignty over each residential unit and with common ownership of halls, stairs, elevators, lobbies, and driveways. Also see Common Interest Community.

24.2.90 Dwelling, Multi-Family

A residence designed for or occupied by two to four families with separate living quarters, which are sleep or cooking facilities for each, including condominiums or other types of cooperative owner dwelling units.

24.2.91 **Dwelling, Single-Family**

A detached residence designed for or occupied by one family only, including mobile home, manufactured home, or seasonal recreational cabin.

24.2.92 **Dwelling, Two-Family**

A dwelling structure on a single lot, having two units, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

Effective: 5/1/2018

24.2.93 Dwelling Site

A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

24.2.94 Dwelling Unit

Any structure or portion of a structure designed as short-term or long-term living quarters, which are cooking or sleeping facilities, for one or more persons, including rental or timeshare accommodations such as motel, hotel, and Resort rooms and cabins. Adequate sanitation facilities must be provided.

24.2.95 Earth Tones

Colors that are muted, flat, browns, tans, grays, greens, and some reds.

24.2.96 Easement, Utility

A grant by a property owner for the use of a strip of land for the purposes of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, and gas lines.

24.2.97 Eating and Drinking Establishment

An establishment that serves food and/or beverages including liquor and includes establishment such as taverns, clubs, lodges, restaurants, bars, pubs, or nightclubs.

24.2.98 Engineer, County

The County Director of Transportation and Land Management, Itasca County, Minnesota or his/her authorized representative.

24.2.99 Equal Degree of Encroachment

A method determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

24.2.100 Essential Services

Essential Services or Essential Service Systems shall be above ground or underground electrical, gas, communication, steam, liquid or sewer systems for collection, distributing or transmission purposes, used by governmental departments or commissions or by public or private utilities (including cooperatives). Such systems shall include, but not be limited to, towers, poles, pole mounted appurtenances, wires cables, conduits, pipes, sewers, drains, manholes, fire alarm boxes, police call boxes, public telephone booths and accessories thereto, all of which shall be considered as Special Structures. Electrical substations, communication repeater stations, pipe line pumping or metering stations, sewer lift stations, water wells and accessories thereto, including buildings that are an integral and protective part thereof, shall be considered as structures, which are parts of such Essential Service Systems.

24.2.101 Exterior Storage

The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed in a building.

24.2.102 Extractive Use

(Including gravel pits over one acre and excluding Temporary Borrow Areas.) The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minn. Stat. Chapts.93.44 - 93.51; or Successor Statutes.

24.2.103 Extractive Use, Grandfathered-In Operation

The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat that have been in existence prior to 1998 that are not regulated under Minn. Stat. Chapts. 93.44 - 93.51; or Successor Statutes.

24.2.104 FAA

Federal Aviation Administration.

24.2.105 Family

An individual or two or more persons each related by blood, marriage, adoption, foster care arrangement, or court order living together as a single housekeeping unit or a group of not more than six persons not related maintaining a common household, exclusive of servants.

24.2.106 Feedlot, Agricultural

A compound or enclosure for the purposes of feeding poultry or livestock as part of a farming operation as defined by State regulation.

24.2.107 Feedlot, Commercial

A compound or enclosure for the purpose of custom, closely confined feeding of poultry or livestock, where it is not an accessory use incidental for a farming operation.

24.2.108 Fences

Fences shall be designated as a structure, except the following, which are recognized as a special structure and shall not require a Zoning Permit:

- A. Fencing in Farm Residential Zoning District or Public Zoning District;
- B. Fences constructed of safe materials and placed or erected on properties up to and along property lines and no higher than eight feet above the ground level;
- C. Fences placed or erected and located on properties up to and along property lines between the "Established" building line or that building line as defined by Ordinance and the State of Minnesota Shoreland Regulations to the Ordinary High Water Level (OHWL) of a stream, river or lake, and which are constructed of safe materials other than barbed wire or electric fencing and are maintained in earth tone or metallic colors and do not exceed a height of four and one-half feet above ground level; or
- D. Fences surrounding home gardens.

24.2.109 Fish Cleaning House

An accessory structure, which must comply with the required setbacks for accessory structures as regulated by the appropriate shoreland overlay or zoning district, used solely for the purpose of cleaning fish.

24.2.110 Fish House

A structure designated and used solely for placement on lake for winter ice fishing. During offseason, placement of said fish house must be relocated on site to be in compliance with applicable lake, property line, and road setbacks. However, if said structure is utilized for another seasonal accessory use, a permit would be necessary and all applicable zoning and structure setbacks must be complied with.

24.2.111 Flood

A temporary increase in the flow or stage of a stream or in the state of a wetland or lake that results in the inundation of normally dry areas.

24.2.112 Flood Frequency

The frequency for which it is expected that a specific flood state or discharge may be equaled or exceeded.

24.2.113 Flood Fringe

That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Itasca County.

24.2.114 Flood Plain

Shall have the meaning given in Minnesota Statutes, Section 103F.111, Subdivision 4; or Successor Statutes.

24.2.115 Flood-Proofing

A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.

24.2.116 Floodway

The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

24.2.117 Forestland Conversion

The clear-cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

24.2.118 Forestry

The use and management of a forest, woodland, or plantation and related research and educational activities, including logging and the construction, alteration, or maintenance of wood roads, skid ways, landings, and fences.

24.2.119 Foster Home

A family home licensed to provide one or more of the following types of care for children (under the age of 18 years) who are unrelated to the family and who are cared for 24 hours a day:

- A. EMERGENCY HOME A foster home designated primarily for time limited emergency placements, usually lasting no more than 30 days for any child;
- B. INTERIM HOME A foster home caring for children expected to return home within one year or to be placed for adoption within two years;
- C. PERMANENT HOME A foster home caring for children (whether State wards or not) under written agreement for planned care until the child reaches majority;
- D. RESTRICTED HOME A foster home licensed for a specific child;
- E. SPECIAL SERVICES HOME A foster home able to provide extraordinary care or services by virtue of training, experience or special skills; and,
- F. GROUP FAMILY FOSTER HOME A foster home providing care for no more than ten children, including the family's own children. (Reference: Minn. Stat. 245.782 subd. 6; Minn. Stat. 245.802; Minn. Stat. 245.812 subds. 2a, 3, 4, and 7; and Minn. Rule, Chapt. 1983 and 9545.0010, subp. 7).

24.2.120 Funeral Home

A building or part thereof used for funeral services and activities. Such building may contain space and facilities for embalming, crematoria, the storage of caskets, urns, and other related funeral supplies, funeral vehicles, and funeral chapel.

24.2.121 Fur Farm

An area used for keeping and/or raising fur-bearing animals.

24.2.122 Garage, County

A structure or portion of a structure, owned, and operated by Itasca County used for the sole purpose of road maintenance and construction to house, store, and maintain special equipment, vehicles, and accessories that include, but are not limited to gasoline, oil, and salt.

24.2.123 Garage, Private

A detached accessory structure or attached portion of the principal structure that is used primarily for storing passenger vehicles, trailers, or farm equipment.

24.2.124 Garage, Public

A structure or portion of a structure except any herein defined as a private garage or as a repair garage, used for the storage of motor vehicles or where any such vehicles are kept for remuneration or hire and in which any sale of gasoline, oil, and accessories is only incidental to the principal use.

24.2.125 Garage, Repair

A structure or space for the repair or maintenance of motor vehicles.

24.2.126 Greenhouse

An enclosure used for the cultivation or protection of plants.

24.2.127 Gross Floor Area

The sum of the areas of all floors of a building as measured from the exterior faces of the walls.

24.2.128 Group Home I

A residential facility, which is either a public or private facility, which for gain or otherwise provides up to six persons who are handicapped by reason of mental retardation, mental illness, chemical dependency, physical handicapped or persons who are elderly, with a 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the persons' own home. Group Homes include but are not limited to: State institutions under the control of the Commissioner of Human Services, residential treatment centers, maternity shelters, residential programs, supportive living residences for functionally impaired adults or schools for handicapped children. Person means an adult dependency, physical handicapped or elderly adults and a child whether handicapped or not.

24.2.129 Group Home II

A residential facility, which is either a public or private facility, which for gain or otherwise provides from 7 to 16 persons who are handicapped by reason of mental retardation, mental illness, chemical dependency or physically handicapped or persons who are elderly, with a 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home. Group homes include but are not limited to: State institutions under the control of the Commissioner of Human Services, residential treatment centers, maternity shelters, residential programs, supportive living residences for functionally impaired adults or schools for handicapped children. Person means an adult who is handicapped by reason of mental retardation, mental illness, chemical dependency or physical handicapped or elderly adults and a child whether handicapped or not (Reference: Minn. Stat. 245A.11, subd. 3).

24.2.130 Guest Cottage

A structure containing sleeping spaces. A guest cottage may also contain a kitchen and/or bathroom facilities in addition to those provided in the primary dwelling unit on a parcel.

24.2.131 Hard Surface

A surface that is improved and maintained with an asphalt or portland cement binder material or such other surface as may be approved by the County to provide a durable and substantially dust free surface.

24.2.132 Hardship

Shall have the meaning given in Minn. Stat. 394.27 subd. 7; or Successor Statutes.

24.2.133 Height of Building

The vertical distance between the highest adjoining ground level at the building or 10 feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or height of the top of the highest gable of a pitched or hipped roof.

24.2.134 Home Occupation I and II

A nonresidential use that will not change the character of the immediate neighborhood and will be conducted entirely within a residential dwelling or accessory building, carried on by the inhabitants of the residence, and which use is clearly incidental and secondary to the use of the premises for residential purposes. Home Occupations I and II should be distinguished from Home Hobbies or Crafts which do not entail any industrial or commercial aspect.

24.2.135 Honey Wagon

A mobile unit with equipment thereon used to remove human wastes from a buried waste disposal system tank or used to remove liquid manure from a buried manure storage tank and transport such waste material to another place for disposal.

24.2.136 Hotel

A structure having provision for guests in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

24.2.137 Impermeable Soils

Hardpans or restrictive soils as referenced in Minn. Rules, Chapt. 7080-7083, and the United States Department of Agriculture Soils Survey Manual or other soil types or conditions that prevent water from infiltrating.

24.2.138 Impervious Surface

A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, storage areas, and concrete, asphalt, or gravel driveways.

24.2.139 Industrial Use

Activity or use of land or buildings for the production, mining or manufacturing of goods, products, commodities, or other wholesale items.

24.2.140 Intensive Vegetation Clearing

The removal of more than one-third of the trees, brush, or shrubs in a contiguous patch, strip, row, block, or removal that would greatly reduce the natural screening and decrease aesthetics and ecological values of the property.

24.2.141 Interim Use

A use that is allowed for a limited period of time subject to the conditions set forth in this Ordinance.

24.2.142 Interim Use Permit

A permit that allows a use that is neither a permitted, provisional, or Conditional Use for a limited period of time subject to conditions set forth in this Ordinance.

24.2.143 **Junkyard**

Land or structure where waste, discarded, or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including but not limited to scrap metal, rags, paper, rubber products, lumber products, glass products, and products resulting from the wrecking of automobiles or other vehicles, provided further that the storage of three or more inoperative or not currently licensed motor vehicles or any combination thereof for a period in excess of three months shall also be considered a junkyard.

24.2.144 Kennel, Commercial

Any place where four or more dogs and/or domestic pets over six months of age are boarded, bred, trained, or offered for sale.

24.2.145 Kennel, Private

Any place where four or more dogs and/or domestic pets over six months of age are owned by any member of the household. Private kennels are an accessory to the principal use of the property.

24.2.146 Light Manufacturing

The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. Such uses include, but are not limited to, the following: lumber yards, machine shops, products assembly, sheet metal shops, plastics, electronic, motor vehicle repair, bodywork and painting contractor shops, and storage yards.

24.2.147 Limited Clearing

The removal of less than one-third of the existing trees, brush or shrubs, with the exception of trees, limbs or branches that are dead, diseased, or pose safety hazards. See also Clear-cutting.

24.2.148 Limited Rural Business

A temporary opportunity for property owners, engaged in a home extended business, to employ up to a maximum of four persons who are not family members residing on the premises.

24.2.149 Livestock

Farm animals such as horses, cows, sheep, goats, poultry, and so forth kept for use or profit.

24.2.150 Lot

One parcel within a block of an official Plat and designated according to Minn. Stat. Chapts. 505 and 515 or one parcel within an Auditor's Subdivision and designated according to Minn. Stat. Chapt. 272.19 for the sale, lease, transfer, or separation thereof. For the purpose of this Ordinance, a lot, parcel, or tract shall be considered to be an individual building site that shall be occupied by no more than one Single-Family Dwelling Unit. Such lot shall have frontage or access on a public or private street or road or body of water. Also see parcel or tract.

24.2.151 Lot Width

See Parcel Width.

24.2.152 Manufactured Home

"Manufactured Home" means a structure, transportable in one or more sections, that in the traveling mode is eight body feet or more in width or 40 body feet or more in length or when erected on site is 320 or more square feet and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including plumbing, heating, air conditioning and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to the manufacturer voluntarily files a certification required by the Secretary of the U.S. Department of Housing and Urban Development and complies with the standards established under Minn. Stat. Chapt. 327. These structures shall be constructed after June 15, 1976 and shall bear all of the required U.S. Department of Housing and Urban Development Seals and Labels. No manufactured home shall be moved into the unincorporated areas of Itasca County that does not meet the Manufactured Home Building Code as defined in Minn. Stat. 327.31 subd. 3; or Successor Statutes.

24.2.153 Manufactured Home Park or Development

Any site, parcel field or tract of land upon which two or more occupied mobile homes are harbored for long-term occupancy, either free of charge or for revenue purposes, and shall include any building structure or enclosure used or intended for use as part of the equipment of such a mobile home park.

24.2.154 Manufactured (Mobile) Home, Pre-Code

Manufactured homes built prior to HUD CFR 3280 Standards effective June 15, 1976, or built prior to Minnesota inspection and certification requirements in accordance with ANSI Standards A119.1, July 1, 1972.

24.2.155 Manure Storage Area, Structure or Facility

Shall have the meaning given in Minn. Rule 7020.0300 subp. 14; or Successor Rules.

24.2.156 Market Value

The value of any structure or land determined by the current records of the Itasca County Assessor.

24.2.157 Metes and Bounds

A method of property description by means of direction and distance from an easily identifiable point.

24.2.158 Mining Operation

The removal of stone, coal, salt, iron, copper, nickel, petroleum, or other materials from the land for commercial, industrial, or governmental purposes and associated processing thereof. For gravel and sand mining see Extractive Use and Borrow Pits.

24.2.159 Mobile Home

A factory built dwelling Not Defined as a Manufactured Home and used generally for year-round occupancy as a single-family dwelling unit constructed for movement from place to place occasionally; generally less than 17 feet wide; generally requiring a special tow vehicle together with a special towing permit for travel on public highways; also used a temporary office space.

24.2.160 Mobile Home Mover

Any person who causes a vehicle to tow a Mobile Home within the County for the purpose of delivering such Mobile Home to any place within the County other than to the sales yard of a mobile home dealer located within the County or a mobile home park.

24.2.161 Modular Home

A non-mobile housing unit that is fabricated at a factory and transported to a building site and permanently affixed thereto.

24.2.162 Motel

A building or group of buildings used primarily for the temporary residence by customers, motorists, or travelers.

24.2.163 Motor Home

A self-propelled vehicle designed for short-term occupancy primarily used as a recreational travel home.

24.2.164 Motor Vehicle Repair Facility

Major or general repair, rebuilding, or reconditioning of engines or other motor vehicle parts including bodywork, framework, welding, and painting services.

24.2.165 MPCA

Minnesota Pollution Control Agency.

24.2.166 NPDES

National Pollution Discharge Elimination System permit shall have the meaning given in Minn. Rule 7020.0300 subp. 16; or Successor Rules.

24.2.167 NRCS

Natural Resources Conservation Service.

24.2.168 Nonconforming Use

Any legal use already in existence before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date the use was established.

24.2.169 Non-Residential Program

Shall have the meaning given in Minn. Stat. 245A.02 subd. 10.

24.2.170 Non-Riparian

Land that is not traversed or bounded by a lake, stream, river, or other natural watercourse.

24.2.171 Non-Shoreland

Land outside the Shoreland Overlay Zoning District.

24.2.172 Nursery

An area where plants are grown for transplanting, for use as stocks, or for budding or grafting.

24.2.173 Obstruction

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse or regulatory flood plain, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water.

24.2.174 Odor Reducing Technologies

Technologies that will reduce odor emissions. For a feedlot, these include biofilters, confinement, synthetic covers, natural covers, pit additives, non-thermal plasma reactors and feed additive or total confinement.

24.2.175 Open Space

Land used for agriculture, forestry, natural habitat, pedestrian corridors, and/or recreational purposes.

24.2.176 Open Space, Common

A portion of a development site that is permanently set aside to preserve unprotected elements of the natural landscape and to provide areas for public or private use. Common open space may be held in common ownership by all individual owners within a development or some other permanently established management entity, and is encumbered legally, like with a conservation easement, that prohibits development and prescribes allowable uses.

24.2.177 Open Space, Resort

A portion of a development site that is permanently set aside and will not be developed. Open space shall include wetlands, upland recreational areas, wildlife areas, and areas unsuitable for development in their natural state. Open space is not the space between buildings of a cluster, and it does not include an area of 25 feet around each structure in any impervious surface.

24.2.178 Ordinary High Water Level (OHWL)

The boundary of public waters and wetlands. OHWL shall be an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the OHWL is the elevation of the top of the bank of the channel. For reservoirs and flowages, the OHWL is the operating elevation of the normal summer pool.

24.2.179 Outdoor Recreational Facility

A facility in which athletic activities such as softball, soccer, and baseball would be played and uses oriented to utilizing the outdoor character of an area including hiking and biking trails and interpretive areas.

24.2.180 Owner, Feedlot

Feedlot Owner shall have the meaning given in Minn. Rule 7020.0300 subp. 17; or Successor Rules.

24.2.181 Parcel

An area of land designated by metes and bounds or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, transfer or separation thereof. For the purpose of this Ordinance, a lot, parcel or tract shall be considered to be an individual building site that shall be occupied by no more than one Single-Family Dwelling Unit. Such lot shall have frontage or access on a public or private street or road or body of water. Also see lot or tract.

24.2.182 Parcel Area

Parcel Area within this Ordinance shall mean the following:

- A. For platted property, including tracts within a Registered Land Survey and Lots within an Auditor's Subdivision, the actual area of the lot or tract with no consideration for adjoining road right-of-ways, public or private.
- B. For unplatted property, the actual area of the parcel as described in the deed of record (warranty, quit claim, contract for deed).

24.2.183 Parcel Coverage

Determined by dividing that area of a parcel that is covered by impervious surface or roofed areas by the gross area of that parcel.

24.2.184 Parcel Depth

The mean horizontal distance between the mean front road right-of-way line and mean rear parcel line. The greater frontage of a corner parcel is its depth, and its lesser frontage is its width.

24.2.185 Parcel Enhancement

An addition of land to an existing parcel. It may be, but not limited to, to fix or correct an encroachment, add land to meet existing zoning requirements or to rectify idiosyncrasies within the Public Land Survey System. A parcel enhancement shall be less than the conforming parcel area within its Zoning District. A survey shall be performed by a Licensed Surveyor, and a certificate of survey shall be drafted and filed with the County Surveyor. A parcel enhancement will not be considered a division within the Government Lot or Forty

24.2.186 Parcel Front

That part of a parcel lying along and abutting a road or that part of a parcel lying along or abutting waterfront. For parcels, which abut both a road and a waterfront, such parcel shall be considered to have two front yards and no backyards (or side yards in such event). For corner parcels and through parcels (through parcels are those which run from street to street), all portions of the parcel adjacent to the street shall be considered as front yards.

24.2.187 Parcel Lines

The lines bounding a parcel as defined herein. When a parcel abuts a road, street, highway, avenue, park of other public property except an alley, such lines shall be known as right-of-way line, and when a parcel line abuts on an alley, it shall be known as an alley line.

Parcel of Record 24.2.188

- A. A parcel that is part of a Subdivision as recorded in the Office of the Recorder of Deeds in and for the County;
- B. A tract that is part of a Registered Land Survey on record in the Office of the Registrar of Titles in and for the County,
- C. A parcel of land described by metes and bounds and on record in the Office of the Recorder Deeds/ Registrar of Titles in and for the County.

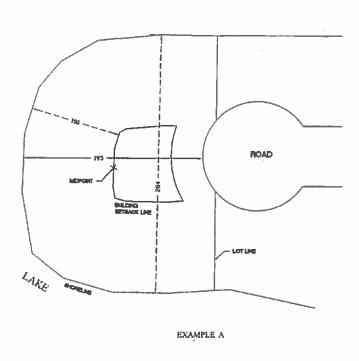
24.2.189 Parcel Water Frontage

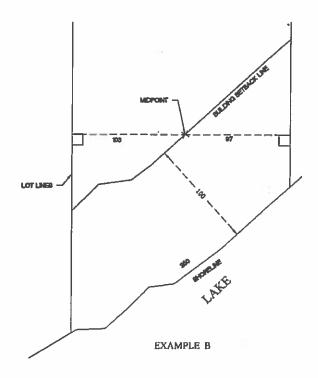
The measurement from side parcel line to side parcel line of a parcel measured along the Ordinary High Water Level. A surveyor's survey line will be construed to give this distance unless other evidence is shown.

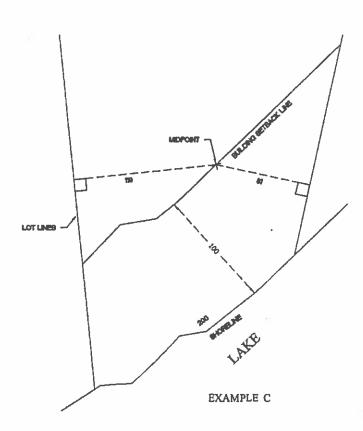
24.2.190 Parcel Width

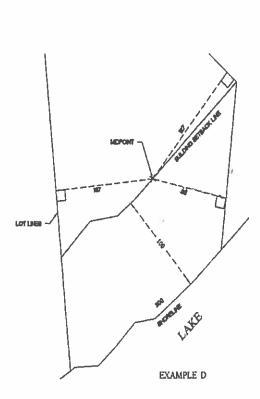
- A. Riparian: Parcel width requirements shall be met at both the ordinary high water level (OHWL) and at the minimum structure setback line as described below and shown in following Examples A-D:
 - 1. At the OHWL, the parcel width shall be measured along the OHWL from the point of intersection of one side line to the point of intersection with the other sideline.
 - 2. At the minimum structure setback line, the lot parcel width shall be measured as follows:
 - a. First, determine the minimum structure setback distance from the OHWL as set forth in Section 5.6.7.
 - b. Second, draw a line along the minimum structure setback paralleling the OHWL between the point of intersection of one sideline to the point of intersection with the other sideline.
 - c. Third, determine the midpoint of the minimum structure setback line.
 - d. Fourth, determine the shortest possible distance from the midpoint of the minimum structure setback line to each of the sidelines intersected by the water body at the structure setback line.
 - e. Finally, add the two distances. The sum of the two segments shall meet or exceed the minimum parcel width at the minimum structure setback line.
- B. Nonriparian: The parcel width required shall be met at the shortest or nearest distance between the sidelines measured at the building setback line.

PARCEL WIDTH EXAMPLES









163
Itasca County Zoning Ordinance
Effective: 5/1/2018

24.2.191 Parking Space, Off-Street

Parking area not within a public way but accessible from a public way. A suitable surfaced and permanently maintained area on privately owned property either within or outside of a structure of sufficient size to store one standard vehicle. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.

24.2.192 Park Trailer

A trailer that exceeds eight and one-half feet (8'6") in width in travel mode but is no larger than 400 square feet when the collapsible components are fully extended or at a maximum horizontal width and is used as a temporary living quarters.

24.2.193 Pasture

Pasture shall have the meaning given in Minn. Rule 7020.0300 subp. 18; or Successor Rules.

24.2.194 Patio

An open recreation area that is often paved and within one foot of pre-existing grade. A patio may not have attached railings, trellises, seats, or other permanent features that extend more than one foot above pre-existing or natural grade.

24.2.195 Patio Platform, Ground-Level

An unenclosed platform or deck that is constructed primarily of wood, a size not to exceed 160 square feet in area, and five feet in height above ground level. For attached patio platforms see Section 4.3.1 and detached patio platforms see Section 5.12.

24.2.196 Performance Standards or Standards

Measurable threshold standards that regulate activities creating or potentially creating noise, vibration, air pollution, water pollution, light pollution, odor, electromagnetic interference, or hazardous substances or that otherwise put risk the public health, comfort, convenience, safety, or welfare.

24.2.197 **Permitted Use**

A use, which may be lawfully established in a particular zoning district or zoning districts, provided it conforms to all requirements and performance standards (if any) of such zoning district.

24.2.198 **Permit By Rule**

A solid waste management facility permit issued by the Minnesota Pollution Control agency for various solid waste facilities. (See Minn. Rule 7001.3050 subp. 3.)

24.2.199 Persons

Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, which includes any trustee, receiver, assignee, or other similar representative thereof.

Effective: 5/1/2018

24.2.200 Planned Unit Development (PUD)

A method of land use or Conservation Development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and that incorporates clustering of these units or sites to provide areas of common open space, and a mix of structure types and land uses. These developments may be organized and operated as residential or commercial enterprises such as individual dwelling units, townhouses, condominiums, time-share condominiums, cooperatives, common interest communities, sharedinterest communities, apartment buildings, non-resort campgrounds and youth camps, recreational vehicle parks, manufactured home parks, or any combination of these with other forms of development. Planned unit developments shall also include any conversion of preexisting structures and land uses in order to utilize this method of development.

24.2.201 **Planning Commission**

The Planning Commission for Itasca County, Minnesota as created by this Ordinance.

24.2.202 **Premises**

A structure or structures or part of a structure, together with its attendant real estate. May cover one store in a shopping center or the entire shopping center, depending on the subject of discussion; may apply to one apartment within an apartment house or the entire apartment house; may apply to part of a tract of real estate or a whole tract, or several tracts consider together, with or without structures on any part thereof.

24.2.203 Potential Pollution Hazard

Shall have the meaning given in Minn. Rule 7020.0300 subp. 20; or Successor Rules.

24.2.204 Principal Use or Structure

All uses or structures that are not accessory uses or structures.

24.2.205 **Property Owner**

For the purpose of determining who owns property and merits notice, as provided in certain Sections of this Ordinance, the property owner named in the current tax books, in the Office of the Treasurer of Itasca County shall be the person who must be given notice and at the address indicated in the Treasurer's records.

24.2.206 Provisional Use

A use that is permitted subject to applicable performance standards.

24.2.207 **Public Water Access**

An area that is publicly owned, for use by the public, without charge, designated and designed for the purpose of accessing public waters for launching and retrieving watercraft.

24.2.208 **Public Land**

Land owned and/or operated by a governmental unit, including school districts.

Itasca County Zoning Ordinance Effective: 5/1/2018

24.2.209 Public Waters

A body of water capable of substantial beneficial public use. This shall be construed to mean, for the purpose of this Ordinance, any body of water, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no previous Shoreland, as defined herein, for a designated private use authorized by the Planning Commission shall be exempt from the provisions of the statewide standards and criteria. (Defined in Minn. Stat. 103G.005 subd. 15.) Mine tailings basins, mine, or other industrial water reservoirs and water in mine pits are specifically excluded.

24.2.210 Public Waters - Wetlands

Shall have the meaning given in Minn. Stat. 103G.005 subd. 15a; or Successor Rules.

24.2.211 Reach

A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

24.2.212 Recreational Playground Equipment

Play apparatus such as a swing and slide, sandbox, poles for nets, picnic table, lawn chair, barbecue stand, and similar apparatus.

24.2.213 Recycling Center – Auto, Appliance including Junkyard

An establishment or place of business that is maintained, operated or used for storing, keeping, buying, dismantling, crushing or selling wrecked, scraped, ruined, or partially dismantled motor vehicles or appliances. Does not include uses established entirely within enclosed buildings, nor does it include the storage of mining or heavy industrial wastes. Excludes wastes from mining, mineral and metal production operations, such as surface, lean ore, tailing, reverts, and slag.

24.2.214 Recycling Center - Public

A facility at which materials are stored and prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.

24.2.215 Recycling Processing

The storage, sorting, cleaning, or other preparation of recyclable materials that make those materials salable. To include the removal of non-recyclable material from the total quantity of material collected.

24.2.216 Recycling Storage

The temporary holding of recyclable material while preparations are being made to process the recyclable material or to transport materials that have been processed to market.

24.2.217 Regional Flood

A flood that is representative of large floods known to have occurred generally in Minnesota and reasonable characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

24.2.218 Remodeling

Any change, alteration, or modification to any structure, sanitary facility, and/or utility upon a premise, excepting repairs or maintenance thereof, except shall include work done as repairs or maintenance of underground sanitary waste disposal systems, which are nonconforming under this Ordinance.

24.2.219 Residential Dwelling Unit

A residential accommodation including complete living quarters, which are cooking and eating facilities, permanently installed that is arranged designed, used, or intended for use exclusively as living quarters for one family.

24.2.220 Residential Program

Shall have the meaning given in Minn. Stat. 245A.02 subd. 14; or Successor Statutes.

24.2.221 Residential Use

Use as a dwelling, whether primary, secondary, or seasonal, but not transient use or occupancy.

24.2.222 Resort

A commercial establishment that includes buildings, lodges, structures, dwelling units, camping or recreational vehicle sites, or enclosures, or any part thereof kept, used, maintained, or advertised as or held out to the public to be a place where sleeping accommodations are furnished to the public, primarily to persons seeking recreation, for periods of one day or longer, and having for rent three or more cabins, rooms, campsites, or enclosures. The establishment must be primarily service-oriented for transient lodging of guests. All cabins, rooms, dwelling units, camping or recreational vehicle sites, or enclosures must be included in the Resort rental business. Resorts must not allow residential use of a dwelling unit or site, except dwellings used as residences for the service providers. To qualify as a Resort, a Resort must be licensed under appropriate state regulations as per Minn Stat. 157.16 subd. 1.

24.2.223 Road, Marginal Access

A service road parallel to and adjacent to a thoroughfare or expressway that provides access from the thoroughfare or expressway to abutting properties.

24.2.224 Road, Principal Arterial; Minor Arterial; Major Collector

Heavy traffic, or higher volume, roads or highways as determined by the Federal Functional Heavy Classification System and as shown upon the Official Zoning District Map.

24.2.225 Road, Private

A purported road or way reserved for the use of a limited number of persons, as distinguished from a public road and having no road authority be it federal, state, county or township in charge of its maintenance.

24.2.226 Road, Public

A proposed or existing public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, service, road, place, or however otherwise designated, and having an established road authority be it federal, state, county or township in charge of its maintenance.

24.2.227 Road, Unclassified

A road that is not defined as a principal arterial, minor arterial, major collector, or minor collector road according to the functional classification system in the Itasca County Transportation Plan; or Successor Plan.

24.2.228 Riparian

Land that is traversed or bounded by a lake, stream, river, or other natural watercourse.

24.2.229 Roof

The cover of a building which shall not be altered for use as a deck, storage area, or any other purpose for which roofs are not normally intended.

24.2.230 SWCD

The Itasca County Soil and Water Conservation District.

24.2.231 Sanitary Landfill

A land use for disposing of garbage, refuse, and other solid waste materials on land without creating nuisance or hazard to public health or safety by confining the waste to the smallest practical volume and cover with a layer of earth at the conclusion of each day's operation. (See Land Disposal Facility – Minn. Rule 7035.0300 subp. 52.)

24.2.232 Selective Cutting

The removal of individual or small groups of trees or shrubs.

24.2.233 Semipublic Use

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

24.2.234 Sensitive Resource Management

The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils or groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

24.2.235 Service Facility

A facility or business that is service-oriented such as a bank, barbershop, beauty salon, or laundry.

24.2.236 Setback

The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level (OHWL), sewage treatment system, top of a bluff, road, highway, property line, or other facility. Distances are to be measured horizontally from the property line to the most outwardly extended portion of the structure.

24.2.237 Sewage and/or Waste Water Disposal System - Conforming

A septic tank and soil absorption system or other individual or cluster type sewage treatment system that has been certified as being installed and functioning as designed, according to Itasca County Sanitation Ordinance and Minn. Rule, Chapts. 7080-7083.

24.2.238 Sewage and/or Waste Water Disposal System - Failing

A failing sewage system meets one of the following criteria:

- A. Creating a public nuisance by allowing wastewater and/or sewage to surface on the ground;
- B. Endangering any domestic water supply;
- C. Polluting any lake, pond, stream, river, or ground water of the County; or
- D. Using cesspools, leaching pits, seepage pits, or other deep disposal methods or systems with less soil treatment area separation above the groundwater than required by the Minn. Rule, Chapts. 7080-7083 for design of onsite sewage treatment systems.

24.2.239 Sewer System (Sewered)

Common or publicly owned pipelines, conduits, pumping stations, force main and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of common, approved, off-site disposal. See the Itasca County Sanitation Ordinance.

24.2.240 Shore Impact Zone

The land located between the ordinary high water level (OHWL) of public water and a line parallel to it at a setback of 50 percent of the required structure setback for the applicable lake or river classification. The shore impact zone for permitted agricultural land uses is 100 feet from the OHWL.

24.2.241 Shorelands

Land located within the following distances from public waters:

- A. 1,000 feet from the Ordinary High Water Level of a lake, pond or flowage; and
- B. 300 feet from a river or stream or the landward extent of a floodplain designated by Ordinance on a river or stream, whichever is greater.

Whenever the shorelands of two or more public waters shall overlay, then the Shoreland area for each such public water may be reduced to coincide with the topographic divide between those waters. If there is not a topographic divide clearly delineated, then the midpoint between the two water bodies would regulate the appropriate classification.

24.2.242 Shoreland Overlay Zoning District

A zoning district comprised of shorelands containing regulations for lands within the zoning district as defined in Article 5.

24.2.243 Sign

A name, identification, description, display, illustration, or device that is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

24.2.244 Sign, Off-premise (Billboard)

A sign that directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

24.2.245 Significant Historic Site

Any archaeological site, standing structure or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. 307.08; or Successor Statutes. A historic site meets these criteria if it is listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

24.2.246 Site

A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

24.2.247 Solid Waste

Solid waste means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations and from community activities. Solid waste does not include hazardous waste; mine overburden, mine waste rock, mine lean ore, mine tailings and processing slag; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or point-source discharges subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear or by-product material as defined by The Atomic Energy Act of 1954, as amended.

24.2.248 **Solid Waste Composting Facility**

A site used to compost or co-compost solid waste, including all structures or processing equipment used to control drainage, collect, and treat leach ate and storage areas for the incoming waste, the final product and residuals resulting from the composting process.

24.2.249 Special Structures

A special structure, not subject to setback requirements prescribed by this Ordinance and not requiring a permit unless specifically regulated in the Ordinance and except as regulated by the Minnesota Trunk Highway 38 Sign Ordinance, shall consist of but not be limited to anything included in the following list:

- A. Any driveway, even if paved with concrete or asphalt, serving as the primary access to a parcel or real estate;
- B. Any fence along property lines or along a road right-of-way, provided that such all other requirements prescribed by this Ordinance;
- C. Any Utility transmission or distribution line or facility needed for modern living that meets other standards contained in this Ordinance;
- D. Any flagpole or any sign;
- E. A single ground-level patio made of loose stones or bricks, so as to yield a pervious surface, provided that it will not exceed 160 square feet in area, that it shall not be located in a bluff or shore impact zone, that it shall not require or include any railings;
- F. A single retaining wall not exceeding 48 inches in height or 30 feet in length, provided that it be securely built with firm brick, stone or wood; provided further that such retaining wall be fairly needed to control or prevent erosion; and that it shall not be located in a bluff or shore impact zone; and provided further that dirt moving needed to build such a retaining wall not exceed ten cubic yards of material and shall not be accomplished by means of mechanical equipment;
- G. A single constructed stairway, walkway, lift or landing used for gaining access to water not exceeding 48 inches in width, provided that such stairway, walkway, lift or landing be constructed of solid wood or metal and be maintained in good repair, provided further that any landing for any such stairway, walkway, lift or landing meet all other provisions contained in this Ordinance; and
- H. Any dock or pier or any part of a dock or pier that complies with regulations promulgated under statutes enacted by the legislature of this State, not exclusive of Minn. Rule 6115.0210 of Minnesota Regulations as promulgated by the Commissioner of Natural Resources under Minn. Stat. Chapt. 103G.

24.2.250 State Feedlot Permit

An Interim Permit, General or Five-year Permit, Certificate of Compliance, or any other permit or registration developed by the State to regulate feedlots.

24.2.251 Steep Slope

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 18 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

24.2.252 Storage Warehouse

A building of a commercial nature in which goods, merchandise, or products are stored, housed, or brought in and out for distribution, including "mini-storage" businesses.

24.2.253 Story

The portion of a structure included between the surface of any floor and the surface of the next floor above it or if there is no floor above it, the space between the floor and the ceiling next above it.

24.2.254 Structure

Any building or edifice, or any constructed addition to a building or edifice that changes its external dimensions or anything not collapsible, which is placed or built in or on the ground, shall be considered a structure. Every structure, excepting for a special structure, shall be subject to setback requirements prescribed by this Ordinance. Zoning permits as required by this Ordinance shall be obtained for structures before they are placed.

- A. An outdoor privy shall be considered, not only a structure, but also a sanitary facility, and as such shall meet all sewage treatment system requirements, which are prescribed by this Ordinance.
- B. Any currently licensed fish house, usable on ice for angling or spearing in winter, shall not be considered a structure or requiring a Zoning Permit, provided that, when placed on land during other seasons, it shall be subject to all setback requirements and shall not be used for living or sleeping quarters.

24.2.255 Structural Alteration

Any change other than for normal safety and maintenance purposes in the supporting members of a building, such as bearing walls, columns, beams, or girders.

24.2.256 Structure Height

The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower and the highest point of a flat roof, to the deck line of a mansard roof, to the point of the roof directly above the highest wall of a shed roof, to the upper most point on a round or other arch type roof or average height to the highest gable on a pitched or hipped roof.

24.2.257 Subdivision

Improved or unimproved land which is divided for the purpose of sale, transfer, rent or lease, into two or more parcels including Planned Unit Developments (PUDs) and Conservation Developments.

24.2.258 Subdivision of Land, Subdivide

As defined in the Subdivision Platting Ordinance of Itasca County. Subdivision of land includes Planned Unit Developments and Conservation Developments.

24.2.259 Subsurface Sewage Treatment System

A subsurface sewage treatment system shall have the meaning given in Minn. Rules 7080.1100 subp. 82; or Successor Rules.

24.2.260 Suitable Area

Area remaining after excluding all wetlands, bluff impact zone, major utility easements greater than 30 feet in width, and land below the ordinary high water level of public waters.

24.2.261 Surface Water-Oriented Commercial Use

The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conduct of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

24.2.262 Surveyor

The County Surveyor of Itasca County, Minnesota or his/her authorized representative.

24.2.263 **Target Shooting Facility**

A facility utilized for target shooting sports, including use of shotguns, rifles, pistols, and bows. Said facility is designed to prevent shot, balls, slugs, arrows, or other material from falling outside the facility property.

24.2.264 **Temporary Portable Screen House**

A structure that is clearly temporary, does not exceed 160 square feet, is located on parcel so as to minimize visibility from view from the public waters not closer than ten feet to the OHWL, contains no sanitation facilities and does not remain on the site for more than a period of 150 calendar days between May I through September 30. No permit is necessary for this structure.

24.2.265 **Temporary Second Dwelling Unit**

For the purposes of this definition, a temporary second dwelling unit is allowed by permit, in the Shoreland Overlay Zoning District (5.6.4), Farm Residential Zoning District (6.2), and the Rural Residential Zoning District (7.2). This temporary second dwelling unit is intended to allow an elderly family member that has a medical condition or a special need to live independently. It is further intended that the use is clearly temporary and not to exceed a period of five years. For this section, the term family member would include a parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew, or niece. This relationship may be by blood or marriage.

24.2.266 **Temporary Structure**

A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure erected has ceased but not to exceed 150 days.

24.2.267 Tent-Trailer

A trailer towed by a motor vehicle and provides primitive living accommodations with folding tent shelter that folds up into the trailer for moving from place to place. Often included in effect of regulations along with a travel-trailer.

24.2.268 Tier - Shoreland

A tier refers to a specified distance established in this Ordinance from the Ordinary High Water Level (OHWL) in a Shoreland Overlay Zoning District.

24.2.269 Toe of the Bluff

The lower point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent. See diagram in Section 3.17.

Effective: 5/1/2018

24.2.270 Top of the Bluff

The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent. See diagram in Section 3.17.

24.2.271 Towers

Any pole, telescoping mast, tower, tripods, or any other structure that supports a secondary device. Also See Section 14.

24.2.272 Town Board

The governmental body of an organized township in Itasca County, Minnesota.

24.2.273 Townhouse

An attached dwelling in a row or group of three or more dwelling units, each house containing not more than two dwelling units and separated from the adjoining houses in the same row or group by firewalls or fire separations.

24.2.274 Tract

A parcel of registered land designated by registered land survey, or other accepted means, and separated from other tracts by said description for the purpose of sale, lease, transfer, or separation thereof. For the purpose of this Ordinance, a lot, parcel, or tract shall be considered to be an individual building site that shall be occupied by no more than one Single-Family Dwelling Unit. Such parcel shall have frontage or access on a public or private street or road or body of water.

24.2.275 Transfer Station

An intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another waste facility. A transfer station may be fixed or mobile.

24.2.276 Transient Occupancy

Occupancy when it is the intention of the parties that the occupancy will be temporary.

24.2.277 Travel-Bus

A motor vehicle equipped to be lived in similar to a travel-trailer and generally used for mobile housing with day-to-day mobility by self-propulsion. Usually included in effect of regulations dealing with a travel-trailer.

24.2.278 Travel-Trailer

A trailer similar to a mobile home but smaller and generally used for mobile housing with day to day mobility by being pulled by a motor vehicle. A travel-trailer does not need a special permit from the State or County highway departments to be able to be moved upon a public highway.

24.2.279 Unincorporated Area

The area outside a city.

Unincorporated/Unorganized Township 24.2.280

An area defined as a township in geographic scope that is not organized with a township form of government.

24.2.281 Unit

A portion of a Conservation Development intended for separate ownership or separate occupancy.

24.2.282 Use

The purpose of which land or premises or building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

Used Good; Used Equipment Sales Yard 24.2.283

Any premises where used goods or equipment, including motor vehicles, are bought and sold and stored prior to sale in other than enclosed buildings and where such business constitutes over 25 percent of the dollar volume of the business conducted on the premises or where the space such goods or equipment is stored amounts to over 25 percent of the portion of the premises used for the entire business.

24,2,284 Variance

Any modification or variation of the provisions of this Ordinance, as defined or described in Minn. Stat. Chapt. 394, when it is determined that, by reason of exceptional circumstances, the strict enforcement of any of the provisions of this Ordinance would cause unnecessary hardship or that the strict conformity with the provisions of this Ordinance would be unreasonable, impractical or not feasible under the circumstances.

24.2.285 View to Lake

View to be construed to mean the line of sight from the imaginary center of the parcel to the lake ward corners of that property. For view corridor see Section 5.9.2.B.

24.2.286 Waste Disposal

The handling and disposing of Solid Wastes, not including mining or excavation waste materials, as defined within the regulations of the Pollution Control Agency (PCA) of the State of Minnesota; the handling and disposing of human wastes by means of any sanitary disposal system approved under this Ordinance; the removal, transporting and disposal of any human waste materials from a sanitary disposal system by means of mobile equipment designed to do such work and commonly called Honey Wagons; and the removal, transportation and disposal of liquid Agricultural Manure by means of Honey Wagons for disposal purposes other than fertilizer.

24.2.287 Water-Oriented Accessory Structure or Facility

A small, aboveground building or other improvements allowed by permit only (except stairways, fences, docks and retaining walls) which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses for water-related storage.

24.2.288 Watershed Management or Flood Control Structure

A dam, floodwall, wing dam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel or any other structure for altering or regulating the natural flow of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of Natural Resources.

24.2.289 Water Supply Wells

Any public or private water meeting applicable County and/or State of Minnesota standards.

24.2.290 Wellhead Protection Plan

A plan developed for the protection of a public water supply.

24.2.291 Wetland

Wetland shall have the meaning given in Minn. Rule 8420.0110 subp. 52; or Successor Rules.

24.2.292 Yard

A required open space occupied and unobstructed by any structure or portion of a structure from 30 inches above the ground level of the graded parcel upward; a yard may allow for the placement there of Special Structures as otherwise specified within the Ordinance.

24.2.293 Yard, Front

A yard extending across the front of the parcel between the side yard lines and lying between the right-of-way line of the road or highway and the nearest line of the building. In case of corner parcels, where there are two front yards (one along each road), the front yard is between the building line and the parcel front.

24.2.294 Yard, Rear

An open space unoccupied except for accessory buildings on the same parcel with a building between the rear lines of the building and the rear parcel line of the parcel, for the full width of the parcel.

24.2.295 Yard, Side

An open, unoccupied space on the same parcel with a building between the building and the side line of the parcel and extending from the front line to the rear of the back yard. In cases where are two front yards and no back or rear yard, the side yard lies along the side parcel line between the rear lines of both front yards.

24.2.296 Youth Camp

A development organized, developed, managed and operated by a sponsoring organization, individual, corporation or company under supervision for the primary purpose of education, recreation, health or other similar purpose for young persons less than 21 years of age. Typical examples of youth camp sponsors include, but are not limited to, Boy Scouts, Girl Scouts, 4-H, churches, public schools and YMCA among others. Also, included are associated activities such as youth retreats for young persons less than 21 years of age.

24.2.297 Zoning Classification; Zoning District

The various districts into which the County, excepting incorporated areas, are separated into.

24.2.298 Zoning Administrator

The Zoning Administrator of Itasca County, Minnesota or authorized representative.

24.2.299 Zoning Map; Zoning District Map, Official

The atlas maps showing various zoning districts into which the County, excepting the incorporated area, is separated into, together with other mapping details contained therein, including the legends and other descriptive material contained therewith.

24.2.300 Zoning Official

The director of the planning and zoning office of Itasca County, Minnesota or authorized agent. Also known as "Environmental Services Administrator".

24.2.301 Zoning Permit

A permit issued under the Ordinance by the Zoning Administrator authorizing and permitting certain work to be done by the applicants as specified elsewhere in the Ordinance.

INDEX A

Site Suitability Checklist

		Site Suitabili	ty Checklist	
		•	this checklist to the best of	_
		ssessment Workshe	et (EAW) may or may not	be required.
Applicant Information				
Owner	Name			
	Phone			
Developer	Name			
	Address			
	Phone			
Checklist complete	d by:			
		Signature		Date
Project Description of	or Request			
4				
	100			-
<u> </u>				61 754 754 650
Property Information	1	- A		A THE TOTAL THE THE TANK
Parcel Number(s)				Agranga
Legal Description	13	- in always		
		1100 27/1		
	SECTION	TWP	RANGE	
Lake Name			Lake Cla	iss
Current Zoning District			Proposed Zon	ing District
	unding land use by o	thecking applicable	boxes.	
Resident	ial			
Agricult	ural			
☐ Forestry				
Light Ind	dustrial Commercial			
☐ Industria	ıl			
Other_				

2.	Is property in a Flood Zone per National Flood Insurance Program map?	
	Yes – Circle applicable Flood Zone: A A0 AH A1-A30 A99 B C D	
	□ No	
	Unknown	
3.	Roads.	
	Exist existing road(s) to be used	
	Describe any proposed roads	
	Estimated increase in traffic volume	
	Eist any potential problems	
4.	Environmental Hazards. Are there any environmental hazards on the site (sinkholes, improperly abawells, buried solid and hazardous wastes, unauthorized dumping of wastes or other sites presenting hazardalth or safety)? NO YES If YES, describe the environmental hazard(s) and the steps proposed to mitigate the hazard.	
		200
5.	Impervious surface covered:% "Impervious Surface" is a constructed hard surface that either prevents or retards the entry of water integrated causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, sidewalks, patios, storage areas, and concrete, asphalt or gradriveways.	0
6.	 Impacts on Surface Water Resources. Will the project involve dredging, filling, stream diversion, or impoundment of surface water pond, wetland, stream, drainage ditch) or the appropriation of surface water? 	r (lake,
	NO YES	
	If YES, please check the boxes of all that apply and provide requested information.	
	Water resource to be affected	
	Describe the alteration, including the construction process	

	A constant
Ц	Area affected
	Length of stream diversion
	Water surface area affected
	Timing and extent of fluctuations in water surface elevations
	Spoils disposal sites
	Proposed mitigation measures to minimize impacts
NO	tormwater permit required? YES will runoff from the site be managed during disturbance of the site?
NO	
NO How	YES
NO How	will runoff from the site be managed during disturbance of the site?
NO How	will runoff from the site be managed during disturbance of the site? t type(s) of erosion control will be used?

	Emissions
1	Dust -
(Odors -
	Other sources -
	Will the use generate the following?
	Noise at levels exceeding ambient levels? NO YES
	If YES, what is the extent to which adjacent properties may be affected?
	If YES, what measures will be taken to control impacts?
	The boy what measures will be taken to control impacts.
	Odors? NO YES If YES, what is the extent to which adjacent properties may be affected?
	To be some state of the extent to which adjusent properties may be affected.
	If YES, what measures will be taken to control impacts?
	Dust? NOYES
	If YES, what is the extent to which adjacent properties may be affected?
	If YES, what measures will be taken to control impacts?
	Debris? NOYES If YES, what is the extent to which adjacent properties may be affected?
	If YES, what measures will be taken to control impacts?
	Other hazards? NOYES
	If YES, what is the extent to which adjacent properties may be affected?
	If YES, what measures will be taken to control impacts?
	TED, What measures will be taken to control impacts.
Ì	the project involve onsite sewage treatment? NOYESLicense #License #

9.

INDEX B

Effective Dates

EFFECTIVE DATES

Effective Date of Ori	ginal Zoning Ord	inance: 11/01/69		
Effective Date(s) of A	Amendments to O	rdinance:		
03/ /70	05/01/84	4/13/93	7/1/04	
	#04/84/2	#4-93-01		
06/ /70	08/06/85	5/2/93	12/1/05	
	#08/85/1	#4-93-15	#10-05-04	
			#10-05-05	
			#10-05-06	
11/15/72	01/01/86	9/1/93	5/15/08	
	#10/85/2	#8-93-02	#04-08-04	
08/01/78	09/01/87	1/1/95	4/15/2012	
	911 System	#12-94-01		
08/14/79-10/25/79	04-19-89	4/1/95	3/15/2016	
Moratorium		#2-95-11		
10/25/79-10/25/80	09/01/90	10/6/96 & 1/1/97	5/1/2018	
		9/96/02		
01/01/81	01/01/92	9/15/98		
		#08-98-03		
01/07/83	7/1/92	10-1-03		
	#4-92-01	whole Ordinance		

INDEX C

Reference Documents

REFERENCE DOCUMENTS

The following documents have been incorporated into the Zoning Ordinance, effective 5/15/08 by reference. The original documents are on file and may be reviewed at the Environmental Services department and the Auditor/Treasurers Department.

- 1) Itasca County Public Waters Classification List Document #621972
- 2) Minnesota Rules Chapters 7080-7083 Subsurface Sewage Treatment Systems Program, Minnesota Pollution Agency, 2/2008;
- 3) Chapter 4725 Department of Health, Wells and Borings, 2006;
- 4) The Minnesota Stormwater Manual Chapter 12, November, 2005;
- 5) Residential Streets, 3rd Addition, Urban Land Institute, National Association of Home Builders, and American Society of Civil Engineers.

INDEX D

List of Tables Used in Ordinance

TABLES							
SECTION	Table	Table Title					
3.4	1	Impervious Surface Coverage Allowed	11				
3.6.5 2		Animal Units					
4.5.1	3	Buffer Requirements for Maintenance, Repairs, and Improvements of Nonconforming Structures	32				
4.5.2	4	Buffer Requirements for Additions to Nonconforming Structures	33				
5.6.3	5	Number of Controlled Access Lots per Lake	38				
5.6.4	6	Duplex Size Requirements for Temporary Second Dwellings	40				
5.6.7	7	Residential Dwelling Unit Requirements	43				
5.9.1	8	Shoreland Alteration Buffer Depths Required	46				
5.9.1	9	Maximum Width of Shoreline Recreation Use on Residential Parcels	47				
6.6.1	10	Residential Development Requirements in Farm Residential Zoning Districts	57				
7.5.1		Residential Development Requirements in Rural Residential Zoning Districts	59				
8.5.1 12		Residential Development Requirements in Light Industrial Commercial Zoning Districts					
9,6.1	13	Residential Development Requirements in Recreational Commercial Zoning Districts	65				
11.5.1	14	Building Requirements in Public Land Zoning Districts	67				
12.4.1	15	Building Requirements in Industrial Zoning Districts	69				
15.7.1.A.1	16	Shoreland Tier Depth Requirements - Conservation Developments	90				
15.7.1.B	17	Density Calculation Standards for Shoreland Areas – Conservation Developments	91				
15A.3.4.A.1.a	18	Shoreland Tier Depth (Ft.) Requirements - New Resorts	104				
15A.3.4.A.2.a	19	Density Ratios for New Resorts	105				
15A.4.3.B.1.a.i	20	Shoreland Tier Depth (Ft.) Requirements – Existing Resorts	111				
15A.4.3.B.1.b.i	21	Density Ratios for Existing Resorts Expansions	111				
19.2.4.1.3	22	Buffer Requirements for Variances and Other Appeals	127				
		Buffer Requirements for Conditional Uses	132				

INDEX E

Signature Page

SIGNATURE PAGE

EFFECTIVE DATE OF [CURRENT] AMENDMENTS: May 1, 2018

Pursuant to the provisions of Minnesota Statutes, Sections 13D.04, 394.26, 375.51 and the Itasca County Zoning Ordinance, the Itasca County Planning Commission held a public hearing on April 11, 2018. On April, 11 2018 they unanimously voted to recommend the draft language to the County Board of Commissioners for adoption of the text amendment to the Zoning Ordinance (Effective May 1, 2018) Relative to the a conditional uses in the shoreland overlay district

Pursuant to a Notice of Public Hearing/Intent to Enact was published in the official newspaper of the county on, the Itasca County Board of Commissioners duly convened their public hearing on said amendments to the Zoning Ordinance on April 17, 2018.

On April 17, 2018 the County Board officially adopted, by unanimous vote, the amendments to the Zoning Ordinance, relating to Section 5.6.5 and conditional uses of the Zoning Ordinance that include the following summary:

Houses of Worship; not to be located any closer than 350 feet away from the ordinary high water level (OHWL) of any lake, river or stream and for parcels that do not touch public waters.

The effective date of the amendments is May 1, 2018. Publication of the summary adopted

Attest:

Lea Trunt, Chairperson, Itasca County Board of Commissioners

Brett Skyles, Itasca County Administrator

Certified as a complete and accurate copy of the Zoning Ordinance of Itasca County, Minnesota.

Jeffred Walker, Itasca County Auditor/Treasurer

I hereby certify that the within instrument was filed in this office or record as Document Number 72389 On this 409 Day of May, 2018 at 409 o'clock ρ .M.

Nicolle Zuehlke, Itasca County Recorder

INDEX F

Affidavit

Notice of Public Hearing with Intent to Adopt

&

Summary of Amendments to the Itasca County Zoning Ordinance

ITASCA COUNTY BOARD OF
COMMISSIONERS
NOTICE INTENT TO ADOPT
AND NOTICE OF PUBLIC
HEARING RELATIVE TO
THE ADOPTION OF A TEXT
AMENDMENT TO THE
ZONING ORDINANCE
RELATIVE TO CONDITIONAL
USES IN THE SHORELAND
OVERLAY DISTRICT

PURPOSE: The Ordinance may be amended whenever the public health, safety, convenience, and general welfare would best be served by such amendments, in accord with the Itasca County Comprehensive Land Use Plan. The proposed text amendment to the Zoning Ordinance was initiated by the Warba Community Church and would be an additional conditional use in Section 5.6.5 of the Shoreland Overlay District. The written language of the proposed text amendment would be as follows:

Houses of Worship; not to be localed any closer than 350 feet away from the ordinary high water level (OHWL) of any lake, river or stream and for parcels that do not touch public waters.

On April 11, 2018 the Planning Commission will hold a public hearing and make a recommendation on the proposed text amendment of Section 5.6.5 of the Zoning Ordinance.

Pursuant to Minnesota Statutes, Sections, 13D.04, 375.51, 394.25, 394.26 and the ttasca County Zoning Ordinance, the Board of Commissioners will hold a public hearing on Tuesday, April 17th at 2:30 pm in the County Board Room of the Courthouse, City of Grand Rapids, MN.

Interested persons are invited to attend the hearing to comment on the proposed Zoning Ordinance text amendment.

The proposed amendments shall be posted on the web at http://www.-co.itasca.mn.us and available at the Environmental Services Department and Auditor's Office for public viewing during regular business hours.

If you have questions, or for copies of the proposed text amendment, please contact the Environmental Services Department at 123 NE 4th Street, Grand Rapids, MN 55744, telephone. (218)327-2857, lax: (218)327-7331.

Dated this 23rd day of March 2018 Dan Swenson, Environmental Services Director

HR March 28, 2018161253

STATE OF MINNESOTA)

) ss.

COUNTY OF ITASCA)

Mark Roy, being first duly sworn, on oath states as follows:

- 1. I am the Publisher of the **Grand Rapids Herald Review**, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
- 2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
- 3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

Wednesday, March 28, 2018

- 4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$2.00 per 1-col line.
- 5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Itasca County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

[Signature]

THERESA M. ANICK
NOTARY PUBLIC-MINNESOTA
My Comm. Exp. Jan. 31, 2023

Subscribed and sworn to before me on this By have day of Mouleh BUIS

Notary Public

STATE OF MINNESOTA)

) ss.

COUNTY OF ITASCA)

Mark Roy, being first duly sworn, on oath states as follows:

- 1. I am the Publisher of the <u>Grand Rapids Herald Review</u>, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
- 2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
- 3. The dates of the month and the year and day of the week upon which the public notice attached/copied below was published in the newspaper are as follows:

Sunday, April 22, 2018

- 4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$2.00 per 1-col line.
- 5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Itasca County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

AMENDMENTS TO THE
ITASCA COUNTY ORDINANCE
EFFECTIVE MAY 1, 2018
RELATIVE TO THE ADOPTION OF
A TEXT AMENDMENT TO THE
ZOMING ORDINANCE RELATIVE
TO CONDITIONAL USES IN THE
SHORELAND OVERLAY
DISTRICT, ARTICLE 5.6.5

Notice is hereby given that pursuant
to a Notice of Intent to Act, published in the Herald Review on
Wednesday, March 28, 2018, the
Itasca County Board of Commissloners duly convened their public
hearing on April 17, 2018, to offi-

cially adopt the proposed amendments to the Zoning Ordinance, as recommended by the Planning

Commission/Board of Adjustment on April 11, 2018 as set forth in the proposed draft language to Article

OFFICIAL PROCEEDINGS OF

THE APRIL 17, 2018 ITASCA COUNTY

BOARD MEETING PERTAINING TO SUMMARY OF

5.6.5. The County Board, by unanimous decision, adopted said amendments to Article 5.6.5.

SUMMARY OF ORDINANCE: The following is only a summary of the Ordinance. The full text of the Ordinance is available for public inspection at the offices of the Itasca County Auditor/Treasurer and Environmental Services during regular office hours. The amendment

Houses of Worship; not to be located any closer than 350 feet away from the ordinary high water level (OHWL) of any take, river or stream and for parcels that do not touch public waters.

to Article 5.6.5 is as follows:

Effective Date: 5/1/2018

Dated this 19th Day of April, 2018 at Grand Rapids, MN 55744 Dan Swenson, Environmental Services Director

HR April 22, 2018 167101

FURTHER, YOUR AFFIANT SAITH NOT.

[Signature]

THERESA M. ANICK
NOTARY PUBLIC-MINNESOTA
My Comm. Exp. Jan. 31, 2023

Subscribed and sworn to before me on this 23rd day of April 2018

Notary Public

INDEX G

Resolution





ITASCA COUNTY BOARD OF COMMISSIONERS

Itasca County Courthouse 123 NE 4th Street Grand Rapids, MN 55744

> April 17, 2018 Work Session

RESOLUTION 2018-25

RE: ADOPTION OF ZONING TEXT ORDINANCE AMENDMENT (EFFECTIVE MAY 1, 2018) RELATIVE TO CONDITIONAL USES IN THE SHORELAND OVERLAY DISTRICT, ARTICLE 5.6.5.

WHEREAS, the Ordinance may be amended whenever the public health, safety, convenience, and general welfare would best be served by such amendments, in accord with the Itasca County Comprehensive Land Use Plan and by the procedures set forth in the Itasca County Zoning Ordinance, Article 20;

WHEREAS, on March 16, 2018 an application for a text amendment to the Article 5.6.5 of the Zoning Ordinance was initiated by Warba Community Church, the text amendment related would allow a conditional use not listed in the shoreland overlay district. The proposed language of the text amendment reads as follows:

"Houses of Worship; not to be located any closer than 350 feet away from the ordinary high water level (OHWL) of any lake, river or stream and for parcels that do not touch public waters"

WHEREAS, an amendment not initiated by the Planning Commission shall be referred to it for study, public hearing and report back to the County Board in writing;

WHEREAS, pursuant to the provisions of Minnesota Statutes, Sections, 13D.04, 375.51, 394.26 and the Itasca County Zoning Ordinance, public notice of the hearing was sent to the municipalities, organized townships and the Planning Commission/Board of Adjustment distribution list on March 21, 2018 and notice of the public hearing appeared in county newspaper, The Grand Rapids Herald Review on March 28, 2018, informing the public of the April 11, 2018 public hearing;

WHEREAS, at the April 11, 2018 Planning Commission public hearing, the commission unanimously voted to recommend the text amendment and report back to the County Board in writing at their April 17, 2018 public hearing;

WHEREAS, pursuant to the provisions of Minnesota Statutes, Sections, 13D.04, 375.51, 394.26 and the Itasca County Zoning Ordinance, public notice of the County Board hearing was sent to the municipalities, organized townships and the Planning Commission/Board of Adjustment distribution list on March 21, 2018 and notice of intent/enact and public hearing was sent to the

county newspaper, the Grand Rapids Herald Review on March 28, 2018 informing the public of the April 17, 2018 public hearing and Intent to Enact;

WHEREAS, on April 17, 2018 at 2:30 pm, in the County Board Room of the Courthouse, City of Grand Rapids, MN, the County Board of Commissioners held a public hearing to receive input; and

NOW THEREFORE BE IT RESOLVED that the County Board of Commissioners hereby enacts, ordains and adopts the text amendment to Section 5.6.5 of the Itasca County Zoning Ordinance, and which amendments accompany this resolution and relate to conditional uses in the shoreland overlay district.

BE IT FURTHER RESOLVED that the title and a summary of these amendments shall be published at least one as part of the proceedings of the meeting at which the ordinance was enacted together with notice of the following: A printed copy of these amendments market as the official copy together with a copy of the entire ordinance shall be filed with, and is available for inspection and use by any person during regular office hours at the Office of the Itasca County Auditor.

BE IT FURTHER RESOLVED that these amendments shall take effect on May 1, 2018.

RESULT:

ADOPTED [UNANIMOUS]

MOVER:

Davin Tinquist, District #1

SECONDER:

Burl Ives, District #4

AYES:

Tinquist, Snyder, Trunt, Ives, DeNucci

STATE OF MINNESOTA
Office of County Administrator
ss. County of Itasca

I, BRETT SKYLES, Administrator of the County of itasca, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 17th day of April A.D. 2018 and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Grand Rapids, Minnesota, this 17th day of April A.D. 2018

in SEA

_____Deput