

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Schiff

Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 551.470 of the above-entitled ordinance be amended to read as follows:

~~**551.470. Location of development.** The following conditions shall apply to development within the SH Overlay District:~~

- ~~(1) Development shall not be located within fifty (50) feet of the ordinary high water mark of any protected water, except where approved by a conditional use permit as provided in this article and Chapter 525, Administration and Enforcement.~~
- ~~(2) Development shall not be located on a steep slope or bluff, or within forty (40) feet of the top of a steep slope or bluff, except where approved by a conditional use permit as provided in this article and Chapter 525, Administration and Enforcement.~~

551.470. Location of development. (a) Location prohibited except as authorized by variance. Except as allowed in section (b) below or where approved by a variance as provided in this article and Chapter 525, Administration and Enforcement, development in the SH Overlay District shall be prohibited on steep slopes or within forty (40) feet of the top of a steep slope or bluff, and shall not be located within fifty (50) feet of the ordinary high water mark of any protected water. Development authorized by variance shall be subject to the following:

- (1) Development must currently exist on the steep slope or within forty (40) feet of the top of a steep slope within five hundred (500) feet of the proposed development.
- (2) The foundation and underlying material shall be adequate for the slope condition and soil type.
- (3) The development shall present no danger of falling rock, mud, uprooted trees or other materials.

(4) The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with surrounding architectural features.

(b) Location restricted except as authorized by conditional use permit. Conditional uses authorized in the primary zoning district are also authorized in the SH Overlay District and are subject to section (a) above. Notwithstanding section (a) above, the following uses may be allowed in all areas of the SH Overlay District by conditional use permit rather than variance as provided in this article and Chapter 525, Administration and Enforcement.

(1) Public parks and surface water-oriented development on steep slopes or within forty (40) feet of the top of a steep slope, other than bluffs, or within fifty (50) feet of the ordinary high water mark of any protected water, where allowed by the primary zoning district, provided the development does not cause a hazard to water navigation.

(2) Electrical transmission services of under two hundred twenty (220) kilovolts, subject to the following conditions:

a. When routing transmission services, all of the following shall be avoided where practicable:

1. Steep slopes, streams, rivers, valleys and open exposures of water, wetlands, wooded areas, ridge crests and open space recreation areas.
2. Soils susceptible to erosion, which would create sedimentation and pollution problems, and areas of unstable soils which would be subject to extensive slippage.
3. Areas with high water tables, especially if construction requires excavation.

b. The structural design of transmission services shall consider the following:

1. Underground placement shall be preferred in order to minimize visual impact. If above ground placement is proposed, the applicant shall describe the economic, technological or land characteristics which make underground placement infeasible.
2. If above ground placement is necessary, the appearance of any structures shall be made as compatible as practicable with the natural area with regard to height, width, materials used and color.
3. The cleared portion of the right-of-way shall be kept to a minimum.
4. Crossing points over protected waters shall be consolidated with other public facilities and rights-of-way so that the smallest area possible is devoted to crossing.

c. In the construction of transmission service, effective erosion and sedimentation control programs shall be conducted during all clearing, construction or reconstruction operations in order to prevent the degradation of surface waters and adjacent lands.

d. Right-of-way maintenance shall comply with the following:

1. Natural vegetation of value to fish or wildlife, which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way.
2. Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs and low- growing trees shall be planted and maintained on the right-of-way.
3. Chemical control of vegetation shall be avoided. Where such methods are necessary, chemicals used and the manner of their use shall be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over the use, and best management practices shall be followed.

Section 2. That Section 551.480 of the above-entitled ordinance be amended to read as follows:

551.480. Height of structures. Except for structures subject to a more restrictive maximum height limitation in the primary zoning district, tThe maximum height of all structures within the SH Overlay District, except for single and two-family dwellings, shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height of single and two-family dwellings shall be two and one-half stories or thirty (30) feet, whichever is less. The height limitation of accessory structures and single and two-family dwellings may be increased by variance, as provided in Chapter 525, Administration and Enforcement. The height limitation of all other principal structures may be increased by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards contained in Chapter 525, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

- (1) Access to light and air of surrounding properties.
- (2) Shadowing of residential properties or significant public spaces.
- (3) The scale and character of surrounding uses.
- (4) Preservation of views of landmark buildings, significant open spaces or water bodies.

Section 3. That Section 551.490 of the above-entitled ordinance be amended to read as follows:

551.490. Conditional uses and variances. (a) *Evaluation criteria.* In addition to the conditional use and variance standards contained in Chapter 525, Administration and Enforcement, the city planning commission and board of adjustment shall consider the following:

- (1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
- (2) Limiting the visibility of structures and other development from protected waters.
- (3) The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

~~(b) Uses allowed. In addition to the conditional uses allowed in the primary zoning district, the following conditional uses may be allowed in the SH Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement:~~

- ~~(1) Development on steep slopes or within forty (40) feet of the top of a steep slope, other than bluffs, where allowed by the primary zoning district, provided the development is not located within fifty (50) feet of the ordinary high water mark of any protected water and there is development on the steep slope within five hundred (500) feet of the proposed development, subject to the following conditions:
 - a. The foundation and underlying material shall be adequate for the slope condition and soil type.
 - b. The development shall present no danger of falling rock, mud, uprooted trees or other materials.
 - c. The view of the developed slope from the protected water shall be consistent with the natural appearance of the slope, with any historic areas, and with surrounding architectural features.~~
- ~~(2) Public parks and surface water-oriented development on steep slopes or within forty (40) feet of the top of a steep slope, other than bluffs, or within fifty (50) feet of the ordinary high water mark of any protected water, where allowed by the primary zoning district, provided the development does not cause a hazard to water navigation.~~
- ~~(3) Electrical transmission services of under two hundred twenty (220) kilovolts, subject to the following conditions:
 - a. When routing transmission services, all of the following shall be avoided where practicable:
 1. Steep slopes, streams, rivers, valleys and open exposures of water, wetlands, wooded areas, ridge crests and open space recreation areas.
 2. Soils susceptible to erosion, which would create sedimentation and pollution problems, and areas of unstable soils which would be subject to extensive slippage.
 3. Areas with high water tables, especially if construction requires excavation.~~

- b. ~~The structural design of transmission services shall consider the following:
 1. ~~Underground placement shall be preferred in order to minimize visual impact. If above ground placement is proposed, the applicant shall describe the economic, technological or land characteristics which make underground placement infeasible.~~
 2. ~~If above ground placement is necessary, the appearance of any structures shall be made as compatible as practicable with the natural area with regard to height, width, materials used and color.~~
 3. ~~The cleared portion of the right-of-way shall be kept to a minimum.~~
 4. ~~Crossing points over protected waters shall be consolidated with other public facilities and rights-of-way so that the smallest area possible is devoted to crossing.~~~~
- c. ~~In the construction of transmission service, effective erosion and sedimentation control programs shall be conducted during all clearing, construction or reconstruction operations in order to prevent the degradation of surface waters and adjacent lands.~~
- d. ~~Right-of-way maintenance shall comply with the following:
 1. ~~Natural vegetation of value to fish or wildlife, which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way.~~
 2. ~~Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs and low-growing trees shall be planted and maintained on the right-of-way.~~
 3. ~~Chemical control of vegetation shall be avoided. Where such methods are necessary, chemicals used and the manner of their use shall be in accordance with rules, regulations and other requirements of all state and federal agencies with authority over the use, and best management practices shall be followed.~~~~