

ARTICLE VI. - SH SHORELAND OVERLAY DISTRICT

551.440. - Purpose.

The SH Shoreland Overlay District is established to preserve and enhance the environmental qualities of surface waters and the natural and economic values of shoreland areas within the city, to provide for the efficient and beneficial utilization of those waters and shoreland areas, to comply with the requirements of state law regarding the management of shoreland areas, and to protect the public health, safety and welfare.

551.450. - Established boundaries.

The boundaries of the SH Overlay District shall be all land located within the following distances from protected waters: (1) One thousand (1,000) feet from the ordinary highwater mark of a lake, pond, wetland or flowage; or (2) Three hundred (300) feet from a river or stream or the landward extent of the floodplain of such river or stream, whichever is greater.

(2000-Or-048, § 2, 5-19-2000)

551.460. - Definitions.

As used in this article, the following words and phrases shall mean:

Best management practices. Erosion and sediment control and water quality practices that are the most effective and practicable means of controlling, preventing and minimizing degradation of surface water.

Bluff. A steep outcropping, hill, cliff or embankment along a river or stream, with an average slope of eighteen (18) percent or greater measured over a horizontal distance of fifty (50) feet or more, and that rises at least twenty-five (25) feet above the ordinary high water mark of the protected water.

Clear cutting. The removal of an entire stand of trees, shrubs, bushes or similar vegetation.

Development. The erection, construction, reconstruction, relocation or enlargement of any structure except walkways, stairways, retaining walls, light poles, piers, docks and similar structures where accessory to a public park, unenclosed structures up to four hundred (400) square feet and not more than twenty (20) feet wide used for the storage of watercraft where accessory to a public park and if located at least ten (10) feet from the ordinary high water mark of any protected water, and stairways and seasonal docks not exceeding four (4) feet in width where accessory to any other use.

Ordinary highwater mark. A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary highwater mark commonly is that point where natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Protected waters. The following lakes, ponds, wetlands, streams and rivers are protected waters: Brownie Lake, Cedar Lake, Lake of the Isles, Lake Calhoun, Lake Harriet, Lake Nokomis, Lake Hiawatha, Mother Lake, Legion Lake, Cemetery Lake, Diamond Lake, Grass Lake, Powderhorn Lake, Ryan Lake,

Spring Lake, Taft Lake, Birch Pond, Bridal Veil Pond, Loring Pond, Webber Pond, wetlands mapped by the city engineer or classified by the United States Fish and Wildlife Service, Bassett Creek, Minnehaha Creek and Shingle Creek and the Mississippi River.

Steep slope. Land having an average slope of eighteen (18) percent or greater measured over a horizontal distance of fifty (50) feet or more. Steep slopes that are less than ten (10) feet in height shall not be considered a steep slope.

Surface water oriented uses. Land uses in which access to or use of a surface water feature is an integral component, such as boathouses, docks, marinas, observation platforms and water control structures including locks and dams.

Top of steep slope. The contour at which the slope ceases to be eighteen (18) percent or more.

(2000-Or-048, § 3, 5-19-2000)

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 the surrounding physical context.

(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.

(2000-Or-048, § 4, 5-19-2000; 2008-Or-010, § 1, 2-1-08)

551.480. - Height of structures.

Except for structures subject to a more restrictive maximum height limitation in the primary zoning district, the 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 twenty-eight (28) feet, whichever is less. The highest point of the roof of a single- or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet. 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.
(2008-Or-010, § 2, 2-1-08; 2014-Or-063, § 1, 8-29-2014, eff. 10-1-2014)

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.

(2000-Or-048, § 5, 5-19-2000; 2007-Or-089, § 1, 10-19-07; 2008-Or-010, § 3, 2-1-08)

551.500. - Development on slopes between twelve (12) and eighteen (18) percent.

Development on slopes between twelve (12) and eighteen (18) percent, 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, may be allowed in the SH Overlay District subject to the regulations of this article, Chapter 535, Regulations of General Applicability, and the following conditions:

- (1) The foundation and underlying material shall be adequate for the slope condition and soil type.
- (2) The development shall present no danger of falling rock, mud, uprooted trees or other materials.
- (3) 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.

(2000-Or-048, § 6, 5-19-2000)

551.510. - Grading and filling.

Grading or filling involving more than ten (10) cubic yards where the slope of the land is toward a protected water shall be prohibited within the SH Overlay District except where authorized by an erosion control plan approved by the city engineer and the zoning administrator, subject to the following conditions:

- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (2) Temporary ground cover, such as mulch, shall be used and permanent ground cover, such as turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees shall be established.
- (3) Best management practices to prevent erosion and trap sediment shall be employed to ensure that soil loss levels do not degrade the protected water.
- (4) Fill shall be stabilized to accepted engineering standards.
- (5) Any work which will change or diminish the course, current or cross-section of a protected water shall be prohibited except where approved by the commissioner of natural resources.
- (6) The top of a riverbank or lake bank shall not be moved closer to the protected water.
- (7)

Such grading or filling shall comply with the provisions of Chapter 52, Erosion and Sediment Control for Land Disturbance Activities, of the Minneapolis Code of Ordinances.

551.520. - Removal of vegetation.

Removal of vegetation on steep slopes or bluffs or within forty (40) feet of the top of steep slopes or bluffs, or within fifty (50) feet of the ordinary high water mark of any protected water, shall be prohibited within the SH Overlay District except as authorized by the zoning administrator subject to the following conditions:

- (1) Clear cutting of vegetation shall be prohibited, except as necessary for an approved development and subject to the requirements of this article and Chapter 535, Regulations of General Applicability. This provision shall not prevent the removal of noxious weeds or dead or diseased vegetation.
- (2) Selective removal of vegetation shall be allowed, subject to the requirements of this article and Chapter 535, Regulations of General Applicability, provided sufficient vegetative cover remains to screen parking areas, dwellings and other structures when viewed from the protected water and provided a continuous natural cover is maintained.
- (3) Vegetation shall be restored to the extent feasible after any construction project is completed to retard surface runoff and soil erosion and to provide screening. Restoration shall be completed as soon as feasible, but in no case later than the beginning of the next growing season following the completion of a project.
- (4) Best management practices to prevent erosion and trap sediment shall be employed to ensure that soil loss levels do not degrade the protected water.

(2000-Or-048, § 7, 5-19-2000)

551.530. - Stormwater management.

All development shall comply with all applicable regulations governing stormwater management, and shall employ best management practices to minimize off-site stormwater runoff, maximize overland flow and flow distances over surfaces covered with vegetation, increase on-site filtration, replicate predevelopment hydrologic conditions as nearly as possible, minimize off-site discharge of pollutants to ground and surface water, and encourage natural filtration function.