

**THE CITY OF THE VILLAGE
OF MINNETONKA BEACH
HENNEPIN COUNTY,
MINNESOTA
ORDINANCE NO. 120,
2ND SERIES
AN INTERIM ORDINANCE
TO ESTABLISH A STUDY
PERIOD AND MORATORIUM
FOR A PERIOD OF
UP TO ONE YEAR ON
APPLICATIONS FOR
BUILDING PERMITS OR
VARIANCES RELYING ON
GREEN ROOF CREDITS TO
MEET THE IMPERVIOUS
SURFACE COVERAGE
STANDARDS IN THE CITY
ZONING CODE WITHIN THE
CITY OF MINNETONKA
BEACH, MINNESOTA**

The City Council of the City of the Village of Minnetonka Beach hereby ordains:

Section 1. Authority. The City has authority under Minnesota Statutes 462.355, Subd. 4 to establish a moratorium on certain applications so that a study may be undertaken and amendments to the comprehensive plan or official controls considered.

Section 2. Purpose and Intent. The purpose and intent of this Ordinance is to prohibit new applications for building permits or variances that rely on green roof credits to meet the impervious surface coverage standards in the City Zoning Code, so that the City may study the issue for a period of up to one year.

Section 3. Definitions. For the purposes of this Ordinance, the terms "building permit", "variance" and "impervious surface" have the meanings as defined and regulated by the Minnetonka Beach Zoning Code.

Section 4. Preliminary Findings. The City Council makes the following preliminary findings as the basis for study during the moratorium provided by this Ordinance:

1) The City of the Village of Minnetonka Beach has ordinances intended to protect the lake environment by limiting the amount of impervious surface coverage allowed on lots.

2) Among the ordinance standards are credits to impervious surface coverage standards given for "green roofs", which term is not defined in the code.

3) The City's current ordinances may not adequately define other standards, materials, techniques, or best management practices intended to regulate impervious surface coverage or protect the lake environment from the effects of stormwater runoff.

4) It is in the public interest to have clear, consistent and defensible standards for building projects in the City.

Section 5. Moratorium Declaration. For the duration stated in this Ordinance and until the City has completed a study and adopted any ordinances or amendments to its comprehensive plan deemed necessary or appropriate related to the purpose and intent of this Ordinance, the City shall not accept, issue or process any applications, building permits, variances or otherwise allow building or development activities that rely on green roof credits to meet the impervious surface coverage standards in the City Zoning Code.

Section 6. Study. During the period of this moratorium, City staff will conduct a study to determine the necessary regulatory controls needed to reasonably protect the lake environment relative to the amount of impervious surface permitted on properties in the City. Such study will explore various techniques, materials, best management practices or other approaches that might serve the purpose of the moratorium, including zoning ordinances, comprehensive plan goals and policies, or other City regulatory controls, policies and programs. The study will include clear and reasonable definitions of pertinent terms.

Section 7. Duration. Unless otherwise provided by the City Council, this Ordinance shall expire, without further City Council action, one year from the effective date of this Ordinance following final passage by the City Council, or it may be repealed earlier if the City Council determines that the requisite studies have been completed and necessary revisions to the City Code or Comprehensive Plan have been finalized and adopted by the City Council.

Section 8. Exceptions. This interim ordinance shall not apply to building permit applications, variance applications, or other zoning applications that do not involve green roof credits, as determined by the City Zoning Administrator, nor shall this Ordinance apply to variances applications involving green roof credits already in process with the City as of the date of the adoption of this Ordinance, specifically the application involving the property at 2542 Lafayette Road, Minnetonka Beach, Minnesota.

Section 9. Effective Date. This interim ordinance shall be in full force and effect from and after its passage and publication according to law.

ADOPTED by the City Council of the City of the Village of Minnetonka Beach, Minnesota, this 13th day of December 2018. Effective date December 23, 2018.

Andrew Myers
Recorder

Published in the
Laker Pioneer
December 22, 2018
889812