



Inver Grove Heights Planning Commission
Tuesday, December 2, 2025 at 7:00 PM
8150 Barbara Avenue, Inver Grove Heights, MN 55077

AGENDA

NOTICE TO RESIDENTS: Individuals may submit written public comments in advance of the meeting by emailing comments to Stacy Bodsberg (sbodsberg@ighmn.gov). Comments received prior to 4:00 p.m. on Tuesday, December 2, 2025, will be provided to the Commission at or before the December 2, 2025 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Adopt Agenda**
4. **Consent Agenda**
 - A. Minutes of the November 5, 2025, Planning Commission Meeting.
5. **Public Hearing**
 - A. Request for a Variance to allow a garage addition 20 feet from the front property line whereas 30 feet is required, located at 6802 Dawn Way.
 - B. Text Amendments to Zoning Ordinance Chapters 3, 14 and 15, and Changes to the Subdivision Ordinance for the Purpose of Updating Process and Requirements for Certain Planning Applications.
6. **Regular Business**
 - A. Approval of the 2026 Planning Commission Work Plan.
7. **Adjourn**

This document is available upon a three (3) business day request in alternate formats such as braille, large print, audio recording, etc. Please contact Stacy Bodsberg, Community Development Support Specialist, at 651.450.2545 or sbodsberg@ighmn.gov.

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Wednesday, November 5, 2025 - 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

Chair Weber called the Planning Commission Meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioner(s) Present: Jonathan Weber (Chair)
Scott Clancy (*Vice-Chair*)
Lance Twedt (Secretary)
Aida Schaefer
Jason Teiken
Connor Gosell
Robert Heidenreich
Amy Hunting

Commissioner(s) Absent: Dennis Wippermann - *excused*

Staff Present: Jason Ziemer, Community Development Director
Kevin Shay, Planning Manager
Ben Schneider, Senior Planner
Stacy Bodsberg, Community Development Support Specialist

3. APPROVAL OF AGENDA

Motion by Hunting, Second by Heidenreich, to Approve the Agenda as Published.

Ayes: 8

Nays: 0 Motion Carried.

4. CONSENT AGENDA

A. Minutes of the October 7, 2025, Planning Commission Meeting.

Motion by Twedt, Second by Teiken, to Approve the Minutes as Submitted.

Ayes: 8

Nays: 0 Motion Carried.

5. PUBLIC HEARING

A. Request to Amend the Bishop Heights PUD to permit a fast-food restaurant with drive-through, and a Major Site Plan Review to construct a fast-food restaurant with drive-through located at 5880 Blaine Avenue.

Reading of Public Notice

Secretary Twedt read the Public Hearing Notice.

Presentation of Request

Senior Planner Schneider presented the staff report.

W.F. Midwest Enterprise, LLC has submitted a proposal to develop a Culver's restaurant with a drive-through at the Inver Grove Market site (Upper 55th Street East and Blaine Avenue) on a vacant 1.06-acre parcel that is guided RC, Regional Commercial.

It is part of the Bishop Heights Planned Unit Development (PUD), which originally slated this parcel as a bank, so the proposal includes a request to amend the PUD to allow a fast-food restaurant.

The proposed primary entrance is from Blackshire Path, a private road on the south side of the property with an existing easement to allow for shared access. The site would also be accessible via the north entrance to the Inver Grove Market.

Pedestrian access is proposed via a sidewalk connection along Blaine Avenue.

The proposed stormwater plan involves an underground system that connects to a city pond to the north.

Evaluation of Requests

1. PUD Amendment
 - a. Fast food use is consistent with Regional Commercial Guiding
 - b. Fast food restaurants and banks have similar site layouts and building sizes
 - c. This request advances the City's goal of adding more dining options
2. Major Site Plan Review
 - a. The site plan meets setbacks, parking, impervious surface, landscaping, and architectural standards and requirements
 - i. 53 parking spaces shown on plan (41 required)
 - ii. 27 tree-equivalents shown (22 required)
 1. A row of conifers will screen the drive-through on the east side of the property
 - b. Requested flexibility: trash enclosure will not be connected to the building
 - i. Bishop Heights PUD requires that all trash enclosures be attached to the principal building on site, but due to the spatial constraints of the site, this is not practical
 - ii. Staff support the site's request for flexibility through the PUD process
 - iii. The enclosure materials will match the principal building, and there will be plantings around it to mitigate aesthetic concerns

Recommended Actions

- Motion to recommend approval of the following, subject to the conditions below:
 - Amendment to the Bishop Heights PUD to permit a fast-food restaurant with drive-through on Lot 2, Block 1 of Inver Grove Market
 - Major Site Plan Review to construct a fast-food restaurant with drive-through
 - Conditions:
 - Revise the site plan to replace the pylon sign with a monument sign
 - Per Bishop Heights PUD design standards, signs should be erected on a rectangular base, not a pole
 - Submit a final geotechnical report to the satisfaction of the Engineering Department

Commissioner Hunting inquired about the fence height and type.

Senior Planner Schneider stated that the fence will be 6 feet. The applicant could answer questions about fencing type, but that per City Ordinance, the fencing needs to be at least 50% opaque.

Commissioner Hunting asked what the material inside of the fencing will be.

Senior Planner Schneider also directed that question to the applicant.

Commissioner Hunting asked why fencing was chosen instead of landscaping on the south side of the site.

Senior Planner Schneider stated that it is a narrow strip of land where plantings might not thrive, so fencing will be more certain to provide the desired screening.

Opening of Public Hearing

Maria Veach, 1065 Willow View Drive, Orono, Applicant, stated that the staff report was read and understood. Her family owns and operates seven Culver's restaurants in the Metro area and has over 400 employees. She is excited to open a new restaurant in this community. The architect specified that the ground cover in the narrow strip Commissioner Hunting asked about will be rock mulch and the fence will be vinyl.

Chair Weber closed the Public Hearing at 7:12 p.m.

Planning Commission Discussion

Commissioner Hunting stated that she visited the site and thinks it will be the perfect location for a restaurant.

Commissioner Schaefer stated that she thinks the restaurant fits well with the area and adds to the dining options.

Motion by Hunting, Second by Clancy, to Approve an Amendment to the Bishop Heights PUD to permit a fast-food restaurant with drive-through and Approve a Major Site Plan Review to construct a fast-food restaurant with drive-through subject to the condition listed in the staff report.

Ayes: 8

Nays: 0 Motion Carried.

This item is tentatively scheduled to go before the City Council on November 24, 2025.

7. REGULAR BUSINESS

Planning Manager Shay gave the Commissioners an update on the following:

- The Sign Ordinance Amendment passed City Council.
- The City is Amending the Commission Task Force and Committees portion of City Code to change the number of Planning Commission meetings required per month from two to one. (A second meeting per month can still be held as needed but will no longer be required by ordinance.)

Planning Commission Meeting Minutes
Wednesday, November 5, 2025

8. ADJOURN

Motion to adjourn the meeting at 7:15 p.m.

Respectfully submitted by Will Cl Ashe, Recording Secretary.



Planning Commission Report

MEETING DATE:	December 2, 2025
CASE NO:	25-28V
APPLICANT:	Matthew Sindt
PROPERTY OWNER:	Carol Wold Sindt
REQUEST:	Variance
LOCATION:	6802 Dawn Way
COMPREHENSIVE PLAN:	LDR, Low Density Residential
ZONING:	R-2, Two-Family Residential
STAFF CONTACT:	Kevin Shay, 651-450-2554

ACTION REQUESTED

The Planning Commission is asked to consider a request for a Variance from the minimum front yard setback requirement of 30 feet. The applicant is requesting a front yard setback of 20 feet; a 10-foot reduction from the setback standard.

BACKGROUND

The Applicant, Matthew Sindt, previously submitted the same Variance request in 2019. That request was based on the need to renovate the existing bathrooms in the home to improve ADA accessibility. The plan proposed extending the bathrooms into the existing garage, which reduced the usable garage space and was the reason for the garage expansion request into the front yard setback. In 2019, the Variance was recommended for denial by city staff and the Planning Commission based on the lack of rationale to support granting a Variance. The City Council ultimately approved the Variance request with the reasoning that the street right-of-way is larger than the standard 60-foot width. The meeting minutes from that meeting are attached to this report.

The Variance is back in front of the City as the applicant proceeded with the bathroom renovations but did not complete the garage addition, resulting in the the Variance approvals lapsing. The work approved as part of the Variance did not move forward within the 2-year time frame allowed as part of the approval. City Code also requires approved Variances to be completed or implemented within 2-years from the date of approval.

The Applicant would like to add the same 10-foot addition to the existing attached garage; the addition would be located 20 feet from the front property line whereas 30 feet is the required setback. The Applicant would like to add onto the garage to make up for the lost space as part of the bathroom additions. The proposed garage would be 24 feet by 24 feet (484 square feet). The garage addition would be located over the existing impervious surface of the driveway. The garage would be located 20 feet from the front property line and 40 feet from Dawn Way.

SURROUNDING USES

The following land uses, zoning districts, and comprehensive plan designations surround the

property:

North	Twinhome	Zoned: R-2, Two-Family Residential	Guided: LDR, Low Density Residential
East	School	Zoned: P, Institutional	Guided: P/I, Public/Institutional
West	Single Family Residential	Zoned: R-1C, Single Family	Guided: LDR, Low Density Residential
South	Agricultural	Zoned: A, Agricultural	Guided: LDR, Low Density Residential

EVALUATION OF REQUEST

Variances are required to satisfy all of the following criteria in City Code Section 10-3-4.

1. The Variance request is in harmony with the general purpose and intent of the City Code and consistent with the Comprehensive Plan.

Staff Analysis: The general intent of setback standards is to create a uniform look in neighborhoods. The zoning code allows for a 6-foot front yard encroachment for specific uses such as uncovered access ramps and decks. Allowing an encroachment for other uses such as the garage could set a precedent for other front yard additions in the neighborhood. **This criterion is not met.**

2. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.

Staff Analysis: The use of the property as a single-family home and garage is reasonable in the R-2 zoning district. **This criterion is met.**

3. The plight of the landowner is due to circumstances unique to the property not created by the landowner

Staff Analysis: By moving forward with the bathroom renovations that extended into the garage, the landowner created the circumstances that exist on the property. The structure placement at the minimum front setback of the lot is similar to many homes in the immediate area. The circumstances are not unique and were created by the landowner. **This criterion is not met.**

4. The variance will not alter the essential character of the locality.

Staff Analysis: One of the functions of setback requirements is to maintain consistency of structure placement and aesthetic qualities from street and neighboring views. The proposed garage addition would be the closest front yard encroachments along Dawn Way. Encroachments into the front yard setback can have a greater impact on the character of the neighborhood compared to side or rear encroachments. **This criterion is not met.**

5. The request does not rely on economic conditions alone.

Staff Analysis: The request does not appear to be driven solely on economic considerations. **This criterion is met.**

ALTERNATIVES

The Planning Commission has the following alternatives available for the proposed request:

A. Approval. If the Planning Commission finds the application acceptable, the Commission should make a recommendation of approval. Findings for approval of the Variance should be given.

B. Denial. If the Planning Commission does not favor the proposed Variance, a recommendation of denial should be made and can be based on the findings included in the staff report.

RECOMMENDATION

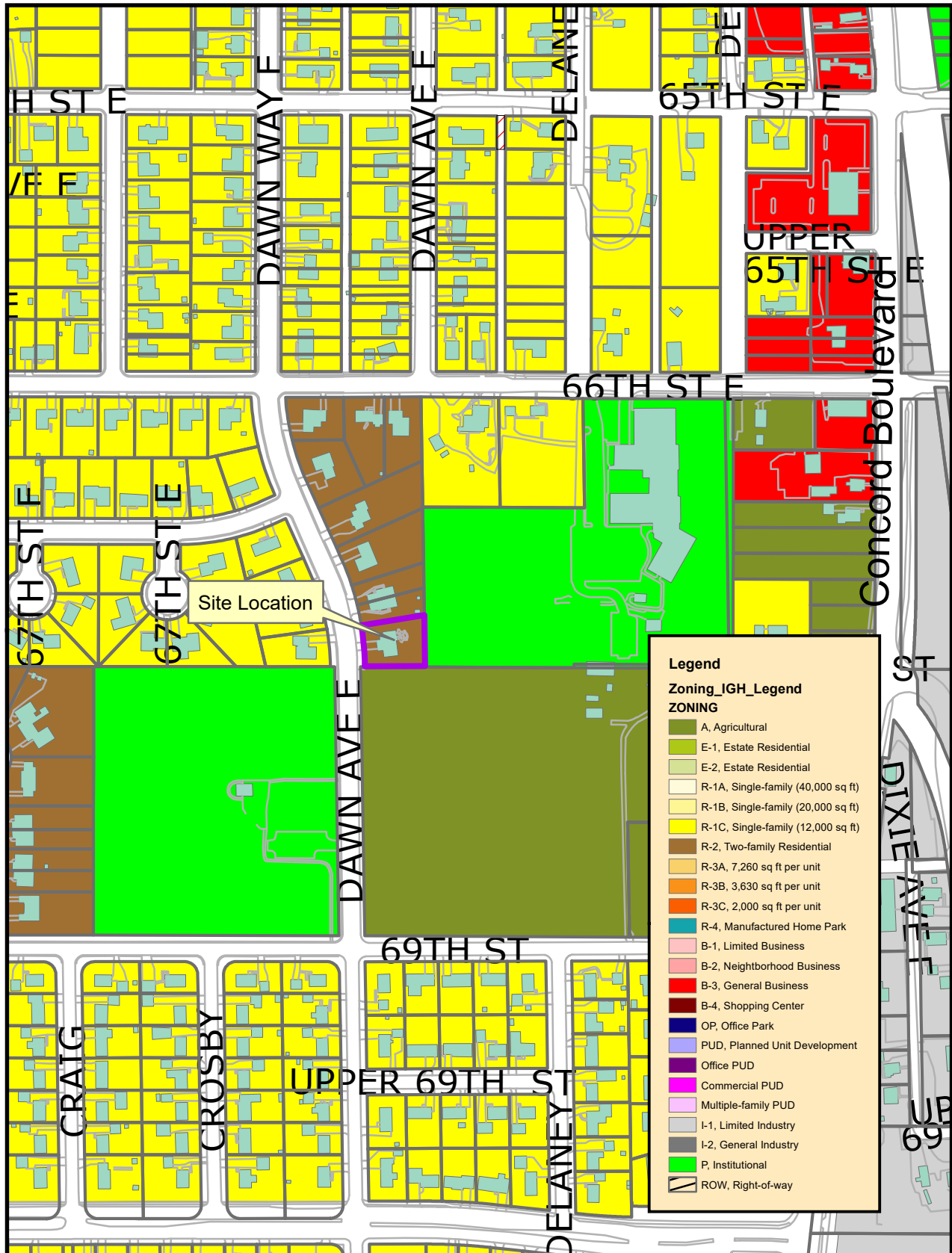
City staff recommend denial of the variance request given that it does not satisfy all the criteria noted in this report.

ATTACHMENTS

1. Zoning Map
2. Applicant Narrative
3. House Plans
4. 2019 City Council Meeting Minutes



6802 Dawn Way Case No. 19-38V



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Map produced by the City of Inver Grove Heights GIS Dept.
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Exhibit A
Zoning and Location Map

Map not to scale

From: [Matthew Sindt](#)
To: [IGH Planning](#)
Cc: [Carol Sindt](#)
Subject: Fwd: City of Inver Grove Heights
Date: Sunday, November 2, 2025 3:12:35 PM
Attachments: [Sindt Submission copy.pdf](#)
[CWS Variance Application.pdf](#)
[Sindt Property Description.docx](#)

Hello City of Inver Grove Heights,

Please accept this as Carol Wold Sindt's application for a variance to the set back requirement in order to extend her attached garage at 6802 Dawn Way by 10 feet.

This request is substantially identical to the previous granted variance that has expired. My mother's statement is attached below.

Please respond to me about how payment for the escrow can be made. We are happy to pay online or in-person.

Thank you,
Matthew Sindt

----- Forwarded message -----

From: **Carol Sindt**
Date: Fri, 31 Oct 2025 at 14:04
Subject: City of Inver Grove Heights
To: Matthew Sindt

To the City of Inver Grove Heights,

My husband, Mike, and I received a variance so that we could make our two bathrooms on our main floor handicapped accessible for both of us. Additionally, we added a first floor laundry room because it was too difficult for me to get up and down the stairs to the original laundry room in the basement. The variance allowed us to create these rooms by taking the space out of our garage. The variance allowed us to expand our garage to make it functional again.

The Covid-19 pandemic made it impossible for us to find a contractor for over a year. We hired a contractor who completed the inside work but they wouldn't expand the garage. Then Mike got sick with heart and kidney disease and was in and out of the hospital. Eventually he was diagnosed with cancer and died this year.

I am asking for another variance because the work is unfinished and the variance expired while we were dealing with Mike's illnesses. I had my knee replaced years ago and I need a functional garage so that I don't have to worry about falling because of potential ice when parking on my driveway.

Thank you,

Carol Wold Sindt

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Google Maps 6802 Dawn Way








Imagery ©2019 Google, Map data ©2019 20 ft



6802 Dawn Way

Inver Grove Heights, MN 55076

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Directions
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Save
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Nearby
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Send to your phone
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Share

VX2G+M8 Inver Grove Heights, Grey Cloud Island Township, MN

Photos

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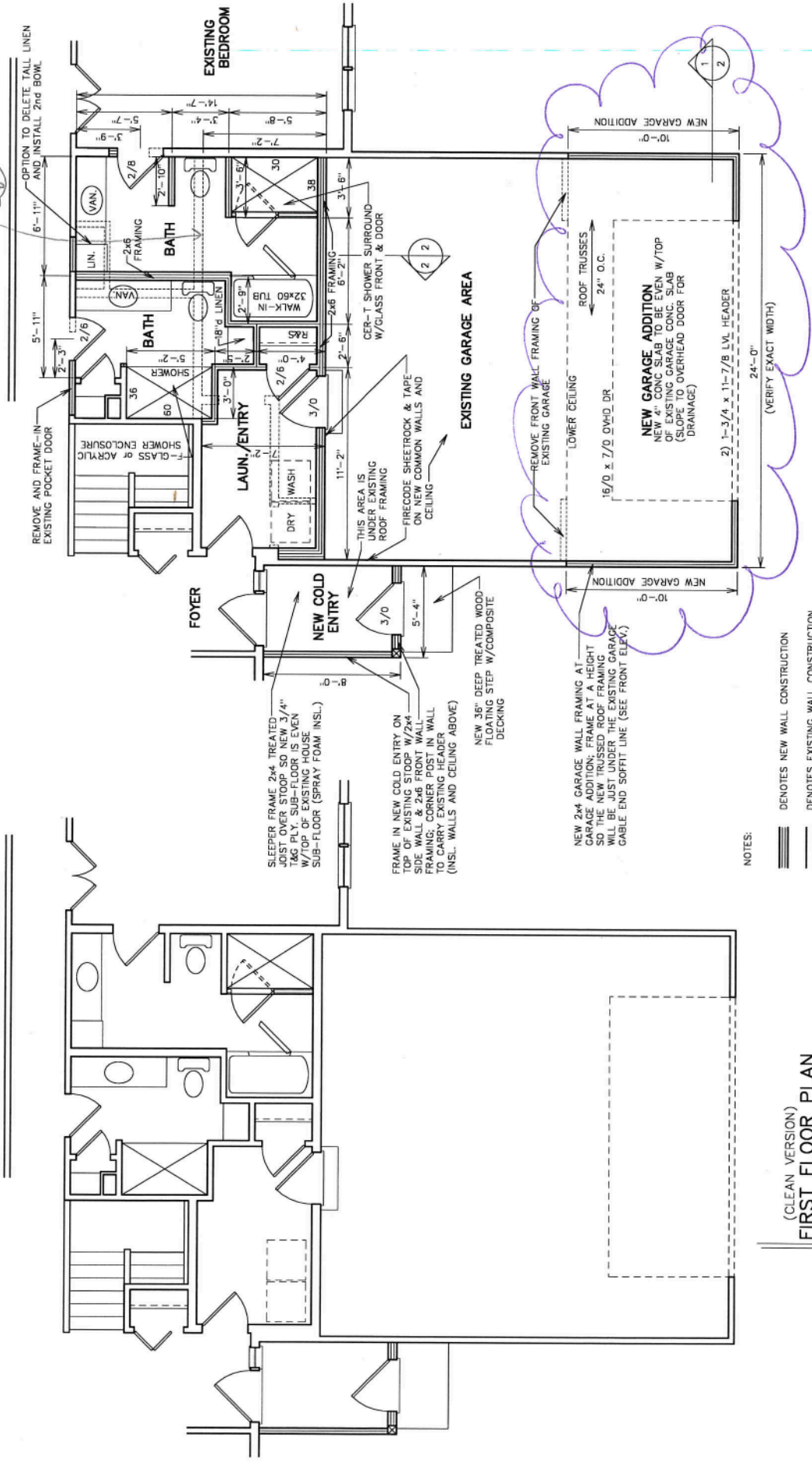
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DRN	TYPE	DATE
SB	FINAL	07/02/19
REV		
REV		

115 SF NEW HOUSE & 240 SF NEW GAR. ADDITIONS
SINDT

AUTUMN DESIGN
of Minnesota, Inc. (952) 873-4311

319-1
INDEX NO.
3 of 3
PAGE



NOTES:
ALL INT. & EXT. BEARING OPENINGS SHALL HAVE 2-2x10 HEADERS UNLESS OTHERWISE SPECIFIED ON THE DRAWINGS; VERIFY ALL HEADER CHANGES FROM THE LUMBER CO., TRUSS CO. AND/OR BUILDING OFFICIALS.
ALL LVL BEAMS ARE TO BE VERIFIED PRIOR TO CONSTRUCTION

FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

- NOTES:
- Denotes New Wall Construction
- Denotes Existing Wall Construction
- Denotes Existing Walls to be Removed
- All Existing Conditions and Dimensions are to be Field Verified; Alter as Req'd
- New House Addition to Match Existing 8'-1 1/8" Rough Ceiling Height
- Dimensions of Interior Framing are Based on Interior Side of Existing Framing to Centerline or 0/5 Wall of New Framing
- All Labeled Doors are New

(CLEAN VERSION)
FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

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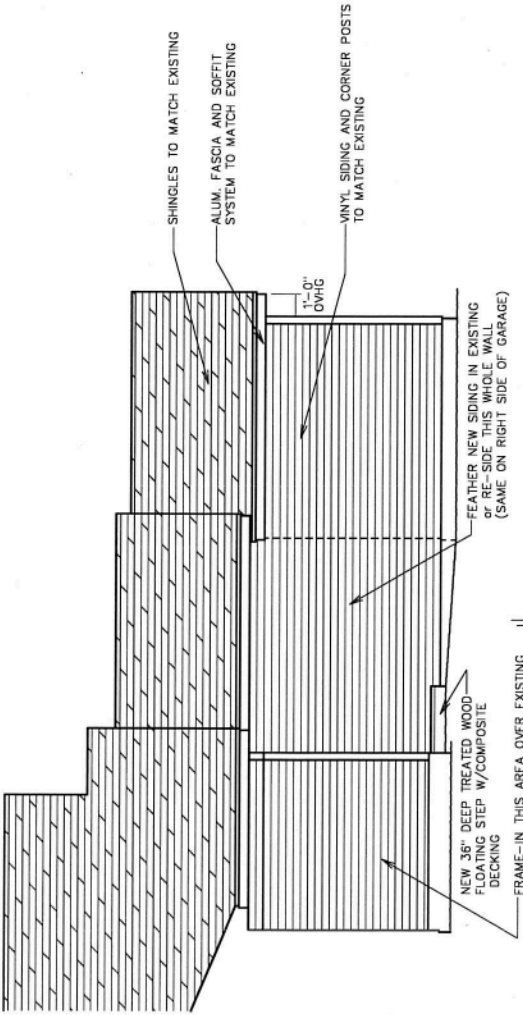
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 HAVE RESIDENCE OVER SCALED DIMENSIONS. AUTUMN DESIGN RE-
 Serves the right to these drawings for our own purposes.

DRN	TYPE	DATE
SB	FINAL	07 / 02 / 19
REV.		

SINDT

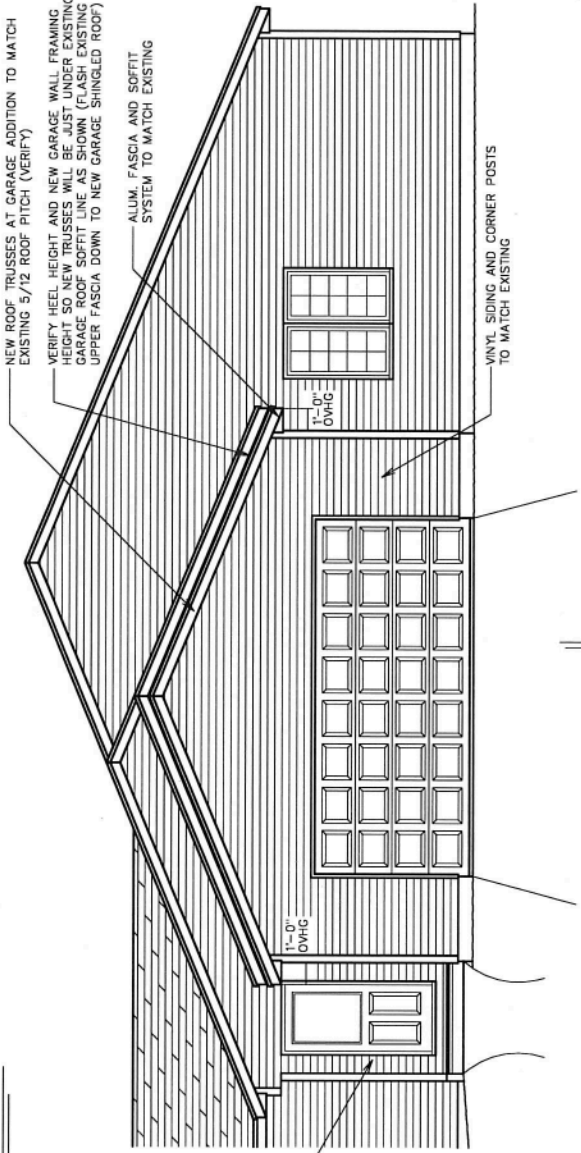
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PAGE 1 of 3
 INDEX NO. 31R-1



LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"



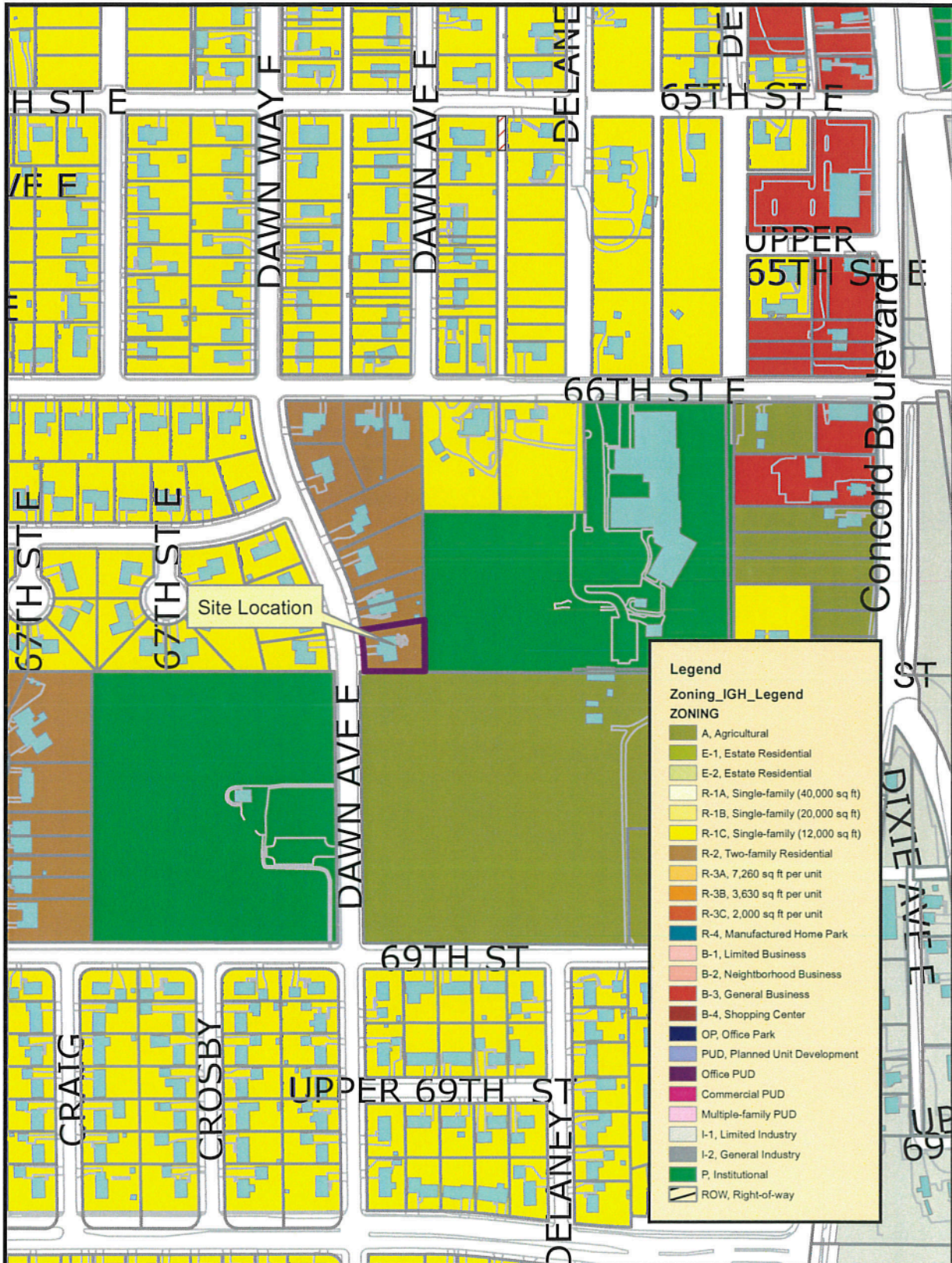
FRONT ELEVATION

SCALE: 1/4"=1'-0"

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6802 Dawn Way Case No. 19-38V



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Exhibit A
Zoning and Location Map

Map not to scale

**INVER GROVE HEIGHTS CITY COUNCIL
MONDAY, OCTOBER 14, 2019 REGULAR COUNCIL MEETING MINUTES**

1. CALL TO ORDER

The City Council of Inver Grove Heights met in regular session on Monday, October 14, 2019, in the City Council Chambers. The Pledge of Allegiance was recited along with Boy Scout Troop 507. Mayor Tourville called the meeting to order at 7:00 p.m.

Members of Boy Scout Troop 507 introduced themselves. Mayor Tourville thanked the Boy Scouts for their services within the community.

2. ROLL CALL

Present were: Councilmembers Piekarski-Krech, Bartholomew, Perry, and Dietrich; City Administrator/Interim Deputy Clerk Lynch, City Attorney Kuntz, Community Development Director Rand, Interim Finance Director/Senior Accountant Battles, Associate City Planner Botten, Public Works Director Thureen, and Deputy Police Chief Folmar.

3. PRESENTATIONS

Inver Grove Heights Convention & Visitors Bureau, CVB Director Eric Satre

Eric Satre, Director with the Inver Grove Heights Convention and Visitors Bureau, 5782 Blackshire Path, stated the mission of the Convention & Visitors Bureau, (CVB), is to market and promote Inver Grove Heights to visitors in order to maintain and stimulate the community's economic vitality. He highlighted the following since he began his position in January 2019:

- Events: Twin Cities Live in Your Town. Recommended by a resident. Mr. Satre attended a live broadcast and introduced himself to the Executive Producer. Shortly thereafter, he received confirmation that Inver Grove Heights was selected as a September location.
- Partnerships: Created a partnership with Southview Country Club which regularly hosts wedding receptions. Secured a free opportunity to include the City's local hotel flyer inside their wedding packets and promote the hotels for room blocks.
- Sales: Develop relationships with local corporations who use our hotels for business travel. Also working with the Inver Grove Heights Hockey Association to promote local hotels and restaurants for out of town youth sports teams.
- Site Visits: Hosted Everyday Wanderer, a travel Blogger from Kansas City who stayed in Inver Grove Heights while visiting Minneapolis and St. Paul and wrote about our City. Kim Koenig, the CVB Board Chair, and himself, met with her and welcomed her to the Twin Cities. As a result of the visit, her experience was posted on her Travel Blog.
- Marketing Campaign: Minneapolis hosted the NCAA Final Four Basketball Tournament in April. To draw fans to Inver Grove Heights, a social media marketing program was created with a lodging package giveaway targeting geographic areas through Facebook posts. The contest winner was a Texas Tech fan from Dallas. Throughout the tournament, fans were spotted staying at our hotels, eating at our restaurants, and skating at the ice arena.

Mr. Satre stated he looks forward to working alongside City staff, City Council, Mayor Tourville, the CVB Board of Directors, hotels, River Heights Chamber of Commerce, Economic Development Authority, the business community, and residents to build momentum and create opportunities for tourism growth in this City.

4. CONSENT AGENDA

- A. i. Minutes from the September 3, 2019 Council Worksession.
- ii. Minutes from the September 23, 2019 Special Council Meeting.
- iii. Minutes from the September 23, 2019 Regular Council Meeting.
- B. Disbursements for Period Ending October 9, 2019. **Resolution 19-184.**
- C. Consider Pay Request No 4 (Final) – West Rink Floor – West Rink Renovation Project – City Project 2017-1722.

- D. Consider Approval of Design Services/Plans and Specifications for the Replacement of the Salem Hills Tennis/Basketball Court(s).
- E. Consider Pay Request #2 and Change Order #3 to Heritage Village Park Phase II – City Project 2017-07.
- F. Schedule Public Hearing on Development Fees.
- G. Consider **Resolution 19-185** Authorizing Preparation of a Feasibility Report for the 2019 Pavement Management Program, City Project No. 2019-19 – Cahill Avenue MRG Trail Improvements.
- H. Consider **Resolution 19-186** Receiving Petition for Street Improvements on Dawn Ave (66th to 63rd St Area).
- I. Consider Final Compensating Change Order No. 2, Final Pay Voucher No. 9, Engineer’s Report of Acceptance and **Resolution 19-187** Accepting Work for the 2017 Capital Improvement Program, City Project No. 2017-02 – NWA Watermain Improvements, 65th Street Loop.
- J. Consider **Resolution 19-188** Approving Joint Powers Agreement (JPA) with Dakota County for Preliminary and Final Engineering for City Projects No. 2015-08, 2016-04, and 2016-05
- K. Consider **Resolution 19-189** Supporting Dakota County’s 2020-2024 Capital Improvement Program and Dakota County’s 2020-2024 Transportation Sales and Use Tax Capital Improvement Program.
- L. Clark Road Properties – Case No. 19-36PR; Consider Approving a Major Site Plan Review for Phase II of an Outdoor Storage Facility Located at 11305 Clark Road. **Resolution 19-190.**
- M. Consider Approval of Job Descriptions for the Positions of Human Resources Coordinator and Administration Support Specialist.
- N Personnel Actions.
- O. Consider Approval of Bid for Fiber Project.

Councilmember Perry requested pulling Agenda Items 4Aii and 4Aiii. Councilmember Bartholomew requested pulling Agenda Item 4O. Councilmember Piekarski-Krech requested pulling Agenda Item 4M.

Motion by Bartholomew, seconded by Perry to approve the Consent Agenda except for Agenda Items 4Aii, 4Aiii, 4O, and 4M.

Ayes: 5

Nays: 0 Motion carried.

4Aii. Minutes from the September 23, 2019 Special Council Meeting

Councilmember Perry stated she was not in attendance at the September 23, 2019 Special Council meeting. The minutes reflect that she was in attendance and that she seconded the motion to adjourn. She stated she would not be voting on this Agenda Item.

4Aiii. Minutes from the September 23, 2019 Regular Council Meeting

Councilmember Perry stated she was absent from this meeting and will abstain from voting.

Motion by Piekarski-Krech, seconded by Dietrich to approve Agenda Items 4Aii. Minutes from the September 23, 2019 Special Council Meeting, and 4Aiii. Minutes from the September 23, 2019 Regular Council Meeting.

Ayes: 4

Nays: 0

Abstain: 1 (Perry) Motion carried.

4M. Consider Approval of Job Descriptions for the Positions of Human Resources Coordinator and Administration Support Specialist

Councilmember Piekarski-Krech stated she was not comfortable with the positions at this time and requested they be pulled from the Agenda with further discussion needed. Councilmember Dietrich agreed that she also was not comfortable with this Agenda Item.

Motion by Bartholomew, seconded by Dietrich to table Agenda Item 4M to Consider Approval of Job Descriptions for the Positions of Human Resources Coordinator and Administration Support Specialist.

Mayor Tourville stated this item will be tabled until the next meeting in October.

Ayes: 5

Nays: 0 Motion carried.

40. Consider Approval of Bid for Fiber Project

Councilmember Bartholomew stated he pulled this Agenda Item because it was not on the Agenda, he downloaded last week, but is on the Agenda this evening. He commented there was no information available to review the item.

Motion by Bartholomew, seconded by Piekarski-Krech to table Agenda Item 40 – Consider Approval of Bid for Fiber Project.

Mayor Tourville stated this agenda item will be discussed at the next meeting.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC COMMENT

Andrea Poppinga, 9442 Tyne Lane, stated she was present with several residents of Tyne Lane to make clear what the self-storage property developer has done to destroy their neighborhood. She stated changes were not allowed under the Conditional Use Permit approved by the Planning Commission in December 2018 and voted on by the City Council in January 2019. She listed the following changes that were not permitted:

1. Excavation and grading of a new unauthorized industrial location in full unobstructed view from residential properties on Tyne Lane.
2. Dramatic changes to the site stormwater system to accommodate the unauthorized development location.
3. Clearing of additional 1.9 acres, or 146 more trees, than the developer promised to protect.

She stated the last City Council meeting had productive dialog regarding how far the developer was from the Conditional Use Permit conditions. She commented that residents laid out an alternate path to resolve the issue but have heard it is not going to happen. She stated it was said that it would take numerous additional meetings to resolve this issue. There have not been any meetings with the residents for over five weeks while damage to properties continue to escalate. Despite numerous requests to meet with residents, the City has refused to do so until a plan has been finalized with the developer. She stated the developer has failed to keep the most basic commitments with two more repeat noise violations prior to 7:00 a.m. The City did stop work on site for about six hours. She stated the neighborhood is ready to work with the developer and the City to come to a reasonable resolution. She asked the City Council to vote with residents when a plan comes forward. She stated the developer has stated, "I always like to have everyone with some skin in the game", after trying to extort an additional \$7,500 from Tyne Lane residents.

Mayor Tourville stated this item would be on the next agenda with a potential meeting prior. Community Development Director Heather Rand responded that last Thursday she emailed Tyne residents and the City Council with an update on negotiating the screening proposal, which is not currently in hand yet. They will schedule the meeting with Tyne Lane residents, possibly the week of the 21st and then bring it back before the City Council at the Monday, October 28th meeting.

6. PUBLIC HEARING

None

7. REGULAR AGENDA

Administration

A. Consider Approval of 3rd and Final Reading of the Amendment to the Liquor Ordinance, City Code Title 4, Chapter 1, Section 10(B) Relating to Payment of License Fees. Ordinance 1372.

City Administrator Joe Lynch stated this is the third and final reading of the proposed change to the Ordinance. The purpose is to discontinue the practice and/or allow partial or delayed payment of license fees and requires payment in full upon initial application or renewal. No changes have been made since the last reading. Staff recommends approval of the Amendment.

Councilmember Bartholomew asked if additional comments were received. City Administrator Lynch responded no. All current liquor license holders received notification of the final reading.

Motion by Bartholomew, seconded by Piekarski-Krech to approve the 3rd and Final Reading of the Amendment to the Liquor Ordinance, City Code Title 4, Chapter 1, Section 10(B) Relating to Payment of License Fees. Ordinance 1372.

Ayes: 5

Nays: 0 Motion carried.

B. Consider First Reading of an Ordinance Amending City Code Title 3, Chapter 3, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees for 2020.

Interim Finance Director/Senior Accountant Shannon Battles stated the fees were established by Ehlers in 2016, with rates ranging between 3.5% and 5% increases. She stated there were some typos that would be corrected before the second reading takes place. One correction was on the 10” Sewer Core Connection Fee where it should be \$2,900 instead of \$2,920. The second correction was for the R3B and R3C Zoning District in the Northwest Area for Stormwater Plat Connection Fees where it should be \$14,560 instead of \$14,910. There are no changes for the planning fees.

City Administrator Lynch stated these are development fees as opposed to the regular City fees. The financial planning done by Ehlers relates to the Northwest Area and utility costs associated with continued development in that area.

Motion by Bartholomew, seconded by Piekarski-Krech to approve the First Reading of an Ordinance Amending City Code Title 3, Chapter 3, Sections 3-4-2-2 and 3-4-2-3 and 10-3-8 Adjusting Development Fees for 2020 with corrections as stated.

Councilmember Piekarski-Krech asked if this had been published. Interim Finance Director Battles responded that the Ordinance would be published after the third reading on November 12, 2019.

Ayes: 5

Nays: 0 Motion carried.

Community Development

C. Michael Sindt – Case No. 19-38V; Consider a Resolution Relating to a Variance to Allow a Garage Addition 20 Feet from the Front Property Line Whereas 30 Feet is Required for Property Located at 6802 Dawn Way. Resolution 19-191.

Associate City Planner Heather Botten stated the request is for property on the east side of Dawn Way between 66th and 69th Streets. The Applicant is requesting to add a 10-foot addition onto their existing garage. The garage would then be 20 feet from their front property line where 30 feet is the required setback. This is for the renovation of existing bathrooms which would take up 10 feet of the existing garage. She stated the request would be over an existing hard surface driveway and would be 20 feet from the front property line but 40 feet from the curb. Dawn Way is considered a neighborhood collector street and a State Aid road. She stated staff believes there is room to add on to the bathrooms anywhere else around the house to comply with setbacks. Staff believes the property would still be used in a reasonable manner, the request is a convenience to the applicant, and not a practical difficulty. She stated a precedence could be set as this would be the closest structure to the property line in the neighborhood. Staff recommends denial of the request. Planning Commission discussed this item on September 17th and recommend denial of the request for lack of practical difficulty. She stated since the Public Hearing she received an email from one resident who is against the request stating they didn't think the 20-foot setback would be a good idea due to the possible expansion of the neighborhood in the future. There is vacant property to the south, and street parking during the summer from the park across the street.

Councilmember Bartholomew asked if the lots across the street from the applicant had different setbacks. Associate City Planner Botten responded the R1C and the R2 both require a 30-foot front yard setback. Councilmember Bartholomew stated it was an 80-foot right-of-way to 69th Street where it then becomes a 60-foot right-of-way. He asked for a reason for the 80-foot right-of-way when there are 60-foot right-of-way to the north and south. He stated it would be reasonable to either vacate it or allow a Variance and put it back to 60 feet.

Mayor Tourville asked if they could put a bathroom somewhere else. Associate City Planner Botten referenced the layout of the home and stated they could combine the two bathrooms to make one large bathroom and add another bathroom someplace else in the home. Mayor Tourville asked if the bathroom additions were being done to make it ADA Compliant. Associate City Planner Botten responded yes.

Mayor Tourville stated a single family may not want to take two bathrooms and make them one. Looking forward, they would probably need two bathrooms.

Michael Sindt, 6802 Dawn Way, stated they believe there is a practical difficulty brought about by the inconsistencies of the road right-of-way lines. He stated he was a Right-of-Way Lawyer for 20 years and when he purchased the home, he didn't anticipate buying on one of the few blocks that has an 80-foot right-of-way versus the standard 60- or 70-foot. An architect was hired to design this and recommended the configuration on the application. He responded to staff's recommendations stating the south side of their home has an egress window for a legal bedroom and makes it impractical to extend that direction, the other side of the home has an office and living room. He stated there was reference about it being the closest to the curb, it would be approximately 41 feet including the 10 feet. He commented there are houses on the 6300 and 6400 block that are in the 40- to 50-foot length. He stated the master bedroom's main window faces west and could not expand the garage out because it would cover the bedroom window. He stated the Engineering Department did not object because the road curves to the west from the northern corner of the lot. He commented that he was unaware of a neighbor's objection and was not notified of it. He stated parking for the park doesn't come down to his home. He parks in his garage as much as possible.

Councilmember Piekarski-Krech asked if he parks in the street. Mr. Sindt responded he parks in the street occasionally. He stated they need the bathrooms because he has two artificial knees, his wife has one, and due to age. They would eventually have to have a wheelchair accessible bathroom. He stated it was not reasonable to require the master bathroom combine with the first-floor bathroom to make one. He stated they were hoping to put in a first-floor laundry room.

Councilmember Piekarski-Krech stated she would like to see a diagram of the first floor. Mr. Sindt referenced the layout of the home and where the rooms were located. He requested the Variance be granted.

Councilmember Bartholomew stated there is a 60-foot right-of-way to the north and further south it goes to a 70-foot right-of-way. He stated the 80-foot right-of-way is out of place. If it was a 70-foot there would not be a need for a Variance. He suggested either vacating a portion of the right-of-way or allowing the Variance for the practical difficulty due to the inconsistency of the right-of-way. He stated he doesn't see it being kept at 80 feet for this small of an area. He stated he would make a motion approving the variance or make a reduction in the right-of-way.

Councilmember Piekarski-Krech asked the distance from the edge of the new proposed garage to the street. Associate City Planner Botten responded the new addition to the curb would be 40 feet. She stated Mr. Sindt is currently in compliance. Mayor Tourville asked if the right-of-way was done due to the curvature of the road. Associate City Planner Botten responded it was when the area was platted. If the area to the south is platted, they would also acquire a 70- or 80-foot right-of-way.

Grant Robbins, 9432 Tyne Lane, stated this seems like a reasonable request of resident property and encouraged the City Council to approve the request.

Motion by Bartholomew, seconded by Dietrich to approve the Variance request of 10 feet with the practical difficulty of the inconsistency in the right-of-way for Michael Sindt – Case No. 19-38V; Consider Resolution 19-191 Relating to a Variance to Allow a Garage Addition 20 Feet from the Front Property Line Whereas 30 Feet is Required for Property Located at 6802 Dawn Way.

Councilmember Bartholomew requested looking into reducing the right-of-way from 80 to 70 feet.

Public Works Director Scott Thureen recommended going with the Variance and leaving the right-of-way alone. He recognized that there is a variation and stated that it is a neighborhood collector in the system and since they already have it, he would prefer to keep it.

Ayes: 5

Nays: 0 Motion carried.

Police

D. Consider First Reading of Changes to City Ordinance 5-6-1 Weapons

Deputy Police Chief Sean Folmar stated this is the first reading to the proposed Amendment changes that indicated adding shotgun language to Letter B, adding a Number 5, and eliminating all of Subset C which was the shotguns being pulled out specifically. He stated the bow hunting portion was left out of this request and will be brought forward later this year once it is publicized. He stated when changes were made on the actual draft copy of the resolution, there was an error and those will be changed prior to the next meeting.

Motion by Bartholomew, seconded by Perry to approve the First Reading of Changes to City Ordinance 5-6-1 Weapons along with the input and changes to be made as stated.

Ayes: 5

Nays: 0 Motion carried.

E. Hearing to Consider Revocation of Business License for HTZ LLC aka TZ LLC, dba Sunny Asian Massage located at 5798 Blackshire Path and Individual Massage Therapy Licenses of Min Su and Hong Jun Liao Duray.

City Attorney Tim Kuntz stated the request is to table this item until Monday, October 28, at 7:00 p.m. in City Council Chambers for the next regular City Council meeting.

Motion by Perry, seconded by Piekarski-Krech to table the Hearing to Consider Revocation of Business License for HTZ LLC aka TZ LLC, dba Sunny Asian Massage located at 5798 Blackshire Path and Individual Massage Therapy Licenses of Min Su and Hong Jun Liao Duray until the Monday, October 28, 2019 regular City Council Meeting at 7:00 p.m. at the Inver Grove Heights City Hall.

Ayes: 5

Nays: 0 Motion carried.

Mayor Tourville requested alternatives and legal reasons from City Attorney Kuntz. City Attorney Kuntz responded in the meantime they hope to explore other paths that may obviate the need for the hearing.

8. EXECUTIVE SESSION

None

9. MAYOR AND COUNCIL COMMENTS

10. ADJOURN

Motion by Dietrich, seconded by Perry to adjourn the meeting at 7:53 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Clerk Sheri Yourczek



Planning Commission Report

MEETING DATE: December 2, 2025

CASE NO: 25-29X

APPLICANT: City of Inver Grove Heights

PROPERTY OWNER:

REQUEST: Zoning Application Processes Code Amendment

LOCATION:

COMPREHENSIVE PLAN:

ZONING:

STAFF CONTACT: Kevin Shay, 651-450-2554

ACTION REQUESTED

Motion to recommend to the City Council approval of an ordinance, amending Zoning Ordinance Chapters 3, 14 and 15 and the Subdivision Ordinance updating the City's zoning and land use application process and requirements.

BACKGROUND

City staff have identified a number of areas within the current application processes that should be updated to either be more effective and efficient, to comply with state statute or to be easier to understand.

EVALUATION OF REQUEST

City Staff are proposing to update the application process for many of the current zoning and subdivision applications. One change that is proposed for all zoning applications is to remove the list of application materials necessary for an application from the City Code and instead reference the application form and checklist to contain the required materials. This allows lists and application submittal requirements to be updated regularly and be easily available for residents and developers with the application vs. requiring applicants to search through code to find those requirements. It also removes the potential for inconsistencies between physical applications and City Code language.

There are also a number of other clean-up edits to reduce repetition and add clarity to how the ordinance reads.

Variances

The changes proposed to the Variance process are to comply with current State Statute. The current ordinance uses "undue hardship", which is not consistent with the State Statute after it was revised in 2011. State Statute now uses the "practical difficulty" test as the reasoning for considering a Variance. The proposed ordinance revisions bring the Variance section into compliance with State Statute.

Determination of Substantially Similar Use

Staff are proposing to remove this section from the City Code. Determination of a Substantially Similar Use is a staff determination and can be appealed according to the Board of Adjustments and Appeals procedure that is already set out in Section 10-3-7. This section was duplicative to what was already granted by appeals procedures.

Northwest Area Environmental Studies Fee

Staff are proposing removal of this section as it was established in the early 2000s to recoup some of the cost of preparing various environmental studies within the Northwest Area to prepare for development. The studies were done to prepare and inform the city regarding future development in the area. This is similar to a Master Plan Study and the cost associated with this effort mostly benefits the City. Such studies are typical for a City to identify needs and costs related to both development-driven improvements and capital investment planning. The results of such studies often help cities define the "nexus" for what they charge for development fees.

Conditional Uses (CUP)

Staff are proposing to allow Conditional Use Permits (CUP) to be approved by a simple majority vote (3/5) instead of the current super majority vote (4/5) that is required. A super majority vote is usually saved for larger decisions such as Amendments to the Comprehensive Plan. A CUP should be a straightforward review to ensure that the use complies with all conditions set out for the use in the City Code, and provided an applicant meets the general standards and conditions as set forth in City Code there is a reasonable expectation of approval of such requests. Thus, if the conditional use meets those conditions, the City should approve the use.

The change to the vote required does not have an impact on the Planning Commission as the recommendation for approval or denial can still be a simple majority.

Interim Use Permit (IUP)

The change proposed for Interim Use Permits (IUPs) mirrors the change proposed for CUPs.

Site Plan Review

The most significant change proposed is to the Site Plan Review process. The proposed revision would make the entire process an administrative review through city staff. The change will remove the distinction for "Minor" and "Major" Site Plan Reviews and have one process for all Site Plan Reviews.

The reason for this change is that a Site Plan Review application by itself, without a Conditional Use Permit, Variance or other application is a review to ensure that it meets the minimum standards and requirements of the Zoning Ordinance. If a project meets all the requirements of the Zoning Ordinance, the City is legally obliged to approve the project without additional conditions. Removing the process requiring a review by the Planning Commission and City Council to approve a Site Plan Review limits the potential for actions that are outside the discretion of the Planning Commission or City Council. Additionally, this change would allow a more prompt and efficient approval process for new projects that meet all code requirements. Proposed projects are evaluated against City Code, and projects that do not meet the minimum standards would not receive approval or move forward until their application and plans conform to required standards. Staff would provide updates to the Planning Commission during the staff update section of the meetings to share any projects that had received Site Plan approval. City Council would still see the Site Improvement Performance Agreement (SIPA) included as part of the Consent Agenda as a project moves forward.

An additional change proposed by staff is to move from requiring cash deposit or letter of credit (LOC) at 125% of the cost of the improvements to requiring 100% as part of the SIPA. This security is in place to ensure the developer follows through on the approved plans, and if that developer were

to abandon a project, the city could ensure security of the site from completing grading, erosion control and stormwater, and 100% of the project costs is sufficient to accomplish that work.

Final Planned Unit Development

The proposed change to this process is to remove the requirement to go before the Planning Commission prior to City Council. This would allow Final Planned Unit Developments (PUDs) to go straight to City Council, similar to Final Plats. A Final PUD would need to be in substantial conformance with the Preliminary PUD, meaning it has no significant changes from the preliminary plans.

Waiver of Platting

Staff are proposing to delete this section from the subdivision section. The Waiver of Platting process is extremely limited by the conditions where it may be used, and staff would prefer to require the platting process be followed for subdivisions as it is easier to track for both the City and County. This process is rarely, if ever, used due to the limitations and there are other alternatives already established within the Subdivision Ordinance.

ALTERNATIVES

The Planning Commission has the following actions available for the proposed ordinance amendment:

A. Approval. If the proposed request is found to be acceptable, approval of the following applicable action should be taken:

- Recommend Ordinance Amendment to Title 10 (Zoning Regulations), Chapter 1, 3, 13, 14, and 15, and Title 11 (Subdivision Regulations), Chapter 1 and 2, relating to the zoning and subdivision application procedures and requirements.

B. Denial. If the Planning Commission finds issues with the ordinance, a recommendation of denial should be made or specify recommended changes to the ordinance.

RECOMMENDATION

Staff recommends approval of the ordinance amendments as presented.

ATTACHMENTS

1. Ordinance Planning Process_DRAFT

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE,
TITLE 10, CHAPTERS 1, 3, 13, 14 AND 15 RELATED TO ZONING APPLICATION
PROCEDURES AND REQUIREMENTS LIMITS AND TITLE 11, CHAPTERS 1 AND 2
RELATED TO SUBDIVISION APPLICATION PROCEDURES AND REQUIREMENTS**

THE CITY COUNCIL OF THE CITY OF INVER GROVE HEIGHTS ORDAINS AS FOLLOWS:

Section One. Amendment. Title 10, Chapter 1, Section 3, **INTERPRETATION AND APPLICATION**, of the Inver Grove Heights City Code is hereby amended as follows. The ~~struck out~~ text shows the deleted wording and the underlined text shows the language added to the code:

10-1-3: INTERPRETATION AND APPLICATION:

A. **Minimum Requirements:** In their interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

B. **More Restrictive Provisions Apply:**

1. Where the conditions imposed by any provision of this title are either more restrictive or less restrictive than comparable conditions imposed by this title or any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

2. When any condition imposed by any provision of this title on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other county or state ordinance, regulation, or statute, the more restrictive conditions shall prevail.

3. Where the conditions imposed by any section of this title are either more restrictive or less restrictive than comparable conditions imposed by another section of this title, the regulations that are more restrictive or impose higher standards or requirements shall prevail.

4. This title is not intended to abrogate any easements, restrictions, or covenants relating to the use of land or imposed on lands within city by private declaration or agreement, but where the provisions of this title are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this title shall prevail.

C. Prohibited Uses: If a use is not specifically allowed as a permitted use, conditional use or an accessory use in a particular zoning district, it shall be prohibited in that zoning district unless determined to be a substantially similar use as ~~provided for in section 10-3-6 of this title~~determined by the Zoning Administrator.

D. Validity: If any section, subsection, sentence, clause or phrase of this title is for any reason found to be invalid, such decision shall not affect the validity of the remaining portions of this title. (Ord. 1098, 11-8-2004)

Section Two. Amendment. Title 10, Chapter 3, **ADMINISTRATION AND ENFORCEMENT**, of the Inver Grove Heights City Code is hereby amended as follows. The ~~struck out~~ text shows the deleted wording and the underlined text shows the language added to the code:

CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

SECTION:

10-3-1 Enforcement Officials

10-3-2 Site Plan Required

10-3-3 Nonconforming Use Certificate

10-3-4 Variances

10-3-5 Zoning Text and Map Amendments

~~10-3-6 Determination Of Substantially Similar Use Status~~

10-3-~~67~~ Board Of Adjustments And Appeals; Appeals Procedure

10-3-~~78~~ Fees And Deposit

~~10-3-81: Northwest Area Environmental Studies Fee~~

10-3-~~89~~ Violation; Penalties

10-3-1: ENFORCEMENT OFFICIALS:

This title shall be administered and enforced by the council and its duly authorized representatives. (Ord. 1098, 11-8-2004)

10-3-2: SITE PLAN REQUIRED ¹ :

A site plan shall accompany all requests for rezoning, conditional use permit, or variance regardless of whether or not any structures are proposed to be located on the property. Such site plan shall include the ~~following information at the minimum in addition to those~~ requirements set out in subsection 10-15J-~~78A~~ of this title (other information may be required in other portions of this title): (Ord. 1098, 11-8-2004; amd. 2008 Code)

- ~~–A. Property boundary (accompanied by boundary survey).~~
- ~~–B. Topographic data (if structures are proposed).~~
- ~~–C. North arrow and scale.~~
- ~~–D. Location of any proposed structure on the lot.~~
- ~~–E. All pertinent dimensions (lot, building and setbacks).~~
- ~~–F. Street names.~~
- ~~–G. Location and, when requested, dimensions of adjacent existing buildings within three hundred feet (300') of the property line. (Ord. 1098, 11-8-2004)~~

Notes

- ¹ 1. See also chapter 15, article J of this title.

10-3-3: NONCONFORMING USE CERTIFICATE:

A. Purpose: From time to time, amendments to this title cause uses and structures to become lawfully nonconforming. This may create uncertainties for owners and operators of lawfully nonconforming uses and structures as to their rights and obligations and complexities for the city in monitoring and enforcing this code with respect to such uses. To address these uncertainties and complexities, the city council, sitting as a board of adjustments and appeals, by majority vote, may grant nonconforming use certificates for lawfully nonconforming uses and structures, impose reasonable conditions in the nonconforming use certificates, and authorize accessory uses not currently on the property to be placed thereon in the future.

B. Application For Certificate: ~~Either an owner may apply, or the city may initiate or require an application for a nonconforming use certificate for a use and/or a structure. The~~

applicant shall fill out and submit to the Zoning Administrator the application form and all information as required on the form unless a waiver of certain information is granted by the Zoning Administrator. Only the owner of the property may be the applicant and may apply for a nonconforming use certificate for a use or structure. The application shall include at least the following:

- ~~— 1. The address and legal description of the use or structure;~~
- ~~— 2. The nature of the nonconformity with specific reference to the provision of this code or other circumstance which caused the nonconformity;~~
- ~~— 3. Evidence that the use or structure existed as a legal use prior to the effective date hereof or other circumstance which caused the nonconformity;~~
- ~~— 4. Evidence that the use or structure has been continuously used and maintained in its nonconforming state from the time the nonconformity was caused to the date the application was filed;~~
- ~~— 5. If the use is a prohibited use listed in section 10-13E-7 of this title, the information required under subsection 10-13E-8B of this title; and~~
- ~~— 6. Other information as requested by the city.~~

C. Application And Procedure: The application for a nonconforming use certificate shall be filed with the planning division for scheduling before the planning commission and city council. The ~~city council and the~~ planning commission may hold a public hearing on the nonconforming use certificate if they deem it necessary or advisable. ~~Where the planning commission or city council shall determine that a public hearing is necessary or advisable,~~ The application, public hearing, and notice requirements for nonconforming use certificate requests shall be the same as for amendments set forth in section 10-3-5 of this chapter.

D. ~~Referral To Planning Commission: Before granting any nonconforming use certificate, the request therefor shall be referred to the~~ The planning commission ~~shall for~~ review and determine concerning whether the use is a legally nonconforming use and for its recommendation to the city council in connection with the request. If no recommendation is timely made, the council may act without the recommendation of the planning commission. The planning commission may recommend such conditions related to the nonconforming use certificate as it may deem advisable to make clear the rights and obligations of the city and the owner. The council shall approve or deny the application within the time established by Minnesota statutes section 15.99.

E. Approval Or Denial Of Certificate:

1. The planning commission may recommend to approve, approve with conditions, or deny a request for a nonconforming use certificate. The city council, sitting as the board of adjustments and appeals, by majority vote, may deny or approve a nonconforming use certificate, impose conditions therein, and authorize therein accessory uses not currently on the property to be placed thereon in the future. The planning commission, in making a

recommendation, and the city council, in acting upon a request for a nonconforming use certificate, shall consider the following factors:

a. Whether under this title the use or structure is nonconforming and how it is nonconforming; and

b. Whether the use or structure was lawful prior to the change in this title, which caused it to become nonconforming.

2. ~~If the city council finds that a~~ Any use or structure ~~found to be is~~ not a lawful nonconforming use, the city council shall deny the application, and the use shall be terminated immediately or altered to make it conforming, or the structure shall be altered to make it conforming. Failure to terminate or alter the use to make it conforming shall be a violation of this title.

F. Record Of Certificate: If the city council grants a nonconforming use certificate, the owner shall record the certificate with the county recorder and provide evidence of recording to the city. (Ord. 1098, 11-8-2004)

10-3-4: VARIANCES:

A. Authority: The ~~council may grant~~ City may grant variances from the strict application of the provisions of this title and impose conditions and safeguards in the variances so granted where practical difficulties or undue hardships result from carrying out the strict letter of the regulations of this title.

B. Application And Procedure: The planning commission may hold a public hearing on the variance request if they deem it necessary or advisable Application for a variance shall be filed with the City planning division for scheduling before the planning commission and city council. ~~The council and planning commission may hold a public hearing on the variance request if they deem it necessary or advisable. Where the planning commission or city council shall according to the application and procedure requirements as determine that a public hearing is necessary or advisable, the application, public hearing, notice and procedure requirements for variances shall be the same as for amendments~~ set forth in section 10-3-5 of this chapter. The city council shall act upon the application within the time limits established by Minnesota statutes section 15.99.

C. Referral To Planning Commission: Before authorization of any variances, the request therefor shall be referred to the planning commission for study concerning the effect of the proposed variance upon the comprehensive guide plan and on the character and development of the neighborhood and for its recommendation to the council in connection with such request. The planning commission shall make its recommendation after the request is referred to it, and if no recommendation is made within that time, the council may act without the recommendation. The planning commission may recommend such conditions related to the variance regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable. (Ord. 1098, 11-8-2004)

D. Approval Or Denial Of Variance:

1. a. The planning commission may recommend to approve, approve with conditions, or deny a request for a variance. The city council may deny or approve such variances and impose conditions and safeguards therein. In making its recommendation, the planning commission shall consider the following factors and the city council, in acting upon a request for a variance, shall only grant a variance if the applicant demonstrates to the city council that the following factors have been met:

~~(1) The variance, and its resulting construction or project, would be in harmony with the general purposes and intent of this Chapter, and would be consistent with the comprehensive plan at circumstances exist that are special and unique to the structure or land under consideration and such circumstances do not apply generally to other land or structures in the district in which the subject structure or land is located.~~

~~—(2) That the granting of the application will not be contrary to the spirit and intent of this title and the comprehensive plan.~~

~~(3) That the granting of such variance is necessary as a result of a demonstrated undue hardship and will not merely serve as a convenience to the applicant. Undue hardship means that all of the following circumstances exist: The applicant has satisfactorily established that there are practical difficulties in complying with this Chapter. “Practical difficulties” means:~~

~~(A) The applicant proposes to use the property in a reasonable manner not permitted by this Chapter. The subject property cannot be put to a reasonable, beneficial use unless the variance is granted.~~

(B) The plight of the landowner is due to circumstances unique to the subject property not created by the landowner.

(C) The variance, if granted, will not alter the essential character of the locality.

~~(4) That economic considerations alone do not constitute an undue hardship if reasonable beneficial use for the subject property exists under the terms of this title practical difficulty.~~

~~—b. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.~~

~~—c. A variance shall be granted for earth shelter construction as defined in Minnesota statutes section 216C.06, subdivision 14 when such construction and variance are in harmony with this title.~~

~~—d. A variance may not permit any use that is not permitted under this title for property in the zone where the affected person's land is located.~~

~~—e. A variance may permit the temporary use of a one-family dwelling as a two-family dwelling.~~

f. The council may impose conditions in the granting of a variance to ensure compliance and to protect adjacent properties.

g. Approval of a variance shall require a majority of the city council present. (Ord. 1221, 11-8-2010)

2. The council may deny variances, and such denial shall constitute a finding and determination that the conditions required for approval do not exist.

E. Violation; Termination Of Variance: A violation of any condition set forth in granting a variance shall be a violation of this title and also automatically terminates the variance.

F. Lapse Of Variance: A variance shall become void two (2) years after it was granted unless made use of within two (2) years or such longer period as the council, within two (2) years, may provide. The city council may grant a single one year extension, the request for which must be submitted to the city planning division at least sixty (60) days prior to the date upon which the variance would become void. (Ord. 1098, 11-8-2004)

10-3-5: ZONING TEXT AND MAP AMENDMENTS:

A. Authority; Vote Required: The provisions of this title may be amended by majority vote of the entire council, and amendments changing the boundaries of any zoning district or changing the regulations of any existing district may be approved by a majority vote of the entire council, except that all the following rezonings shall require a four-fifths (4/5) vote of the entire council:

From Any of These Districts	To	Any of these Districts
A Agricultural		I Industrial
		B Business
		OP Office park
E Estate		COMM-PUD
		OFFICE-PUD
		MU-PUD
R Residential or MF-PUD		IRM Integrated resource management overlay

		SG Sand and gravel overlay
		PUDs with commercial or industrial uses

(Ord. 1098, 11-8-2004)

B. Initiation: Proceedings for amendment of this title shall be initiated by:

1. A petition of seventy five percent (75%) or more of the owners in the area subject to the proposed amendment;
2. A recommendation of the planning commission; or
3. By action of the council.

C. Application For Amendment: All applications for amendment which are initiated by the petition of seventy five percent (75%) or more of the owners in the area subject to the proposed amendment shall be filed with the clerk, and if the application involves the changing of zoning districts and boundaries thereof, the application shall be accompanied by an abstractor's certified property certificate showing the property owners within three hundred fifty feet (350') of the outer boundaries of the property in question. When the application is initiated by the owners of one hundred percent (100%) of the property, the council may waive the requirement of the abstractor's certified property certificate. The application shall be forwarded to the planning commission by the clerk. (Ord. 1098, 11-8-2004; amd. 2008 Code)

D. Public Hearing; Notice And Procedure:

1. The planning commission shall hold at least one public hearing affording an opportunity for all parties interested to be heard and shall give not less than ten (10) days' notice nor more than thirty (30) days' notice of the time and place of such hearing published in the designated official newspaper for the city. Such notice shall also contain the description of the land and the proposed change in zoning. At least ten (10) days before the hearing, the clerk shall mail an identical notice to the owners and to each of the property owners within three hundred fifty feet (350') of the outside boundaries of the land proposed to be rezoned. If the property is to be rezoned from A agricultural, E-1 estate or E-2 estate, the individual notice shall be mailed to each of the property owners within one thousand feet (1,000'). Failure of the clerk to mail the notice or failure of the property owners to receive the notice shall not invalidate the proceedings. The council may waive the above notice requirements in connection with a citywide zoning initiated by the planning commission or council.

2. The planning commission shall hold said public hearing after the rezoning request has been received and there has been sufficient time to mail and publish the required notices.

3. The planning commission shall make a written report to the council stating its findings and recommendations. A copy of the planning commission's report to the council shall be mailed to the applicant.

E. Referral To Planning Commission: The council shall not amend this title or rezone any land or area in any zoning district or make any other proposed amendments to this title without having first referred it to the planning commission for their consideration and recommendation.

F. Action By Council: The council shall approve or deny the application within the time limits set forth in Minnesota statutes section 15.99.

G. Effect Of Denial: The denial of a rezoning or ordinance text amendment application by the council shall constitute a finding and determination that the proposed rezoning is not in the best interest of the physical development of the city. No application for rezoning which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said denial. (Ord. 1098, 11-8-2004)

~~10-3-6: DETERMINATION OF SUBSTANTIALLY SIMILAR USE STATUS:~~

~~—A.— Authority: When a use is not specifically listed as permitted, conditional or accessory in the nonresidential use chart found in section 10-6-2 of this title, the zoning administrator shall make a determination of substantially similar use. If the zoning administrator concludes that the use has a substantial similarity to other uses listed in the nonresidential use chart of said section 10-6-2, the use determined to be substantially similar shall have the same zoning classification as the use to which it was determined to be similar.~~

~~—B.— Application For Determination: Any person may initiate an application for determination of substantially similar use. The application shall include at least the following:~~

~~—1.— The address and legal description of the property upon which the use in question is proposed to be located.~~

~~—2.— Written consent of the landowner to conduct the proposed use on the landowner's property.~~

~~—3.— A written detailed description of the nature and activities associated with the use in question.~~

~~—4.— A cover letter specifically requesting the city to determine the proposed use to be substantially similar to one or more allowed uses listed within the same zoning district as the proposed use.~~

~~—5.— An escrow deposit for the city attorney's time to review the application. The amount of the escrow shall be as established in subsection 10-3-8B of this chapter.~~

~~—6.— Other information as requested by the zoning administrator.~~

~~—C.— Consideration: When determining whether the proposed use is substantially similar to other uses found in section 10-6-2 of this title, the zoning administrator shall consider the following factors:~~

~~—1.— Traffic generation.~~

~~—2.— Access.~~

~~—3.— Deliveries.~~

~~—4.— Parking.~~

~~—5.— Impervious surface coverage.~~

~~—6.— Number and type of employees.~~

~~—7.— Intensity of use.~~

~~—8.— Outside storage.~~

~~—9.— Hours of operation.~~

~~—10.— Noise, vibrations, etc.~~

~~—11.— Function.~~

~~—12.— Exterior use.~~

~~—13.— Size of property.~~

~~—14.— Size and scale of building(s) and improvements.~~

~~—15.— Comments from surrounding property owners. Prior to making a decision on the substantially similar use determination, the zoning administrator shall solicit comments on the request from property owners surrounding the site upon which the determination of a substantially similar use has been requested. This shall be done in the form of a letter that explains the request and asks for comments to be submitted within ten (10) days.~~

~~—D.— Further Review By Board Of Adjustments And Appeals: At the zoning administrator's discretion, the application may be referred to the board of adjustments and appeals to make a determination. If referred to the board of adjustments and appeals, notification and hearing procedures shall be the same as set forth in section 10-3-5 of this chapter.~~

~~—E.— Appeal: If the zoning administrator makes a determination of substantially similar use without referring it to the board of adjustments and appeals, the applicant may appeal the decision to the board of adjustments and appeals. Prior to a decision by the board of adjustments and appeals, the planning commission shall consider the matter and make a recommendation on the substantially similar use request.~~

~~—F.— Decision: If the zoning administrator makes the decision on whether a proposed use is substantially similar to one listed in section 10-6-2 of this title, a letter clarifying the findings of the zoning administrator shall be kept on file for future reference. A copy of the letter shall be forwarded to the planning commission and city council for informational purposes within ten (10) working days of the determination. A letter of notification shall also be mailed to the surrounding property owners who were asked for comments under subsection C of this section. If the board of adjustments and appeals makes the decision on the application, a copy of the meeting minutes shall be kept on file for future reference.~~

~~—G.— Limitations: The procedures and regulations found in this section shall only apply to those uses found in the nonresidential use table found in section 10-6-2 of this title. (Ord. 1098, 11-8-2004)~~

10-3-~~67~~: BOARD OF ADJUSTMENTS AND APPEALS; APPEALS PROCEDURE:

A. Board Of Adjustments And Appeals:

1. Established; Composition; Records: A board of adjustments and appeals is hereby established for the city. The board of adjustments and appeals shall consist of the city council. The board shall provide for a record of its proceedings, which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.

2. Duties: The board shall act upon all questions as they may arise in the administration of this title, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator.

B. Appeals:

1. Authority: An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the City.

2. Hearings; Planning Commission Review: Prior to acting upon an appeal, the ~~Planning Commission Board~~ shall hold a public hearing. The notice provisions shall be the same as set forth in section 10-3-5 of this chapter. The Board shall not make any decision on the appeal until the Planning Commission has had a reasonable opportunity to review the appeal and forward a recommendation to the Board.

3. Decision: The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the Board's decision shall be stated. The decision of the Board shall be final. (Ord. 1098, 11-8-2004)

10-3-~~78~~: FEES AND DEPOSIT:

A. Fees Required: Application fees required to be paid for a land use approval (such as a rezoning, variance, conditional use permit) must be paid at the time of application. Said fees are found in the City Fee Schedule. In addition, the applicant shall reimburse the City for all attorney, planning and engineering costs and other professional consultant costs incurred by the City in reviewing and processing the application.

B. Fee Amounts and Escrow Deposit: The city may require that applicants deposit in escrow with the city, together with the application filing fees, the amounts listed in the City Fee Schedule prepayment of the attorney, planning and engineering costs. The prepayment amounts shall be a credit toward the fees for the attorney, planning and engineering and other professional consultant fees to be reimbursed by the applicant. All such fees, if not paid by the escrow, shall be paid by the applicant within sixty (60) days of final action on the matter by the city council. If such fees are less than the escrowed amount, such escrow will be returned to the applicant within sixty (60) days of the final action on the matter by the city council. The escrow amounts shall be deposited, together with land use approval applications:

(Ord. 1098, 11-8-2004; amd. 2008 Code; Ord. 1359, 12-10-2018, eff. 1-1-2019; Ord. 1376, 12-9-2019; Ord. 1392, 12-14-2020; Ord. 1420, 12-13-2021; Ord. 1440, 12-12-2022; Ord. 1467, 1-1-2024; Ord. 1487, - -2024)

~~10-3-8-1: NORTHWEST AREA ENVIRONMENTAL STUDIES FEE:~~

~~—A.— Definitions: For purposes of this section, the following terms have the meanings given:~~

~~—GROSS ACRES: The total acres within a plat, subdivision, or parcel. Gross acres do not include outlots within a plat that are intended to be replatted at a later date into developable lots.~~

~~—NORTHWEST AREA: That certain geographic area within the City of Inver Grove Heights, defined, established, and referred to as the Northwest Area Overlay District pursuant to chapter 13, article J of this title.~~

~~—B.— Purpose And Intent:~~

~~—1.— Minnesota Statutes section 462.353, subd. 4 allows municipalities to prescribe fees sufficient to defray the costs incurred in the review, investigation, and administration of subdivision applications. The City has incurred costs while preparing studies and analyses in the Northwest Area, an area of approximately three thousand one hundred forty (3,140) acres. These studies include:~~

~~— a. — "Natural Resource Inventory and Management Plan for the Northwest Area", prepared by Bonestroo, Rosene, Anderlik & Associates, dated January 2004.~~

~~— b. — "Northwest Quadrant Hydrologic & Hydraulic Analysis", prepared by Emmons & Olivier Resources, dated February 2004.~~

~~—c. "Northwest Expansion Area Alternative Urban Area-Wide Review (AUAR)", prepared by Bonestroo, Rosene, Anderlik & Associates, dated January 2006.~~

~~—d. "2005 Basin Monitoring", prepared by Emmons & Olivier, dated April 2006. "Inver Grove Heights Northwest Area Low Impact Development - Overflow Contingencies and Cost Analysis", prepared by Emmons & Olivier Resources, dated July 2006.~~

~~—e. "Northwest Area Surface Water Modeling Report", prepared by Emmons & Olivier Resources, dated August 2006.~~

~~—2. These studies and analyses provide direct benefit to subdividers in the Northwest Area. These studies and analyses were necessary and advisable in order to review, investigate, and administer applications for subdivision within the Northwest Area. But for the City having prepared these studies and analyses, the subdividers in the Northwest Area would, in all likelihood, have had to prepare the studies themselves. The costs incurred by the City in performing the above studies was at least three hundred seventeen thousand three hundred eighty two dollars (\$317,382.00).~~

~~—3. The purpose and intent of this section is to establish fees to reimburse the City for its costs in performing these studies and analyses.~~

~~—C. Fee Established; Payment: A fee of eighty dollars (\$80.00) per gross acre, to be known as the Northwest Area Environmental Studies fee, is hereby established, imposed and required to be paid by all applicants for subdivision in the northwest area. The northwest area environmental studies fee shall be paid by the applicant when an application is submitted to the city for approval of a final plat in the northwest area. (Ord. 1171, 12-10-2007)~~

10-3-89: VIOLATION; PENALTIES:

The violation of any provision of this title or the violation of the conditions or provisions of any permit issued pursuant to this title shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine, imprisonment or both. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense. (Ord. 1098, 11-8-2004)

Section Three. Amendment. Title 10, Chapter 1, Section 3, Article A, **CONDITIONAL USES**, of the Inver Grove Heights City Code is hereby amended as follows. The ~~struck out~~ text shows the deleted wording and the underlined text shows the language added to the code:

ARTICLE A. CONDITIONAL USES

SECTION:

10-3A-1 Purpose; General Requirements

10-3A-2 Amendment Procedures Apply

10-3A-3 Submission Requirements

10-3A-4 Site Plan Review

10-3A-5 Review By Planning Commission; Action By Council

10-3A-6 Environmental And Special Studies

10-3A-7 Lapse Of Permit; Extensions

10-3A-8 Violations; Termination Of Permit

10-3A-1: PURPOSE; GENERAL REQUIREMENTS:

In order to give the district use regulations of this title the flexibility necessary to achieve the objectives of the comprehensive guide plan, in certain districts conditional uses are permitted, subject to the granting of a use permit. Conditional uses include those uses generally not suitable in a particular zoning district but which may, under some circumstances, be suitable. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit, and a periodic review of the permit may be required. The permit shall be issued for a particular use and not for a particular person or firm. The cancellation of a permit shall be subject to the same public hearing, procedure and notice requirements as set forth in section 10-3-5 of this chapter for amendments. (Ord. 1098, 11-8-2004)

10-3A-2: AMENDMENT PROCEDURES APPLY:

Except as otherwise provided in this article, the application, public hearing, notice and procedure requirements for conditional use permits shall be the same as those for amendments set forth in 10-3-5 of this chapter. (Ord. 1098, 11-8-2004)

10-3A-3: SUBMISSION REQUIREMENTS:

The applicant shall fill out and submit to the Zoning Administrator the application form and all information as required on the form unless a waiver of certain information is granted by the Zoning Administrator.~~Application for a conditional use permit shall contain a completed city application with the number of copies as specified by the planning division~~

with as much of the information detailed in the following plans as the planning division deems necessary:

~~—A. Site development plan:~~

- ~~—1. Lot dimensions and area including north arrow and scale.~~
- ~~—2. Location of all existing and proposed easements.~~
- ~~—3. Location of all buildings including both existing and proposed structures.~~
- ~~—4. Dimensions of proposed and existing structures.~~
- ~~—5. Location of all adjacent buildings located within one hundred feet (100') of the exterior boundaries of the property in question.~~
- ~~—6. Existing and proposed setbacks for all buildings and impervious areas.~~
- ~~—7. Location and number of existing and proposed parking spaces with dimensions.~~
- ~~—8. Vehicular circulation with curb cut and driveway locations and dimensions.~~
- ~~—9. Location and type of all proposed exterior lights.~~

~~—B. Floor plan and architectural elevations of proposed buildings, additions, and changes to existing structures.~~

~~—C. Sanitary sewer and water plan with estimated use per day.~~

~~—D. Grading, drainage and erosion control plan:~~

- ~~—1. Existing contours (within 100 feet of exterior boundaries).~~
- ~~—2. Proposed grading elevations.~~
- ~~—3. Drainage configuration, including general surface flow directions.~~
- ~~—4. Storm sewer catch basins and invert elevations.~~
- ~~—5. Erosion control measures.~~
- ~~—6. Drainage calculations when required by the director of public works.~~
- ~~—7. Spot elevations.~~

~~—E. Landscape plan:~~

- ~~—1. Location of all existing trees, type, diameter, and which trees will be removed.~~
- ~~—2. Location, type and diameter of all proposed plantings.~~
- ~~—3. Location and material used of all screening devices.~~

~~—F. Legal description of property under consideration.~~

~~—G.— Proof of ownership of the land for which a conditional use permit is requested.~~

~~—H.— Provide an abstractor's certificate of the names and addresses of the owners of property within three hundred fifty feet (350') of the boundaries of the property under consideration. (Ord. 1098, 11-8-2004)~~

10-3A-4: SITE PLAN REVIEW:

At the time a conditional use permit application is submitted to the city, a site plan review application shall also be submitted pursuant to the terms of chapter 15, article J of this title. (Ord. 1098, 11-8-2004)

10-3A-5: REVIEW BY PLANNING COMMISSION; ACTION BY COUNCIL:

A. The planning commission may recommend to approve, approve with conditions or deny a request for a conditional use permit. In making a recommendation, the planning commission shall consider the following provisions. If the planning commission does not make a recommendation in a timely fashion, the council may act without the recommendation. The city council may grant a conditional use permit as the use permit was applied for, or in modified form, and impose conditions and safeguards therein, if it determines the following:

1. The use is consistent with the goals, policies and plans of the city comprehensive plan, including future land uses, utilities, streets and parks.

2. The use is consistent with this code, especially this title and the intent of the specific zoning district in which the use is located.

3. The use would not be materially injurious to existing or planned properties or improvements in the vicinity.

4. The use does not have an undue adverse impact on existing or planned city facilities and services, including streets, utilities, parks, police and fire, and the reasonable ability of the city to provide such services in an orderly, timely manner.

5. The use is generally compatible with existing and future uses of surrounding properties, including:

- a. Aesthetics/exterior appearance.
- b. Noise.
- c. Traffic.
- d. Drainage.
- e. Fencing, landscaping and buffering.

- f. Other operational characteristics.
6. The property is appropriate for the use considering:
 - a. Size and shape.
 - b. Topography.
 - c. Vegetation.
 - d. Other natural and physical features.
 - e. Access.
 - f. Traffic volumes and flows.
 - g. Utilities.
 - h. Parking, setback, lot coverage and other zoning requirements.
 - i. Emergency access, fire lanes, hydrants, and other fire and building code requirements.
7. The use does not have an undue adverse impact on the public health, safety or welfare.
8. The use does not have an undue adverse impact on the environment, including, but not limited to, surface water, ground water and air quality.

B. Approval of the conditional use permit shall require a ~~four~~^{three}- fifths (~~4~~³/5) vote of the entire council. The council shall either approve or deny the conditional use permit application within the time limit established by Minnesota statutes section 15.99. (Ord. 1098, 11-8-2004)

C. ~~Amendments to an approved conditional use shall follow the same process as set forth in this section. Within the I-2 district only, modifications to the previously approved site plan of an approved conditional use permit shall be allowed by administrative review subject to the following procedural requirements:~~

~~—1.— Plan review will be in accordance with established procedures on file with the planning department including the coordinated review by other city departments and divisions as determined by the zoning administrator.~~

~~—2.— Administrative approval including all applicable conditions and requirements shall be made in writing by the zoning administrator. The applicant, in addition to all other applicable requirements, shall submit a written acknowledgment of that approval prior to the commencement of any development and prior to the issuance of any permits.~~

~~—3.— Any unresolved dispute as to administrative interpretation of this code, this title, or policy requirements may be formally appealed pursuant to this title.~~

~~—4.—Any variance proposal will automatically require the entire application to be processed in accordance with the planning commission review and city council approval provisions of section 10-3-4 of this chapter.~~

~~—5.—Any new use not approved under the existing conditional use permit and is classified as a conditional use in the corresponding zoning district, shall require the entire application to be processed in accordance with the requirements for conditional uses in this article.~~

~~—6.—The zoning administrator may waive or modify data submission application requirements if the zoning administrator determines previously made submissions for the property substantially address the information needed to evaluate the requested modifications. (Ord. 1322, 10-10-2016)~~

~~10-3A-6: ENVIRONMENTAL AND SPECIAL STUDIES:~~

~~—A.— In making its findings for the issuance or denial of a conditional use permit, the city council may require the preparation of an environmental assessment worksheet (EAW), environmental impact statement (EIS) or any special studies it deems necessary or advisable in order to provide more factual or detailed information on which to base approval, denial or mitigating condition of a conditional use permit. Said special studies may include, but not be limited to: traffic, utilities, engineering, economics, potential health hazard, groundwater, air quality, wetlands or similar matters. With respect to studies for potential health hazard, a human health risk assessment in conformance with chapter LIV of the city administrative code may be required.~~

~~—B.—The reasonable cost of the preparation of an EAW, EIS or other special study, as required by the city council, shall be borne by the conditional use permit applicant. Where an EAW, EIS or other special study has been ordered by the council, no final action on the conditional use permit request shall occur until completion of the study as required. Failure by the applicant to finance or provide for special studies and corresponding information required by the city council may be sufficient reason to deny a request for a conditional use permit. (Ord. 1098, 11-8-2004)~~

~~10-3A-7: LAPSE OF PERMIT; EXTENSIONS:~~

~~A. A conditional use permit shall become void two (2) years after being granted by the city council unless it is used prior to the expiration of said two (2) year period. An extension of the two (2) year period may be requested subject to the following procedure:~~

~~1. At least ninety (90) days prior to the expiration date of the conditional use permit, the applicant shall submit to the city council a written request for a time limit extension, stating the reasons for the extension request.~~

~~2. Upon receipt of the extension request, the city council may either:~~

- a. Act upon the request; or
- b. Refer the matter to the planning commission for further study.

3. If the extension request is referred to the planning commission, that body shall conduct an informal review to determine if changes have occurred in the area which would warrant a new public hearing or denial of the time extension request. The planning commission shall subsequently make a recommendation to the city council suggesting approval of the time extension, denial of the time extension, or recommending that the property owner reapply for a new conditional use permit, thus initiating a new public hearing. In the event that the planning commission recommends denial of the time extension, or submittal of a new application for a conditional use permit, the reasons for such a determination shall be stated.

4. A maximum of one time limit extension may be requested for any previously approved conditional use permit. Said time limit extension shall be valid for only one year from the day of the month that the original conditional use permit was approved.

B. Upon expiration of the time limit extension, the property owner may resubmit a new request for a conditional use permit, subject to all procedures and fees in effect at the time of submittal. (Ord. 1098, 11-8-2004)

10-3A-8: VIOLATIONS; TERMINATION OF PERMIT:

A violation of any condition set forth in a conditional use permit shall be a violation of this title and also automatically terminate the conditional use permit. (Ord. 1098, 11-8-2004)

Section Four. Amendment. Title 10, Chapter 13, Article A, **PLANNED UNIT DEVELOPMENT DISTRICT**, of the Inver Grove Heights City Code is hereby amended as follows. The ~~struck out~~ text shows the deleted wording and the underlined text shows the language added to the code:

ARTICLE A. PLANNED UNIT DEVELOPMENT DISTRICT

SECTION:

10-13A-1 Purpose

10-13A-2 Interpretation

10-13A-3 Relation Of Planned Unit Development Site To Adjacent Areas

10-13A-4 Minimum Area

10-13A-5 BuildingSite Coverage

10-13A-6 Residential Unit Densities

10-13A-7 Setback And Side Yard Requirements

10-13A-8 Open Space

10-13A-9 Permitted Uses

10-13A-10 Procedure

10-13A-11 Required Information

10-13A-12 Standards And Criteria For Planning Commission And Council Action

10-13A-13 Effect Of Final Planned Unit Development Approval

10-13A-14 Automatic Termination

10-13A-1: PURPOSE:

This article is adopted for the purposes of:

- A. Providing the means for greater creativity and flexibility in environmental design than is proposed under the strict application of this title while at the same time preserving the health, safety, order, convenience, prosperity and general welfare of the city and its inhabitants.
- B. Recognizing the economic and cultural advantages that will accrue to the residents of a planned community.
- C. Encouraging a more creative and efficient approach to the use of the land.
- D. Encouraging the preservation and enhancement of desirable site characteristics and open space.
- E. Encouraging a development pattern in harmony with land use density, transportation facilities and community facilities, and objectives of the comprehensive plan. (Ord. 1098, 11-8-2004)

10-13A-2: INTERPRETATION:

The provisions of this article shall be interpreted in accordance with the following:

- A. Planned unit developments may be excluded from certain requirements of this title when specifically approved as a part of the planned unit development. Such exclusions shall only be granted for the purpose of creating better overall design and an improved living environment and not solely for the economic advantage of the developer. All provisions of this title not specifically excluded in the preliminary and/or final plan shall apply to the planned unit development.

B. In most cases, the granting of a planned unit development permit does not alter in any manner the underlying zoning district classification, except that building permits shall not be issued which are not in conformity with the approved planned unit development. In those cases where a specific planned unit development ordinance is adopted for a development (in contrast to those cases in which adoption of an ordinance simply effects a rezoning of the development site to a planned unit development district), the granting of a planned unit development permit to that development shall confer upon its planned unit development ordinance precedence over this title.

C. Whenever a dispute arises concerning the interpretation and/or application of any section of this title, the matter may be referred to the board of adjustments and appeals for hearing pursuant to section 10-3-7 of this title. (Ord. 1098, 11-8-2004)

10-13A-3: RELATION OF PLANNED UNIT DEVELOPMENT SITE TO ADJACENT AREAS:

The design of a planned unit development shall take into account the relationship of the site to the surrounding areas. The perimeter of the planned unit development shall be so designed to minimize undesirable impact of the development on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the planned unit development. (Ord. 1098, 11-8-2004)

10-13A-4: MINIMUM AREA:

The minimum total area required for a planned unit development shall be ten (10) acres of contiguous land. Tracts of less than ten (10) acres may qualify only if the applicant can show that the minimum lot area requirement should be waived because a planned unit development is in the public interest and that one or both of the following conditions exist:

A. Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the normal district would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.

B. The property is adjacent to or across the street from property which has been developed under the provisions of this article and will contribute to the amenities of the neighborhood. (Ord. 1098, 11-8-2004)

10-13A-5: ~~SITE-BUILDING~~ COVERAGE:

A. Residential Districts: In residential districts, the total ground area occupied by buildings in a planned unit development shall not exceed twenty percent (20%) of the net land area, excluding public streets and permanent water areas.

B. Nonresidential Districts: In nonresidential districts, the total ground area occupied by buildings in a planned unit development shall not exceed thirty percent (30%) of the net land area, excluding public streets and permanent water areas. (Ord. 1098, 11-8-2004)

10-13A-6: RESIDENTIAL UNIT DENSITIES:

A planned unit development may provide for a variety of housing types in any one of the basic residential zoning districts. The total number of dwelling units allowed in a development shall be determined by either:

A. The area standards of the underlying zoning district in which the proposed development is to be located; or

B. The density specified by the city council consistent with the intent of the city comprehensive plan. A plan may provide for a greater number of dwelling units per acre than would otherwise be permitted by the regulations otherwise applicable to the site; however, the applicant has the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The council, in determining the reasonableness of the increase in the authorized dwelling units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public facilities and services to be achieved by:

1. The location, amount and proposed use of common open space;
2. The location, design and type of dwelling units; and
3. The physical characteristics of the site. (Ord. 1098, 11-8-2004)

10-13A-7: SETBACK AND SIDE YARD REQUIREMENTS:

Notwithstanding other provisions of this article, every lot in a planned unit development abutting the perimeter of the development shall conform to the yard requirements for the underlying district. Side yards between buildings in a planned unit development shall be not less than twenty feet (20') or the height of the building in nonresidential developments, whichever is greater, but such buildings may be constructed without reference to the property lines of the individual lots on which they are built. (Ord. 1098, 11-8-2004)

10-13A-8: OPEN SPACE:

A. A primary function of this article is to encourage development which will preserve and enhance the worthwhile, natural terrain characteristics and not force intense development to utilize all portions of a given site in order to arrive at the maximum intensity or density allowed. In evaluating each individual proposal, the recognition of this

objective will be a basic consideration in granting approval or denial including, but not limited to, the following:

1. The amount and location of private common open space area shall be consistent with the stated purpose of this article and in no case shall be less than fifteen percent (15%) of the total project area. The residential portion of the project area shall further conform to the mandatory public park, playground and open space area dedication requirements of section 11-4-5 of this code.

2. All open space shall be labeled as such and as to its intent or designed functions.

B. In the event certain land areas or structures are provided within the planned unit development for recreational use or as service facilities, the owner of such land and buildings shall file a suitable agreement with the city that assures the continued operation and maintenance to a predetermined reasonable standard. These common areas may be placed under the ownership of one of the following, depending which is more appropriate:

1. Landlord control.
2. Homeowners' association, provided all of the following conditions are met:
 - a. The homeowners' association must be established prior to any sale.
 - b. Membership must be mandatory for each owner and any successive buyer.
 - c. The open space restrictions must be permanent, not for a given period of years.
 - d. The association must be responsible for liability insurance, local taxes and the maintenance of residential and other facilities.
 - e. Landowners must pay their pro rata share of the cost and the assessment levied by the association that can become a lien on the property in accordance with Minnesota statutes.
 - f. The association must be able to adjust the assessment to meet changing needs.
(Ord. 1098, 11-8-2004)

10-13A-9: PERMITTED USES:

Uses approved and permitted under a planned unit development shall only include permitted, conditional and accessory uses allowed in residential districts in the city and those business, industry and institutional uses specifically approved as a part of the planned unit development and in accordance with standards herein provided. (Ord. 1098, 11-8-2004)

10-13A-10: PROCEDURE:

A. Generally: Planned unit developments shall be proposed and approved in accordance with this section.

B. Preliminary Discussion: Prior to filing a petition, any person may request a meeting with the planning commission to discuss the feasibility of a planned unit development. Such request shall be made by addressing a letter to the city planning commission where, upon said request, shall be heard at a subsequent planning commission meeting.

C. Petition: The petition for a planned unit development shall be on a form provided by the city and shall include all of the following information:

1. Signature(s) of owner(s) and developer(s).
2. All data normally required by the city for a rezoning and preliminary plat petition.
3. All information and plans comprising a "preliminary development plan", as defined in subsection 10-13A-11A of this article.

D. Preliminary Development Plan Approval: The petition for a preliminary development plan of a planned unit development shall be processed by the city in the same manner in which rezoning petitions are processed as described in section 10-3-5 of this title.

E. Development Agreements: As a condition to approval of a preliminary development plan, the city may require the owner and developer of a proposed planned unit development to execute an agreement which may include, but not be limited to, all information required in the preliminary development plan as provided in subsection 10-13A-11A of this article.

F. Fees: The fee for a planned unit development shall be the same as the fee charged for a rezoning and preliminary plat when the latter is also included.

G. Performance Bond:

1. The owner and/or developer of a proposed planned unit development shall furnish a letter of credit in a sum equal to one hundred twenty five percent (125%) of the city director of public works cost estimate for the required improvements to be furnished or installed by the owner and/or developer, including, but not limited to, street surfacing, curbs, gutters, sanitary sewer and water service and storm sewers. The letter of credit shall be approved by the city attorney prior to its acceptance.

2. A certified check shall be submitted by the owner and/or developer for the estimated inspection costs of the required improvements to be furnished or installed by said owner and/or developer. Said check shall be submitted at the time of the submission of the letter of credit.

H. ~~Variance~~Flexibility: ~~Variance~~Deviations from standards granted as a part of a planned unit development shall not be subject to this title. Said ~~variances~~variances-deviations shall be permitted as a part of the overall approval of the planned unit development, provided said ~~variance~~variance-deviations from provisions of this title are so stated in the planned unit development agreement.

I. Effect Of Approval Of Preliminary Development Plan: Upon approval of a preliminary development plan, a planned unit development may not be altered, revised or withdrawn without the approval of the city council.

J. Final Development Plan Approval:

1. The "final development plan", as defined in subsection 10-13A-11B of this article, shall be submitted for final development plan approval within one year after city council approval of the preliminary development plan unless a written request for an extension is submitted by the applicant. If application for final approval or a request for extension is not received within one (1) year, the preliminary development plan will be considered abandoned, and a new petition for a preliminary development plan must be submitted following the preliminary development plan procedure. In addition to a request for extension, the applicant may request in writing that final development plan approval take place in phases coinciding with the progression of staged development.

2. The final development plan shall be reviewed and ~~recommendations made by the planning commission within ninety (90) days after filing of the application for final development plan approval.~~ The city council shall make the final determination on approval of the final development plan. Public hearing shall not be required, provided the final development plan is in substantial conformance with the preliminary development plan. Any major change as determined by the ~~zoning administrator~~ city council shall require a public hearing.

K. Zoning Map: All approved final development plans shall be so designated on the city zoning map, as it is revised from time to time. The map shall refer by number or other means to an approved final development plan of a planned unit development on file with the city. Said plans shall be available for the general public to review.

L. Council Action: The approval of a preliminary development plan and a final development plan of a planned unit development shall require a vote of a majority of the entire city council, except that any preliminary development plan or final development plan of a planned unit development incorporating any ~~of the following~~ rezonings identified in Section 10-3-5 shall require a four-fifths (4/5) vote of the entire council.∴

From Any of These Districts	To	Any of these Districts
A Agricultural		I Industrial
		B Business
		OP Office park
E Estate		COMM-PUD

		OFFICE PUD
		MU-PUD
R Residential or MF-PUD		IRM Integrated resource management overlay
		SG Sand and gravel overlay
		PUDs with commercial or industrial uses

(Ord. 1098, 11-8-2004)

10-13A-11: REQUIRED INFORMATION:

A. Preliminary Development Plan: ~~The applicant shall fill out and submit to the Zoning Administrator the application form and all information as required on the form unless a waiver of certain information is granted by the Zoning Administrator.~~ preliminary plan of a planned unit development shall include the following information:

- ~~1. All information required in the subdivision ordinance for a preliminary plat 1.~~
- ~~2. A general development plan indicating:~~
 - ~~a. The proposed site and existing development and adjacent properties.~~
 - ~~b. The proposed use of all areas of the site.~~
 - ~~c. The proposed density, type, size and location of all dwelling units.~~
 - ~~d. The general size, location and use of proposed business, industrial or institutional buildings.~~
 - ~~e. Public streets, entrance and exit drives, and walkway locations.~~
 - ~~f. Parking areas and stall arrangement.~~
 - ~~g. Landscaping.~~
 - ~~h. Park and open space lands.~~
 - ~~i. Dimensions.~~
 - ~~j. Proposed drainage and utility systems.~~

~~—3.— A summary sheet indicating:~~

~~— a. Area of land in each use or each separate intensity of use.~~

~~— b. Number of residential dwelling units proposed in each area.~~

~~— c. Number of acres of common open space.~~

~~— d. Modifications of any provisions of this title.~~

~~—4.— A staging plan indicating the geographical sequence and timing of development of the plan or portions thereof, including the date of beginning and completion of each stage. The staging plan shall also include the number of dwelling units, commercial structures, public streets, utilities and recreation areas.~~

~~—5.— A detailed plan of first phase development indicating buildings, parking areas, driveways and similar detail on the site plan and including architectural elevation drawings of all buildings.~~

~~—6.— A preliminary plat may be required by the city for those areas where development is imminent, and a sketch plan shall be required for the remaining areas.~~

~~—7.— A written statement by the applicant stating how the proposed planned unit development conforms to the stated objectives and purposes of this article and why the proposal would be in the public interest.~~

~~B. Final Development Plan: The applicant shall fill out and submit to the Zoning Administrator the application form and all information as required on the form unless a waiver of certain information is granted by the Zoning Administrator.~~ final development plan for a planned unit development shall be accompanied by a legal description of the total property, together with copies of the following:

~~1.— A final plat adopted in accordance with the requirements of title 11 of this code, except as otherwise specifically provided in this article.~~

~~—2.— A final site plan showing the locations of all structures, including placement, size and type, as well as streets, parking areas, walkways, open space and similar detail areas on a scaled and dimensional drawing.~~

~~—3.— A landscape plan showing the location, species and size of all plant materials. Landscape information shall be located on the grading map.~~

~~—4.— A utility plan showing the location and size of all utilities and easements. The utility plan shall include sanitary sewer, water, storm sewer and drainage, electrical and gas.~~

~~—5.— Building plans shall be submitted in sufficient detail to warrant issuance of a building permit. Scaled architectural drawings of the exterior of all buildings shall be submitted in sufficient detail to allow the city to review said plans for the impact they will have upon adjoining properties and the general area in which the buildings are located.~~

~~—6.—Deed restrictions, covenants, agreements, bylaws or proposed homeowners' association or other documents or contracts controlling the use or maintenance of property. Where such information is lacking, the council may require a bond or similar guarantee to ensure that areas held in common by persons residing in the development will be developed and maintained.~~

~~—7.—Proposed zoning changes or variances with legal descriptions of any district boundary changes.~~

~~—8.—A final staging plan indicating the geographical sequence and timing of development of the plan or portions thereof, including the date of beginning and completion of each stage.~~

~~—9.—Any other information necessary to fully represent the intentions of the preliminary plan. (Ord. 1098, 11-8-2004)~~

Notes

1. See subsection 11-2-5B of this code.

10-13A-12: STANDARDS AND CRITERIA FOR PLANNING COMMISSION AND COUNCIL ACTION:

~~The planning commission may recommend and the council may act to approve, approve with conditions, or deny a preliminary or final plan for a planned unit development.~~ The planning commission, in making a recommendation, and the council, in acting upon a plan, shall consider the following factors:

- A. The consistency of the proposed planned unit development with the adopted or proposed comprehensive plan of the city.
- B. The extent to which the proposed planned unit development is designed to form a desirable and unified environment within its own boundaries in terms of relationship of structures, patterns of circulation, visual character and sufficiency of drainage and utilities.
- C. The extent to which the proposed uses will be compatible with present and planned uses in the surrounding area.
- D. That any exceptions to this article are justified by the design or the development.
- E. The sufficiency of each planned unit development phase's size, composition, and arrangement in order that its construction, and operation is feasible without dependence upon any subsequent phase.
- F. The burden or impact created by the planned unit development on parks, schools, streets, and other public facilities and utilities.

G. The impact of the planned unit development on environmental quality and on the reasonable enjoyment of the surrounding property. (Ord. 1098, 11-8-2004)

10-13A-13: EFFECT OF FINAL PLANNED UNIT DEVELOPMENT APPROVAL:

A. Except as provided in section 10-13A-14 of this article, no building permit shall be issued for any building on land for which a plan for a planned unit development has been approved which does not conform to the approved final plan. No grading, development or construction on the site may occur unless it conforms with the approved final development plan.

B. Except as provided in section 10-13A-14 of this article, development of land for which a planned unit development has been approved which does not conform to the approved final plan shall only be allowed after one of the following:

1. Amendment to the approved final plan of the planned unit development by the city council in the same manner as required for approval of a planned unit development.

2. Vacation of the approved planned unit development by the city council after notice and public hearing in the same manner as required for approval of the planned unit development. The council may further condition the vacation of a planned unit development in order to better protect the public health, safety and welfare. (Ord. 1098, 11-8-2004)

10-13A-14: AUTOMATIC TERMINATION:

Upon expiration of the specific time period, if any, approved by the city for total development of a planned unit development, the subject area shall become a permanent planned unit development district, and the conditions, provisions and restrictions of the final development plan shall continue to govern the use of the land. Provided, nevertheless, that if a planned unit development is not completed within the required time period, the planned unit development district classification shall automatically terminate as to that portion of the district which has not been developed. The requirements and provisions of the underlying zoning classification in its entirety shall thereafter apply to the undeveloped area. Any factual disputes arising under this section shall be presented to and determined by a majority vote of the city council. (Ord. 1098, 11-8-2004)

Section Five. Amendment. Title 10, Chapter 14, **INTERIM USES**, of the Inver Grove Heights City Code is hereby amended as follows. The ~~struck out~~ text shows the deleted wording and the underlined text shows the language added to the code:

CHAPTER 14
INTERIM USES

SECTION:

10-14-1 Purpose And Intent

10-14-2 Interim Uses Enumerated

10-14-3 Permit Requirements

10-14-4 Effect On Underlying Districts

10-14-1: PURPOSE AND INTENT:

In order to provide property owners with greater flexibility on the usage of their property prior to final development, the city has defined specific uses that may be approved for a property, subject to city council approval. Interim uses are typically uses that are not appropriate based upon strict application of restrictions of this title, existing development and proposed future land use plans; however, they may have merit as uses as a precursor to final development of a property. (Ord. 1098, 11-8-2004)

10-14-2: INTERIM USES ENUMERATED:

The following land uses shall be deemed interim uses within the city:

A. Within the B-3 and I-1 zoning districts only, portable or temporary metal shipping containers or storage pods associated with mini-storage facilities, subject to the conditions contained in an approved interim use permit. (Ord. 1098, 11-8-2004)

B. Within A, R-1A, R-1B, R-1C, E-1, E-2 and R-2 zoning districts, a second kitchen and bath facility shall be allowed in single-family homes for a state licensed care provider (as permitted under Minnesota statutes section 245A.11a). (Ord. 1103, 2-14-2005)

C. Within the A agricultural zoning district, athletic fields used in conjunction with an adjoining school shall be allowed. (Ord. 1132, 7-10-2006)

D. Within the I-2 general industry zoning district, a temporary contractor's yard with outdoor storage shall be allowed. (Ord. 1129, 4-10-2006)

E. Within the I-1 limited industry and I-2 general industry districts only, crushing of concrete, asphalt or asphalt cement shall be allowed, subject to the conditions contained in an approved interim use permit and subject to the following: (Ord. 1098, 11-8-2004)

1. Crushing shall be limited to the crushing of concrete, asphalt or asphalt cement, and "asphalt debris", defined as waste concrete or asphalt rubble resulting from construction, repair, and demolition of roads, provided the material to be crushed does not contain "hazardous waste", as defined in section 10-2-2 of this title, and does not contain asbestos and glass. (Ord. 1098, 11-8-2004; amd. 2008 Code)

2. Crushing shall be allowed only as long as the property is used as a contractor's yard.

3. Crushing shall be allowed so long as it does not create a "public nuisance" or cause land pollution, noise pollution or air pollution as defined in Minnesota statutes section 116.06, subdivisions 14, 16 and 4, respectively, as amended from time to time.

4. Crushing operation shall only be allowed on a parcel of ten (10.0) acres or greater in size.

5. Crushing shall be restricted to a onetime, maximum eight (8) workday period per calendar year.

6. The time period shall occur only between November 15 through April 15.

7. The amount of crushed material produced shall be limited to ten thousand (10,000) tons per year.

8. The height of any rubble or recycled crushed pile shall not exceed thirty five feet (35').

9. Crushing of asphalt and concrete shall cease if the property is rezoned or if the principal use of the property changes from what was existing as of the date of the interim use permit issuance. (Ord. 1139, 11-27-2006)

F. Allow a temporary ministorage facility with outdoor storage in the I-1 and I-2 Zoning Districts. (Ord. 1165, 10-8-2007)

G. The crushing of concrete or asphalt shall be allowed on a temporary basis associated with a public road construction project subject to the following:

1. The crushing and any staging areas shall occur in the City of Inver Grove Heights.

2. Crushing shall occur only between the hours of seven o'clock (7:00) A.M. and four thirty o'clock (4:30) P.M. Monday through Friday.

3. The crushing of the material shall cease within thirty (30) days of completion of the projects within the City of Inver Grove Heights.

4. The concrete or asphalt being crushed must come from a public road construction project in the City of Inver Grove Heights and at least ninety percent (90%) must be reused in a public road construction project in the City of Inver Grove Heights. (Ord. 1183, 10-22-2008)

H. Within A, E-1, E-2, R-1A, R-1B, R-1C, and single-family PUD Zoning Districts, the following form of supervised student housing shall be allowed subject to the following:

1. The supervised student housing shall be under the general supervision of the single family occupying the dwelling, pursuant to a program sponsored by an organization holding a tax status of 501(c)(3) that promotes education provided students are participating in an educational program located in Dakota County.

2. The maximum number of students allowed shall be determined by the following formula: Every bedroom used to house one student shall contain a minimum of seventy

(70) square feet. Every bedroom occupied by more than one student shall contain a minimum of fifty (50) square feet of floor area for each student, but in no case shall the maximum number of students allowed per dwelling exceed eight (8).

3. The owner of the premises shall provide and maintain compliance with all Building and Fire Safety Codes as required by the City building official and Fire Marshal.

4. The single-family home shall be inspected for code compliance by the chief building official prior to occupancy and annually thereafter.

5. The interim use shall expire if the organization sponsoring the program changes or if there are no students occupying the premises for more than one year.

6. Staff member(s) of the supervising organization may also occupy the single-family dwelling, in a bedroom separate from the students, provided the maximum number of students be reduced by the number of staff if the staff person(s) are not part of the single family occupying the dwelling. (Ord. 1294, 6-8-2015)

I. Within the A Agricultural Zoning District, contractor's yard with outdoor storage shall be allowed provided the parcel is guided commercial as identified on the Inver Grove Heights comprehensive plan land use map. (Ord. 1316, 6-13-2016)

J. Within B-3, B-4, and P Zoning Districts, park-and-ride facilities such as short-term parking and park-and-fly lots shall be allowed subject to the conditions contained in an approved interim use permit and subject to the following:

1. The applicant shall show that there is no substantial conflict in the principal operating hours of the two (2) or more uses for which the joint use of off street parking facilities is proposed.

2. Required parking facilities serving two (2) or more uses may be located on the same lot, provided that the total number of parking spaces so furnished shall be not less than the sum total of the separate requirements for each use during any peak hour parking period when the parking facility is utilized at the same time.

3. Off street parking spaces shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable or for lease, rent or sale.

4. When making an interim use application the applicant shall address criteria such as landscaping, screening from abutting properties, lighting, access, security, stormwater, traffic generation, hours of operation and snow removal for the proposed park-and-ride facility. (Ord. 1348, 3-26-2018)

10-14-3: PERMIT REQUIREMENTS:

A. Vote Required; Considerations: Interim uses identified herein shall require an affirmative vote of ~~threefour~~-fifths (34/5) of the members of the City Council. Interim use permits shall be issued for a specific land use on a specific property and not for a particular

individual or firm. In considering a request for an interim use permit, the Planning Commission and City Council shall:

1. Determine that the use conforms to this title;
2. Specify a date and/or event that will terminate the use;
3. Determine that the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
4. Impose other appropriate conditions that the City Council deems appropriate to regulate the use of the property without significant adverse impact to the surrounding properties.

B. Processing Permit: Requests for an interim use permit shall be processed in the same manner and shall require action by the City Council in the same manner as requests for conditional use permits as outlined in chapter 3, article A of this title. ~~Applications for an interim use permit shall be filed at the Offices of the Planning Division and shall be accompanied by the following materials. The applicant shall fill out and submit to the Zoning Administrator the application form and all information as required on the form unless a waiver of certain information is granted by the Zoning Administrator.:~~

- ~~— 1. — A completed planning application form, as provided by the Planning Division.~~
- ~~— 2. — An abstractor's certificate which identifies the names and addresses of all property owners within three hundred fifty feet (350') of the property that is the subject of the interim use permit request.~~
- ~~— 3. — Provide thirteen (13) folded, full size drawings and one set of eleven inch by seventeen inch (11" x 17") reductions of a site plan, landscape plan, utility plan, grading and drainage plans which include both existing and proposed contours, a staging plan (for phased developments), building plans and elevations and any other supportive documentation City staff may deem necessary to ensure the efficient processing of the request.~~
- ~~— 4. — A written narrative describing the proposed use of the property, hours of operation, anticipated time period for which the interim use permit is requested, anticipated end use of the property, and any other supportive documentation City staff may deem necessary to ensure the efficient processing of the request. (Ord. 1098, 11-8-2004)~~
- ~~— 5. — A filing fee as set out in section 10-3-8 of this title, plus escrow collected for a conditional use permit request in an amount as determined from time to time by the City Council. (Ord. 1098, 11-8-2004; amd. 2008 Code)~~

C. Expiration Of Permit; Extension: An interim use permit shall become null and void one year after being granted by the City Council unless it is used prior to the one year anniversary date of approval. A onetime extension of an interim use permit approval may be granted by the City Council. Upon expiration of an interim use permit, the property owner shall not request a new interim use permit for the same interim use on the property.

D. Revocation Of Permit: A violation of the terms and conditions attached to the approval of an interim use permit shall be deemed cause for revocation of that interim use permit. (Ord. 1098, 11-8-2004)

10-14-4: EFFECT ON UNDERLYING DISTRICTS:

The approval of an interim use permit for a property shall not change the underlying zoning of the property. (Ord. 1098, 11-8-2004)

Section Six. Amendment. Title 10, Chapter 15, Article J, **SITE PLAN REVIEW**, of the Inver Grove Heights City Code is hereby amended as follows. The ~~struck out~~ text shows the deleted wording and the underlined text shows the language added to the code:

ARTICLE J. SITE PLAN REVIEW

SECTION:

10-15J-1: Purpose

10-15J-2: Review Required; Exceptions

10-15J-3: Conditional Use Permit

10-15J-4: Sketch Plan

10-15J-5: Minor Projects Site Plan Review

~~10-15J-6: Major Projects~~

10-15J-~~67~~: Evaluation Criteria

10-15J-~~87~~: Information Required

10-15J-~~89~~: Lapse Of Approval

10-15J-~~910~~: Site Improvement Performance Agreement And Financial Guarantee

10-15J-~~101~~: Compliance With Building And Fire Codes

10-15J-~~112~~: Plan Agreements

10-15J-~~123~~: Enforcement

10-15J-~~134~~: Amendments To Approved Site Plans

10-15J-1: PURPOSE:

The purpose of this article is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this article. (Ord. 1098, 11-8-2004)

10-15J-2: REVIEW REQUIRED; EXCEPTIONS:

Site plan reviews are required for those projects identified in sections 10-15J-5 ~~and 10-15J-6~~ of this article. However, the following shall be excepted from the requirements of this article:

- A. Agricultural developments.
- B. Single-family detached dwellings.
- C. Two-family attached dwellings. (Ord. 1098, 11-8-2004)

10-15J-3: CONDITIONAL USE PERMIT:

If a proposed use requires a conditional use permit pursuant to chapter 3, article A, section 10-6-1 or 10-6-2 of this title, then, at the time the site plan review is requested, a conditional use permit application must also be submitted to the city. (Ord. 1098, 11-8-2004; amd. 2008 Code)

10-15J-4: SKETCH PLAN:

A. Prior to the formulation of a site plan, applicants may present a sketch plan to the zoning administrator prior to filing of a formal application. ~~The applicant shall fill out and submit to the Zoning Administrator the application form and all information as required on the form unless a waiver of certain information is granted by the Zoning Administrator. The plan shall be conceptual but shall be drawn to scale with topography of a contour interval not greater than two feet (2') and may include the following:~~

- ~~— 1. The proposed site with reference to existing development on adjacent properties, at least to within two hundred feet (200').~~
- ~~— 2. General location of proposed structures.~~
- ~~— 3. Tentative street arrangements, both public and private.~~
- ~~— 4. Amenities to be provided such as recreational areas, open space, walkways, etc.~~
- ~~— 5. General location of parking areas.~~
- ~~— 6. Proposed public sanitary sewer, water and storm drainage.~~

~~—7. A statement showing the proposed density of the project with the method of calculating said density also shown.~~

B. The zoning administrator shall have the authority to refer the sketch plan to the planning commission and/or city council for discussion, review, and informal comment. Any opinions or comments provided to the applicant by the zoning administrator, planning commission, and/or city council shall be considered advisory only and shall not constitute a binding decision on the request. (Ord. 1098, 11-8-2004)

10-15J-5: ~~MINOR PROJECTS~~ SITE PLAN REVIEW:

~~—A. Designation: The following shall be considered minor projects and subject to review procedures as indicated:~~

~~—1. No site plan review required: Building projects that comprise less than ten percent (10%) building footprint expansion (up to 500 square feet) and/or twenty five percent (25%) increase in the assessed value of the structure as determined by the county assessor.~~

~~—2. Administrative review: Building projects that comprise a ten (10) to thirty percent (30%) building footprint expansion and/or twenty five (25) to fifty percent (50%) increase in the assessed value of the structure as determined by the county assessor.~~

AB. Procedure: Administrative review approval of ~~eligible~~ site plans shall be subject to the following procedural requirements:

1. Pursuant to Minnesota statutes section 15.99, an application for site plan approval shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended pursuant to statute or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision making period an additional sixty (60) days unless this limitation is waived by the applicant. Plan review will be in accordance with established procedures including the coordinated review by other city departments and divisions as determined by the zoning administrator.

2. Site plans involving properties within approved planned unit developments shall be subject to applicable evaluation criteria in this article.

3. Any variance proposal will automatically require the entire application to be processed in accordance with the planning commission review and city council approval provisions of section 10-3-4 of this title.

4. Administrative approval including all applicable conditions and requirements shall be made in writing by the zoning administrator. The applicant, in addition to all other applicable requirements, shall submit a written acknowledgment of that approval prior to the commencement of any development and prior to the issuance of any permits.

5. Any unresolved dispute as to administrative interpretation of this code, this title, or policy requirements may be formally appealed pursuant to this article.

6. Site plans involving conditionally permitted uses are subject to the review requirements found in chapter 3, article A of this title.

C. Certification Of Taxes Paid: Prior to approving an application for a minor project, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the minor project application relates. (Ord. 1098, 11-8-2004)

~~10-15J-6: MAJOR PROJECTS:~~

~~—A. Definition: A "major project" is defined as one or both of the following and subject to review as prescribed in this article:~~

~~—1. Construction on an existing parcel of new structures that may or may not be in conjunction with site improvements on redevelopment site or vacant undeveloped lands; and/or~~

~~—2. Building projects that comprise more than a thirty percent (30%) building footprint expansion and/or fifty percent (50%) increase in the assessed value of the structure as determined by the county assessor. (Ord. 1098, 11-8-2004)~~

~~—B. Procedure:~~

~~—1. Certificate of survey is required.~~

~~—2. Request for site plan approval, as provided within this article, shall be filed with the zoning administrator on an official application form. Such application shall be accompanied by a fee as set out in section 10-3-8 of this title. Such application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the zoning administrator, fully explaining the proposed change, development, or use and a list of property owners within three hundred fifty feet (350') of the subject property in a format prescribed by the zoning administrator. The request shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements. (Ord. 1098, 11-8-2004; amd. 2008 Code)~~

~~—3. The applicant shall supply proof of ownership of the property for which the site plan approval is requested or supply written authorization from the owner(s) of the property in question to proceed with the requested site plan approval.~~

~~—4. The zoning administrator shall coordinate the review of the site plan and provide general assistance in preparing a recommendation on the action to the planning commission and the city council.~~

~~—5. The planning commission and city staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony at the expense of the applicant concerning operational factors. Said information is to be declared necessary to evaluate the request and/or to establish performance conditions in relation to all pertinent sections of this title. Failure on the part of the~~

applicant to supply all necessary supportive information may be grounds for denial of the request.

~~—6. The applicant or a representative thereof may appear before the planning commission in order to present information and answer questions concerning the proposed request.~~

~~—7. The planning commission shall recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this article.~~

~~—8. Upon receiving the report and recommendation of the planning commission, the city administrator shall schedule the application for consideration by the city council. Such reports and recommendations shall be entered in and made part of the permanent written record of the city council meeting.~~

~~—9. The applicant or a representative thereof may appear before the city council in order to present information and answer questions concerning the proposed request.~~

~~—10. Approval of the site plan shall require passage by a majority vote of the city council.~~

~~—11. Pursuant to Minnesota statutes section 15.99, an application for site plan approval shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended pursuant to statute or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision making period an additional sixty (60) days unless this limitation is waived by the applicant.~~

~~—C. Certification Of Taxes Paid: Prior to approving an application for a major project, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the major project application relates. (Ord. 1098, 11-8-2004)~~

10-15J-~~67~~: EVALUATION CRITERIA:

~~The planning commission and city council~~City staff shall evaluate the effects of the proposed site plans. This review shall be based upon compliance with the city comprehensive plan, this title, and other city codes and policies. (Ord. 1098, 11-8-2004)

10-15J-~~78~~: INFORMATION REQUIRED:

~~The applicant shall fill out and submit to the Zoning Administrator the application form and all information as required on the form unless a waiver of certain information is granted by the Zoning Administrator. The information required for all site plan applications generally consists of the following items and shall be submitted when requested and specified by the zoning administrator:~~

~~—A. Site Plan:~~

- ~~—1. Certificate of survey.~~
- ~~—2. Name and address of developer/owner.~~
- ~~—3. Name and address of architect/designer.~~
- ~~—4. Date of plan preparation.~~
- ~~—5. Dates and description of all revisions.~~
- ~~—6. Name of project or development.~~
- ~~—7. Scale of plan (engineering scale only, at 1 inch equals 50 feet or less).~~
- ~~—8. North point indication.~~
- ~~—9. Lot dimension and area.~~
- ~~—10. Required and proposed setbacks.~~
- ~~—11. Location, setback and dimension of all buildings on the lot including both existing and proposed structures.~~
- ~~—12. Location of all adjacent buildings located within one hundred feet (100') of the exterior boundaries of the property in question.~~
- ~~—13. Location, number, dimensions, and type of surfacing material of existing and proposed parking spaces.~~
- ~~—14. Location, number, dimensions, and type of surfacing material of existing and proposed loading spaces.~~
- ~~—15. Curb cuts and driveways.~~
- ~~—16. Type of surfacing material.~~
- ~~—17. Vehicular circulation.~~
- ~~—18. Sidewalks and walkways.~~
- ~~—19. Location and type of all proposed lighting.~~
- ~~—20. Location of recreational and service areas.~~
- ~~—21. Location of rooftop equipment and proposed screening.~~
- ~~—22. Provisions for storage and disposal of waste, garbage, and recyclables.~~
- ~~—23. Location, sizing, and type of water and sewer system mains and fire hydrants closest to the property and proposed service connections.~~
- ~~—B. Grading/Storm Water Drainage Plan:~~
 - ~~—1. Existing contours at two foot (2') intervals.~~

- 2. Proposed grade elevations, two foot (2') maximum intervals.
- 3. Drainage plan including configuration of drainage areas and calculations.
- 4. Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
- 5. Spot elevations.
- 6. Proposed driveway grades.
- 7. Surface water ponding and treatment areas.
- 8. Erosion control measures.
- 9. Calculation of total square footage of site to be covered with impervious surfaces.
- C. Landscape Plan:
 - 1. Planting schedule (table) containing:
 - a. Symbols.
 - b. Quantities.
 - c. Common names.
 - d. Botanical names.
 - e. Sizes of plant material.
 - f. Root specification (bare root, balled and burlapped, potted, etc.).
 - g. Special planting instructions.
 - 2. Location, type and size of all existing significant trees to be removed or preserved.
 - 3. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
 - 4. Typical sections in detail of fences, tie walls, planter boxes, tot lots, picnic areas, berms and the like.
 - 5. Typical sections of landscape islands and planter beds with identification of materials used.
 - 6. Details of planting beds and foundation plantings.
 - 7. Note indicating how disturbed soil areas will be restored through the use of sodding, seeding, or other techniques.
 - 8. Delineation of both sodded and seeded areas with respective areas in square feet.
 - 9. Coverage plan for underground irrigation system, if any.

- ~~—10. Where landscape or manmade materials are used to provide screening from adjacent and neighboring properties, a cross through section shall be provided showing the perspective of the site from the neighboring property at the property line elevation.~~
- ~~—11. Other existing or proposed conditions which could be expected to affect landscaping.~~
- ~~—D. Other Plans And Information: (May be required by the zoning administrator.)~~
- ~~—1. Legal description of property under consideration.~~
- ~~—2. Proof of ownership of the land for which a site plan approval has been requested.~~
- ~~—3. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).~~
- ~~—4. "Typical" floor plan and "typical" room plan.~~
- ~~—5. Fire protection plan.~~
- ~~—6. Extent of and any proposed modifications to land within the wetland, shoreland or floodplain district as described and regulated in this title.~~
- ~~—7. Wetland delineation and report.~~
- ~~—8. Type, location and size (area and height) of all signs to be erected upon the property in question.~~
- ~~—9. Certification that all property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the application relates have been paid. (Ord. 1098, 11-8-2004)~~

10-15J-~~89~~: LAPSE OF APPROVAL:

A. Unless otherwise specified by the zoning administrator or city council as may be applicable, the site plan approval shall become null and void one year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for time extension in accordance with this article.

B. An application to extend the approval of a site plan for up to an additional one year shall be submitted to the zoning administrator not less than thirty (30) days before the expiration of said approval. Such an application shall state the facts of the request, showing a good faith attempt to utilize the site plan approval, and it shall state the additional time being requested to begin the proposed construction. The request shall be heard and decided by the zoning administrator prior to the lapse of approval of the original request. After two (2) years have expired without substantially commencing construction, the site

plan shall become null and void, and no further extensions can be granted. The site plan review process must be reinitiated for projects that have exceeded two (2) years.

C. In making its determination on whether an applicant has made a good faith attempt to utilize the site plan approval, the zoning administrator or the city council, as applicable, shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay. (Ord. 1098, 11-8-2004)

10-15J-~~910~~: SITE IMPROVEMENT PERFORMANCE AGREEMENT AND FINANCIAL GUARANTEE:

Following the approval of the site plan required by this article and before issuance of a building permit, the applicant, as required by the city, shall guarantee to the city the completion of all private exterior amenities as shown on the approved site plan and as required by the site plan approval. This guarantee shall be made by means of a site improvement performance agreement and a financial guarantee as follows:

A. The applicant shall execute the site improvement performance agreement on forms provided by the city. The agreement shall be approved as to form and content by the city attorney and shall define the required work and project completion schedule and reflect the terms of this article as to the required guarantee for the performance of the work by the applicant.

B. The required work includes, but is not limited to, any necessary public improvements (such as sanitary sewer or municipal water), private exterior amenities such as landscaping, private driveways, parking areas, recreational fields, structures or buildings, drainage systems, water quality ponds, wetland mitigation, wetland buffers, erosion control, curbing, fences and screening, and other similar facilities. The required work shall also include all aspects of a tree preservation plan and reforestation plan, if applicable.

C. A financial guarantee shall be submitted with the executed site performance agreement as provided herein:

1. Financial guarantees acceptable to the city include cash escrow, an irrevocable letter of credit, or other financial instruments which provide equivalent assurance to the city and which are approved by the zoning administrator.

2. The term of the financial guarantee shall be for the life of the site improvement performance agreement, and it shall be the responsibility of the applicant to ensure that a submitted financial guarantee shall continue in full force and effect until the zoning administrator shall have approved and accepted all of the work undertaken to be done and shall thereby have released the guarantee or reduced the amount of the guarantee as provided in this section.

3. When any instrument submitted as a financial guarantee contains provision for an automatic expiration date, after which the instrument may not be drawn upon, the

expiration date shall be November 15. Further, it shall be the responsibility of the applicant to notify the city in writing, by certified mail, at least sixty (60) days in advance of the expiration date of the intention to renew the instrument or to not renew the instrument. If the instrument is to be renewed, a written notice of extension shall be provided thirty (30) days prior to the expiration date; if the instrument is not to be renewed, and has not been released by the zoning administrator, another acceptable financial guarantee in the appropriate amount shall be submitted at least thirty (30) days prior to the expiration. The term of any extension shall be approved by the zoning administrator. Upon receipt of an acceptable substitute financial guarantee, the zoning administrator may release the original guarantee.

4. The amount of the financial guarantee shall be established by the zoning administrator based upon an itemized estimate of the cost of all required work. A cash deposit or irrevocable letter of credit shall be in the amount of one hundred ~~twenty five~~ percent (100~~25~~%) of the approved estimated cost. The amount of any other approved financial instrument shall be determined by the zoning administrator.

5. The applicant may submit a separate financial guarantee for that portion of the required work consisting solely of landscaping improvements with another financial guarantee for all other exterior amenities and improvements which comprise the work.

6. The time allowed for completion of the required improvements shall be set out in the site improvement performance agreement. The agreement and the financial guarantee shall provide for forfeiture to the city to cure a default or reimburse the city the cost of enforcement measures. As various portions of such required work are completed by the applicant and approved by the city, the zoning administrator may release such portion of the financial guarantee as is attributable to such completed work. Landscaping materials shall have a two (2) year guarantee provided to the city.

7. The applicant shall notify the city in writing when all or a portion of the required improvements have been completed in accordance with the approved plan and may be inspected. Upon receipt of such notice, the zoning administrator shall be responsible for the inspection of the improvements to determine that the useful life of all work performed meets the average standards for the particular industry, profession, or material used in the performance of the work. Any required work failing to meet such standards shall not be deemed to be complete, and the applicant shall be notified in writing as to required corrections. Upon determination that the work has been completed, including the winter season survivability of all landscape improvements, a notice of the date of actual completion shall be given to the applicant, and appropriate action to release or to reduce the amount of the financial guarantee shall be taken by the zoning administrator. (Ord. 1098, 11-8-2004)

10-15J-101: COMPLIANCE WITH BUILDING AND FIRE CODES:

The review and approval of site improvements pursuant to the requirements of city adopted building and fire codes shall be in addition to the site plan review process

established under this article. The site plan approval process does not imply compliance with the requirements of the building and fire codes. (Ord. 1098, 11-8-2004)

10-15J-1~~2~~1: PLAN AGREEMENTS:

All site and construction plans officially submitted to the city shall be treated as a formal agreement between the building contractor and the city. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard, or specifications without prior submission of a plan modification request to the zoning administrator for review and approval. Significant changes as deemed by the zoning administrator may be subject to council review and approval. (Ord. 1098, 11-8-2004)

10-15J-1~~2~~3: ENFORCEMENT:

The zoning administrator shall have the authority to order the stopping of any and all site improvement activities when and where a violation of the provisions of this article has been officially documented by the building official. (Ord. 1098, 11-8-2004)

10-15J-1~~3~~4: AMENDMENTS TO APPROVED SITE PLANS:

A. ~~Amendments to previously approved site plans shall follow the same administrative review process provided in Section 10-15J-5. Within the I-2 district only, modifications to the previously approved site plan for a major or minor project shall be allowed by administrative review subject to the following procedural requirements:~~

- ~~— 1. Plan review will be in accordance with established procedures on file with the planning department including the coordinated review by other city departments and divisions as determined by the zoning administrator.~~
- ~~— 2. Administrative approval including all applicable conditions and requirements shall be made in writing by the zoning administrator. The applicant, in addition to all other applicable requirements, shall submit a written acknowledgment of that approval prior to the commencement of any development and prior to the issuance of any permits.~~
- ~~— 3. Any unresolved dispute as to administrative interpretation of this code, this title, or policy requirements may be formally appealed pursuant to this title.~~
- ~~— 4. Any variance proposal will automatically require the entire application to be processed in accordance with the planning commission review and city council approval provisions of section 10-3-4 of this title.~~
- ~~— 5. Site plan modifications involving conditionally permitted uses are subject to the review requirements found in chapter 3, article A of this title.~~

~~6B.~~ The zoning administrator may waive or modify data submission application requirements if the zoning administrator determines previously made submissions for the property substantially address the information needed to evaluate the requested modifications. (Ord. 1322, 10-10-2016)

Section Seven. Amendment. Title 11, Chapter 1, **GENERAL SUBDIVISION PROVISIONS**, of the Inver Grove Heights City Code is hereby amended as follows. The ~~struck out~~ text shows the deleted wording and the underlined text shows the language added to the code:

TITLE 11
SUBDIVISION REGULATIONS

CHAPTER 1
GENERAL SUBDIVISION PROVISIONS

SECTION:

11-1-1: Purpose

11-1-2: Definitions

11-1-3: Validity

11-1-4: Building Permits

11-1-5: Variances

~~11-1-6: Waiver Of Platting~~

11-1-~~67~~: Exemptions

11-1-~~67~~-1: Division And Consolidation Of Individual Lots Of Record

11-1-~~67~~-2: Property Divisions Subject To Administrative Approval

11-1-8: Premature Subdivision Prohibited

11-1-1: PURPOSE:

This title is enacted for the purpose of:

- A. Safeguarding the best interests of the public, the homeowner, the subdivider, and the investor;
- B. Encouraging well planned subdivisions by the establishment of adequate standards for design and construction; and

C. In order that new subdivisions will be integrated in the general plans of the city, thereby contributing toward an attractive, orderly, stable and wholesome community environment with adequate municipal services and safe streets. (Ord. 1038, 7-8-2002)

11-1-2: DEFINITIONS:

For the purpose of this title, the following terms, phrases, words and their definitions shall have the meanings given in this section. When consistent with the context, words used in the present tense shall include future tense, words in the singular number shall include the plural, and words in the plural shall include the singular. The masculine gender shall include the feminine and neuter genders.

ADMINISTRATOR: The Inver Grove Heights city administrator.

ALLEY: Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

ATTORNEY: The Inver Grove Heights city attorney.

BLOCK: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

BOULEVARD: That portion of a street right of way between the curb or curb line and the property line.

BUILDING: Any structure, temporary or permanent, used or intended for supporting or sheltering any use or occupancy.

BUILDING SETBACK: The minimum horizontal distance from a lot boundary to the nearest vertical surface of a building or structure, except that a roof, eaves or overhang may project up to twenty four inches (24") into the required setback area.

COUNTY OFFICE OF PROPERTY RECORDS: Register of deeds when referring to abstract property or register of titles when referring to registered property under the Torrens system, both of Dakota County, Minnesota.

EASEMENT: A grant by an owner of land for a specific use by persons or agencies other than the owner.

ENGINEER: The Inver Grove Heights city engineer.

FINAL PLAT: A drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by this title to be presented to the city council for approval, and which, if approved, may be duly filed with the county office of property records.

GOVERNING BODY: The Inver Grove Heights city council.

LICENSED ENGINEER: A person licensed as a professional engineer by the state of Minnesota.

LOT: A unit of land designated by plat, metes and bounds, registered land survey, auditor's subdivision, or other accepted means and separated from other parcels or portions by said description for the purpose of sale or lease or separate use thereof. For purposes of measuring the size of the lot, if the lot is not platted, all areas encumbered by public or private road or driveway easements shall be excluded.

LOT AREA: The area of a lot in a horizontal plane bounded by the lot lines. For purposes of measuring the size of the lot, if the lot is not platted, all areas encumbered by public or private road or driveway easements shall be excluded.

LOT, BUTT: A lot at the end of a block and located between two (2) corner lots.

LOT, CORNER: A lot situated at the junction of, and abutting on two (2) or more intersecting streets.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line.

LOT, INTERIOR: A lot other than a corner lot, including through lots.

LOT LINE: The property line bordering a lot, except that where any portion of a lot extends into the right of way, the line of such right of way shall be the lot line for purposes of this title.

LOT LINE, FRONT: That boundary of a lot that abuts a street, and in the case of a corner lot, it shall be the shortest boundary on a street.

LOT LINE, REAR: That boundary of a lot that is opposite the front lot line. If the rear line is less than ten feet (10') in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet (10') in length within the lot, parallel to, and at the maximum distance from, the front lot line.

LOT LINE, SIDE: Any boundary of a lot that is not a front lot line or a rear lot line.

LOT OF RECORD: Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an auditor's subdivision or a registered land survey, or a parcel of land not so platted, subdivided or registered but for which a deed, auditor's subdivision or registered land survey has been recorded in the office of the register of deeds or registrar of titles for Dakota County, Minnesota, prior to the effective date hereof.

LOT, REVERSED FRONTAGE: The first lot to the rear of a corner lot (itself being an interior lot, not a corner lot), the front line of which is a continuation of the side lot line of the corner lot.

LOT, THROUGH: Any lot, other than a corner lot, which abuts more than one street.

OFFICIAL MAP: The Inver Grove Heights official map adopted by the city council.

OUTLOT: A platted lot not to be developed, or to be developed for a use that will not involve a building, or reserved for future replatting before development.

OWNER: Any individual, firm, corporation, association, syndicate, partnership, trust, or any legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title.

PEDESTRIANWAY: A pedestrian walkway shall be provided between lots where required by the planning commission and/or city council to allow for pedestrian accessibility to streets or public service areas. A pedestrianway is distinguished from a sidewalk principally by its location in areas other than where sidewalks are typically found, which is to say, in boulevards parallel to streets. Unlike typical sidewalks, pedestrianways may also be constructed with bituminous surfaces rather than concrete.

PLANNING COMMISSION OR COMMISSION: The duly appointed planning commission of the city of Inver Grove Heights, Minnesota.

PRELIMINARY PLAT: A drawing clearly marked "preliminary plat" showing salient features of a proposed subdivision as specified in this title.

PROTECTIVE COVENANT: A contract entered into between private parties that constitutes a restriction of the use of a particular parcel of property.

PUBLIC LAND: Land owned and/or operated by a governmental unit.

PUBLICATION: An official notice as prescribed by state statutes.

RESERVE STRIP: Any strip or parcel of land not so included as a part of a buildable lot, except that land indicated as outlots and held for development in the future as buildable lots.

SHALL: Mandatory.

SKETCH PLAN: A sketch of a proposed subdivision showing the information specified in subsection 11-2-5A of this title.

STANDARDS AND SPECIFICATIONS FOR IMPROVEMENTS: The standards and specifications for construction of required improvements in new subdivisions as recommended by the city engineer.

STREET: Any public or private right of way, street, avenue, boulevard, road, parkway, drive, or other roadway that affords a primary means of access to abutting property.

STREET, ARTERIAL: A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or heavy traffic generating areas.

STREET, COLLECTOR: A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to an arterial street.

STREET, DEAD END OR CUL-DE-SAC: A street with only one vehicular outlet.

STREET, HALF: A street designed to provide access to only one side of the right of way.

STREET, LOCAL: A street to serve primarily as an access to abutting properties.

STREET PAVEMENT: The wearing surface of a street.

STREET, PRIVATE: A street which is not dedicated to the city for public use.

STREET, PUBLIC: A street which is dedicated to the city for public use.

STREET, SERVICE: A marginal access street or frontage road that is generally parallel and adjacent to a major street.

STREET WIDTH: The width of the right of way, measured at right angles to the centerline of the street.

SUBDIVIDER: Any person, firm, corporation, partnership or association who shall lay out any "subdivision" or part thereof as defined in this section, either for himself or others.

SUBDIVISION: The division of any parcel of land into two (2) or more lots, blocks or parcels. The term also includes resubdivision of land and, when appropriate to the context, relates to the process of subdividing.

SURVEYOR: A person duly registered as a land surveyor by the state of Minnesota. (Ord. 1038, 7-8-2002; amd. 2008 Code)

11-1-3: VALIDITY:

If any section, subsection, sentence, clause or phrase of this title is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this title. (Ord. 1038, 7-8-2002)

11-1-4: BUILDING PERMITS:

No building permit shall be issued for construction or improvement on any land required to be subdivided by this title until all requirements of this title have been fully complied with and the plat has been duly filed and recorded with the county. (Ord. 1038, 7-8-2002)

11-1-5: VARIANCES:

A. Permitted Variances:

1. Hardship Cases: The design standards in this title are to be followed unless the city council shall permit a variance because of unusual hardship due to the topography, placement of buildings or other factors making it reasonable to vary the standards set forth

herein without nullifying the intent and purpose of the comprehensive plan or this title. (Ord. 1038, 7-8-2002)

2. Large Scale Developments: The standards and requirements of this title may be modified by the city council in the case of a plan and program for a neighborhood unit which, in the judgment of the city council, will provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which will also provide such covenants or other legal provisions as will assure conformity to and achievement of the plan. (Ord. 1038, 7-8-2002; amd. 2008 Code)

B. Conditions Of Variances: In granting variances and modifications, the city council may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified. (Ord. 1038, 7-8-2002)

~~11-1-6: WAIVER OF PLATTING:~~

~~—A. Purpose And Intent: A waiver of platting procedure is hereby created wherein exceptions to the subdivision platting procedure contained within chapter 2 of this title are granted subject to specific criteria outlined in this section. The waiver of platting process is intended to provide a means of processing minor property divisions in a manner that is less time consuming to the city and less costly to the property owner.~~

~~—B. Criteria For Waiver:~~

~~—1. The waiver of platting procedure may be utilized when the proposed property subdivision will result in the creation of no more than two (2) parcels from one parcel currently under single ownership, where all of the following criteria are met:~~

~~—a. The requested property division does not cause the need for the dedication of public right of way or other easements.~~

~~—b. The subject property does not lie adjacent to a public roadway shown on a city, county and/or state thoroughfare plan for which right of way dedication will be requested.~~

~~—c. The subject property does not lie adjacent to an existing public right of way for which an additional right of way dedication will be requested.~~

~~—2. Property divisions that do not meet all of the above criteria shall be platted through the subdivision platting procedure outlined in chapter 2 of this title.~~

~~—C. Procedure:~~

~~—1. All requests for approval of a waiver of platting shall be filed with the city planning division. The following documentation shall accompany all requests:~~

~~—a. A completed planning application form with all information to be supplied by the applicant provided.~~

- ~~— b. Legal description of the entire property to be divided.~~
- ~~— c. Legal descriptions of the new parcels to be created.~~
- ~~— d. If the property abuts a state or county roadway, written certification from the appropriate agency shall be provided which:
 - ~~— (1) Approves driveway accesses for the proposed parcels; and~~
 - ~~— (2) Waives the need for the provision of additional rights of way and/or easements.~~~~
- ~~— e. Fifteen (15) copies and reductions at eleven inches by seventeen inches (11"x17") of a topographic map for the subject property shall be provided. Included on the topographic map shall be:
 - ~~— (1) Proposed property boundaries resulting from the waiver of platting request.~~
 - ~~— (2) Scale of map.~~
 - ~~— (3) North point.~~
 - ~~— (4) Proposed building pad locations and elevations.~~
 - ~~— (5) Proposed septic system locations (unsewered properties only).~~
 - ~~— (6) Names and addresses of directly abutting property owners.~~~~
- ~~— f. Processing fee, as established by resolution of the city council.~~
- ~~— 2. A request for approval of a waiver of platting shall not be accepted by the city staff unless all of the above information is provided at the time of application.~~
- ~~— 3. Upon receipt of all documentation outlined above, the request for a waiver of platting shall be scheduled for a review by the city planning commission.~~
- ~~— 4. Requests for approval of a waiver of platting shall be submitted according to the time schedule specified by the planning division staff, which will permit a minimum of ten (10) days' mailing notice of the request to be provided to the directly abutting property owners. Said notice period shall be provided in advance of planning commission consideration of the request. The written notice shall include the following information:
 - ~~— a. Applicant/property owner's name.~~
 - ~~— b. Case number.~~
 - ~~— c. Legal description of properties to be created.~~
 - ~~— d. Date, time and location of planning commission meeting.~~
 - ~~— e. General location of property.~~~~
- ~~— 5. The planning commission shall provide all individuals present at its consideration of the request an opportunity to submit written comments or to provide verbal comments.~~

~~—6. The planning commission, upon considering all testimony, shall forward a recommendation to the city council relative to the request for a waiver of platting. The city council shall have the sole authority for approving or denying all requests for a waiver of platting. Approval of a waiver of platting shall be accomplished by resolution of the city council. Upon approval, the city clerk shall record with the county recorder's office a copy of the council's resolution approving the request.~~

~~—7. In no instance shall more than one waiver of platting request be approved for parcels existing as of the effective date hereof. Parcels created through the waiver of platting process after said effective date shall not be resubdivided through the waiver of platting process. Resubdivision of such parcels shall occur in accordance with the formal subdivision platting process as outlined chapter 2 of this title. (Ord. 1038, 7-8-2002)~~

11-1-7: EXEMPTIONS:

11-1-7-1: DIVISION AND CONSOLIDATION OF INDIVIDUAL LOTS OF RECORD:

A. Chapter 2 of this title shall not apply to the division of one or more lots platted into lots and blocks and designated in a subdivision plat on file and of record in the office of the county auditor or the county recorder into one or more separately described tracts, nor shall said chapter 2 apply to the consolidation of two (2) or more such platted lots or parts thereof into one or more tracts, upon compliance with the following conditions:

1. The owner or owners of such platted lots to be so divided shall file with the planning division a survey showing the lots to be divided or consolidated. The survey shall show the lot dimensions as indicated on the recorded plat and also the proposed division or consolidation thereof. A written description of the division or consolidation proposal shall be filed with the survey; and

2. The separately described tract of land to be conveyed or designated for building permit purposes by reason of such division or consolidation as described upon said proposed plat shall not be less than the minimum dimensions required to secure the minimum lot area specified in title 10 of this code and the design standards specified in chapter 3 of this title.

3. As a result of such division or consolidation as herein authorized, no remaining part of an original subdivision lot shall become a separately described lot upon said proposed plat with a size less than the minimum dimensions required to secure the minimum lot area specified in title 10 of this code and the design standards specified in chapter 3 of this title.

B. Upon receiving a request for division or consolidation of platted lots in accordance with subsection A of this section, the planning staff shall approve the division or consolidation, in writing, and forward a copy of said approval to the county recorder's office. (Ord. 1038, 7-8-2002)

11-1-7-2: PROPERTY DIVISIONS SUBJECT TO ADMINISTRATIVE APPROVAL:

A. Administrative Approval Permitted: It is acknowledged by the city that certain forms of property subdivision do not result in the creation of additional parcels of land or are specifically exempted from the definition of a subdivision in Minnesota statutes section 462.352, subdivision 12. In these instances, it is deemed appropriate to permit administrative approval of property division requests. (Ord. 1038, 7-8-2002)

B. Types Of Property Divisions: The following types of property division requests shall require only administrative approval:

1. The creation of parcels of twenty (20) acres in area, or greater, that are at least five hundred feet (500') in width and area in an A, E or R zoning district.

2. The creation of parcels of five (5) acres in area with a minimum lot width of three hundred feet (300') in all P, B and I zoning districts.

3. The creation of cemetery lots.

4. Property line adjustments resulting from court orders.

5. Property line adjustments that do not result in the creation of an additional parcel of land. All parcels involved must continue to meet all dimensional, area and setback requirements of the zoning district in which the properties are located, in accordance with title 10 of this code.

6. A property division whereby one of the resulting parcels becomes public land and is conveyed to a governmental unit provided all of the resulting parcels either: a) meet the required lot size and lot width standards of the applicable zoning district, or b) are exempt from such standards, or c) a variance has been granted by the city council.

7. A property division whereby one of the resulting parcels becomes public land and is conveyed to a governmental unit and the parcel becoming public land is contiguous to another parcel of public land, provided the resulting parcel not conveyed to a governmental unit either: a) meets the required lot size and lot width standards of the applicable zoning district, or b) a variance has been granted by the city council. (Ord. 1245, 11-14-2011)

C. Information Required: Applicants for administrative approval of a property division shall submit the following information to the planning division staff:

1. A scaled topographic survey showing the parcel of record and the proposed parcel boundaries to be established, including the dimensions and areas of the proposed parcels.

2. Legal description of the parcel of record and proposed legal descriptions of parcels to be created.

D. Conditions Of Approval: The planning division staff may impose certain conditions of approval upon property division requests meeting any one of the criteria listed in subsection B of this section.

E. Written Approval; Copies: The planning division staff's approval of property division shall be in writing. One copy of said approval and survey shall be retained by the planning division staff, a second copy of the approval and survey shall be retained by the applicant and a third copy of the approval and survey shall be forwarded to the county recorder's office. The written approval shall include the legal description of the parcel of record being divided, legal descriptions of the newly approved parcels and any conditions attached to the approval.

F. Rejection Of Request: Any request for administrative approval of a property division that is submitted, but does not meet the criteria of subsections A and B of this section, shall be rejected and returned to the applicant with directions on how to proceed to request approval through either the subdivision platting procedure (chapter 2 of this title) or waiver of platting procedure (section 11-1-6 of this chapter). (Ord. 1038, 7-8-2002)

11-1-8: PREMATURE SUBDIVISION PROHIBITED:

A. Any proposed subdivision deemed premature for development may not be approved by the City Council. The burden of proof shall be on the subdivider to demonstrate to the City Council that the proposed subdivision is not premature. A subdivision may be deemed premature if any of the following conditions exist:

1. Inconsistent with the Comprehensive Plan. A proposed subdivision may be deemed premature if it is inconsistent with the goals, policies, phasing or other requirements of the Comprehensive Plan. Application for a Comprehensive Plan Amendment may be made concurrently with an application for subdivision approval; however, a subdivision application will not be considered for approval by the City Council until and unless any necessary Comprehensive Plan Amendment is approved by the City Council.

2. Inconsistent with the Capital Improvement Plan. A proposed subdivision may be deemed premature if it is inconsistent with the City's Capital Improvement Plan if public improvements, facilities, or services necessary to accommodate the proposed subdivision would not be completed within two (2) years of the date of application unless otherwise extended by the City Council.

3. Lack of Adequate Water Supply. Unless guided as Rural Residential by the Comprehensive Plan, a proposed subdivision may be deemed premature if municipal water is not available to adequately serve the proposed subdivision. Available and adequate service shall mean existing or readily extended; capable of meeting the demands for pressure, fire flow, and system head loss for the subdivision proposed without adverse impacts to the City's existing water supply system; and funded consistent with the phasing in the Comprehensive Plan, the Capital Improvement Plan, and any relevant city ordinances, plans and policies. If guided as Rural Residential by the Comprehensive Plan, a

proposed subdivision shall be deemed premature if a private well(s) cannot be suitably located and permitted to adequately serve the proposed subdivision.

4. Lack of Adequate Waste Disposal System. Unless guided as Rural Residential by the Comprehensive Plan, a proposed subdivision may be deemed premature if the municipal sanitary sewer is not available to adequately serve the proposed subdivision. Available and adequate service shall mean existing or readily extended; capable of meeting the demands for capacity for the subdivision proposed without adverse impacts to the City's existing sanitary sewer system; and funded consistent with the phasing in the Comprehensive Plan, the Capital Improvement Plan, and any relevant city ordinances, plans and policies. If guided as Rural Residential by the Comprehensive Plan, a proposed subdivision shall be deemed premature if a private subsurface sewage treatment system cannot be suitably located and permitted to adequately serve the proposed subdivision.

5. Lack of Adequate Streets. A proposed subdivision may be deemed premature if streets to serve the proposed subdivision are not available. Available shall mean existing or readily extended; capable of meeting the demands for traffic without adverse impacts to the existing public roadway network; and funded consistent with the phasing in the Comprehensive Plan, the Capital Improvement Plan, and any relevant city ordinances, plans and policies. In addition, a proposed subdivision may be deemed premature if the traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare or create unacceptable levels of congestion on existing or proposed streets as determined by the City Engineer.

6. Lack of Adequate Drainage. A proposed subdivision may be deemed premature if municipal or private surface water management facilities are not available to adequately meet minimum local, watershed and state treatment requirements including downstream infrastructure to manage stormwater. Available and adequate service shall mean existing or readily constructed; capable of meeting the demands for flow capacity and flood protection for the subdivision proposed without adverse impacts to the City's existing storm sewer system; and funded consistent with the phasing in the Comprehensive Plan, the Capital Improvement Plan, and any relevant city ordinances, plans and policies. In addition, a proposed subdivision may be deemed premature where flood plains, poor soils or steep slopes exist in such a manner as to preclude adequate site drainage or treatment of surface water runoff.

7. Inconsistent with State Environmental Review. A proposed subdivision may be deemed premature if it is inconsistent with the rules and policies of the Minnesota Environmental Quality Board, as may be amended. (Ord. 1445, 5-8-2023)

Section Eight. Amendment. Title 11, Chapter 2, **PLATS AND PROCEDURES**, of the Inver Grove Heights City Code is hereby amended as follows. The ~~struck out~~ text shows the deleted wording and the underlined text shows the language added to the code:

CHAPTER 2

PLATS AND PROCEDURES

SECTION:

11-2-1: Sketch Plan

11-2-2: Neighborhood Meeting

11-2-3: Preliminary Plat

11-2-4: Final Plat

~~11-2-5: Required Information And Data~~

11-2-~~5~~6: Street Naming And Addressing

11-2-1: SKETCH PLAN:

Subdividers may prepare a subdivision sketch plan for review with the city staff. For large acreages in particular, subdividers are urged to avail themselves of this informal review. Such sketch plan will be considered as submitted for informal discussion, ~~and no fee shall be required of the subdivider for the submission of the sketch plan.~~ The applicant shall fill out and submit to the Zoning Administrator the application form and all information as required on the form unless a waiver of certain information is granted by the Zoning Administrator. Submission of the subdivision sketch plan shall not constitute formal filing of the plan with the city. As far as may be practical on the basis of the sketch plan, the city staff will informally advise the subdivider, as promptly as possible, of the extent to which the proposed subdivision conforms to the design standards of this title and the comprehensive plan of the city, and will discuss possible modifications necessary to secure approval of the plan. The informal advice of the city staff is not legally binding, and the sketch plan shall not be deemed a formal application for purposes of Minnesota statutes section 15.99. (Ord. 1038, 7-8-2002)

11-2-2: NEIGHBORHOOD MEETING:

Prior to filing the documents that constitute a complete preliminary plat application, as described in section 11-2-3 of this chapter, the subdivider shall offer to neighboring landowners the opportunity to meet with the subdivider to discuss the subdivision. All property owners within three hundred fifty feet (350') of the property to be subdivided shall be notified in writing by the subdivider of the neighborhood meeting. If the subdivision is not to be serviced by municipal sanitary sewer, property owners within one thousand feet (1,000') of the subject property shall be notified by mail. The neighborhood meeting shall be offered to be held at least ten (10) days prior to filing the preliminary plat application, but no more than thirty (30) days before filing said application. (Ord. 1038, 7-8-2002)

11-2-3: PRELIMINARY PLAT:

A. Required Documents:

1. The applicant shall fill out and submit to the Zoning Administrator the application form and all information as required on the form unless a waiver of certain information is granted by the Zoning Administrator.~~Before subdividing any land within the city, the subdivider shall file the following documents in the offices of the planning division: (Ord. 1038, 7-8-2002; amd. 2008 Code)~~

~~— a. A city application with fifteen (15) copies of the preliminary plat as specified by the planning division including all preliminary plat information required in subsection 11-2-5B of this chapter and scaled reductions at eleven inches by seventeen inches (11"x17").~~

b. Fees and a separate cash escrow as required by ~~section 10-3-8 of this code~~the adopted fee schedule.

~~— c. Abstractor's certificate of property owners within three hundred fifty feet (350').~~

~~— d. Exact legal description of property.~~

~~— e. Minutes or a summary of the testimony presented by neighbors at the neighborhood meeting conducted by the subdivider.~~

~~— 2. When county or state highways are involved, two (2) additional copies of the preliminary plat information specified in subsection A1 of this section shall be furnished.~~

B. Hearing And Notice Requirements:

1. Upon completion of the staff review, the city clerk shall advertise notice of hearing and notify property owners within three hundred fifty feet (350') of subject property of the public hearing by mail at least ten (10) days and not more than thirty (30) days prior to the hearing date. If the subdivision is not to be serviced by municipal sanitary sewer, property owners within one thousand feet (1,000') of the subject property shall be notified by mail at least ten (10) days and not more than thirty (30) days prior to the hearing date.

2. The planning commission shall hold a public hearing on the advertised date and time and afford all interested persons an opportunity to be heard. Within thirty (30) days of the closing of the public hearing, the planning commission shall report its findings or make a recommendation on the preliminary plat.

C. Approval Or Denial Of Plat:

1. Within one hundred twenty (120) days after submission of a complete preliminary plat application, the city council shall approve or deny said preliminary plat; provided, however, that if the subdivider gives written consent to the city, the city shall have additional time to approve or deny said preliminary plat, as so consented by the subdivider.

2. Substantive changes (as determined by city staff) to the approved preliminary plat shall require another public hearing and reconsideration by the planning commission.

3. Approval of the preliminary plat shall be valid for a period of three (3) years unless otherwise specified by the city council. Upon expiration of the time limit, all approvals shall

be null and void, and a new petition and processing shall be necessary to revalidate the preliminary plat.

4. Council action shall be determined by a majority vote of the total number of members of the city council. (Ord. 1038, 7-8-2002)

11-2-4: FINAL PLAT:

A. Filing Final Plat:

1. ~~The applicant shall fill out and submit to the Zoning Administrator the application form and all information as required on the form unless a waiver of certain information is granted by the Zoning Administrator. The subdivider shall file fifteen (15) copies of the final plat including scaled reductions of the same number at eight and one-half inches by eleven inches (8.5"x11") and eleven inches by seventeen inches (11"x17") with the planning division within the time limit set upon the preliminary plat. (Ord. 1038, 7-8-2002; amd. 2008 Code)~~

2. The final plat shall encompass all or a reasonable portion of the property included in the preliminary plat. Said reasonable portion shall be determined by the city council upon recommendation of the city staff.

~~3. Final plat shall include all information required by subsection 11-2-5C of this chapter. (Ord. 1038, 7-8-2002)~~

~~3~~4. The subdivider shall pay all fees established by ordinance of the city council.

B. Referral By Planning Division; Staff Review:

1. Upon filing of the final plat, the planning division shall refer copies to the city staff for their review. (Ord. 1038, 7-8-2002; amd. 2008 Code)

2. Upon completion of staff review, the city administrator shall place the final plat on the agenda of the next regular city council meeting. In the event that city staff finds substantive changes from the approved preliminary plat, the final plat shall be scheduled for a public hearing with the planning commission. The commission shall review and make recommendation to the city council regarding the findings of their review based upon the provisions of this title.

C. Council Action:

1. The city council, by majority vote of the total number of members of the city council, shall approve, deny or refer the final plat to the planning commission or staff with specific instructions for said referral and a specific date for subsequent resubmittal to the city council.

2. Upon approval of the final plat, the city council, where deemed appropriate, shall instruct the staff to prepare a development contract with corresponding financial

assurances in form and content satisfactory to the city attorney and public works director. This does not include simultaneous approval of the final plat and development contract.

3. Upon approval of the development contract by the city council, and the filing of the corresponding financial assurances, the mayor, city clerk, and secretary and chair of the planning commission shall be authorized to sign the final plat. The mayor and city clerk shall also be authorized to sign the development contract.

D. Filing By Subdivider; Fees And Costs:

1. The subdivider, upon approval and signing of the final plat by the city, shall file the final plat with the county and submit proof of said filing to the city. Failure by the subdivider to file the final plat within ninety (90) days shall render city approvals null and void unless an extension is granted by the city council.

2. The subdivider shall submit a Mylar of the final plat to the city for its permanent record. It shall be at a scale of one inch equals one hundred feet (1"=100') ~~as described in subsection 11-2-5C of this chapter.~~

3. The subdivider shall submit all easements, deeds, fees, dedications, contracts or similar documents required as a part of the plat approval before the plat shall have full force and effect and be recognized by the city. No building permits shall be issued until all of the above is received by the city unless otherwise permitted by city ordinance or by action of the city council. In no instance shall an occupancy permit be issued until all of the above information is received and duly recorded.

4. The subdivider shall pay all reasonable costs incurred by the city for review and inspection, including preparation and review of plans, plats, development contracts, agreements and specifications by the engineer, attorney, and planner, and other costs of a similar nature upon receipt of a statement therefor from the city clerk. This payment shall be in addition to the subdivision fee hereinabove provided. (Ord. 1038, 7-8-2002)

~~11-2-5: REQUIRED INFORMATION AND DATA:~~

~~—A. Sketch Plan: Sketch plans shall contain, as a minimum, the following information:~~

~~—1. Tract boundaries.~~

~~—2. North point.~~

~~—3. Streets on and adjacent to the tract.~~

~~—4. Significant topographical and physical features.~~

~~—5. Proposed general street layout.~~

~~—6. Proposed general land use.~~

~~—7. Name of owner and/or developer.~~

~~—8. Zoning on and adjacent to tract.~~

~~—B. Preliminary Plat: A preliminary plat shall contain the following information:~~

~~—1. Identification And Description:~~

~~—a. Proposed name of subdivision, which name shall not duplicate or be similar to the name of any other plat.~~

~~—b. Location by section, town, range or by other legal description.~~

~~—c. Names and addresses of the owner, subdivider, surveyor and designer of the plan.~~

~~—d. Graphic scale.~~

~~—e. North point.~~

~~—f. Date of preparation.~~

~~—g. Certification by surveyor certifying to accuracy of survey.~~

~~—2. Existing Conditions:~~

~~—a. Boundary line of proposed subdivision clearly indicated.~~

~~—b. Existing zoning classification, if any.~~

~~—c. Total acreage.~~

~~—d. Location, widths and names of all existing or previously platted streets or other public ways, showing type and width and condition of improvements, if any, railroad and utility rights of way, parks and other public spaces, permanent buildings and structures, easements and section and corporate line within the tract, and to a distance of one hundred feet (100') beyond the tract. Such data as grades, invert elevations and locations of catch basins, manholes and hydrants, if any, shall also be shown.~~

~~—e. Boundary lines of adjoining unsubdivided or subdivided land within one hundred feet (100'), identifying by name and ownership.~~

~~—f. Topographical data, including contours at vertical intervals of not more than two feet (2'), except that contour lines shall be no more than one hundred feet (100') apart. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, buildings and other significant features shall also be shown.~~

~~—g. All elevations, topography and vertical control data shall be tied to sea level datum 1929 general adjustments. Temporary bench marks shall be established within the boundaries of the subdivision. Descriptions, reference ties and elevations of the bench marks shall be furnished to the city engineer.~~

~~—h. Reference to recorded subdivision plat or adjoining platted land by record, name, date and number.~~

~~— i. The location and size of all existing sanitary sewers, water or storm sewers, trunks, laterals or services on or adjacent to the property.~~

~~— 3. Design Features:~~

~~— a. Primary control points, with descriptions and ties to such control points to which all dimensions, angles, bearings and similar data on the plan shall be referred.~~

~~— b. Tract boundary lines, right of way lines of streets, easements and other rights of way and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves.~~

~~— c. Name and right of way width of each street or other right of way.~~

~~— d. Location, dimensions and purpose of any easements.~~

~~— e. An identification system for all lots and blocks.~~

~~— f. Site data including number of residential lots, typical lot size, and acres in park, etc.~~

~~— g. Sites, if any, to be reserved for parks or other public uses.~~

~~— h. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.~~

~~— i. Minimum building setback line on all lots and other sites with the width of lot shown at setback line.~~

~~— j. Location and description of monuments.~~

~~— 4. Preliminary Grading And Drainage Plan: A preliminary grading and drainage plan including earthwork quantities, final grades (3:1 maximum slopes, 4:1 preferred maximum), building pad elevations, existing and proposed topography at two foot (2') intervals, drainage calculations, 10-year storm pipe design, 100-year storm level of protection, direction of drainage around each building pad location, and appropriate easements as required.~~

~~— 5. Preliminary Erosion Control Plan: A preliminary erosion control plan including method, location and detail of erosion control measures.~~

~~— 6. Preliminary Utility And/Or On Site Sewage Treatment Plan:~~

~~— a. Plan and profile showing existing utilities, proposed utilities, connection with existing utilities (water main, sanitary sewer, storm sewer), and appropriate easements as required.~~

~~— b. Note whether utilities will be publicly or privately constructed, owned and maintained.~~

~~— c. For plats in the unsewered portion of the city, two (2) drainfield locations shall be shown for each proposed lot. (Must be located in undisturbed soil.)~~

—7. Preliminary Street Plan: Plan and profile showing internal roads, grades, lengths of cul-de-sacs, curb data (horizontal and vertical), connection to existing streets or platted rights of way, provisions for future extensions or connections to adjacent land, and appropriate easements or rights of way.

—8. Preliminary Wetland Plan: Plan showing fill or draining of any wetland including sequencing justification and proposed mitigation consistent with the wetland conservation act. All wetlands must be delineated in accordance with the wetland conservation act.

—9. Preliminary Tree Preservation Plan: Plan showing location, size and species of all significant trees (8 caliper inches or greater for deciduous trees, 10 feet in height for coniferous trees) within thirty feet (30') of grading limits, including those trees to be preserved and those to be removed.

—10. Preliminary Reforestation Or Landscape Plan: Plan showing reforestation required by title 10, chapter 15, article D of this code and landscaping required by section 10-15-11 of this code. The plan must identify location, size, species and quantity of plant materials.

—11. Urban Development Concept Plan: All lands designated for residential development by the comprehensive plan that are located within the A agricultural and E-1 and E-2 estate zoning districts are outside of the metropolitan urban service area (MUSA), and have a gross land area of twenty (20.0) acres or more shall provide a concept plan indicating the manner in which land could be developed at urban densities. The urban development concept plan should be designed to current subdivision standards for urban development. In designing the subdivision, the following considerations should be made:

— a. The proposed street layout for the urban subdivision overlay may, at the discretion of the city council, be required to integrate with the rural plat to maximize the use of existing built roadways and connections to off site systems. All street rights of way for the urban development concept plan may, at the discretion of the city council, be required to be platted as part of the rural plat to secure the integrity of future urban platting.

— b. Lot size and arrangement may, at the discretion of the city council, be required to be based on the R-1C one-family residential district standards. House pad locations for the rural development may, at the discretion of the city council, be required to be indicated on the concept plan and be consistent with urban zoning standards so as to maximize efficient resubdivision of the rural lots into urban lots.

— c. Areas for potential park land dedication and trail connections shall be identified as outlots that are suitable for dedication to the city if required by the city council.

— d. The potential location of easements for drainage, municipal water, sanitary sewer, and storm sewer systems may, at the discretion of the city council, be required to be shown in the urban development concept plan, including connection points for utility systems at the plat boundaries. Such easements may be required to be dedicated together with the rural plat if the city council requires it.

~~—e. The preliminary storm drainage system design may, at the discretion of the city council, be required to include proper pipe sizing and storm water ponding improvements for the urban development.~~

~~—f. This urban development concept plan shall be submitted together with the application for final plat.~~

~~—12. Letter Regarding County Or State Rights Of Way: Letter from the county and/or MN/DOT containing recommendations and/or regulations on access or right of way requirements, if the property abuts county or state roads or rights of way, or proposes access to a state or county road.~~

~~—13. Supplementary Data: The following supplementary data shall be supplied with preliminary plat:~~

~~—a. Names of record owners of adjoining unplatted land.~~

~~—b. Protective covenants in form for recording, if any.~~

~~—c. Other information such as certificates, affidavits, endorsements, photographs, traffic studies or other information as may be required by the city council and/or the planning commission and/or city staff in the enforcement of this title.~~

~~—d. Soil borings and analysis, if required by the city engineer or chief building official.~~

~~—e. Evidence that ground water control is at least ten feet (10') below the level of finished grades or plan for solving ground water problems, if required by the city engineer.~~

~~—f. The size and dimension of all lots.~~

~~—g. Notarized certification by owner and by any mortgage holder of record of the adoption of the plat and the dedication of streets and other public areas.~~

~~—C. Final Plat:~~

~~—1. The final plat shall be on sheets twenty inches (20") wide by thirty inches (30") long and shall be at a scale of one hundred feet equals one inch (100'=1") or such other standard scale as approved by the city engineer, and in all other respects shall comply with Minnesota statutes. Where necessary, the final plat may be on several sheets accompanied by a key map showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the city council. The final plat shall contain the following information:~~

~~—a. Certifications showing that all taxes due on the property to be subdivided have been paid in full.~~

~~—b. An attorney's opinion of title showing title or control of the property to be subdivided in the application.~~

~~—c. Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision.~~

~~— d. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error closure of any portion of a final plat shall be one foot (1') in seven thousand five hundred feet (7,500').~~

~~— e. The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments.~~

~~— f. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curbs, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curb to lot lines.~~

~~— g. Lots shall be numbered clearly. Blocks are to be numbered with numbers shown clearly in the center of the block.~~

~~— h. The exact locations, widths and names of all streets.~~

~~— i. Locations and widths of all easements.~~

~~— j. Name and address of surveyor making the plat.~~

~~— k. Scale of plat (the scale to be shown graphically on a bar scale), date and north arrow.~~

~~— l. Statement dedicating all easements as follows: Drainage facilities are reserved over, under, and along the strips marked "utility easements".~~

~~— m. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.~~

~~— n. Certification by registered surveyor in the form required by Minnesota statutes section 505.03, as amended.~~

~~— o. Execution of all owners of any interest in the land and any holders of a mortgage thereon of the certificates required by Minnesota statutes section 505.03, as amended, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the city council.~~

~~— p. Space for certificates of approval and review to be filled in by the signatures of the chair and secretary of the city planning commission and the mayor and deputy city clerk.~~

~~— 2. Additional plans to be submitted with the final plat include the following:~~

~~— a. Final Utility Plan:~~

~~—— (1) Plan and profile showing existing utilities, proposed utilities, connection with existing utilities (water main, sanitary sewer, storm sewer), and appropriate easements as required.~~

~~—— (2) Note whether utilities will be publicly or privately constructed, owned and maintained.~~

~~—— (3) For plats in the nonutilitied portion of the city, note drainfield locations on proposed lots. (Must be located on undisturbed soil.)~~

~~b. Final Wetland Plan: Plan showing fill or draining of any wetland including sequencing justification and proposed mitigation consistent with the wetland conservation act¹. All wetlands must be delineated in accordance with the wetland conservation act.~~

~~—— c. Final Tree Preservation Plan: Plan showing location, size and species of all significant trees (8 caliper inches or greater for deciduous trees, 10 feet in height for coniferous trees) including trees to be preserved and removed and those within thirty feet (30') of grading limits.~~

~~—— d. Final Reforestation Or Landscape Plan: Plan showing reforestation required by title 10, chapter 15, article D of this code and landscaping required by subsection 10-15-11A of this code. The plan must identify location, size, species and quantity of plant materials.~~

~~—— e. Soil Borings And Analysis: Soil borings and analysis to show existence of suitable soils to accommodate two (2) septic system sites, per title 8, chapter 5 of this code.~~

~~—— f. Final Street Plans: Final street plans for requirements established in chapter 3 of this title.~~

~~—— g. Urban Development Concept Plan: All subdivisions required by the city council to conform to the standards of the urban development concept plan found in subsection B11 of this section must submit the necessary documents to implement the plan in the future. (Ord. 1038, 7-8-2002)~~

11-2-~~56~~: STREET NAMING AND ADDRESSING:

A. Assignment; Manual Adopted: The city shall be responsible for assigning street names and addresses for all subdivisions utilizing the Dakota County uniform street naming and addressing system procedure manual, dated November 17, 2008, as amended from time to time, which is approved, adopted and added by reference to the subdivision ordinance pursuant to authority granted in Minnesota statutes 471.62 and shall be kept and maintained in a separate binder in the office of the city clerk for use by the public.

B. Performance Standards:

1. Private streets are subject to the provisions of this section.
2. With respect to all street names and addresses assigned pursuant to this section, the following regulations shall apply:

- a. Street signs for public streets shall be green in color.
- b. Street signs for private streets shall be brown in color.
- c. Address numbers, building numbers or approved building identification shall be placed in a position that is plainly legible and visible from the street or road fronting the property.
- d. Address numbers, building numbers or approved building identification shall contrast with their background.
- e. Address numbers, building numbers or approved building identification shall be Arabic numerals or alphabet letters.
- f. Address numbers, building numbers or approved building identification shall be a minimum of four inches (4") (102mm) high with a minimum stroke width of 0.5 inches (12.7mm). (Ord. 1188, 4-27-2009)

Section Nine. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Passed in regular session of the City Council on the ____ day of _____, 2025.

CITY OF INVER GROVE HEIGHTS

By: _____

Brenda Dietrich, Mayor

ATTEST:

Rebecca Kiernan, City Clerk



Planning Commission Report

MEETING DATE: December 2, 2025

CASE NO:

APPLICANT: City of Inver Grove Heights

PROPERTY OWNER:

REQUEST: Planning Commission Work Plan

LOCATION:

COMPREHENSIVE PLAN:

ZONING:

STAFF CONTACT: Kevin Shay, 651-450-2554

ACTION REQUESTED

BACKGROUND

Many of the City's Commissions adopt Work Plans each year and moving forward the same will be true for the Planning Commission (Commission). The duties and functions of the Commission are defined by City Code 2-2-2. These include providing recommendations to the City Council on development applications, Zoning Ordinance updates and changes to the Comprehensive Plan. The purpose of this work plan is to define annual priorities of the Commission that align with the duties and functions defined by the City Code. The Annual Work Plan is a helpful guiding document proposed by the Commission and approved by the City Council as it identifies projects and priorities for the coming year. The draft Work Plan included in this packet was developed based on Commission duties, staff and council identified projects, and regional requirements. Staff believe the proposed work plan is achievable by December 2026, with available City staff support, funding, and external technical assistance. Commissioners are asked to consider recommending the draft 2026 Work Plan included in this packet.

EVALUATION OF REQUEST

ALTERNATIVES

RECOMMENDATION

ATTACHMENTS

1. 2026 PC Work Plan - Draft

2026 Planning Commission Work Plan

The purpose of this Work Plan is to define annual priorities of the City of Inver Grove Heights Planning Commission (PC) that align with the duties and functions defined by City Code 2-2-2. Duties and functions of the PC include, but are not limited to, reviewing and advising the City Council on development applications, Zoning Ordinance updates and changes to the Comprehensive Plan.

This Work Plan was developed based on upcoming planning projects identified by city staff and past projects identified by City Council. It was also developed to ensure that the Work Plan is achievable by December 2026.

The PC will implement the following 2026 Work Plan with support from the City's planning department:

- 1. Review and provide recommendations on development applications including but not limited to Rezoning, Comprehensive Plan Amendments, Conditional Use Permits, Preliminary Plats and Variances.**
- 2. Initiate the review and recommendations regarding the 2050 Comprehensive Plan Update.**
 - a. The 2050 Comprehensive Plan update will take place from 2026 to 2028. In 2026, the PC will assist City staff with initial work for the 2050 Plan update by providing feedback to help develop the vision for the update and begin reviewing the various sections of the document in the later part of the year.
- 3. Make recommendations on Zoning Ordinance Text Amendments that will include the following topics:**
 - a. Shipping Containers
 - b. List of Interim Uses
- 4. Review and make recommendations on District Plans, Small Area Plans and other studies or special projects. Potential plans and specific projects in 2026 include:**
 - a. Cahill Streetscape Plan
- 5. Provide recommendations on any other topics assigned by the City Council.**