



Inver Grove Heights Planning Commission
Tuesday, January 6, 2026 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, January 6, 2026, will be provided to the Commission at or before the January 6, 2026 meeting.

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Consent Agenda**
 - A. Minutes of the December 2, 2025, Planning Commission Meeting.
5. **Public Hearing**
 - A. Request for a Variance from the Maximum Permitted Square Footage of an Accessory Structure in the E-1, Estate Zoning District for a lot between 2.5–3.3 acres and a Variance from the Minimum Side Yard Setback for an Accessory Structure that exceeds 1,000 square feet in the E-1, Estate Zoning District, located at 8313 Delaney Circle.
 - 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. (*Tabled Item from Planning Commission Meeting, December 2, 2025*)
6. **Regular Business**
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.

January 6, 2026 - Planning Commission Agenda

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, December 2, 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
Dennis Wippermann

Commissioner(s) Absent: None.

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

3. ADOPT AGENDA

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

Ayes: 9

Nays: 0 Motion Carried.

4. CONSENT AGENDA

A. Minutes of the November 5, 2025, Planning Commission Meeting.

Motion by Teiken, Second by Schaefer, to Approve the Minutes with the addition to Commissioner Schaefer's comment on the Culver's item (supporting the project specifically due to lack of interest in the site from a bank).

Ayes: 9

Nays: 0 Motion Carried.

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, at 6802 Dawn Way.

Motion by Clancy, Second by Schaefer, to Adopt an Email into the Record.

Ayes: 9

Nays: 0 Motion Carried.

Reading of Public Notice

Secretary Twedt read the Public Hearing Notice.

Presentation of Request

Planning Manager Shay presented the staff report.

Background

Existing Zoning: R-2, Two-Family Residential
Guided Land Use: LDR, Low Density Residential

There is a single-family home on the lot. The Variance request is a 10-foot encroachment into the front yard setback (20 feet rather than 30 feet).

This request was previously submitted in 2019 as part of the applicant's renovation of their bathroom for accessibility. Staff and Planning Commission recommended Denial of the Variance, but City Council approved it due to the 80-foot right-of-way on the adjacent street. Because the applicant did not enact the garage renovation part of the project within the two-year timeframe, the Variance expired.

Variance Criteria Evaluation

- Harmony with City Code and Comprehensive Plan: Not Met
 - The intent of setbacks is to create a uniform look. There are exceptions for uncovered access ramps and porches, but this request would set a precedent for others to request 20' setback, changing the character of the neighborhood.
- Use of the property in a reasonable manner: Met
 - Garage use is consistent with R-2.
- Circumstances are unique to the property and not created by the landowner: Not Met
 - In doing the bathroom renovation, the applicant created the issue with the garage.
- Alter the essential character of the locality: Not Met
 - Front yard setbacks are more impactful to the aesthetic and character of the neighborhood than rear or side setbacks.
- Does not rely on economic considerations alone: Met
 - Applicant is not making the request due to economic considerations alone.

Recommended Action

- Motion to recommend Denial of the Variance for a reduced front yard setback for a garage addition at 6802 Dawn Way.

Planning Commission Discussion

Chair Weber stated that if the bathroom additions were undertaken due to getting the Variance from City Council, it would be understandable for the applicant to continue with the renovation as initially planned.

Planning Manager Shay stated that the bathroom renovation did not require a Variance. The Variance was granted in 2019, with a two-year time frame, and because the applicant did not request an extension before expiration, the approval lapsed.

Commissioner Schaefer inquired as to what has changed since prior approval of the Variance in 2019.

Planning Manager Shay stated that the 2019 Variance request was for both the bathroom renovation and the garage expansion (the bathroom now extends into the existing garage, so the 10' encroachment request would be used to make up for the lost garage space.)

Commissioner Schaefer confirmed with Planning Manager Shay that the initial Variance request was the same (a 10' encroachment into front setback).

Opening of Public Hearing

Carol Wold Sindt, 6802 Dawn Way, Applicant, stated that she received the staff report, and understood it. She said that her family was unable to go forward with the garage expansion as planned due to the COVID-19 pandemic affecting contractor availability. She said that her husband made the initial request but then had to deal with some medical issues, and he passed away earlier this year. She said that she was not aware of the two-year time limit on the Variance. She asked the Commission to consider the difficulty of having a disability and getting out of the car onto an icy driveway.

Matthew Sindt, 3876 Raspberry Ridge Road, Prior Lake, is the son of the applicant and stated that he is present to support his mom.

Commissioner Wippermann said that he understands staff's assessments of the criteria and that there is no legal obligation to approve the Variance. However, since the Council approved the same request in 2019 due to finding practical difficulty (and that practical difficulty still existing), he said that he would not want to deny the Variance.

Chair Weber asked Planning Manager Shay to explain which properties are affected by the wider right of way (80 feet versus 60 feet).

Planning Manager Shay said that seven properties on Dawn Way are affected. When those properties were developed, the street was identified as a collector street, so a wider 80-foot right of way was provided, but subsequent planning changed that to the standard 60-foot right of way for the rest of the properties on Dawn Way.

Chair Weber asked whether, with the 2040 Comprehensive Plan now providing a 60-foot right of way on the rest of Dawn Way, those seven properties would get the 10 feet added back on.

Planning Manager Shay clarified that the original right of way would not be vacated due to existing utilities in the area.

Chair Weber closed the Public Hearing at 7:19 p.m.

Planning Commission Discussion

Commissioner Hunting commented that she did not agree with City Council's finding that the wider right-of-way represented a practical difficulty; she visited the street, and the other properties affected all have garages set back at a consistent distance from the street. She agrees with staff's assessment of the criteria. Because this request does not meet three of those criteria, she is not in favor of approving the Variance.

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Commissioner Heidenreich said that it was important not only to follow the law but to have compassion and understanding; in this case, matters outside the family's control clearly affected their ability to complete the project before expiration.

Commissioner Twedt said that there were trees that could ameliorate issues with sight lines on this site. He said that given the circumstances, he is in favor of approving the Variance.

Commissioner Schaefer said that she is also in favor of approving the Variance due to its conformance with the initial request that was approved by Council, the pandemic as a factor, and the applicant's lack of knowledge that the Variance would expire.

Chair Weber asked whether the City typically provides notice for expiration of Variances.

Planning Manager Shay stated that this Variance expired before he came on staff, but typically, City Staff do notify applicants if the expiration date is approaching and work has not been enacted.

Motion by Heidenreich, Second by Clancy, to Approve the Variance as requested, subject to the conditions listed in the staff report.

Ayes: 8

Nays: 1 (Hunting) Motion Carried.

This item is tentatively scheduled to go before the City Council on December 15, 2025.

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.

Reading of Public Notice

Secretary Twedt read the Public Hearing Notice.

Presentation of Request

Planning Manager Shay presented the staff report.

Application Process Update Goals

- Eliminate application material checklists from code
 - These are already included in the policy documents; there, they can be updated as needed without needing to change City Code
- Comply with state statute
- Make the Code easier to understand and more user-friendly
- Eliminate duplicative processes
- Move to administrative reviews for situations when there is no discretion
 - If a project must be approved as long as it meets all code requirements, neither Planning Commission nor City Council has the authority to add conditions for approval, so it does not make sense to bring it before these bodies.

Review of Changes Made to Code Sections

- Variances

- Update “undue hardship” standard to “practical difficulty” standard to comply with state statute
- Determination of Substantially Similar Use
 - Remove from code
 - This is typically a staff decision that does not need to come before the Planning Commission.
 - Note that this only applies to Substantially Similar Use determinations. Someone seeking to add a new use to the table would still need to come before Planning Commission and City Council.
- Northwest Area Environmental Studies Fee
 - Remove from code
 - This was added in the early 2000s because of the volume of development in the Northwest Area at the time, but the fee has not been collected for many projects in the last ten years.
 - Typically, this document would be City-led and City-funded, as it is created to inform City staff in their comprehensive planning efforts.
- Conditional Use Permits (CUPs)
 - Change from a supermajority vote (4/5) to a simple majority vote (3/5) at City Council
 - This is for consistency with state statute (supermajorities are typically for comprehensive plan amendments or significant zoning changes, e.g., from residential to industrial).
 - Remove specific environmental review language for Conditional Use Permits (CUPs)
 - The right to request/require environmental and traffic studies as part of a CUP is already granted by state statute, so it is not needed in this section of the City Code.
 - Remove exemption for I-2 zoning district
 - With the changes to the Site Plan Review section, this exemption is no longer needed.
- Interim Use Permits (IUPs)
 - The first two Conditional Use changes above apply to this section as well. (The I-2 exemption is not applicable for IUPs.)
- Site Plan Review
 - Removes distinction between “minor” and “major” site plan reviews
 - This would put all site plan reviews under an administrative process. (In current code, only minor Site Plan Reviews, defined as those involving <10% expansion, are currently handled via administrative process; all other Site Plan Reviews are considered major and come before Planning Commission and City Council for approval.)
 - By nature, Site Plan Reviews should not have Variances, IUPs, CUPs, etc. If it is a permitted use in the zoning district, and they meet code standards, all that is needed is staff review to ensure code compliance; legally, additional conditions cannot be added by the Commission or Council.
 - Change threshold from 125% to 100% for financial guarantees for Site Improvement Performance Agreements (SIPAs)
 - The intent of the guarantee is to ensure that if a project is not completed, any grading, erosion control, and/or stormwater issues can be addressed,

not to ensure completion of the entire project as planned. Therefore, 100% is sufficient.

- Final Planned Unit Development (PUD)
 - No longer requires Planning Commission review before going to City Council (as long as the Final PUD complies with the Preliminary PUD)
 - Final Plats does not have to come before Planning Commission, so this change would create consistency in the processes
- Waiver of Platting
 - Remove from code
 - Because this process only applies in situations where no new easement is required, it is rarely used. There is already a Lot Line Adjustment section of the Subdivision Ordinance for handling this administratively.
 - Moreover, the preliminary and final platting processes are easier in terms of staff tracking.

Planning Manager Shay mentioned that a future draft could combine all the administrative processes for planning applications into one chapter, but that revision was not completed at this time due to the extensive restructuring it will require.

Recommended Action

- Motion to recommend approval of 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.

Opening of Public Hearing

Commissioner Teiken said that all the changes proposed seem to be aligned with the larger project of making the Code easier for applicants to use. He asked for confirmation that the changes have been reviewed by the City Attorney.

Planning Manager Shay said that the City Attorney has received the draft but has not provided comments yet. He said that if the City Attorney does have comments or concerns, he would incorporate those changes before the draft went to City Council.

Commissioner Schaefer thanked Planning Manager Shay for his work cleaning up the Code. She asked that there be consistency with capitalization (e.g., uppercase for "City Council" and "Planning Commission" rather than lowercase) for clarity. She also asked for a thorough review of definitions of terms.

Planning Manager Shay said that style (capitalization) concerns would be addressed when the full zoning ordinance overhaul is done, and definitions would be addressed at the end of that overhaul process.

Commissioner Schaefer said that, as developers will no longer be required by code to pay the Northwest Area Environmental Studies Fee, it will be paid by taxpayers. She said she would prefer to collect the fee from developers due to the continued development happening in the area. She commented that the change from supermajority to simple majority for Conditional Use and Interim Use Permits would make it easier for those to get approved and asked what the rationale was for this change.

Planning Manager Shay said that Conditional Uses and Interim Uses are, by nature, not special exceptions (like Variances or adding uses). If the conditions are met, more conditions can be added for health, safety, and welfare considerations, but most conditions should already be specified in the Code for each Conditional/Interim Use. He said that supermajority votes, by state statute, are only required for significant changes. He said that only a simple majority vote is required under state statute for actions that do not affect the entire city in their implementation. The City can require a supermajority vote in these matters, but City staff does not recommend this.

Commissioner Schaefer said that when items come before Planning Commission and City Council, the public has a voice and can provide developers with their feedback/comments. While she understands that the Commission cannot legally add conditions to CUPs and IUPs, she stated that the proposed changes would reduce transparency. Regarding the proposed changes to the Site Plan Review section, she asked for more information about what the City is responsible for (that the current 125% financial guarantee would cover).

Planning Manager Shay said that the Site Plan Review financial guarantee allows the City to draw on the letter of credit for a Site Improvement Performance Agreement if the developer leaves a project unfinished to fix issues at the site --not to fully improve the site as planned. For example, if the full cost of improvements is \$1,000,000, the cost to address remaining issues (e.g., piles of dirt, grading work) might be \$50,000. Therefore, the City's risk exposure is low in these cases, and he said that 100% is sufficient to address it. (He noted that Developer Agreements, which involve road, sidewalk, or other public improvement construction projects that the City is responsible for completing if the developer leaves things unfinished, have higher risk exposure. Therefore, 125% will remain the financial guarantee for Developer Agreements.)

Commissioner Schaefer asked who initiated the request for the change in financial guarantee for Site Plan Reviews.

Planning Manager Shay said it was staff-led. He monitors what other cities are working on and the issues they are running into, and a number of cities have already lowered the threshold for Site Improvement Performance Agreements to 100% with no issues.

Commissioner Schaefer commented that she also has transparency concerns about the proposed changes to the Final Planned Unit Development section -- that is, when items do not come to the Commission and the Council, there are fewer opportunities for the public to provide input.

Planning Manager Shay said that the transparency concern would be met, in that he would provide regular updates on administrative staff approvals during Planning Commission meetings, but he affirmed that there would be fewer opportunities for public comment under the proposed changes.

Commissioner Schaefer commented that she understands the rationale for removing the application checklists from the City Code, but she suggested that the policy documents that the checklists appear in be regularly presented to the Commission so that they can stay apprised of changes. She also asked Planning Manager Shay to ensure that reference numeration stays accurate throughout updates.

Commissioner Wippermann said he is not in favor of removing the Northwest Area Environmental Studies Fee. He said that issues may still arise requiring further environmental analysis there, and if they do, the City should be able to get related costs reimbursed. He is not in favor of changing the supermajority vote to a simple majority vote for CUPs and IUPs. He said that although those decisions are classified as minor, they affect neighborhoods and set precedents. Due to this, he said there should be overwhelming support in those cases, not just a simple majority. He asked how simple majority works if only three Council members are present. Planning Manager Shay said that if only three Council members are present, two members would constitute a simple majority.

Commissioner Wippermann said that a CUP or IUP would then be able to pass with only two votes (versus four for a supermajority) in that situation. He is also not in favor of lowering the financial guarantee for SIPAs to 100%, and he does not see a reason to make that change given inflation and other unexpected costs that can arise. He is also not in favor of Final Planned Unit Developments not coming before the Planning Commission, due to potential disagreement on what constitutes a "significant change". He mentioned that sometimes the Waiver of Platting code section is used in rural areas. He asked how subdividing will work going forward for those cases.

Planning Manager Shay said that minor/administrative subdivisions would have two options. For currently-platted lots, there is an administrative process. For unplatted lots, the administrative Lot Line Adjustment section would cover subdivisions/lot splits (as long as the conditions for size are met). The Waiver of Platting section is only applicable if no Drainage and Utility or right of way easements are taken, which is very rare in Inver Grove Heights. He mentioned that this section of Code has only been used three times since it was adopted.

Commissioner Wippermann said that under 10-13A-12 (Standards and Criteria for Planning Commission and Council Action), he is not in favor of removing the sentence below: "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." He asked what the rationale was for striking it.

Chair Weber asked what the criteria are for "significant change" in Final Planned Unit Developments.

Planning Manager Shay said the relevant language in City Code is whether changes are "substantially similar." He gave the example of a 100-unit subdivision -- if there are no changes in the number of units, setbacks, lot sizes, and there are no further requests on flexibility, and only design refinements like a storm sewer pipe increasing in size, that would not constitute "significant change". He clarified that at the Preliminary stage, only 60% of design work is complete; at the Final stage, the design is 90% complete. As an example of a significant change, he gave the example of going from 400 to 325 plantings. He said that if something fell under a PUD benefit, flexibility, or general criteria (major standards like number of homes, lot size, setbacks, etc.), then it would be brought back in front of the Commission for Final PUD review.

Commissioner Hunting asked why the Northwest Area Environmental Studies Fee has not been collected in recent years.

Planning Manager Shay said he did not know. He said it seems to have been applied intermittently.

Commissioner Hunting asked for that to be examined further. She said that if development is ongoing in that area, it would be prudent to keep it. She said that it seems like a lot of Planning Commission tasks are being eliminated with these proposed changes, and she would still want to see information about CUP, IUP, and Final PUD items as action items (rather than as staff updates). She is not in favor of the changes that would result in matters no longer coming before the Planning Commission. She mentioned that prior City Councils wanted everything to be reviewed, which can sometimes be overkill, but she feels like these changes would be a step too far in the other direction. She said that she needs more information to decide on whether the Northwest Area Environmental Studies Fee should be assessed or removed from the Code. She said that the Planning Commission is able to make better decisions when more information comes before them.

Chair Weber asked if CUP, IUP, and Final PUD items can be added to the Consent Agenda.

Planning Manager Shay said that adding them to the Consent Agenda would not be appropriate, as Consent Agenda items require action to be taken. He said that another type of agenda item could possibly be used.

Chair Weber said that Consent Agenda items in City Council meetings only get discussed if a member pulls one out to ask questions or raise concerns; otherwise, they are usually acted on as a package. He echoed the desire for more visibility/transparency. Separately, he mentioned that he wanted to paint his address on his curb for emergency services visibility, and this is currently not allowed by Code. He suggested adding something to the Code allowing this (where needed for visibility).

Chair Weber closed the Public Hearing at 8:10 p.m.

Planning Commission Discussion

Commissioner Schaefer suggested breaking up Item 5B into multiple motions.

Planning Manager Shay said that it would be possible to make motions on the basis of changes to each section; staff would then make the approved changes.

Commissioner Schaefer said that having more time to review all changes would be better.

Commissioner Heidenreich said that he does not feel that he has enough information. He said he was in favor of denying all changes until the City Attorney has provided comments and questions that can be addressed. He said that it seems like the Planning Commission is being eliminated.

Commissioner Twedt clarified that the Planning Commission would still see the Preliminary PUD.

Chair Weber stated that the process currently involves the Preliminary PUD going to Planning Commission, then to City Council. The Final PUD then comes back to the Planning Commission before going to City Council for approval.

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Commissioner Twedt confirmed that with the proposed change, the Planning Commission would only see PUDs once, for preliminary PUD (unless there are substantial changes).

Commissioner Schaefer said "substantial change" would be interpreted by staff.

Planning Manager Shay said that the intent is to mirror the PUD process to preliminary/final platting under normal zoning, where the PC's role is at the preliminary stage, and final plat goes straight to Council.

Commissioner Twedt asked whether the goal is to streamline the process.

Planning Manager Shay said yes; the City has 60 days to act on both a final plat and a final PUD. He said that the same reasoning applies for Site Plan Reviews -- design issues, lot size, setbacks, etc. all get reviewed at the preliminary stage. Then the City Engineer works with the developer on grading, stormwater tweaks, etc., which are reviewed by City Council.

Commissioner Twedt asked whether City Council could send it back to the Planning Commission if they had concerns.

Planning Manager Shay confirmed that.

Chair Weber said that right now, the PUD side is different from preliminary/final plat process, and he is in favor of making those processes match.

Commissioners Schaefer and Hunting expressed opposition to the proposed changes to the Site Plan Review section.

Motion by Weber, Second by Clancy, to Recommend Approval to City Council of the proposed changes to the following sections of City Code: Variance, Determination of Substantially Similar Use, and Waiver of Platting (subject to the review of the City Attorney and any conditions ensuing).

Ayes: 9

Nays: 0 Motion Carried.

Chair Weber raised the issue of the Northwest Area Environmental Studies Fee for discussion.

Commissioner Hunting said she had two questions: why fees weren't collected and whether the fees are still needed because of ongoing development.

Commissioner Gosell commented that the total cost incurred by the City for the environmental study in the Northwest Area was \$300,000 -- not \$300,000 for each development; per the ordinance, the fee assessed to developers is \$80 per acre. He asked how many additional acres remain to be developed in the Northwest Area and how much of the \$300,000 has already been collected.

Planning Manager Shay estimated that 800 to 1,000 acres in the Northwest Area have not yet been developed and would incur that fee under the current ordinance, which was established to recoup the \$317,382 paid by the City in 2005-06. He said that typically, this kind of cost is not

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charged to developers because the resulting information is used by the City for planning. Per this ordinance, the City expected to recoup that money gradually via the fee.

Chair Weber brought up the supermajority issue (for approval of CUP/IUP) for discussion.

Planning Manager Shay said that state statute requires a simple majority (3/5) for all items requiring a public hearing.

Commissioner Hunting confirmed that the City *can* require more than a simple majority.

Planning Manager Shay said that the City cannot require a unanimous vote, but it can require a supermajority vote.

Chair Weber said that the situation Commissioner Wippermann raised (where only two votes are needed to approve an item) was unlikely to occur, as Councilmembers can now participate virtually.

Planning Manager Shay confirmed that and added that typically, the City Administrator will reschedule items for a future meeting if multiple City Council members expect to be absent.

Some Commissioners expressed opposition to dropping the supermajority requirement.

Commissioner Heidenreich said that it appears that recommended changes can be attached to either an approval or a denial, and his preference is to attach the suggestions to a denial in order to send a clearer message to City Council.

Planning Manager Shay said that the message about recommended changes would get to City Council either way.

Motion by Weber, Second by Gosell, to Recommend Approval to City Council of the proposed changes to the following sections of City Code (except answering the question about remaining acreage of the Northwest Area and keeping the Planning Commission and City Council involved in Site Plan Reviews): Northwest Area Environmental Studies Fee, Final Planned Unit Development, and Site Plan Review

Ayes: 3 (Gosell, Twedt, Weber)

Nays: 6 (Heidenreich, Hunting, Wippermann, Schaefer, Clancy, Teiken) Motion Failed.

Commissioner Schaefer asked when the City Attorney would review the proposed changes.

Planning Manager Shay said that the City Attorney would review them after Planning Manager Shay makes any changes recommended by the Planning Commission and before final review by City Council. He offered the suggestion of tabling the items to a future meeting so that he could return with the City Attorney's comments on the staff-proposed changes.

Chair Weber asked if the sections mentioned in the earlier Approval motion would get the same treatment.

Planning Manager Shay said yes, as he plans to bring this to City Council as a package (rather than in bits and pieces).

Commissioner Twedt asked about recommending Denial versus tabling.

Planning Manager Shay said that if the desire of the Planning Commission is to get more information before making a decision, he suggested tabling rather than recommending Denial, as he would bring the recommendation of Denial to the City Council (rather than returning to the Planning Commission with information).

Commissioner Gosell said he was in agreement with tabling if there is a specific list of desired changes and questions. He said he was not in favor of a non-specific motion to table as it would not provide enough guidance to City staff.

Chair Weber said that the tabling motion would include something like “based on the questions brought up at the Planning Commission meeting” rather than including a list of specific questions.

Commissioner Heidenreich said that is why he would be in favor a motion to Deny all the proposed changes.

Commissioner Hunting said that she understood the rationale for recommending Denial of the changes to each section.

Chair Weber said that tabling made more sense to him so that the items would come back before the Planning Commission.

Commissioner Schaefer mentioned that a work session could be held before January.

Planning Manager Shay commented that if a motion to table is made, specific information about what is being asked is very helpful.

Commissioner Hunting said that she only had questions about the Northwest Area section. She clarified that there are no questions about the proposed changes to the other sections. Rather, members of the Commission disagree with removing the supermajority requirement.

Commissioner Wippermann reiterated his positions at Chair Weber’s request.

Commissioner Teiken asked to table the Northwest Area section edit and deny the rest of the section edits.

Commissioner Heidenreich expressed support for a motion to table all section edits.

Commissioner Clancy said he agreed with Commissioner Heidenreich that more changes are needed, and tabling would be useful in order to make a more informed recommendation to City Council

Motion by Heidenreich, Second by Clancy, to Table Item 5.B. to the Next Planning Commission Meeting, January 6, 2026.

Ayes: 8

Nays: 1 (Twedt) Motion Carried.

6. REGULAR BUSINESS

A. Approval of the 2026 Planning Commission Work Plan.

Presentation of Request

Planning Manager Shay presented the staff report.

Many of the City's commissions adopt work plans that outline their duties, priorities, and planned projects for the next year.

He presented an overview of the draft 2026 Planning Commission work plan, including:

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.
3. Make recommendations on Zoning Ordinance Text Amendments that will include the following topics:
 - a. Shipping Containers
 - b. List of Interim Uses
 - i. Currently a text list; the plan is to move into the table of other 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 including:
 - a. Cahill Streetscape Plan - including conversion from four-lane to three-lane, landscaping, traffic calming, etc.
5. Provide recommendations on any other topics assigned by the City Council.

Planning Manager Shay invited the Planning Commission to provide input.

Planning Commission Discussion

Chair Weber clarified that members of the Planning Commission can propose changes to ordinances.

Commissioner Wippermann asked Chair Weber if he wanted to add specific ordinances under Item 3 of the Work Plan.

Chair Weber said that there are many issues that he would like to look at.

Planning Manager Shay mentioned that this Work Plan will go to City Council for their acceptance.

Commissioner Schaefer suggested adding "review of the Five-Year Capital Improvement Plan".

Planning Manager Shay said that that was already included under Item 1 (duties assigned by City Code).

Commissioner Schaefer said it would be helpful to provide a more thorough list under Item 1. She added that it would be helpful to align the Work Plan with the priorities of City Council to ensure that the Planning Commission is supporting their goals.

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Planning Manager Shay said that was a good idea. He mentioned that the City Council can modify Commission work plans based on their goals.

Motion by Clancy, Second by Gosell, to Approve the 2026 Planning Commission Work Plan as presented.

Ayes: 9

Nays: 0 Motion Carried.

This item is tentatively scheduled to go before the City Council on December 15, 2025.

7. ADJOURN

Motion to adjourn the meeting at 8:51 p.m.

Respectfully submitted by Will Clashe, Recording Secretary.



Planning Commission Report

MEETING DATE:	January 6, 2026
CASE NO:	25-30V
APPLICANT:	Brian Bischoff
PROPERTY OWNER:	Same as Applicant
REQUEST:	Variances
LOCATION:	8313 Delaney Circle
COMPREHENSIVE PLAN:	RDR, Rural Density Residential
ZONING:	E-1, Estate District
STAFF CONTACT:	Benjamin Schneider, 651-450-2569

ACTION REQUESTED

The Planning Commission is asked to consider two related Variance requests:

1. Variance from the maximum permitted square footage of an accessory structure in the E-1, Estate Zoning District for a lot size between 2.5–3.3 acres. The applicant is requesting 1,792 square feet, where the City Code maximum is 1,600 square feet.
2. Variance from the minimum side yard setback for an accessory structure that exceeds 1,000 square feet in the E-1, Estate Zoning District. The applicant is requesting a setback of 31 feet, where 50 feet is the required setback.

BACKGROUND

The Applicant resides at 8313 Delaney Circle. The property includes a single-family home with an attached garage and an accessory storage structure that is 896 square feet. The Applicant has requested the above-described Variances to expand the current accessory storage structure.

There is a Utility Easement for a power line that runs along the rear of the property, extending over 120 feet into the back half of the lot. Most of the house is located within the Easement boundary, as well as a portion of the accessory structure. The proposed expansion would further encroach into this Easement. If the Applicant were to receive approval of the Variance requests, they would still need written permission from Xcel Energy to expand the structure further into the easement. The owner has reached out to Xcel Energy and is waiting for their response.

SURROUNDING USES

Like the Subject Property, all abutting properties are zoned E-1, Estate and guided RDR, Rural Density Residential.

EVALUATION OF REQUEST

Variations are required to satisfy the following criteria in City Code Section 10-3-4. Each Variance request will be evaluated separately. The request to exceed the maximum square footage will be

referred to as “Size Limit Variance Request” and the request to encroach on the setback will be referred to as “Setback Variance Request.”

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:

Size Limit Variance Request: The general intent of size restrictions is to limit the visual impact of accessory structures in residential neighborhoods. The 1,600 limit applies to all properties in the E-1 Zoning District between 2.5 acres and 3.3 acres. The subject property is at the lowest end of the range.

This criterion is not met for the Size Limit Variance Request.

Setback Variance Request: The E-1 Zoning District requires a 10-foot side yard setback for primary structures and a 50-foot side yard setback for accessory structures that are over 1,000 square feet. The intent, therefore, is to have larger accessory structures at least 60 feet away from neighboring homes. In this case, the expansion of the accessory structure as proposed would still be over 90 feet away from the neighboring home to the south.

This criterion is met for the Setback Variance Request.

2. *The Property Owner proposed to use the property in a reasonable manner not permitted by the Zoning Ordinance.*

Staff Analysis:

The use of an accessory storage structure is reasonable in the E-1, Estate Zoning District.

This criterion is met for both Variance Requests.

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

Staff Analysis:

In general, the Applicant should demonstrate that there are no code-compliant alternatives to satisfy this criterion. The attached narrative cites the power lines as a reason for not expanding the attached garage, but there are other potential alternatives.

Size Limit Variance Request: The Applicant could reduce the proposed expansion by 192 square feet to meet the 1,600 square feet maximum. The narrative states that the proposed size is needed to store various equipment owned by the Applicant. Staff would consider this to be a circumstance created by the landowner, which does not meet the criterion.

Setback Variance Request: To avoid this request, the property owner could expand the accessory structure northward and southward or relocate the accessory structure to the east side of the driveway. The narrative explains that such alternatives are not desirable due to tree removal. However, City Code does allow for tree removal in these scenarios, and it does not appear tree removal would be significant enough to affect the overall neighborhood character. The Applicant could also plant new trees as desired.

This criterion is not met for either Variance Requests.

4. *The Variance will not alter the essential character of the locality.*

Staff Analysis:

Based on aerial imagery, most properties in the neighborhood have accessory structures that comply with the size and setback requirements. The narrative cited 8302 Delaney Circle as an example of a structure that exceeds the 1,600 square foot limit. This appears to be the only instance in the neighborhood of an accessory structure exceeding the size limit. Notably, there is no permit history on file for this structure.

This criterion is not met for either Variance Requests.

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

Staff Analysis:

The requests do not appear to be driven solely by economic considerations.

This criterion is met for both Variance Requests.

ALTERNATIVES

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

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

B. Denial. If the Planning Commission does not favor the proposed Variances, 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 requests given that it does not satisfy all the criteria noted in this report.

ATTACHMENTS

1. Applicant Narrative
2. Zoning Map
3. Plans

Narrative:

We have two variance requests for our property at 8313 Delaney Circle East, Inver Grove Heights, MN 55076:

- 1) Exceed the 1600 sq ft limit for a shop building by 192 sq ft to expand the current shop building from 896 sq ft to 1792 sq ft.
- 2) Crowd the West lot line by approximately 19' (31' setback instead of 50').

The powerline in back of our property prohibits any additions to our existing home, such as, adding a third garage stall for storage. If we could have added to our existing garage, we would not have needed to ask for the above variances.

Normally, a property owner would be able to increase the existing attached double-garage of the main home to a triple-garage in addition to having a 1600 sq. ft. accessory building. This is not a practical option for us due to the powerline, which is why we're requesting the above variances. Additional storage is keenly needed to store our truck camper, utility tractor, collector cars and daily drivers. Storing this equipment inside helps to prevent theft and improves overall aesthetics.

Adding onto the West side of the accessory building is strongly preferred, because an addition on the South side of the existing accessory building would require removal of several mature Oak trees, removal of a terraced garden and excavation of a berm. The addition on the West side of the accessory building is also less visible from the street and our home. Given the existing easement agreement with Xcel, we do not anticipate that Xcel will object to this small incursion into the easement area for the accessory building addition. An easement application has been submitted to Xcel.

Other properties in the Delaney Circle Development have detached shop buildings of greater size (for example, 8302 Delaney Cir.), so we believe that this request is consistent with the existing character of the neighborhood.

Sincerely, Brian and Julie Bischoff

Immediate Neighbors:

The immediate neighbors support / have no issue with the proposed addition.

Suan Becker, 8309 Delaney Circle, Inver Grove Heights, MN
55076

Kaitlin Bischoff, 8314 Delaney Circle, Inver Grove Heights, MN

VARIANCE STANDARDS WORKSHEET

A variance cannot be approved unless the Planning Commission and City Council find that the following standards have been met. Please provide a response as to how/why your project will meet these criteria. Use additional sheets if necessary and consult with the Planning Director at your plan review meeting if you need clarification on the intent of any of the below standards.

1) Practical difficulties

The powerline behind our house prohibits expansion of the existing garage space, therefore, we're asking for a small variance in the allowed external building size. If the powerline wasn't on the property, we'd extend the existing attached garage space, rather than ask for a variance for the shop addition.

2) Reasonable use

The addition to the existing shop building is consistent with how other properties in the neighborhood are being used (hobby space, storage of campers, vehicles, lawn equipment, etc.). To discourage theft and improve aesthetics we want to store our truck camper, utility tractor, collector cars and daily drivers inside.

3) Applying to property

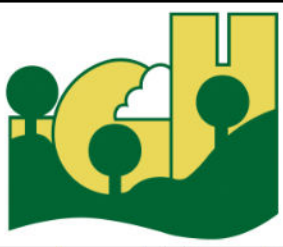
The addition to the existing external shop building is largely hidden from the street and other properties by trees. The addition on the West side of the accessory building has several advantages: 1) preserves several mature oak trees, 2) preserves a terraced garden, 3) does not require excavation of a berm and 4) is much less visible from the street.

4) Character of the locality

The addition would be consistent with homes and external buildings in the neighborhood.

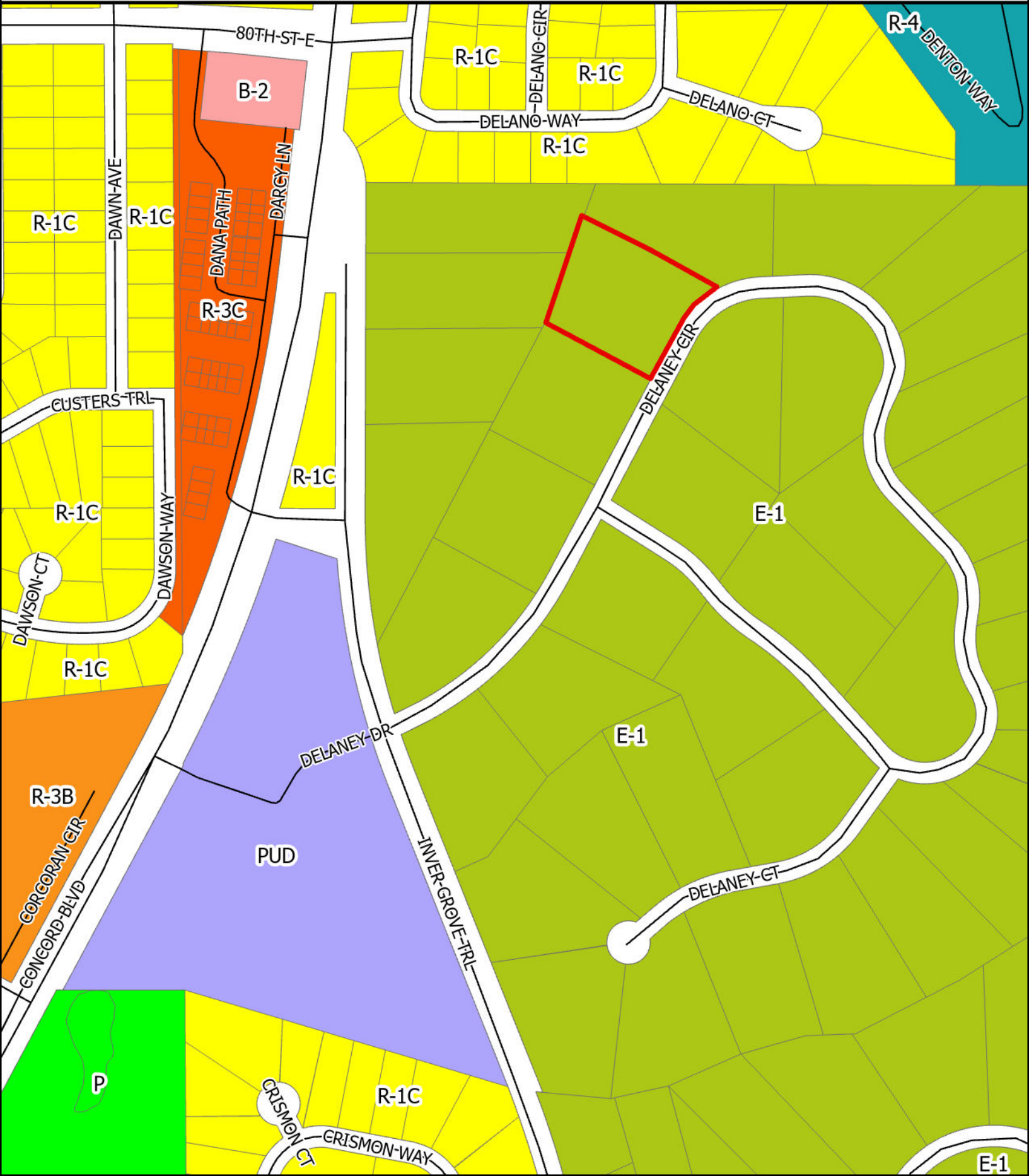
5) Consistency with Comprehensive Plan

This is a small variance to the standard allowed shop size (1792 sq. ft. vs. 1600 sq. ft.) and side yard to accessory building distance (31 ft vs. 50 ft).



Bischoff Variance

Existing Zoning





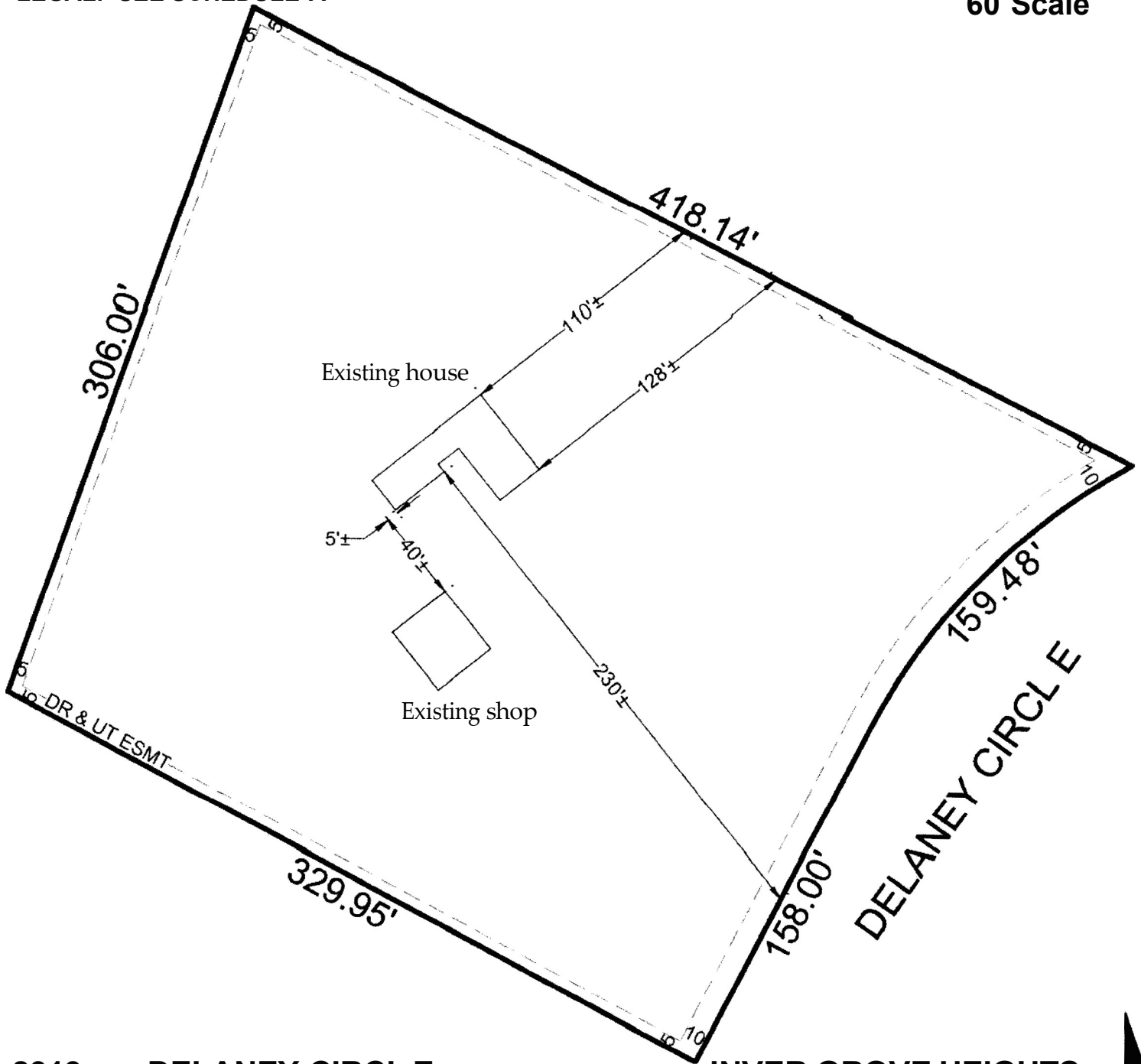
EPIC PROPERTY SERVICES, INC.

PROPERTY SKETCH

EPIC PROPEITY SERVICES

LEGAL: SEE SCHEDULE A

60 Scale

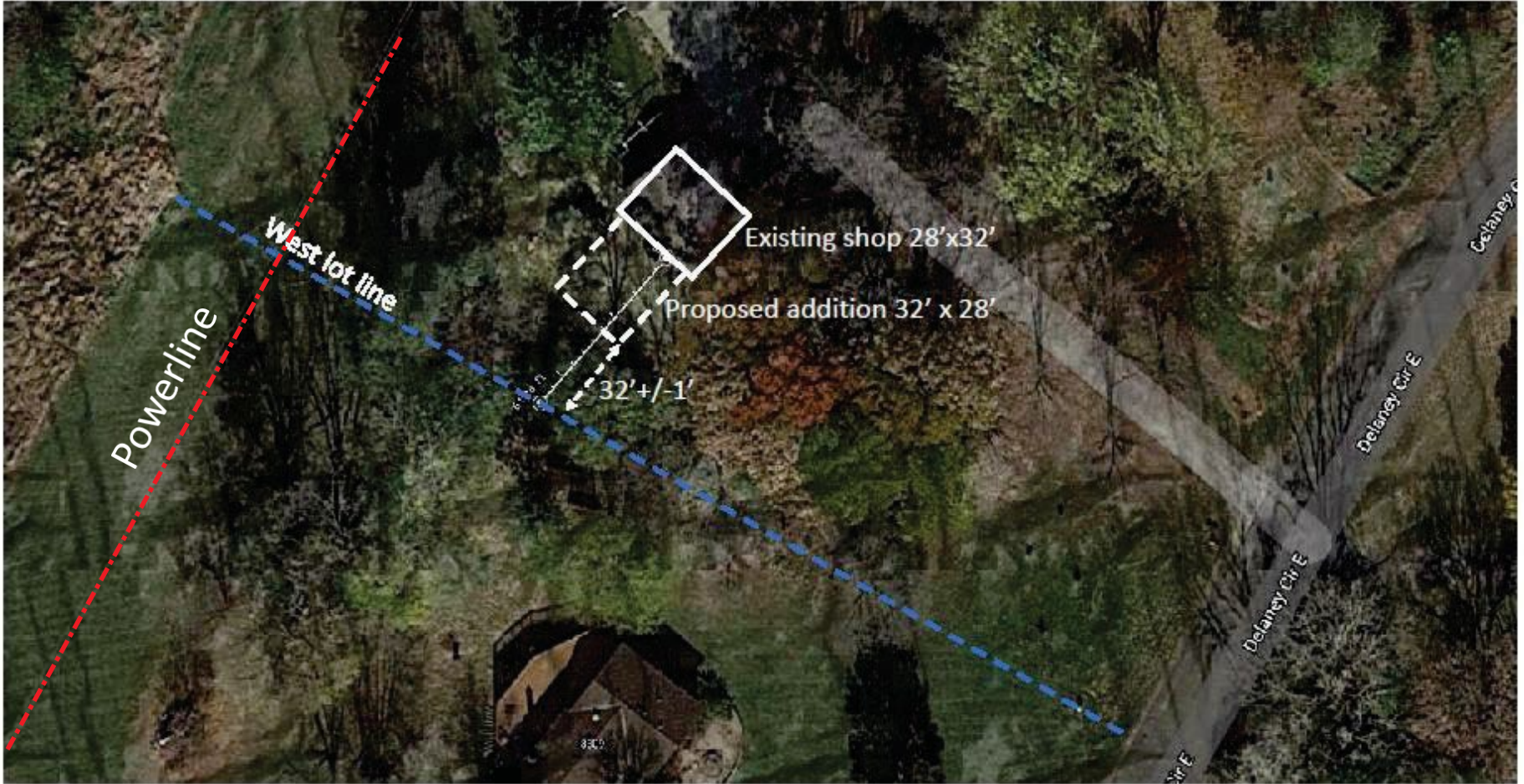


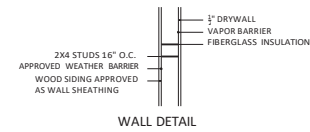
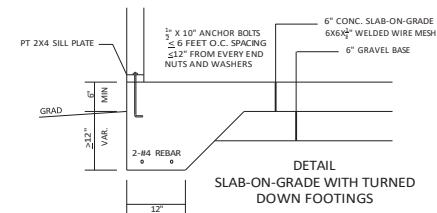
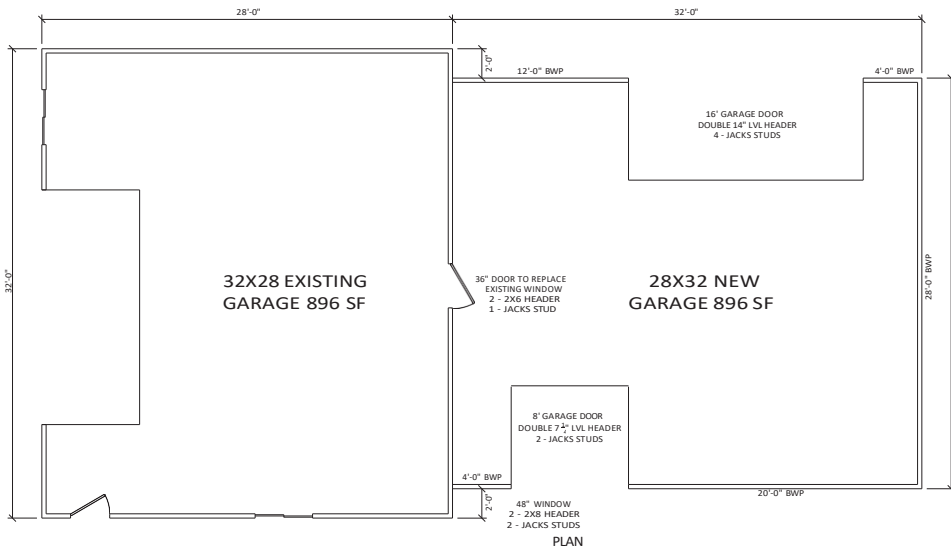
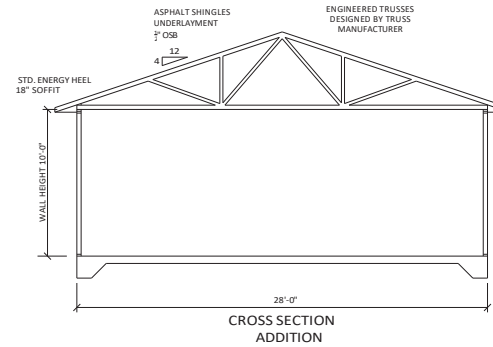
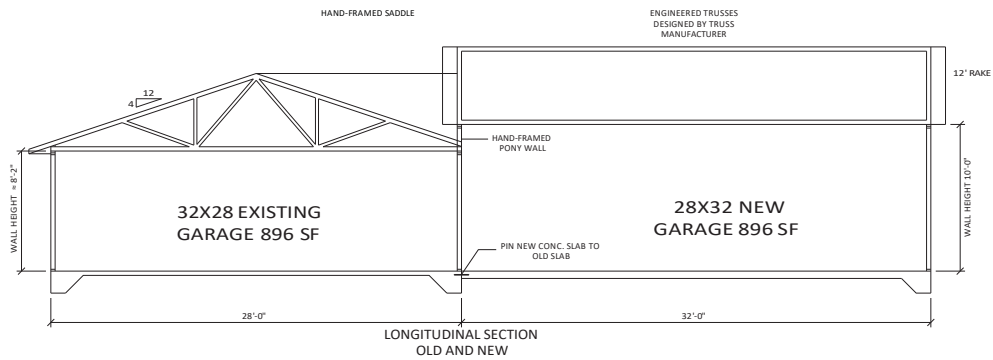
8313 DELANEY CIRCL E

INVER GROVE HEIGHTS

THIS IS NOT A SURVEY NOR SHOULD THIS BE USED AS A SURVEY TO LOCATE FUTURE IMPROVEMENTS.
This drawing is for residential mortgage informational purposes only. the information relating to the property dimensions is based upon the recorded plat or maps in the country records the improvements location and dimensions shown are approximate and based upon a visual inspection.







NOTES/SPECS: R2Y (X) MEANS READ THAT NOTE X
 GENERALS - ALL WORK SHALL FOLLOW CITY OF RIVER GROVE HEIGHTS CODES AND ORDINANCES AND MN RESIDENTIAL CODE UNLESS SPECIFICALLY DETAILED IN THESE PLANS. ALL FASTENERS PER MN RES CODE TABLE 9602.3(1) UNLESS SPECIFIED AS OTHER. PROJECT IS CONSTRUCTION OF A 28X32 ADDITION TO AN EXISTING 28X32 DETACHED GARAGE.
 1. ZONING - ASSUMES 2-1 ESTATE (2.5 ACRES) CONTRACTOR TO VERIFY. PROPERTY IS WITHIN CRITICAL AREA. SIZE AND LOCATION OF STRUCTURE MAY REQUIRE A VARIANCE.
 2. PROPERTY LINES - CONTRACTOR TO LOCATE.
 3. CONCRETE FOUNDATION AND SLAB - Frost protection NOT required for detached single story garage. CONTRACTOR CAN CHOOSE TO INSTALL CMU FOUNDATION TO 42" FROST DEPTH. THESE PLANS SHOW A TURNED-DOWN FOOTING INTEGRAL TO FLOOR SLAB. ALL CONCRETE SHALL BE 4000 PSI, 3% AIR ENTRAINED, UNLESS ADDITIONAL SPECIFICATIONS ARE REQUIRED BY THE CITY OR RECOMMENDED BY THE CONCRETE CONTRACTOR.
 4. SOILS - CONTRACTOR TO VERIFY SUITABLE IN-SITU SOILS UNDER FOOTING AND SLAB AND MAKE CORRECTIONS AS NEEDED IF WEAK SOILS ARE DISCOVERED. DESIGNER OF THIS PLAN PERFORMED NO SOILS INVESTIGATION AND HAS NO KNOWLEDGE OF IN-SITU SOILS. DESIGNER ASSUMES CLAY SOILS WILL BE ENCOUNTERED WITH ≥ 1500 PSF BEARING CAPACITY.
 5. GRADING - CONTRACTOR RESPONSIBLE FOR ACHIEVING SOIL COVER ON EDGES OF SLAB AND FOR SLOPING GRADE AWAY FROM STRUCTURE IN ALL DIRECTIONS.
 6. SILL PLATE - PRESSURE TREATED 2x4.
 7. STUDS - 2x4 SPACED 16" O.C. ALL WALLS SHALL HAVE DOUBLE 2x4 TOP PLATE.
 8. WALL BRACING - AS CHECKED PRESCRIPTIVELY BY METHOD CS-WSP, END CONDITION 1.
 9. HEADERS - SHOWN. SISTER MULTIPLE PLY LVL HEADERS AS PER MANUFACTURER'S SPECIFICATIONS. TYPICALLY TWO ROWS OF 16D NAILS SPACED 12" O.C.
 10. ROOF - MANUFACTURED ENGINEERED TRUSSES BY OTHERS. OWNER ANTICIPATED USING ABC LUMBER.
 11. MISC - THESE PLANS ARE FOR FOUNDATION AND FRAMING ONLY. CONTRACTOR RESPONSIBLE FOR ELECTRICAL.
 12. QUESTIONS - CALL PETER KOROLCHUK AT RESIDENTIAL BUILDING CONSULTANTS, LLC (DESIGNER) AT 612.723.9975 FOR QUESTIONS REGARDING DESIGN. CALL BRIAN BISCHOFF (OWNER) AT 612.802.0210 FOR QUESTIONS REGARDING OPTIONS AND PROPERTY SPECIFICS.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
 Signature: *Peter J. Korolchuk*
 Name: PETER J. KOROLCHUK
 Date: JANUARY 22, 2021 License No.: 20354

ENGINEERING, INSPECTIONS & DRAFTING
 175 JACKSON AVE N, SUITE 272
 HOPKINS, MN 55343
 (612) 723-9975

BISCHOFF RESIDENCE
 8313 DELANEY CIRCLE EAST
 INVER GROVE HEIGHTS, MN

DATE:	SCALE:	SHEET:
1/22/21	1/4" = 1'	1 OF 1



Planning Commission Report

MEETING DATE: January 6, 2026

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 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 the City 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 the current State Statute. The current Ordinance uses "undue hardship", which is not consistent with the State Statute after it was revised in 2011. The 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 Use Permit (CUP).

Staff are proposing to allow Conditional Use Permits (CUP) to be approved by City Council with 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 the 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 (IUP) mirrors the change proposed for a CUP.

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 by City Staff. The change will remove the distinction between "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 City Code requirements. Proposed projects are evaluated against the 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 section as a project moves forward.

An additional change proposed by Staff is to move the required cash deposit or letter of credit (LOC) from 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 Development (PUD) to go straight to City Council, similar to how Final Plats are brought forward. 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 by followed for Subdivisions, as it is easier to track for both the City and Dakota 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(s) are found to be acceptable, approval to 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 & 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 recommend Approval of the Ordinance Amendments as presented.

ATTACHMENTS

1. Ordinance Planning Process_DRAFT
2. Research Case History

**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 nonutilitized 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

Site Plan Review (Changed to Administrative Approval)	Final PUD (Change to only go before CC, not the PC)	Waiver of Platting (Deleted)	
		2015	<p>15-02PUD Final Plat and Final PUD Development Approval for Blackstone Vista.</p> <p>15-12PUD Final Plat and Final PUD Development Approval for Blackstone Ponds 1st Addition.</p> <p>15-17PRV Major Site Plan Review for building expansion & Variance to allow the building expansion with a 30 foot setback.</p> <p>Major Site Plan Review to construct warehouse building; & Conditional Use Permit to allow for a contractor's yard and outdoor storage for items such as: landscaping materials, vehicles and equipment relating to a business and saleable product; & A Variance to allow outdoor storage less than 100 feet from an A, Agricultural zoned property; & A Variance from the outdoor storage screening requirements.</p> <p>15-19RCV Final Plat and Final PUD Development Approval for Blackstone Ridge.</p> <p>15-28PUD Final Plat and Final PUD Development Approval for Blackstone Ridge.</p> <p>15-31PR Major Site Plan Review for a 90,000 square foot school building</p>
		2016	<p>16-24PUD Final Plat and Final PUD Development Approval for Blackstone Ponds 2nd and 3rd Addition</p> <p>Preliminary PUD Development Plan Amendment and Final PUD for Blackstone Ponds 1st Addition relating to front yard setbacks</p> <p>16-32PUD Major Site Plan, Conditional Use, and Variances to allow the construction of a 4-story hotel</p> <p>16-33PRC Rezoning, Preliminary and Final Plat, Major Site Plan and Easement Vacation</p> <p>16-57SZP Major Site Plan Review to allow for a building and parking lot expansion</p> <p>16-60PR</p>
		2017	<p>17-02PUD Final Plat, and Final PUD Development Plan for Argenta Hills 10th Addition</p> <p>Comp Plan Amendment, Rezoning, Preliminary Plat, Preliminary PUD Development Plan Amendment and Final Plat and Final PUD Development Approval and Conditional Use Permit for Argenta Hills 11th Addition - Argenta Hills Apartments</p> <p>17-08PUD Major Site Plan Review to allow for a mini-storage facility and outdoor vehicle storage</p> <p>17-21PR Final Plat and Final PUD Development Approval for Windwood 2nd Addition</p> <p>17-25PUD</p> <p>17-41PR Major Site Plan Approval and Related Improvement Agreements for a building expansion located at 6070 Cahill Avenue</p> <p>17-48PUD Final Plat and Final PUD Development Approval for Blackstone Vista 3rd Addition (Blackstone Highlands)</p>
		2018	<p>18-22PUD Final Plat and Final PUD Development Approval for Industrial Equities Addition and Vacation of existing easement and right-of-way for public street</p> <p>18-37PUD Final Plat and Final PUD Development Approval for Scenic Hills</p> <p>18-44PR Major Site Plan Review</p>
		2019	<p>19-15PR Major Site Plan Review for a parking deck over existing parking</p> <p>19-35SPD Final Plat and Final PUD Development Approval for Amberwood</p> <p>19-39PR Major Site Plan Review for Phase II of an outdoor storage facility located at 11305 Clark Road.</p> <p>Rezoning of Parcel from B-3, General Business to P, Institutional; and a Major Site Plan Approval for a 35,000 sq ft government training facility.</p> <p>19-41ZPV</p>
		2020	<p>20-02PUD Final Plat & Final PUD Development Approval for Settlers Ridge North</p> <p>20-08PUD Final Plat & Final PUD Development Approval for Building 1 and Conditional Use Permit for Manufacturing</p> <p>An Ordinance Amendment to change the Zoning of the Parcel from PUD, Planned Unit Development to B-3, General Business; and Major Site Plan Approval for the construction of a 5,000 sq ft automobile repair center; and Variance from the minimum lot width requirements.</p> <p>20-13ZPV Final Plat & Final PUD Development Approval for The Crossings at Inver Woods</p> <p>20-35PUD Final Plat & Final PUD Development Approval for Canvas at Inver Grove Heights</p> <p>20-45PUD</p>
		2021	<p>21-26PUD Final Plat and Final PUD Development Plan for Phase I of South Grove Townhome</p> <p>Preliminary & Final Plat of The Crossings at Inver Wood Second consisting of one lot for the townhome development.</p> <p>21-28PUD Preliminary & Final PUD of The Crossings at Inver Wood Second consisting of a 24-unit townhome development.</p> <p>21-44PUD Final Plat and Final PUD Development Plan for Peltier Reserve.</p>
		2022	<p>22-08PUD Final Plat and Final PUD Development Plan for Canvas at Inver Grove Heights Second Addition</p> <p>22-10PR Major Site Plan Approval for Salem Hills Elementary School Parking Lot</p> <p>22-14PUD Final Plat and Final PUD Development Plan for Highlands at Settlers Ridge</p> <p>Preliminary and Final Plat for 2-lot subdivision, Final PUD Development Plan for Buildings 4 and 5, and Conditional Use Permit for Manufacturing for Lot 1 and 2 at InverPoint Business Park.</p> <p>22-19PUD</p> <p>22-20PUD</p>
		2023	<p>23-09PUDA Amendment to the Southeast Quadrant Planned Unit Development (PUD) Ordinance and a Preliminary/Final Planned Unit Development to allow a 2,350 sq ft restaurant with indoor and patio seating and pick-up window.</p> <p>23-13SPUD Final Plat and Final PUD Development Plan for the Plat of Robert Curve Fourth Addition</p> <p>Comprehensive Plan Amendment to change the land use for Lot 2, Floerke Forest from LI, Light Industrial to GI, General Industrial; and Rezoning of Lot 2, Floerke Forest from I-1, Limited Industry District to I-2, General Industry District/Planned Unit Development; and Preliminary and Final Plat for a two lot plat to be known as Floerke Forest; and Preliminary and Final Planned Unit Development for a 5,600 square foot industrial manufacturing facility on Lot 2.</p> <p>23-29S</p>
		2024	<p>Preliminary PUD Development Plan Amendment to change the approved plan on Lot 13 from a 180 unit apartment building to a 242 unit apartment building; and Final PUD Development Plan for the 242 unit apartment building.</p> <p>24-08PUD Major Site Plan Approval for Hilltop Elementary School Parking Lot</p> <p>24-09SP Major Site Plan Approval for Hilltop Elementary School Parking Lot</p> <p>24-11SP Major Site Plan Review to add a two-story, 20,160 gross square foot building for Xcel Energy</p> <p>24-24PUD Final Plat and Final PUD Development Plan for Stuart Development</p>
		2025	<p>25-03SP Major Site Plan Approval for Pine Bend Elementary School Parking Lot</p>