

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

**Tuesday, October 2, 2018 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue**

- 1. CALL TO ORDER**
- 2. APPROVAL OF PLANNING COMMISSION MINUTES FOR SEPTEMBER 18, 2018**
- 3. APPLICANT REQUESTS AND PUBLIC HEARINGS**
  - 3.01 RONIE AVILES - CASE NO. 18-52C**  
Consider a **conditional use permit** to exceed the maximum impervious surface allowed on the property located at 8811 Aviary Path.  
  
Planning Commission Action \_\_\_\_\_
  - 3.02 GRIES ARCHITECTURAL GROUP - CASE NO. 18-53C**  
Consider a **conditional use permit** to allow automobile and off highway vehicle sales on the property located at 1350 50<sup>th</sup> Street.  
  
Planning Commission Action \_\_\_\_\_
- 4. OTHER BUSINESS**
  - 4.01 CITY OF INVER GROVE HEIGHTS – CASE NO. 18-54Z**  
Consider an amendment to the Accessory Dwelling Unit Ordinance relating to units in detached accessory structures.  
  
Planning Commission Action \_\_\_\_\_
- 5. ADJOURN**

This document is available upon 3 business day request in alternate formats such as Braille, large print, audio recording, etc. Please contact Kim Fox at 651.450.2545 or [kfox@invergroveheights.org](mailto:kfox@invergroveheights.org)

## **PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS**

Tuesday, September 18, 2018 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

Chair Maggi called the Planning Commission meeting to order at 7:00 p.m.

Commissioners Present: Dennis Wippermann  
Brett Kramer  
Armando Lissarrague  
Annette Maggi  
Elizabeth Niemioja  
Jonathan Weber

Commissioners Absent: Joan Robertson (excused)  
Tony Scales (excused)  
Pat Simon (excused)

Others Present: Allan Hunting, City Planner

### **APPROVAL OF MINUTES**

The minutes from the September 4, 2018 Planning Commission meeting were approved as submitted.

### **ADAM FISCHBACH – CASE NO. 18-49V**

#### **Reading of Notice**

Commissioner Weber read the public hearing notice to consider the request for a variance to construct a porch addition 27 feet from the rear property line, whereas 30 feet is the required setback, for property located at 6444 Coryell Court. 8 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to construct a porch on top of existing deck footings 27 feet from the rear property line whereas 30 feet is required. Staff thinks the following points provide some rationale for approving the variance: 1) the proposed porch would not be located any closer to the property lines than it currently is, 2) the southern portion of the deck would be closer to the rear property line than the proposed porch, and 3) the proposed porch would have minimal impact to the abutting properties as it would butt up to a road rather than a neighboring property. Staff recommends approval of the request with the practical difficulty as stated.

Chair Maggi asked what the setback would be if this were a traditional back yard with another home behind them.

Mr. Hunting replied it would still be 30 feet.

#### **Opening of Public Hearing**

Adam and Julie Fischbach, 6444 Coryell Court, advised they were available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Fischbach replied in the affirmative.

Chair Maggi closed the public hearing.

**Planning Commission Discussion**

Commissioner Lissarrague stated he supported the request.

**Planning Commission Recommendation**

Motion by Commissioner Wippermann, second by Commissioner Kramer, to approve the request for a variance to construct a porch addition 27 feet from the rear property line, whereas 30 feet is the required setback, for property located at 6444 Coryell Court, based on the practical difficulty as stated in the report.

Motion carried (6/0). This item goes to the City Council on September 24, 2018.

The meeting was adjourned by unanimous vote at 7:07 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary

## PLANNING REPORT CITY OF INVER GROVE HEIGHTS

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**HEARING DATE:** October 2, 2018

**CASE NO.:** 18-52C

**APPLICANT & PROPERTY OWNER:** Ronie Aviles

**REQUEST:** Conditional Use Permit to exceed the allowed impervious surface on a property

**LOCATION:** 8811 Aviary Path

**COMPREHENSIVE PLAN:** RDR, Rural Density Residential

**ZONING:** PUD, Planned Unit Development

**REVIEWING DIVISIONS:** Planning

**PREPARED BY:** Heather Botten  
Associate Planner



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### **BACKGROUND**

The applicant is requesting a Conditional Use Permit (CUP) to exceed the allowed impervious surface amount on the property. The applicant's home was built in 2016, shortly after construction they installed a driveway around to the rear of the property, exceeding the maximum impervious surface on the property. City code allows additional impervious surface on a property, up to 10% of the lot area, with a conditional use permit. No additional impervious surface is being added at this time, the request is an after-the-fact request; the total impervious surface amount on the lot is within the additional 10% allowance.

Details of the impervious coverage are listed in the following chart:

|                                               | Square Feet     | Allowed<br>Impervious<br>Coverage (sq. ft) |
|-----------------------------------------------|-----------------|--------------------------------------------|
| Lot Size                                      | 49,065          | 8,700                                      |
| Additional impervious allowed w/ CUP          | 10% of lot area | 4,906                                      |
| Total impervious allowed on property          |                 | 13,606                                     |
| Impervious surface requested                  | 9,279           |                                            |
| Additional impervious request for future shed | 100             |                                            |
| Total sq ft requested by CUP                  | 679             |                                            |

### **SPECIFIC REQUEST**

A **Conditional Use Permit** to exceed impervious surface above the allowed amount but within the additional 10% of lot area allowed with a conditional use permit.

### **SURROUNDING USES:**

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

|       |                                                                                                                             |
|-------|-----------------------------------------------------------------------------------------------------------------------------|
| North | Manufactured home park and single-family home; zoned R-4 and A; guided MDR, Medium Density Residential and LDR, Low Density |
| East  | Single-family home; zoned PUD; guided RDR, Rural Density Residential                                                        |
| West  | Open Space; zoned PUD; guided RDR                                                                                           |
| South | Single-family home; zoned PUD; guided RDR                                                                                   |

### **EVALUATION OF REQUEST:**

#### **GENERAL CUP CRITERIA**

Section 10-3A-5 of the Zoning Regulations lists criteria to be considered with all conditional use permit requests. This criterion generally relates to the Comprehensive Plan and Zoning consistency, land use impacts such as setbacks, drainage, and aesthetics, environmental impacts, and public health and safety impacts.

The proposed impervious surface conditional use permit meets the above criteria. The existing impervious surface on the property complies with setback requirements. The applicant is proposing a rain garden in the southwest corner of the property, complying with the storm water treatment conditions. The proposed raingarden is designed to treat the existing impervious surface over the allowed amount, plus an additional 100 square feet on the property for a future 10x10 shed or something comparable.

#### **IMPERVIOUS SURFACE CUP CRITERIA**

The zoning ordinance sets a maximum impervious surface allowed on each lot in the city based on lot size categories. Impervious surface can be increased by up to 10% of the lot area with a conditional use permit provided the following criteria are met:

- a) A Storm Water Management System shall be constructed within the property that meets the Best Management Practices design criteria as set forth in the Northwest Area Ordinances and Storm Water Manual.
- b) The Storm Water Management System and Grading Plan (including necessary details for construction, showing proper location, material, size, and grades) shall be approved by the Engineering Division prior to ground disturbance or installation of the facility.
- c) The Storm Water Management System is considered a private system and the responsibility of maintenance is that of the owner.
- d) The design of the facility shall provide storage and treatment for the 100-year event volume as it relates to the additional impervious surface being considered with a conditional use application.
- e) A storm water facilities maintenance agreement shall be entered into between the applicant and City to address responsibilities and maintenance of the storm water system.
- f) An escrow or fee, to be determined by the City Engineer, shall be submitted to the City with the Storm Water Management System submittal. The final amount and

submittal process shall be determined by the City by the time the Owners are ready to submit the Storm Water Management System and Grading Plan. Surety shall be provided to ensure construction of the system according to the plans approved by the City Engineer.

- g) The soils shall be tested to determine the infiltration capacity at and below the stormwater facility to ensure the stormwater management facility performs and functions within the assumed design parameters. A three (3) foot separation shall be maintained from seasonal high water levels and the bottom of any facility.

#### ENGINEERING REVIEW

The Engineering Department has reviewed the request and is working with the applicant on the stormwater and grading requirements listed above. The applicant is proposing a rain garden in the southwest corner of the property, complying with the storm water treatment conditions which help maintain the drainage and storm water runoff on the applicant's property. The applicant shall continue to work with the City to secure final approval of the construction plans.

#### ALTERNATIVES

The Planning Commission has the following alternatives available for the requested action:

**A. Approval** If the Planning Commission finds the requests to be acceptable, the Commission should recommend approval of the request with at least the following conditions:

- Approval of the Conditional Use Permit to allow 679 square feet of impervious surface above the maximum amount allowed but within the additional 10% of lot area allowed with CUP subject to the following conditions:
  1. The applicant shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence.
  2. A storm water facilities maintenance agreement shall be prepared by the City Attorney and executed by both the City and the property owner to ensure long term maintenance of the facilities.

**B. Denial** If the Planning Commission does not favor the proposed Conditional Use Permit, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

#### RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the conditional use permit.

Attachments: Exhibit A - Location/Zoning Map  
Exhibit B - Narrative  
Exhibit C- Site Plan



# 8811 Aviary Path Case No. 18-52C

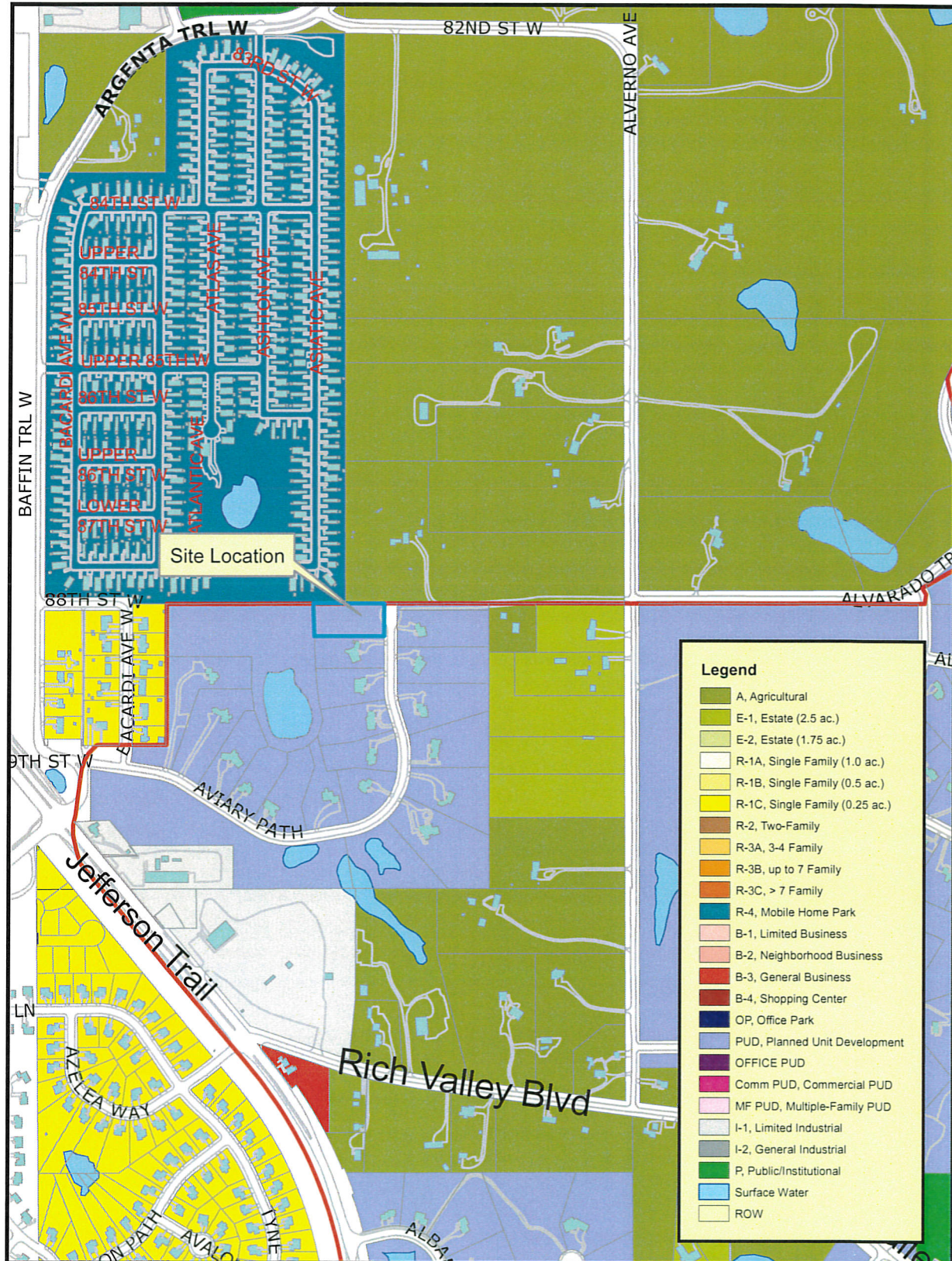
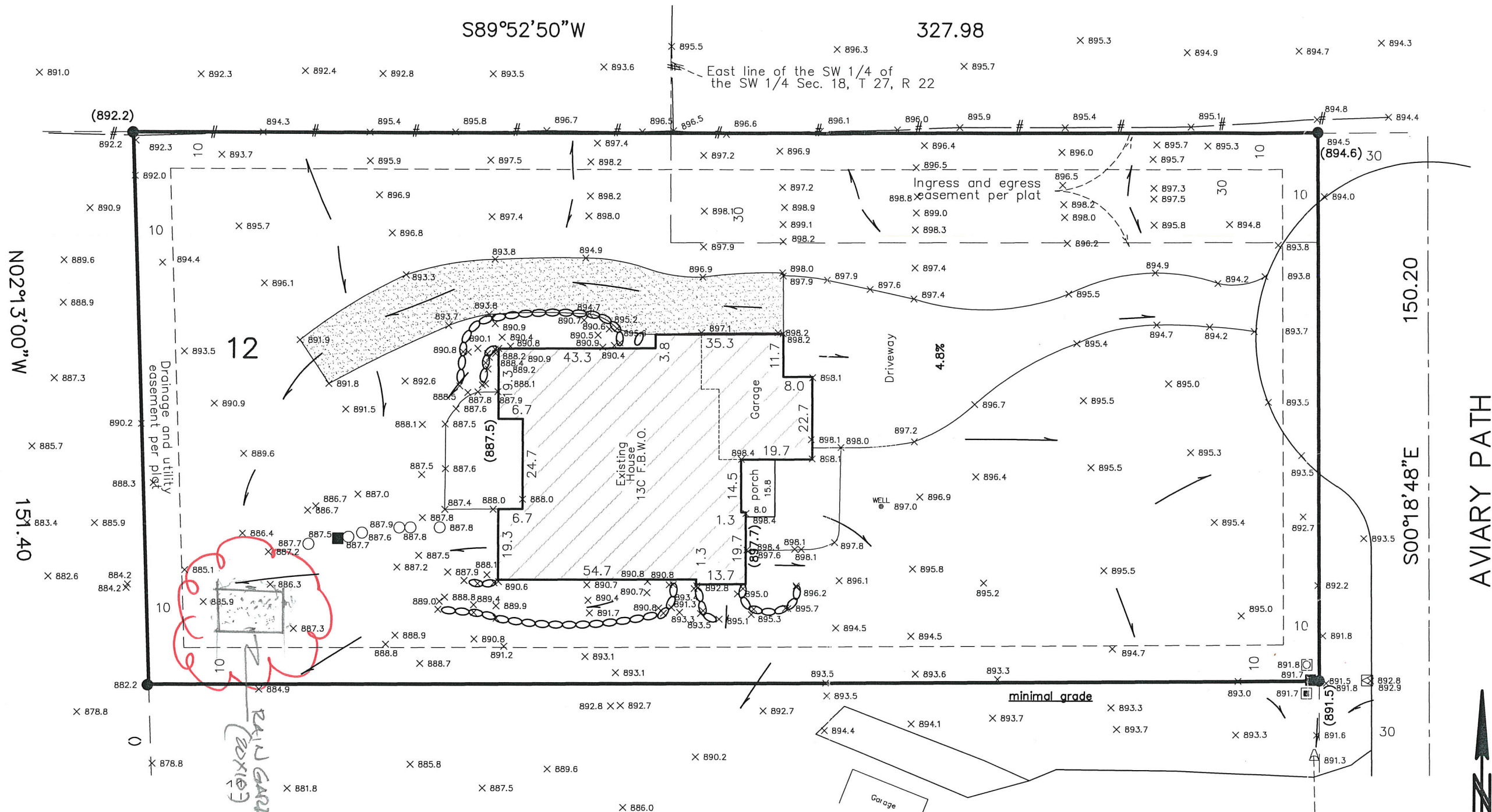


Exhibit A  
Zoning and Location Map  
Map not to scale

8/29/2018

Requesting the CUP to mitigate the hard surfaces that has exceeded the maximum allowed. I am proposing to contract a rain garden in accordance w/ Dakota County Standard Southwest corner of the site.

Rome Aviles



REVISED 5/24/17

GRADING AS-BUILT

**General Notes:**

1. Grading plan by Metro last dated 4/16/02 was used to determine proposed elevations shown herein.
2. No specific soils investigation has been performed on this lot by the surveyor. The suitability of soils to support the specific house is not the responsibility of the surveyor.
3. this certificate does not purport to show easements other than those shown on the recorded plat.
4. bearings shown are based on an assumed datum.

Lowest allowable floor elevation : 861.5

| House elevations         | (Proposed) | As-built |
|--------------------------|------------|----------|
| Lowest Floor Elevation   | : (888.0)  | / 891.3  |
| Top Of Foundation Elev.  | : (898.4)  | / 898.3  |
| Garage Slab Elev. @ Door | : (898.0)  | / 898.1  |

- Denotes service
- Denotes television box
- Denotes electric box
- Denotes telephone box
- Denotes existing elevation
- Denotes proposed elevation
- Denotes drainage flow direction
- Denotes spike
- Denotes proposed erosion control
- Denotes proposed rock construction entrance
- Denotes culvert

Lot area = 49065 SF  
House area = 4794 SF  
Porch area = 145 SF  
Sidewalk area = 539 SF  
Driveway area = 3193 SF  
Padio area = 608 SF  
Total Impervious Area = 9279 SF  
Impervious Coverage = 18.9 %

*allowed 8,700 sq ft  
w/ cur allowed 13,606 sq ft*

We hereby certify to Ronie Aviles that this survey, plan or report was prepared by me or under my direct supervision, and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota, dated 08/25/15.

Signed: Pioneer Engineering, P.A.

BY: Peter J. Hawkinson, Professional Land Surveyor  
Minnesota License No. 42299 email-phawkinson@pioneereng.com

Scale: 1" = 30'

Benchmark:  
Top Nut Hydrant  
Elevation =

- Revisions:
- 1.) 08-26-15 Stake house
  - 2.) 10-09-15 Revise grades
  - 3.) 11-18-15 Client revisions
  - 4.) 12-04-15 Client revisions
  - 5.) 5-24-17 Grading As-Built

Certificate of Survey for:  
Ronie Aviles

Lot 12, Block 1,  
ANNISTONE RANCH  
according to the recorded plat thereof  
Dakota County, Minnesota  
Address: 8811 Aviary Path, Inver Grove Heights, Minnesota  
House Model: Elevation:  
Buyer: Aviles

**PIONEER Engineering, P.A.**  
CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS  
Ph: (651) 681-1914  
Fax: (651) 681-9488  
www.pioneereng.com  
2422 Enterprise Drive  
Mendota Heights, MN 55120  
Project #: 117130000 Folder #: 3352 Drawn by: MTW  
© Pioneer Engineering

**P L A N N I N G     R E P O R T**  
**CITY OF INVER GROVE HEIGHTS**

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**HEARING DATE:**     October 2, 2018

**CASE NO:** 18-53C

**APPLICANT:**             Gries Architectural Group

**PROPERTY OWNER:** SFLP, LLC

**REQUEST:**     A conditional use permit to allow automobile and off-highway vehicle sales

**LOCATION:**     1350 50<sup>th</sup> Street

**COMPREHENSIVE PLAN:**     RC, Regional Commercial

**ZONING:**             B-3, General Business

**REVIEWING DIVISIONS:**     Planning

**PREPARED BY:**     Heather Botten  
Associate Planner

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**BACKGROUND**

The applicant is proposing to repurpose the vacant Best Buy building into an automotive sales and service facility. There are no new additions to the building or parking lot area at this time. The exterior of the building would be modified, creating a new front façade by incorporating two new overhead door access points, along with an interior remodel. The request is for a conditional use permit to allow automobile and off-highway vehicles sales on the property. Major auto repair would be accessory to the car sales use.

The specific request consists of the following:

- A.) A **Conditional Use Permit** to allow for automobile and off-highway vehicle sales lot in the B-3, General Business Zoning District

**EVALUATION OF THE REQUEST**

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

Car dealerships; zoned B-3; guided RC, Regional Commercial

**SITE PLAN REVIEW**

Building Setbacks. There are no building additions proposed at this time.

Access. Access to the site is not changing; there are three access points off 50<sup>th</sup> Street.

Parking Lot. The existing parking lot footprint will not be changing. The parking lot will be used for vehicle inventory, sales display, service vehicle parking, customer and employee parking.

Impervious Coverage. No additional impervious surface is being requested.

Landscaping. Landscaping was installed when the site was developed, no additional landscaping is required. If there would be any removal of existing landscaping, it would require replacement or relocation of said plantings.

Lighting. Existing lighting will remain. If improvements are made in the future, the source of light shall be hooded, recessed, or controlled in some manner so as not to be visible from adjacent property or streets.

Rooftop Screening. Roof top mechanical equipment shall be screened from view from the street. If necessary, the form of screening will be reviewed at time of building permit. This condition would apply to all new rooftop equipment.

Signage. Signage is not approved as part of the CUP request. Signage on the property shall follow section 10-15E of the city code. A building permit is required for any new signs or changes to the existing signs.

Engineering. No additional impervious surface would be added to the property at this time. The City Engineer has reviewed the plans and takes no exception to the request.

Any future impervious surface changes, site improvements, or disturbance may require the addition of a storm water treatment facility complying with the City's Water Resources Management Plan requirements.

Other Departments. All building plans shall be subject to the review and approval of the City Fire Marshal and the City Building Official. The existing building on site will have to be brought into compliance with building and fire codes for the proposed use.

#### **GENERAL CONDITIONAL USE PERMIT REVIEW**

This section reviews the plans against the CUP criteria in the Zoning Ordinance (Section 10-3A).

1. *The use is consistent with the goals, policies and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks.*

The use is consistent with the goals, policies, and plans of the Comprehensive Plan. The future land use of this parcel is Regional Commercial, automobile sales is consistent with the uses envisioned in this district.

2. *The use is consistent with the City Code, especially the Zoning Ordinance and the intent of the specific Zoning District in which the use is located.*

The applicant's property is zoned B-3, general business district. The land use of auto sales is consistent with the intent of this commercial district.

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

The proposed request would not have a detrimental effect on public improvements in the vicinity of the property.

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.*

The proposed request does not appear to have any negative effects on City facilities or services. Engineering, Fire, and Inspection Departments would review and approve plans for code compliance prior to any improvements being done on the property.

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

*i. Aesthetics/exterior appearance*

The existing building materials and proposed changes comply with code requirements.

*ii. Noise*

The proposed use would not generate noises that are inconsistent with B-3 zoning.

*iii. Fencing, landscaping and buffering*

Fencing and additional landscaping are not required with this request.

6. *The property is appropriate for the use considering: size and shape; topography, vegetation, and other natural and physical features; access, traffic volumes and flows; utilities; parking; setbacks; lot coverage and other zoning requirements; emergency access, fire lanes, hydrants, and other fire and building code requirements.*

Access to the site is not changing. The amount of traffic would not be out of the ordinary for a commercial area.

7. *The use does not have an undue adverse impact on the public health, safety or welfare.*

This use does not appear to have any negative effects 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, groundwater and air quality.*

The proposed use itself would not have any direct impacts on the environment. No additional impervious surface is being proposed; if there are any future

building additions or site changes staff would review for compliance with code requirements at that time.

### **ALTERNATIVES**

The Planning Commission has the following actions available on the following requests:

- A. **Approval.** If the Planning Commission finds the application to be acceptable, the following action should be taken:
- Approval of a **Conditional Use Permit** to allow an automobile and off-highway vehicles sale lot subject to the following conditions:
    1. The site shall be developed in substantial conformance with the following plans on file with the Planning Department except as may be modified by the conditions below.

Site Plandated 09/20/18
    2. All parking lot lighting on site shall be a down cast “shoe-box” style and the bulb shall not be visible from property lines.
    3. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.
    4. Any expansion of the use not shown on the site plan requires additional city approvals and is not part of this conditional use permit.
    5. A storm water facility maintenance agreement shall be prepared by the City Attorney and executed by both the City and the property owner to ensure long term maintenance of the facilities. An operation and maintenance plan shall be prepared annually and sent to the City.
    6. All final development plans shall be subject to the review and approval of the City Fire Marshal.
    7. No car display or employee parking shall be allowed on public streets, street boulevards, or landscaped areas on the dealership property.
    8. Customer and employee parking shall be clearly signed and no display vehicles shall be allowed in this area.
    9. All display pennants, flags, searchlights, balloons and other similar devices shall be limited to no more than 10-days per calendar year. Use of such devices require a sign permit.

10. All signage shall be in conformance with the sign regulations of the City.
11. All new rooftop equipment shall be substantially screened from view as seen from a reasonable viewing perspective.

B. **Denial.** If the Planning Commission does not favor the proposed application the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

**RECOMMENDATION**

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the request as presented.

Attachments: Zoning/location map  
Narrative  
Site and building plans



# Gries Architectural Group Case No. 18-53C

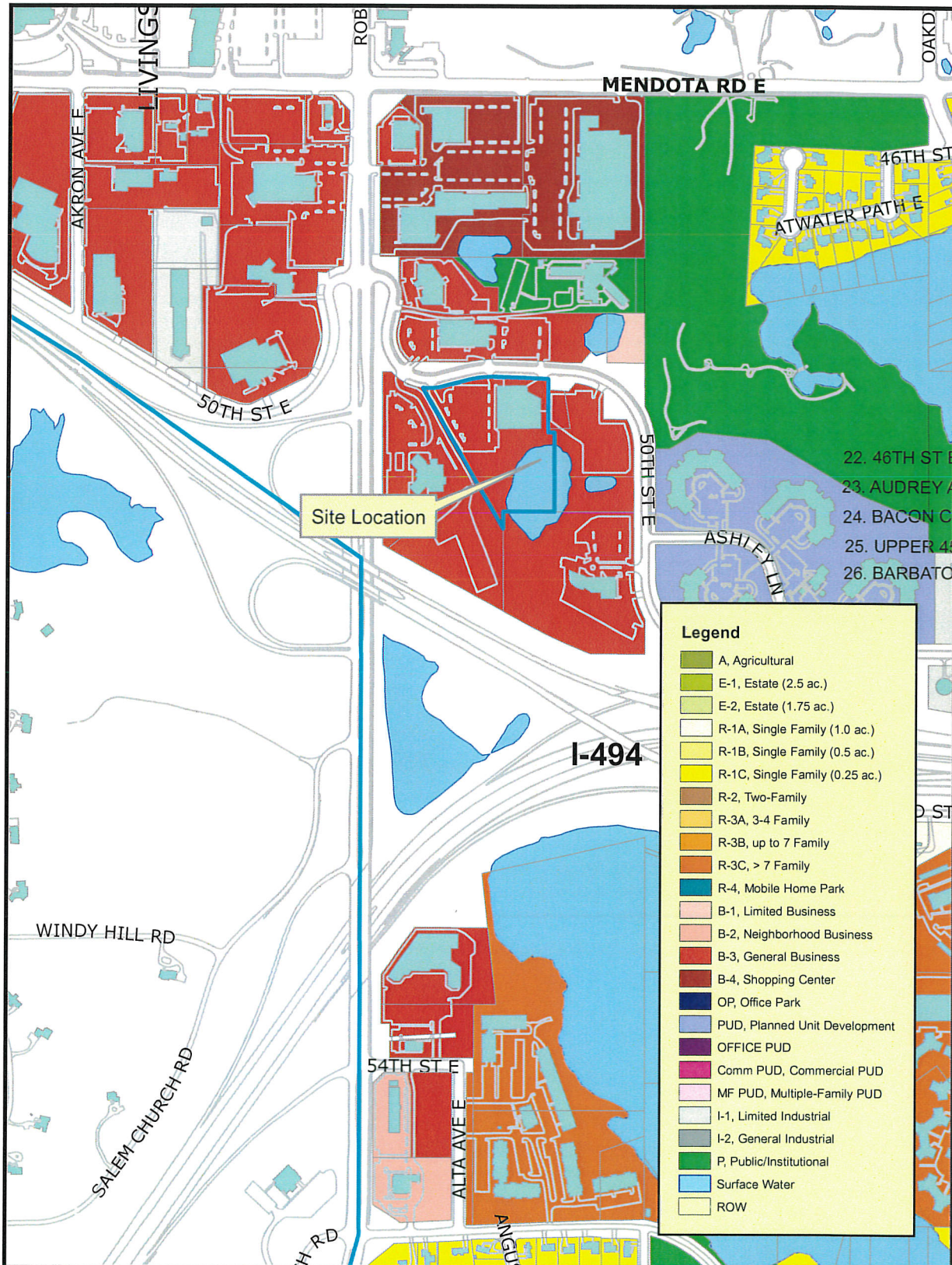


Exhibit A  
Zoning and Location Map

Map not to scale

## **INVER GROVE SERVICE CENTER PROJECT NARRATIVE**

- Location:** 1350 50<sup>TH</sup> Street E.  
Inver Grove Heights, MN
- Applicant:** Gries Architectural Group – on behalf of - Inver Grove Service Center
- Proposal:** This project request for a Conditional Use Permit is to repurpose a vacant Best Buy Facility into a new Automotive Sales and Service facility.
- There will be no new additions to the building or parking area at this time. The existing building, parking, landscape, and lighting shall remain. The modified exterior of the building will create a new front facade incorporating two new overhead door access points. The existing blue entry of the former Best Buy building will be removed. The existing exterior of the building will be painted. The existing exterior parking lot will be used for vehicle inventory, sales display, service vehicle parking, customer parking and employee parking.
- Operations:** Hours of operation for sales, major service repairs and maintenance will be determined. Vehicles will not be displayed with hoods or truck lids up, or doors open, nor will they be displayed on ramps or moving platforms. On-site security techniques will include, but are not limited to, lighting and surveillance cameras. Parts and vehicle deliveries will take place daily with multiple parts deliveries per day. Trucks will vary in size depending on the type of delivery; however range from full 53' trailer trucks to box trucks, and vans. The deliveries by truck will take place at the existing back loading dock area.
- Sales operations will consist of a sales staff selling used vehicles and fleet vehicles. Sales personnel will be on-site actively selling vehicles out of this facility. Office space will be provided for the sales personnel along with building access for public to view and purchase vehicles.
- Landscaping  
& Screening:** Existing Landscaping to remain.
- Signage:** Existing building and site signage from Best Buy will be removed. New building signage will need to be determined. We will provide a separate signage submittal for approval.
- Lighting:** Existing lighting will remain. We will review costs to upgrade existing site lighting to LED, if we proceed with upgrades a full photometric will be submitted for approval.
- Adjacent  
Land Use:** Similar automotive uses are adjacent to this proposed site..

**Hazards:**

We do not feel there will be any negative impacts on neighboring properties due to noise, dust, odors, hazards, or lighting..

**Traffic Impacts:**

Traffic counts will be reduced from the former best buy use.







**P L A N N I N G     R E P O R T**  
**CITY OF INVER GROVE HEIGHTS**

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**HEARING DATE:** October 2, 2018

**CASE NO:** 18-54Z

**APPLICANT/PROPERTY OWNER:** City of Inver Grove Heights

**REQUEST:** Amendment to the Accessory Dwelling Unit Ordinance relating to units in detached accessory structures

**LOCATION:** N/A

**COMPREHENSIVE PLAN:** N/A

**ZONING:** N/A

**REVIEWING DIVISIONS:** Planning

**PREPARED BY:** Allan Hunting  
City Planner

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**BACKGROUND**

In August 2015, the Council adopted an ordinance that allows accessory dwelling units (ADU) within existing single family homes or within detached accessory structures subject to conditions and performance standards. The ordinance recites the accessory structure to lot size standards but does not include all the variations. There appears to have been an error when citing the structure size to lot size requirements.

This came to light when a home owner wanted to construct an ADU in a detached structure that was approximately 2,400 square feet in size. The ordinance does not address ADU's in accessory structures over 1,600 square feet, meaning an ADU would not be allowed in structures greater than 1,600 square feet. Staff believes this to be an error and not intended to have this restriction. The applicant was going to apply for a variance, but staff believes the best approach is to process a code amendment to address the size question. Staff is initiating the code amendment.

**ORDINANCE AMENDMENT**

City Code Title 10, Chapter 18. states the following:

*5. An accessory dwelling unit may be allowed in a detached accessory structure provided the detached accessory structure's gross floor areas is 1000 square feet or less on lots less than or equal to 2.5 acres and 1,600 gross square feet or less on lots greater than 2.5 acres in size. In no case shall the ADU be more than 1000 square feet, nor less than 250 square feet.*

During the ordinance drafting discussions with Planning Commission and Housing Committee, there was a suggestion to limit the maximum size of an ADU to 40% of the size of the principal structure and to clarify accessory structure size to be the same as currently allowed. During the readings of the ordinance, the maximum percentage size was dropped, and a straight maximum

was included. The accessory structure size wording did not address structure size on lots 5.0 acres or greater. Lots 5.0 acres or larger are allowed an accessory structure up to 2,400 square feet. The language does not allow an ADU in accessory structures greater than 1,600 square feet. I did not find any discussion leading to intentionally limiting an ADU in structures greater than 1,600 square feet.

Once the maximum percentage requirement was dropped, there does not appear to be any reason to carry forward the balance of the language in condition #5. An ADU is limited in size whether it is in the home or accessory structure. An ADU could be located in any accessory structure meeting code requirements. Therefore, Staff believes #5 is not needed and should be removed. This would allow the landowner who raised this issue to construct an ADU in the building they were planning with only necessary building permits.

### **ALTERNATIVES**

- A. **Approval:** If the Planning Commission finds the ordinance amendment acceptable, the request should be recommended for approval.
- B. **Denial.** If the Planning Commission does not favor the ordinance amendment, the above request should be recommended for denial.

### **RECOMMENDATION**

Staff believes the language in question (#5) in the ordinance should have been removed once the size limit was determined and this will eliminate an unintended restriction.

Attachments: Proposed Ordinance Amendment

***DRAFT ORDINANCE***

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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE,  
TITLE 10, (ZONING ORDINANCE) CHAPTER 18, REMOVING REFERENCES  
TO ACCESSORY STRUCTURE SIZE IN RELATIN TO ACCESSORY  
DWELLING UNITS (ADU) IN SINGLE FAMILY RESIDENTIAL ZONING  
DISTRICTS**

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

**Section One. Amendment.** Title 10, of the Inver Grove Heights City Code is  
hereby amended to read as follows:

**Chapter 18  
ACCESSORY DWELLING UNIT**

**10-18-1: ACCESSORY DWELLING UNIT:**

Accessory dwelling units (ADU) may be permitted as an accessory use to a single family dwelling in the A, E-1, E-2, R-1A, R-1B and R-1C zoning districts subject to the following:

1. A rental license for the non-owner-occupied unit shall be obtained if required by City Code.

2. Each accessory dwelling unit shall require a city registration.

3. An accessory dwelling unit shall be clearly a subordinate part of the single-family dwelling. In no case shall the ADU be more than 1000 square feet, nor less than 250 square feet.

4. An accessory dwelling unit may be permitted within a detached accessory structure provided the lot size on which the unit would be located is one (1) acre or greater and provided the ADU shares the same septic system and well as the principal unit in areas not served by municipal sewer and water. The ADU is not allowed its own private septic system and well.

~~5. An accessory dwelling unit may be allowed in a detached accessory structure provided the detached accessory structure's gross floor areas is 1000 square feet or less~~

~~on lots less than or equal to 2.5 acres and 1,600 gross square feet or less on lots greater than 2.5 acres in size. In no case shall the ADU be more than 1000 square feet, nor less than 250 square feet.~~

~~6.~~ 5. No more than one accessory dwelling unit shall be allowed on a lot.

~~7.~~ 6. The property owner must reside in either the primary residence or the ADU as their permanent residence.

~~8.~~ 7. An ADU may not be subdivided or otherwise segregated in ownership from the primary residence structure.

~~9.~~ 8. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, roof pitch, colors, and materials as the principal building on the lot, and shall be compatible with the character of the surrounding residential buildings.

~~10.~~ 9. The total number of occupants in the accessory dwelling unit shall not exceed three (3) persons.

~~11.~~ 10. Lots with accessory dwelling units shall provide at least two (2) off-street parking spaces in addition to the one (1) off-street parking space required for the primary residence.

~~12.~~ 11. Accessory dwelling units in combination with their associated single family dwelling unit must conform to all city code requirements for single family dwellings, including but not limited to setback, height, impervious surface and accessory structure standards.

~~13.~~ 12. The accessory dwelling unit and the associated single family dwelling unit must meet current state building, plumbing, electrical, mechanical and Fire Code provisions including fire emergency vehicle access to any accessory dwelling unit.

~~14.~~ 13. A accessory dwelling unit in a detached accessory structure shall have a separate address from the principal dwelling unit on the lot and shall be identified with address numbers assigned by the City and pursuant to size and location regulations of the city code.

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

Passed in regular session of the City Council on the 22nd day of October, 2018.

**CITY OF INVER GROVE HEIGHTS**

By: \_\_\_\_\_  
George Tourville, Mayor

AYES:

NAYS:

ATTEST:

\_\_\_\_\_  
Michelle Tesser, City Clerk