

**CITY OF INVER GROVE HEIGHTS**

**DAKOTA COUNTY, MINNESOTA**

**ORDINANCE NO. 1148**

**AN ORDINANCE AMENDING SECTION 515 (ZONING ORDINANCE) OF THE CITY CODE RELATING TO THE NORTHWEST AREA OVERLAY DISTRICT**

The City of Inver Grove Heights hereby ordains as follows:

**SECTION 1. AMENDMENT. Section 515.30, Subd. 2. Definitions, is hereby amended to add the following definitions:**

- 33a. Bioretention - a landscaped area typically located at the edge of parking lots and may have an underdrain present where stormwater runoff is directed for filtering and discharge to other stormwater features.
- 126a. Homeowners association - an incorporated nonprofit organization operating under recorded land agreements through which (a) each lot and/or homeowner is automatically a member; (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and (c) the charge, if unpaid, becomes a lien against the property.
- 136a. Infiltration basins/trenches - an area that allows stormwater rainfall/runoff to gradually seep into the ground.
- 136b. Infiltration raingardens - landscaped garden designed and planted to receive and infiltrate stormwater runoff.
- 161a. Low impact development (LID) - an ecologically friendly approach to site development and stormwater management that aims to mitigate development impacts to land, water, and air by integrating site design and planning techniques that conserve natural systems and hydrologic functions of the site.
- 181a. Natural area/open space - any unimproved land that is set aside, dedicated, designated or reserved for perpetuity.

- 181b. Native Vegetation – plants that are adapted to and occur naturally in a specific location. (See appendix b page 7 of the Inver Grove Heights Storm Water Manual for the Northwest Area for a list of preferred native vegetation)
- 181c. Net developable area – the area of a property remaining after excluding those portions that are either: a) encumbered by right of way for arterial roads as defined in the Inver Grove Heights Comprehensive Plan; or b) lying below the ordinary high water level of public waters as identified in the Shoreland Overlay District (see City Code Section 515.80, Subd. 30); or c) lying within the boundaries of wetlands delineated according to the Minnesota Wetland Conservation Act; or d) bluffs in Shoreland Overlay Districts abutting public waters; or e) land to be dedicated to the City of Inver Grove Heights for public park/recreation area purposes.
- 279a. Steep slopes (Northwest Area Overlay District)- a predevelopment grade of 25% or more for a horizontal distance of 50 feet or more.
- 279b. Stormwater management features - a feature used to treat, detain, and/or retain stormwater.
- 279c. Stormwater management plans - document which identifies stormwater management features to be used in a development, how they will be designed and constructed, how and what type of maintenance to be completed, when and what type of inspections will be necessary, and who will be responsible for ongoing maintenance and inspections.

**SECTION 2. AMENDMENT. Section 515.80 ZONING DISTRICTS AND DISTRICT PROVISION is hereby amended to add the following:**

**Subd 39. Northwest Area Overlay District**

- A. Findings. The City of Inver Grove Heights finds that the Northwest Area of the community presents unique development challenges and opportunities. Its varied physical topography, areas of extensive tree cover and numerous landlocked, defined wetland basins not only are valued natural features, but also would likely increase the costs for storm sewer infrastructure if a traditional stormwater management plan were implemented. The Northwest Quadrant Study (prepared by Hoisington Koegler Group, 2001) and Northwest Quadrant Hydrologic & Hydraulic Analysis (prepared by Emmons & Olivier Resources, 2004) indicate that alternative land planning, engineering and development practices may be more cost effective in addressing infrastructure needs and meeting the City's Comprehensive Plan goal of preserving unique natural areas/open space.
- B. Purpose and Intent. The Northwest Area Overlay District is established for the purposes of regulating development consistent with the City's Comprehensive Plan while creating a cost-efficient storm sewer system. In accordance with the City's Comprehensive Plan and the Northwest Quadrant Study: City of Inver Grove Heights and South Robert Trail Neighborhood Association (prepared by Hoisington Koegler Group in 2001), the Northwest Area Overlay District will encourage development which provides:
- diverse housing styles,
  - natural features as integral elements,
  - cluster development practices which preserve significant natural features,
  - pedestrian connections
  - innovative stormwater management practices,
  - a reduction in impervious cover to maximize natural stormwater infiltration, and
  - on-site retention of stormwater, and
  - open space areas as development amenities.

The provisions of the Northwest Area Overlay District will also reduce the amount of stormwater runoff from the district through minimizing impervious surface coverage. Provisions will also maximize the ability to infiltrate stormwater without piping to a remote outlet (i.e. Mississippi River) through the preservation of natural areas for infiltration.

All development within the Northwest Area Overlay District shall be by Planned Unit Development according to: 1) the platting procedures as established in the City's Subdivision Ordinance (Sections 510.05, 510.07, 510.09, 510.10 and 510.11); 2) the Planned Unit Development procedures established in the City's Zoning Ordinance (Section 515.80, Subdivision 28); and 3) the provisions found in this Section of the City Code, Section 515.80, Subdivision 39. If there are any conflicts in these standards, the most restrictive standard shall apply, unless specifically approved otherwise by the City Council.

- C. Property without Municipal Sewer and Water. The Northwest Area Overlay District does not have municipal sewer or water available as of the date of adoption of this Section 515.80, Subd. 39. As municipal sewer and water become available to properties in the Northwest Area Overlay District, development shall be allowed subject to this Section 515.80, Subd. 39. Until such time as municipal sewer and water become available and final Planned Unit Development plans are approved by the City for the specific property, densities shall not exceed one unit (1) per ten (10) acres. All lots of record existing on the effective date of this ordinance shall be governed by the lot size regulations for the underlying zoning district within which the lot of record is located.

The maximum density of 1 unit per 10 acres is established for properties that do not yet have municipal sewer and water in order to:

1. Prevent parcelization of land before municipal sewer and water become available.
2. Reduce the density of residential development in areas lying outside the area of the City where municipal utilities are available in order to prevent the untimely, non-cost effective extension of City utilities due to the failure of on-site septic systems.
3. Prevent adverse effects upon the environment due to the failure of on-site waste disposal systems.
4. Promote the provision of residential lot areas that more easily facilitate re-subdivision when City utilities become available, particularly in those areas where utility extensions may occur in the reasonably foreseeable future.
5. Lessen the potential demand in the rural areas for City services such as police and fire protection and street and park services.
6. Channel development of significant tax base into the areas of the City that have municipal sewer.

- D. Subdivision of Property not served by Municipal Sewer and Water. Subdivision of property in the Northwest Area Overlay District that is not served by municipal sewer and water shall be allowed only under the following conditions:

1. The subdivision shall be memorialized through platting. No Waiver of Plat or Administrative Subdivision procedure shall be allowed.
2. A property must have a minimum of 20 acres (excluding existing right of way) in order to be subdivided.
3. The subdivision shall result in a density no greater than one home per 10 acres of land (excluding proposed right of way).
4. The resulting plat shall include buildable lots of a size no less than 1.0 acres and no greater than 1.5 acres. The remainder of the property shall be platted as an outlot, or outlots. The outlot(s) shall be considered unbuildable, and no further subdivision of the outlot(s) shall be allowed until such time as municipal sewer and water become available to the property. When municipal sewer and water become available to the property, the outlot(s) may develop, but will be required to develop according to: 1) the platting procedures as established in the City's Subdivision Ordinance (Sections 510.05, 510.07, 510.09, 510.10 and 510.11); 2) the Planned Unit Development procedures established in the City's Zoning Ordinance (Section 515.80, Subdivision 28); and 3) the provisions found in this Section of the City Code, Section 515.80, Subdivision 39.

5. The underlying zoning district of the property to be subdivided shall be rezoned to Agricultural/PUD.

Planned Unit Development procedures and standards set forth in Section 515.80, Subd. 28, shall not apply to land divisions that are eligible for subdivision according to the provision of this Subsection D.

- E. District Boundaries and Applicability. The Northwest Area Overlay District, further defined in this Section 515.80, Subd. 39 is hereby established as a part of the Zoning Ordinance of the City of Inver Grove Heights (Inver Grove Heights City Code, Section 515). The Northwest Area Overlay District shall be an overlay district such that any parcel lying in the overlay district shall also lie within one or more of the underlying zoning districts. Regulations and procedures set forth in underlying zoning districts shall apply unless specifically addressed in Section 515.80, Subdivision 28 and 39 or if determined by the City Council to be inconsistent with the purpose and intent outlined in Subsection B of this Section 515.80, Subdivision 39 and approved by the City Council as part of the final Planned Unit Development plans. For purposes of determining the application of this Section 515.80, Subd. 39, the boundaries of the Northwest Area Overlay District shall be established and shown on the Official Zoning Map of the City of Inver Grove Heights, on file in the office of the City Clerk. Said map and the boundaries shown thereon are hereby incorporated herein by reference with the same force and effect as if fully set forth herein.

Structures existing on or before the effective date of this ordinance shall be exempt from the standards set forth within the Northwest Area Overlay District until such time as the parcel is subdivided.

- F. Planned Unit Development. All development in the Northwest Area Overlay District shall be pursuant to an approved final PUD plan set, except as allowed in Subsection D above. The procedures and regulations set forth in Section 515.80, Subd. 28 (Planned Unit Development) shall apply unless specifically addressed in the following subsections. The following subsections are hereby deemed to be requirements for all PUDs in the Northwest Area Overlay District unless exceptions as part of a PUD are otherwise approved by the City Council based on the project's ability to protect public safety, the purpose and intent of this ordinance as outlined in Section B of this subdivision, and the purpose and intent as outlined in Section 515.80, Subd. 28A. The City Council must also determine that the exceptions are consistent with the goals, policies, and plans of the City Comprehensive Plan, including future land uses, utilities, streets and parks; the exceptions are generally compatible and would not be materially injurious to existing or future uses of surrounding properties; and the exceptions do 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.
  1. Minimum Area for Planned Unit Development. There is no minimum required site size for a PUD in the Northwest Area Overlay District. However, all land in the PUD must be contiguous unless specifically approved otherwise by the City Council based on the criteria identified in Section F of this subdivision.

2. Ownership. The tract of land may be held in single and separate ownership or in multiple ownerships. However, when a tract is held in multiple ownerships, it shall be planned as a single entity with common authority and common responsibility as demonstrated through all property owners being signatories on the PUD application.
3. Bulk Standards.
  - a. All perimeter setbacks of a PUD shall conform to the setbacks of the underlying zoning district. Property in a PUD shall conform to the bulk standards established in the following table.
  - b. Except as provided in Table 39-1, all other setbacks of a PUD shall conform to the setbacks of the underlying zoning district.

(Remainder of page left intentionally blank)

**Table 39-1 Density and Bulk Standards.**

Use (Correlates with underlying zoning district as specified below)	Density <sup>1</sup>	Front Yard Setbacks <sup>2</sup>		Side Yard	Impervious Surface Coverage <sup>3</sup>	Building Coverage	Building Height
	Minimum	Min.	Max.	Min. Structure Separation <sup>4</sup>	Maximum Coverage	Maximum Coverage	Maximum per lot
<b>Residential</b>							
<b>Single Family</b> (Correlates with R-1C)	2 units/ac.	20 ft.	30 ft.	20 ft.	25%	None	35 ft.
<b>Two Family/ Twinhome</b> (Correlates with R-2)	3 units/ac.	20 ft.	30 ft.	20 ft.	30%	None	35 ft.
<b>Multi-Family (&lt; 4 unit bldgs.)</b> (Correlates with R-3A)	5 units/ac.	20 ft.	30 ft.	20 ft.	35%	20%	35 ft.
<b>Multi-Family (4-7 unit bldgs.)</b> (Correlates with R-3B)	8 units/ac.	20 ft.	30 ft.	20 ft.	55%	20%	56 ft.
<b>Multi-Family (7+ unit bldgs.)</b> (Correlates with R-3C)	12 units/ac.	20 ft.	30 ft.	20 ft.	65%	20%	70 ft.
<b>Commercial</b>							
<b>Retail</b> (Correlates with B-2, B-3, or B-4)	0.25 FAR	10 ft.	30 ft.	20 ft.	70%	25%	50 ft.
<b>Neighborhood Office</b> (Correlates with B-1)	0.25 FAR	10 ft.	30 ft.	20 ft.	70%	25%	50 ft.
<b>Office PUD and other office</b> (Correlates with B-1 or Office PUD)	0.25 FAR	30 ft.	40 ft.	20 ft.	70%	30%	100 ft.
<b>Industrial</b> (Correlates with I-1, I-2, or IOP)	0.25 FAR	30 ft.	NA	20 ft.	70%	40%	60 ft.
<b>Mixed Use</b>	As defined through the Final PUD plans as approved by the City Council						

<sup>1</sup> Maximum density is calculated based on net developable area (see Subd. 28. F. and Subd. 39 F.5.). However, in no instance shall the density exceed that established for the property in the Inver Grove Heights Comprehensive Plan, and such density limits are incorporated by reference and hereby made a part of this Section 515.80, Subdivision 39. The Comprehensive Plan refers to gross density. The Northwest Area Overlay refers to Net Density as described in Subdivision 39, Section F. 5. ii.

<sup>2</sup> Rear yard setbacks shall follow the underlying zoning district setback standards

<sup>3</sup> Impervious surface percentages shall be applied to the whole project during planning stages. The PUD shall establish a standard for each individual lot regulated during the permitting process.

<sup>4</sup> In no instance may a building (principal or accessory) lie within an area of the lot encumbered by an easement

4. Natural Area/Open Space

- a. An amount of land equal to at least 20% of the net developable area within the PUD shall be preserved as natural area/open space, which may include greenways as shown in the City of Inver Grove Heights Natural Resources Inventory and Management Plan (Bonestroo Rosene Anderlik & Associates, 2004).
- b. Natural Area/Open Space shall be designated in the following priority order:
  - (i). The first priority is to protect slopes of 25% or greater in those subwatersheds that have a significant portion of their drainage area (30% or more) covered in slopes of 25% or greater. The following subwatershed districts have 30% or more of the developable area covered by slopes greater than 25%: BP-032, EP-016e, EP-016g, EP-025b, EP-027d, EP-027f, EP-035b, EP-049b, EP-049e, SP-17 and SP-29 as identified in the Northwest Quadrant Hydrologic & Hydraulic Analysis completed by Emmons and Oliver Resources in 2004.
  - (ii). The second priority is to incorporate public trails or public open space designated in the Comprehensive Plan. This would be in addition to any land that would be used to satisfy the public park dedication requirement found in the City's Subdivision Ordinance (Section 510).
  - (iii). The third priority for natural area/open space designation is the protection of natural features such as slopes of 25% or greater, and environmentally sensitive areas and scenic features of the site identified as Manage 1 or 2 resources or priority sites in the City of Inver Grove Heights Natural Resource Inventory and Management Plan for the Northwest Expansion Area (Bonestroo Rosene Anderlik & Associates, 2004).
  - (iv). The fourth priority is to create natural area/open spaces in and around neighborhoods. This priority is satisfied by providing continuity of adjacent natural area/open space corridors or parkways; network of interconnected natural area/open space corridors; or buffers between incompatible or conflicting land uses.
- c. At least 75% of the required natural area/open space shall be contiguous with no portion less than 100 feet wide, unless otherwise approved by the City Council based on the criteria identified in Section F of this subdivision.
- d. At least 50% of the required natural area/open space shall be maintained in a natural, undisturbed condition with native vegetation and shall not be graded or improved with any building, structure or other impervious surface except: 1) public utilities; 2) limited access in the form of a paved walking or hiker/biker path, the total impervious area of which shall not be more than 2% of the total required natural area/open space; and 3) unless otherwise approved by the City Council based on the criteria identified in Section F of this subdivision.
- e. The remaining 50% of designated required natural area/open space may be used for passive or active recreation, public or private utilities or the location of stormwater management features. If used for active recreation, impervious cover

shall not exceed 5% of the remaining area. The remaining 50% of designated required natural area/open space may be graded.

- f. The entire area set aside for natural area/open space shall be maintained in perpetuity. This restriction shall run with the land and be binding on successors and assigns of land owner.
- g. The boundaries of designated natural area/open space and recreation areas shall be clearly delineated on the approved final PUD plans. These areas shall be delineated in the field with signage approved by the City of Inver Grove Heights.
- h. The designated natural area/open space may be owned and managed by one or more of the following:
  - (i). Property owner, provided either: 1) the deed to each lot includes a proportionate share of the natural area/open space or common facilities; or 2) an easement for the natural area/open space is provided for the benefit of the lots in the subdivision.
  - (ii). Homeowners association, provided all of the following conditions are met:
    - (a). The homeowner's association must be established prior to filing of any plats.
    - (b). Membership must be mandatory for each owner and any successive buyer.
    - (c). The association must be responsible for liability insurance, local taxes and maintenance of the natural area/open space.
    - (d). 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.
    - (e). The association must be able to adjust the assessment to meet changed needs.
  - (iii). Third-party (non-profit) organization whose primary purpose is to hold or manage the natural area/open space; subject to a reversionary clause in the event of dissolution of the non-profit organization.
  - (iv). Dedicated to the City of Inver Grove Heights, if the City Council determines there is a demonstrated public need.
- i. The maintenance of the natural area/open space shall be the responsibility of one of the entities identified above in Section 515.80, Subd. 39 F.4.h. Public stormwater or utility improvements may be located within a portion of the natural area/open space, as specified above in Section 515.80, Subd. 39 F.4.d and e, in which case the City of Inver Grove Heights shall be responsible for maintenance of that portion of the natural area/open space.
- j. Authorized representatives of the City of Inver Grove Heights may conduct inspections at any reasonable time to ensure proper maintenance of such areas and/or to respond to citizen complaints.
- k. The legal instrument creating the restrictions, easements and covenants in the natural area/open space shall be subject to approval by the City, and the instrument recorded with Dakota County shall state that the restrictions,

easements and covenants shall not be terminated or altered without the written consent of the City. The legal instrument creating the restrictions, easements and covenants in the natural area/opens space shall be enforceable by the City and the documents shall recite the City's right of enforcement.

1. If the property to be subdivided contains natural resources identified as Manage 1 or 2 resources or priority sites in the City of Inver Grove Heights Natural Resource Inventory and Management Plan for the Northwest Expansion Area (Bonestroo Rosene Anderlik & Associates, 2004), the City Council may at its discretion require the Manage 1 or 2 resource or priority site to be encumbered with a conservation easement to the public. Said conservation easement would include at least the following provisions:
  - (i). No vegetation shall be removed or mowed from the easement area, except for invasive vegetation species when removed according to a plan approved by the City.
  - (ii). No private structures may be placed within the easement area.
  - (iii). No grading shall be allowed except as approved with the final Planned Unit Development Plan, or subsequent City approved amendments thereto.
  - (iv). No gardening shall be permitted within the easement area.
  - (v). Public utilities shall be permitted within the easement area.
  
5. **Development Capacity Plan Required.** A "development capacity plan" shall be prepared by the developer as part of the preliminary development plan for every residential project. The intent of the development capacity plan is to determine the total number of units that could be developed on the site according to the underlying zoning district regulations which may be established through the sketch plan process. The total unit count determined through the development capacity plan shall then become the maximum number of units permitted under the Northwest Area Overlay District regulations. The total number of units for the overall project shall not exceed the density as establish through the Comprehensive Plan.

Calculation of the total number of permitted residential units shall be determined in the following manner:

- (i). Determine the total net developable area (in acres) per the definition of net developable area as found in Section 515.30.
- (ii). Divide the developable area determined in step (i) above by the minimum lot area as established for the applicable underlying zoning district and found in City Code Section 515.80, Subdivisions 8-9 and 11-13. The result is the total number of units that could be developed on the site in the underlying zoning district. The total number of units divided by the net developable area equals the Net Density of the site.
- (iii). The total number of units determined in step (ii) above shall be the maximum number of units permitted under this Northwest Area Overlay District section of the City Code.

6. Allowed Uses

- a. Except those uses identified in subpart c. as “interim uses”, all permitted, conditional, and accessory uses as defined, regulated and administered for the underlying zoning districts shall continue and remain in effect within the Northwest Area Overlay District. If a final PUD plan is approved by the City Council, the underlying zoning for the subject property shall be amended according to the approved PUD plan, though the overlay district shall remain the Northwest Area Overlay District. The permitted uses shall then be those found in the amended underlying zoning district. PUD developments in the Northwest Area Overlay District are allowed to have an increased mixture of housing types provided that the provisions of this Section 515.80, Subd. 39 are met. Table **39-2** identifies which uses are permitted and the maximum percentage of the total development units which can be of that housing type. The total number and location of housing units and housing types for a specific property shall be established by the City Council at the time of final PUD plan approval for that specific property. The location and number of housing units approved on the final PUD development plan shall not be altered without approval of the City Council.

(Remainer of page left intentionally blank)

**Table 39-2 Maximum Percentage Mix of Uses by district.**

Uses	Zoning District (percentages represent maximums)				
	R-1C	R-2	R-3A, or B	R-3C	MU
Single Family Dwellings	100%	100%	10%	10%	10%
Twinhomes/Two-Family Dwellings	30%	100%	30%	10%	15%
Multiple dwelling unit building (4 or fewer units)	10%	30%	100%	40%	100%
Multiple dwelling unit building (5 + units)	0%	0%	50%	100%	100%

Note: The % in the above table represents the total maximum percent of units allowed by unit type or “use” in each district. For example, in the R-1C district, up to 30% of the total units in the proposed PUD may be twinhomes or two-family dwellings, or alternatively, the entire PUD could consist of all (100%) single family housing.

- b. Within the overlay district, multiple dwelling units, including townhouses shall be a permitted use provided they follow the performance standards as specified in Section 515.90 (specifically those in subd. 26 and 27), those specified in this Section 515.80, Subd. 39, the requirements of the underlying zoning districts, and the approved final PUD plans.

**c. Interim Uses.**

(i). Purpose and Intent: The Northwest Area Overlay District is envisioned to develop at urban development densities over the next 20 or more years. The premature development of this area in an estate type development pattern (large residential lots with sizes of 2 ½ to 5 acres on private sanitary sewer systems and private wells) presents challenges to the efficiency and coherency of future development. In addition to rural development patterns, rural uses (boarding of horses, agriculture, etc.) that are incompatible with urban development will also pose challenges to the orderly development of the Northwest Area Planned Unit Development Overlay District. Consequently, it is the purpose of this subsection to establish interim uses that are appropriate to the Northwest Area Overlay District while preserving the reasonable use of private property.

(ii). Uses Requiring an Interim Use Permit: Regardless whether the following uses are permitted or conditional uses in the underlying A, Agricultural Zoning District, the following uses shall be considered interim uses in the Northwest Area Overlay District and shall require approval of an Interim Use Permit by the City Council pursuant to the procedures established in Section 515.80, Subd. 38 of the City Code:

- (a) Agriculture buildings
- (b) Commercial greenhouse / nurseries

- (c) Commercial horse stables
- (d) Commercial kennels

7. Stormwater Management

- a. **Design.** All development in the Northwest Area Overlay District shall be designed such that stormwater runoff is managed on-site within the planned unit development to match predevelopment runoff, as demonstrated by matching pre and post development runoff volume for the 5-year, 24-hour event. The stormwater system shall also have managed overflows to the regional system of natural depressions such that the stormwater rainfall/runoff for a 100 year event is safely transported. Contingencies for emergency overflows at least one foot below the lowest structure shall be provided.
- (i). For any proposed PUD development the developer shall submit a stormwater management plan which contains supporting computations, drawings and sufficient information describing the manner, location and type of measures in which stormwater runoff will be managed from all phases of the PUD development. The developer shall also submit soil borings for the site including proposed stormwater infiltration areas.
  - (ii). The stormwater management plan shall be prepared by an individual whose qualifications are acceptable to the City of Inver Grove Heights. The City of Inver Grove Heights may require that the design be prepared by a professional licensed in the State of Minnesota, as necessary to protect the public or the environment.
  - (iii). Stormwater management plans shall use one or more of the following features to address onsite stormwater management. These measures shall be designed in accordance with the most recent version of the City of Inver Grove Heights Stormwater Manual which is incorporated by reference to Subdivision 39. The performance criteria specified in the City of Inver Grove Heights Stormwater Manual shall be considered when selecting the appropriate management features such as:
    - Infiltration raingardens (encumbered by public easement and maintained by the City of Inver Grove Heights)
    - Vegetated swales (encumbered by public or private easement and maintained by the City of Inver Grove Heights or private parties, as approved by the City together with the final PUD plans and stormwater management plan.)
    - Parking lot bioretention (encumbered by a private easement if found necessary by the City and maintained by private parties.)
    - Infiltration basins/trenches (encumbered by public or private easement and maintained by the City of Inver Grove Heights or private parties, as approved by the City together with the final PUD plans and stormwater management plan.)
    - Disconnection of impervious surfaces, e.g. diverted roof leaders, rain barrels, permeable pavement (These features are

- to be encumbered by a private easement if found necessary by the City and maintained by private parties.)
- Green roofs (Private maintenance)
  - Other Low Impact Development (LID) techniques
- (iv). Stormwater management plans will stage construction and specifically address temporary erosion and sediment control measures to preserve the infiltration capacity of proposed onsite and regional stormwater management features to ensure that such features are not impaired at conclusion of construction.
- (v). Stormwater easements over those stormwater management features that the City chooses to maintain shall be provided by the property owner for access, facility inspections, replacements, and public maintenance. The easements shall be fully executed and submitted to the City of Inver Grove Heights prior to the release of the final plat from City offices for recording by Dakota County.
- (vi). Covenants and/or maintenance agreements found acceptable to the City relating to all stormwater management features not to be maintained by the City shall be provided by the property owner. The covenants and/or maintenance agreements shall be fully executed and submitted to the City of Inver Grove Heights prior to the release of the final plat from City offices for recording by Dakota County.
- (vii). The legal instrument creating the restrictions, easements and covenants governing privately maintained stormwater management facilities shall be subject to approval by the City, and the instrument recorded with Dakota County shall state that the restrictions, easements and covenants shall not be terminated or altered without the written consent of the City. The legal instrument shall be enforceable by the City and the document shall recite the City's right of enforcement.
- (viii). Final design of the stormwater management plan shall be approved by the Inver Grove Heights City Council and shall be filed in the chain of title for each property that lies within the Planned Unit Development. A condition of approval shall be that the landowner shall enter into a license contract with the City allowing authorized representatives from the City of Inver Grove Heights to conduct inspections on a regular basis at any reasonable time to assure the safe and proper functioning of the private stormwater management features and/or to respond to citizen concerns. The license contract shall also permit authorized representatives of the City to enter upon the private property for the purpose of correcting or maintaining any private stormwater management feature approved as a part of the stormwater management plan if after proper and reasonable notice by the City to the landowner the landowner has not corrected or maintained the stormwater management feature to the standards established in the approved stormwater management plan, the most recent version of the City of Inver Grove Heights Stormwater Manual and/or this Section 515.80, Subd. 30. Moreover, the license contract shall permit the City to certify the costs of the maintenance/correction to the taxes for the subject private property.

**b. Ownership**

- (i). The boundaries of stormwater management features shall be clearly delineated on all plans, including final PUD plans, preliminary plats and final plats.
- (ii). The designated stormwater management features may be owned by one or more of the following:
  - (a). Property owner, provided the deed to each lot includes a proportionate share of the stormwater management features.
  - (b). Homeowners association, provided all of the following conditions are met:
    - (1) The homeowner's association must be established prior to any sale.
    - (2) Membership must be mandatory for each owner and any successive buyer.
    - (3) The association must be responsible for liability insurance, local taxes and maintenance of the stormwater management features.
    - (4) 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.
    - (5) The association must be able to adjust the assessment to meet changed needs.
  - (c). Third-party (non-profit) organization whose primary purpose is to hold or manage the stormwater management features; subject to a reversionary clause in the event of dissolution of the non-profit organization.
  - (d). The City will accept ownership by easement of the stormwater management features including rainwater gardens when the features serve as a part of the larger regional or neighborhood stormwater management needs as defined by the Northwest Quadrant Hydrologic & Hydraulic Analysis completed by Emmons & Olivier Resources in 2004 or the Northwest Area Alternative Urban Areawide Review prepared by Bonestroo Rosene and Anderlik & Associates in 2005. The City will not accept ownership of such features as downspouts, cisterns, green roofs, parking lot bio-remediation or other such systems or features interior to the parcel.

**c. Maintenance**

- (i). Maintenance of all stormwater features encumbered by public easements as described above in Section 515.80, Subd. 39 F.7.a.(v) shall be the responsibility of the City of Inver Grove Heights according to the measures outlined in the most recent version of the City of Inver Grove Heights Stormwater Manual.
- (ii). All stormwater features that are not encumbered by public easements as described above in Section 515.80, Subd. 39 F.7.a.(v) shall be maintained according to the covenants and/or maintenance agreements approved by the City pursuant to Section 515.80, Subd. 39 F.7.a.(vi)

above, the stormwater management plan approved by the City with the Planned Unit Development the development contract approved by the City together with the Planned Unit Development, and the City Stormwater Manual plans.

d. **Inspections**

- (i). Authorized representatives of the City of Inver Grove Heights may conduct inspections at reasonable times throughout the construction process to meet the specifications in the Stormwater Design Manual and the stormwater management plan approved by the City together with the Planned Unit Development plans.
- (ii). Authorized representatives from the City of Inver Grove Heights may conduct inspections on a regular basis at any reasonable time to assure the safe and proper functioning of the features and/or to respond to citizen concerns.

- e. **Stormwater Manual** The City of Inver Grove Heights Stormwater Manual for the Northwest Area as amended from time to time, is hereby incorporated herein by reference with the same force and effect as if full set forth herein.

8. Procedures

- a. **Sketch Plan.** Preparation of a sketch plan by the developer is strongly encouraged. Given the site design complexities of the Northwest Area Overlay District, a sketch plan should be prepared and submitted for each development. Without a thoroughly prepared sketch plan, the likelihood increases that the preliminary development plan application will be found inadequate by the City. The sketch plan should be prepared following the submittal requirements outlined in Section 510.07, Subd. 1 of the Subdivision Ordinance. In addition, the sketch plan should include the following elements: 1) a preliminary stormwater management concept should be provided in outline format identifying desired techniques for the development proposal based upon the City of Inver Grove Heights Stormwater Manual; 2) identification of the natural resources as included within the City of Inver Grove Heights Natural Resource Inventory and Management Plan for the Northwest Expansion Area (Bonestroo Rosene Anderlik & Associates, 2004); 3) a conceptual development capacity plan as described in Section 515.80, Subd. 39 F.5; and 4) a conceptual scaled natural area/open space plan identifying all natural area/open spaces as required above in Section 515.80, Subd. 39 F.4. The sketch plan should be prepared and presented to City Staff 30 days prior to submittal of the preliminary PUD plan.
- b. **Preliminary Development Plan.** A Preliminary Development Plan shall be prepared and submitted by the developer. It shall include: 1) a preliminary plat prepared pursuant to Section 510.07, Subd. 2; 2) a preliminary PUD development plan prepared pursuant to Section 515.80, Subd. 28, Subsection K; 3) a stormwater management plan consistent with the City of Inver Grove

Heights Stormwater Manual and consistent with the stipulations provided in this Section 515.80, Subd. 39, F.7. 4) a development capacity plan as described in Section 515.80, Subd. 39 F.5.; and 5) a scaled natural area/open space plan identifying all natural area/open spaces as required above in Section 515.80, Subd. 39 F.4.

- c. **Final Development Plan.** A final development plan shall be prepared and submitted by the developer. It shall include: 1) a final plat prepared pursuant to Section 510.07, Subd. 3; 2) a final PUD development plan prepared pursuant to Section 515.80, Subd. 28, Subsection L; and 3) the final development plans in the Northwest Area Overlay District shall follow the procedures outlines in Section 430.11 Stormwater Management. No physical alteration or improvement of the property may commence until after the final development plan and development contract are approved by the City Council, except that site grading may begin earlier if the City Council approves a land alteration permit for the grading. The location and number of units approved in the final plan shall not be altered without approval of the council through an amendment process.

G. Performance Standards. Developments shall follow the standards of Section 515.90 unless otherwise addressed in this Subsection.

1. Site Landscaping Within the Northwest Area Overlay District, the use of native vegetation for landscaping is encouraged in common areas. Areas preserved with natural landscaping shall be maintained in accordance with local and state regulations governing control of noxious weeds. Mass grading for landscaping areas shall be avoided to reduce compaction of natural area/open space areas.
2. Off-Street Parking and Loading
  - a. **Joint Parking.** Joint Parking arrangements are encouraged in the Northwest Area Overlay District.
  - b. **Off-Site or Remote Parking Facilities.** Within the Northwest Area Overlay District remote parking is permitted so long as it is within reasonable walking distance to the principal use and that it does not require crossing major physical barriers such as freeways, four lane arterials, water bodies or other non-pedestrian friendly features. Reasonable walking distance is considered no more than a 1/8th mile (660 feet) or a five minute walk.
  - c. **Parking Surfaces.** Parking surfaces may be made of pervious materials such as pavers, pervious asphalt or concrete or other technology as identified in the City of Inver Grove Heights Stormwater Manual. These areas shall still be considered as impervious surfaces for stormwater calculations; however, up to 50% of pervious pavement areas will be credited toward the 20% natural area/open space requirements (see Section 515.80, Subd. 39 F.4.a). Pervious material surfaces shall be clearly delineated on the approved Final PUD Plans. Long term redevelopment and maintenance must preserve the pervious pavement surface.

- d. **Parking Lot Curbing.** Curbs shall be designed to meet the standards set forth in the City of Inver Grove Heights Stormwater Manual so as to insure safety and best management of stormwater. Generally curbs shall either be flat or have breaks at regular intervals to convey runoff into the stormwater system unless a stormwater management plan demonstrates that another curbing system meets stormwater management performance objectives.
  
- e. **Minimum and Maximum Number of Permitted Off-Street Parking Spaces.** City Code Section 515.90 Subdivision 21 D.9. establishes a minimum number of required off-street parking spaces for various land uses. With the exception of Single Family Dwellings and Two-Family Dwellings, this section 515.80, Subd. 39 re-establishes the minimum required off-street parking spaces and establishes a maximum allowed number of parking spaces as well.
  - (i). The minimum required off street parking spaces shall be no less than 75% of the minimum parking required by City Code Section 515.90 Subdivision 21 D. 9. Pervious paving materials shall be used for the portion of parking over the minimum required off-street parking spaces.
  - (ii). The maximum allowed off street parking spaces shall be no more than 100% of the minimum parking required by City Code Section 515.90 Subdivision 21 D. 9.
  - (iii). The maximum allowed off street parking identified above, may be exceeded by no more than 10% of the total number of parking spaces provided that at least 50% of the total parking lot surface area is paved with a pervious material consistent with techniques identified in the Stormwater Design Manual or 50% of the parking spaces are in a deck structure or underground. Parking in excess of the maximum shall be done with pervious paving materials.
  
- f. **Parking for Multi-Family Residential (including townhomes) and Mixed Use.** 50% of total parking required for Multi-Family and Mixed Use development shall be underground parking, tuck-under parking or structured parking within or under the principal structure. The intent of this regulation is to minimize impervious surface that would result from surface parking lots.
  
- g. **Proof of Parking.** Developments that can accommodate parking allotments less than the minimum parking spaces required may do so provided that the final PUD plan includes the identification of area dedicated for future parking needs to satisfy the minimum parking needs.
  
- h. **On-Street Parking Provision.** Where on-street parking is available, parking spaces that are adjacent to the lot frontage of the subject use may be counted towards the off-street parking requirement.
  
- i. **Parking Lot Landscaping.** Surface parking lots in excess of 100 spaces shall provide landscaped islands between contiguous bays of parking. Such

landscaped islands shall also serve as a stormwater cell and shall be designed according to the guidelines established in the City of Inver Grove Heights Stormwater Manual (Chapter 8, pages 14 and 91).

3. Driveways

- a. Driveway widths for single-family detached residential dwellings, two family and twin home dwellings shall be no more than 20 feet, throughout its entire length, and curb openings shall be no more than 22 feet. In all other cases driveway width shall be no more than 35 feet and curb openings no more than 40 feet. Where additional hard surface is desired such as an additional parking space near the garage, where a turn around/guest parking space is desired or where a non-residential development desires a boulevard or median design feature, additional pavement beyond the maximum width must be of a permanent pervious surface such as brick pavers, pervious concrete/asphalt or other technique as approved through the City of Inver Grove Heights Stormwater Manual.
- b. Shared driveways are encouraged within the Northwest Area Overlay District to reduce impervious surface coverage. No more than two dwelling units may be served by a shared driveway, unless otherwise approved by the City Council based on the criteria identified in Section F of this subdivision. Shared driveways shall extend from a public or private street and shall not connect to any other existing or planned public or private street. Appropriate cross easements and maintenance agreements are required with submittal of final PUD plan and shall be recorded with the final plat.
- c. Single-family residential driveways are encouraged to be constructed of pervious materials such as pavers, pervious concrete or pervious asphalt.

4. Miscellaneous

- a. All residential downspouts and sump pumps shall discharge to cisterns and/or permeable surfaces.
- b. All non-residential downspouts and sump pumps shall discharge to permeable surfaces if reasonably possible.

H. Subdivision Ordinance Regulations. The standards and regulations identified in Section 510 shall be followed except when standards are identified in this section.

1. Streets

- a. Streets designated in the Inver Grove Heights Comprehensive Plan as collectors or arterials shall be designed based on City of Inver Grove Height standards.
- b. Local streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median, or a one-way loop street.

- c. Local Streets shall have the following design standards as measured from the back of curb to the back of curb:
  - (i). Right-of-Way widths shall be between 50 and 60 feet as dictated by the location of stormwater features.
  - (ii). Local public streets shall have a minimum 28 foot paved width in addition to a sidewalk or trail on one side of the street. This street dimension shall restrict parking to only one side of the street.
  - (iii). Local private streets with a 24 foot width shall be acceptable with no parking on either side. Approved development plans shall demonstrate where guest parking is available.
- d. The developer/applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project and will not endanger the safety of the general public.
- e. Cul-de-sac dead end streets are discouraged. Cul-de-sac dead end streets, designed to be so permanently shall be provided at the closed end with a turn-around having an outside roadway radius of 35 feet and a street property line (ROW) radius of 50 feet. Cul-de-sacs can be designed with larger diameters provided a landscaped island is included and designed for stormwater storage. Landscaped medians are encouraged to be designed in cul-de-sac bulbs to handle stormwater runoff and provide a place for snow storage during snow season.
- f. Where proposed streets will connect with existing streets having differing standards, the street dimension shall be the same as those of the existing connecting street. All street widening shall occur at the nearest intersection.