



MAYOR AND COUNCIL COMMUNICATION

DATE: 11/4/15  
**REGULAR**  
ITEM #: 16  
**MOTION**

**AGENDA ITEM:** OP Ordinance Development Discussion  
**SUBMITTED BY:** Clark Schroeder  
**THROUGH:** Clark Schroeder  
**REVIEWED BY:** Clark Schroeder

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SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/Presentation .....Staff
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion ..... Mayor Facilitates

PUBLIC POLICY STATEMENT NONE, DISCUSSION ONLY

**BACKGROUND AND STAFF REPORT:** Council member Fliflet requested information pertaining to the requirements for Open Space (OP) developments and would like the council to discuss the OP ordinance to see if there is any appetite for adjusting any of the current parameters. Several areas including density, how density is calculated, and minimum acreage are some discussion areas identified.

As an example, one of the requirements is that the development densities are allowed up to .45 dwelling units per buildable acre on 40 acres or 18 homes per 40 acres. One of the questions for council consideration is should the requirement of **buildable** acres be used in the calculation. If the intent/purpose of this type of development is to maintain as much open space as is possible should the requirement be reviewed to include non-buildable land in the 18/40 density? If you had 45 acres with lots of wet lands/ponds on it, say 15 acres your calculation would be as follows,  $(45-15) \times .45 = 13.5$  allowed homes. This equates to a density of .3 homes per acres versus the allowed .45 units per acres. If you included the wetlands in your calculation it would be  $45 \times .45 = 20.25$  units for the development. Ponds/wetlands have to be reviewed by watershed districts and preserved, but this would allow properties which otherwise might not be developed to be reviewed and brought forward to council.

One of the other considerations for council is should this type of development be limited to just 40 acres or more? Should this type of development be allowed on 20 acres parcels?

## OPEN SPACE PRESERVATION

### § 150.175 PURPOSE.

(A) The purpose of open space preservation (OP) is to maintain the rural character of Lake Elmo by preserving agricultural land, woodlands, corridors, and other significant natural features while allowing residential development consistent with the goals and objectives of the city's Comprehensive Plan. This type of development will allow an alternative to large lot, single-family housing and will reduce the cost of constructing and maintaining public facilities and infrastructure.

(B) Protected open space will enhance and preserve the natural character of the community and create distinct neighborhoods.

(Ord. 97-79, passed 5-1-2001)

### § 150.176 INTENT.

(A) It is the intent of the City of Lake Elmo to accomplish the stated purpose of OP by approving a conditional use permit for portions of property currently zoned Agricultural, Rural Residential, and Rural Estate; and by adopting the comprehensive development regulations contained herein.

(B) In return for requiring preserved open space as contained herein; it is the intent of the City of Lake Elmo to allow dwelling unit density that will provide a development density equal to or greater than the prior zoning; AG, Agricultural, RR, Rural Residential, and RE Residential Estate.

(Ord. 97-79, passed 5-1-2001)

### § 150.180 DEVELOPMENT STANDARDS.

(A) OP developments shall comply with the following minimum standards unless modified by 4/5 affirmative votes of the City Council.

(B) (1) *Land area.* Applications for a residential development in the OP District shall meet all the following criteria.

(a) The minimum land area for an OP conditional use permit is a nominal contiguous 40 acres. The ratio of parcel length to width shall not exceed 3 to 1. The total number of dwelling units permitted shall be according to the development density criteria contained in the Comprehensive Plan. The total number of dwelling units within an OP development shall not exceed the density limitations contained in the Comprehensive Plan for OP Districts.

(b) The total preserved open space area within the OP development shall be at least 50% of the total buildable land area, as defined by § 11.01. Areas not meeting the definition of buildable land area shall not be considered to be preserved open space in determining the amount of preserved open space proposed.

(c) Dwelling units shall be grouped so that at least 50% of the buildable land area of the proposed development remains preserved open space. The preserved open space shall consist of agricultural lands, natural habitat, pedestrian corridors, or neighborhood or community recreational areas.

**RECOMMENDATION:**

*No recommendations from staff*

**ATTACHMENT(S):**