

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**ORDINANCE NO. 08-025**

**AN ORDINANCE ADDING AN OP-2 OPEN SPACE PRESERVATION  
OVERLAY DISTRICT TO THE CITY CODE**

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to eliminate existing definitions as follows:

~~**NURSERY, DAY.** A use where care is provided for 3 or more children under kindergarten age for periods of 4 hours or more per day for pay.~~

**SECTION 2.** The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to add the following definitions in alphabetical order with the already existing definitions:

**ELDERLY HOUSING (SENIOR HOUSING).** A facility consisting of three or more dwelling units, the occupancy of which is limited to persons 55 years of age or older. The facility may include medical facilities or care as an accessory use. Senior housing shall typically consist of multiple-household attached dwellings, but may include other forms of attached or detached dwelling units as part of a wholly owned and managed senior project.

**SENIOR HOUSING.** *See Elderly Housing.*

**PRESCHOOL.** A licensed facility for the organized instruction of children who have not reached the age for enrollment in kindergarten. Does not include school-aged child care.

**FARM SCHOOL.** A facility that supports a school program that emphasizes fostering a child's intellectual, social, physical, and emotional growth, using farm animals, agriculture, and nature as the learning environment and conducted as part of an operational farm.

**DAY CARE CENTER** – Any facility licensed by the Minnesota Department of Human Services and operated for the purpose of providing care, protection, and guidance to 14 or more individuals during only part of a twenty-four hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period.

**SCHOOLS, PUBLIC AND PRIVATE** – Establishments at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before or after school day care. Examples include public and private daytime schools, boarding schools, and military academies. Exemptions: 1) Preschools are classified as Day Care Facilities, and 2) Business Schools and Professional Private Trade Schools.

**SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code, by adding the following language:**

**§ 154.067 OP-2 – OPEN SPACE PRESERVATION OVERLAY DISTRICT.**

(A) **Purpose.** The purpose of the Open Space Preservation Overlay District (OP-2) 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. The OP-2 Overlay District allows for higher density development than is permitted under the OP District regulations at a density of up to 2 units per acre. In addition to single-family residences and townhouses, multi-family housing for seniors is permitted in this district.

(B) **General regulation.** All regulations governing the OP Open Space Preservation District, Sections 150.175 through 150.189, shall also apply to properties zoned OP-2 Open Space Preservation Overlay District except as outlined in this section.

(C) **Permitted uses.** Permitted uses and the general requirements of such in the OP-2 Overlay District shall be the same as in the OP District and also include the following:

- (1) Senior Housing
- (2) Farm Schools for pre-school children and school-aged children.
- (3) Townhouses (no more than 50% in any development)

(D) **Development Standards.** The development standards for the OP District shall also apply to properties zoned OP-2 Overlay District unless modified by 4/5 affirmative votes of the City Council and with the following exceptions:

(1) All development within an OP-2 district shall only be permitted as a Planned Unit Development. All requests for flexibility from the standards of this Section shall be considered and documented as part of a request for a Planned Unit Development.

(2) The minimum land area for an OP-2 conditional use permit is a nominal contiguous 20 acres.

(3) Not less than 60% of the preserved open space shall be in contiguous parcels of not less than 5 acres.

(4) *Buffer zones.* A 100 foot setback shall be provided between the property line of the abutting parcel and any structure and a 50 foot setback shall be provided between the property line and any driving surface within an OP-2 development.

(5) *Densities.* The maximum dwelling unit density shall be 2 units per gross acres of buildable land.

(7) *Domestic Farm Animals.* The keeping of domestic farm animals related to an agricultural use or farm-based preschool within a development shall comply with all applicable City and MPCA requirements related to livestock and other domestic farm animals.

(7) *Minimum District Requirement.* The minimum district requirements in the OP-2 Overlay District shall be the same as in the OP Zoning District except as noted below:

<b>OP-2 Overlay District</b>		
	<b><i>Senior Housing Buildings</i></b>	<b><i>Farm-based Preschool</i></b>
Maximum Building Height:		
Primary Structure	2 stories or 35 feet	35 feet
Accessory Structure	25 feet	25 feet
Minimum Lot Width: ½ acre lot; 1 acre lot	NA	NA
Maximum Impervious Surface Coverage:		
Calculated on a development-wide basis	25%	25%
Minimum Setback Requirements:		
Front Yard	20 feet	30 feet
Side Yard	10 feet	10 feet
Corner Lot Front	20 feet	30 feet
Corner Lot Side Yard	20 feet	30 feet
Well From Septic Tank	50 feet	50 feet

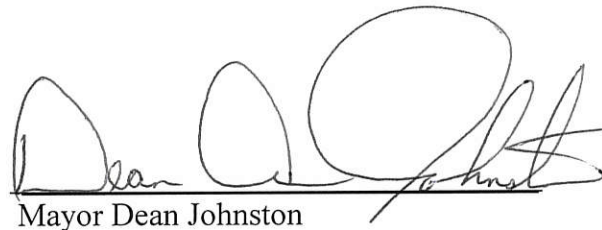
<b>OP-2 Overlay District</b>		
	<b><i>Senior Housing Buildings</i></b>	<b><i>Farm-based Preschool</i></b>
Minimum Lot Size:		
Individual Well and Septic System	NA	NA
Individual Well and Communal Drainfield	6,000 square feet per unit	NA

**SECTION 4. Effective Date**

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

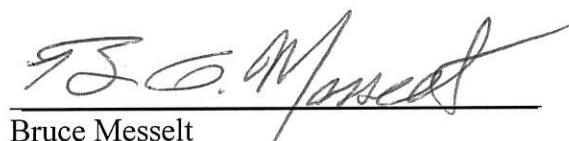
**SECTION 5. Adoption Date**

This Ordinance No. 08-025 was adopted on this 1<sup>st</sup> day of June 2010, by a vote of 5 Ayes and 0 Nays.



Mayor Dean Johnston

ATTEST:



Bruce Messelt  
City Administrator

This Ordinance No 08-025 was published on the 23<sup>rd</sup> day of June, 2010.