

**City of Lake Elmo
Washington County, Minnesota
Summary of Ordinance 81-37
Relating to
Open Space Preservation District (OP)**

On, June 4, 1996, the Lake Elmo City Council adopted Ordinance 81-37 relating to Open Space Preservation District (OP).

On, August 13, 1996, the Lake Elmo City Council received a summary of Ordinance 81-37 and by 5 affirmative votes, approved the publication of a summary of this ordinance, to wit:

Section 301.070 D. 16 Open Space Preservation District (OP)

- Subd. 1. Purpose
- Subd. 2. Intent
- Subd. 3. Establishment of Overlay District
- Subd. 4. Definitions
- Subd. 5. Use Regulations
- Subd. 6. OP Permit Required
- Subd. 7. Development Standards
- Subd. 8. Historic Preservation
- Subd. 9. OP Rezoning and Concept Plan
- Subd. 10. OP Preliminary Plan
- Subd. 11. OP Final Plan
- Subd. 12. Information Requirements - Additions - Exceptions


A complete copy of Ordinance 81-37 "Open Space " is on file in the office of the City Administrator/Clerk and can be viewed by the public during normal business hours. This ordinance will become effective the day following publication of this summary.

Summary Ordinance Adopted by the Lake Elmo City Council the 13th day of August, 1996.



Wyn John, Mayor

Attest:



Mary Kueffner, City Administrator/Clerk

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

ORDINANCE 81-37

**AN ORDINANCE ESTABLISHING AND REGULATING
THE USE OF PROPERTY LOCATED WITHIN
THE OPEN SPACE PRESERVATION DISTRICT (OP)**

The Lake Elmo City Council ordains that Section 301.070 D. 16 and its subdivisions are hereby added to the Lake Elmo Municipal Code to read as follows.

Section 301.070 D. 16 Open Space Preservation District (OP).

Subd. 1. Purpose. The purpose of the Open Space Preservation (OP) District 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. Protected open space will enhance and preserve the natural character of the community and create district neighborhoods.

Subd. 2. Intent. It is the intent of the City of Lake Elmo to accomplish the stated purpose of the OP District by rezoning portions of property currently zoned agricultural, rural residential and rural estate; by adopting the Comprehensive Development Regulations contained herein; and by requiring property located within the newly created OP District to be developed in compliance with these regulations and the City's Comprehensive Plan.

In return for requiring open space as contained herein; it is the intent of the City of Lake Elmo to allow density bonuses that will provide a development density equal or greater than the prior zoning; AG, Agriculture, RR, Rural Residential, and RE, Residential Estates.

Subd. 3. Establishment of Overlay District. The OP District is hereby established and is illustrated on a map entitled "Open Space Preservation District" on file in the Lake Elmo Administrative Offices. The OP includes farmlands, prairies, wetlands, woodlands and portions of property abutting State Trunk Highways 5 and 36; and Washington County Roads 10, 13, 15 and 17.

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Initially, the OP shall be viewed as an overlay district superimposed on portions of land currently zoned agricultural, rural residential and residential estate. Applicants for developments within the OP shall be required to rezone their property from agricultural, rural residential or residential estate to OP as part of the development process. Property within the OP shall be developed in compliance with the OP regulations.

Subd. 4. Definitions. For the purpose of this ordinance, the following definitions shall apply:

- A. Buildable Land Area. The gross land area less the unbuildable land area that includes hydric and restrictive soils, land with slopes over 25%, wetlands and areas that cannot accommodate septic systems.
- B. Conservation Easement. An interest in real property created in a manner that imposes limitations or affirmative obligations regarding the use of property including the retention, protection and maintenance of open space.
- C. Common Gardens. Land used by residents of a development for the production of trees, vegetables, fruits and flowers.
- D. Community Service Agriculture. Horticulture and Floriculture that serves the local area.
- E. Duplex. A residential structure containing two dwelling units.
- F. Floriculture. The cultivation and management of ornamental and flowering plants for sale on site from a wayside stand.
- G. Gross Acres. The total area of a parcel of land including wetlands, hydric soils, steep slopes, streets, and dedicated easements.
- H. Historic Structure. A structure that is a least 50 years old, in it's original state. Structure shall add to the visual integrity of the landscape.
- I. Horticulture. The cultivation and management of trees, plants, grasses, vegetables and fruits for sale on site from a wayside stand.
- J. OP Permit(s). Generally all the permits issued in connection with the City's review and approval of a development within an OP.

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- K. Open Space. A tract of land used for agricultural, natural habitat, walkways (sidewalks) and pathways and/or neighborhood recreational purposes.
- L. Primary Conservation Area. Wetlands, hydric soils, restrictive soils, shorelands, and steep slopes which shall be preserved.
- M. Rural Hamlet. A group of 5-25 housing units within an open space development located in a contiguous group, with adjacent and fronting lots oriented towards each other in some geometric way, as on a street, green or square and forming a district boundary with the open space.
- N. Secondary Conservation Area. Woodlands, meadows, view sheds/corridors and historic structures.
- O. Single Family Dwelling. A residential structure designed for or used exclusively as one dwelling unit of permanent occupancy.
 - 1. Detached. A single family dwelling that is surrounded by yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.
 - 2. Attached. Two or more single family dwellings sharing one or more common wall, each on its own individual lot.
- P. Stable; Private. The keeping, breeding, raising and uses of horses or ponies on open space owned and maintained by an association of adjacent property owners for the exclusive personal use and enjoyment of association members and for which commercial gain is not the primary objective.
- Q. Townhouse. A grouping of three or more attached, single-family dwellings in which each unit has its own front and rear access to the outside, no unit is located over any other unit, and each unit is separated from any other unit by one or more common walls.
- R. Wayside Stand. A structure used for the seasonal retail sale of agricultural goods, floriculture, and horticulture produced by the operator of the wayside stand on site or on other property in Lake Elmo.

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Subd. 5. Use Regulations. Within the OP, the following uses are allowed:

A. Permitted Use

1. Single-family, detached.
2. Open space.
3. Conservation easements.
4. Agricultural.

B. Uses Allowed by Conditional Use Permit

1. Cooperative gardening
2. Duplexes.
3. Horticultural and Floricultural services.
4. Private stables.
5. Single-family, attached.
6. Townhouses (no more than 40% in any development)
7. Wayside stand.

C. Accessory Uses. Uses that are typically found accessory to a permitted use.

D. Prohibited Uses. All other uses are hereby prohibited.

Subd. 6. OP Permit Required. No property within the OP may be developed unless approval is obtained from the City Council following its approval of the Rezoning, Concept Plan, Preliminary Plan and Final Plan described herein. Applicants for Council approval shall be submitted on forms provided by the City Administrator together with all required fees, maps, surveys and planning data. Only completed applications shall be referred to the Planning Commission for review.

Subd. 7. Development Standards. OP Developments shall comply with the following minimum standards.

A. Land Area. Applications for a residential development in the OP District shall meet all the following criteria:

1. The minimum land area for an OP Development Permit is twenty (20) acres. 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.

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2. The total open space area within the OP Development shall be a least fifty (50%) percent of the total buildable land area. The land that is not buildable shall be considered open space.
3. Dwelling units shall be grouped so that at least 50% of the buildable land of the proposed development remains open space. The open space shall consist of agricultural lands, natural habitat, pedestrian corridors, or neighborhood or community recreational areas.

B. Open Space.

1. All open space shall be subject to a conservation easement and used for the purposes as defined by this ordinance. The land shall be controlled in one or more following manners as determined in the City's sole discretion:
 - a. Owned by an individual or legal entity who will use the land for open space purposes as provided by permanent conservation restrictions (in accordance with M.S. §84C.01-.05), to an acceptable Land Trust as approved by the City and; or
 - b. Deeded to the City of Lake Elmo for public purposes with permanent conservation restrictions (in accordance with M.S. §84C.01-05.), to an acceptable Land Trust as approved by the City.
2. Neighborhood recreational facilities shall be provided within each OP Development or as specified in the Lake Elmo Parks Plan. At least 7% of the total open space land area shall be dedicated for neighborhood recreational purposes including tot-lots, playgrounds and pathways as specified in the Park Dedication Policy.
3. The open space land shall be maintained for the purposes for which it was set aside. If open space was set aside for agricultural purposes or for natural habitat, a plan shall be submitted which will indicate how the land will be maintained or returned to a natural state and who will be responsible for plan implementation. Developers shall provide copies of deed covenants to prospective purchasers, and conservation easements to the City, describing land management practices to be followed by the party or parties responsible for maintaining the open space.

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4. Where applicable, a homeowner's association shall be established to permanently maintaining all residual open space and recreational facilities. Such homeowner's association agreements, guaranteeing continuing maintenance, and giving lien right to the City if there is lack of such maintenance, shall be submitted to the City Council as part of the data requirements for an open space development permit.
- C. Lot Design. Lots shall be designed to achieve the following objectives (listed in order of priority):
1. On the most suitable soils for sub-surface septic disposal.
 2. On the least fertile soils for agricultural uses. And in a manner which maximizes the usable area remaining for such agricultural use.
 3. Within any woodland contained in the parcel, or along the far edges of the open fields, adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features).
 4. In locations least likely to block or interrupt scenic vistas, as viewed from Highway 36 and Highway 5 corridors, and other local roads as designated in the Comprehensive Plan.
 5. Away from woodlands in open fields.
- D. Structures. Homes shall be oriented on the site that meet the criteria of rural hamlet as outlined in the Comprehensive Plan as shown on graphics 3-8. It is desired that the structures within neighborhoods convey a particular architectural style with similar building components, materials, roof pitches.
- E. Buffer Zones. Buffer zones of a least one hundred (100) feet shall be required between residential structures and agricultural uses. The buffer areas shall be thickly planted with fast-growing native grasses, shrubs and trees. Roads may be substituted for the buffer that will create an effective barrier separating yards from fields and pastures.
- F. Boulevard Landscaping. Boulevard landscaping is required along all streets to consist of at least one (1) tree per every thirty (30) feet or placed in clusters at the same ratio. A landscape for the entire site is required and shall consist of a least ten (10) trees, 1.5 inch in caliper per building site. Flexibility may be given if the landscape plan complements the placement of buildings on the site.

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- G. Pathway. A pathway system or sidewalks shall be identified which will extend through the buildable land area or through the open space land to connect a planned or developed pathway on adjacent parcels or to a local road. Pathways shall be linked to the “Old Village” to emphasize the connection between existing and new development.
- H. Densities. The Zoning Map for the OP District outlines the area. The base density shall be 6 units per 20 gross acres of land. To require open space and preserve historic structures; the following density bonuses shall apply:
1. One (1) additional unit per 20 gross acres of land for preserving the land in open space with a conservation easement by a qualified land trust.
 2. One (1) additional unit per 20 gross acres of land for the development of pathways and walkways.
 3. One (1) additional unit per 20 gross acres of land for the development of common gardens and/or village greens.
 4. One (1) additional unit per development for each \$25,000 or more of estimated cost for the restoration and rehabilitation of a historic structure. The Secretary of Interior’s Standards for Rehabilitation shall apply.

I. Minimum District Requirements.

	Single Family	Duplex	Townhouse
Maximum Building Height Primary Structure	2 ½ stories or 35 feet	2 ½ stories or 35 feet	2 ½ stories or 35 feet
Maximum Building Height Accessory Structures	25 feet	1 Story / 25 feet whichever is less	1 Story / 25 feet whichever is less
Minimum Lot Width ½ acre lot 1 acre lot	N/A	N/A	N/A
Maximum Lot Coverage: Buildable Land Area		N/A	N/A

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	Single Family	Duplex	Townhouse
Front Yard	30 feet	20 feet	20 feet
Side Yard	15 feet or 10% of lot width, whichever is greater	15 feet or 10% of lot width, whichever is greater	15 feet or 10% of lot width, whichever is greater
Corner Lot Front	30 feet	30 feet	30 feet
Corner Lot Side Yard	30 feet	30 feet	30 feet
Well From Septic Tank	50 feet	50 feet	50 feet
Minimum Lot Size			
Individual Well and Septic System	1 acre	1 acre	N/A
Individual Well and Communal Drainfield	½ acre	½ acre	8,000 square feet/per Unit

J. Utilities.

1. OP Developments may be platted to accommodate home site lots with either individual septic tanks and drainfields or with individual septic tanks and communal drainfields. Single-family or multiple-family lots under one (1) acre shall be constructed with an individual septic tank and a communal drainfield.
2. All septic systems shall conform to the performance standards of the Minnesota Pollution Control Agency's standards for Sewage Treatment Systems WPC-7080 and its Appendices, or the MPCA standards in effect at the time of installation, and to the City's Septic System Regulations.

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3. Communal drainfields may be partially or completely located in an area designated as natural habitat/open space provided:
 - a. The ground cover is restored to its natural condition after installation.
 - b. Recreational uses are prohibited above or within fifty (50) feet of communal drainfields unless otherwise approved by the City's Engineer.
- K. Streets. Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation:
 1. Roads shall be designed to minimize the visual size and scale of the development and help discourage excessive speeds.
 2. Street widths and alignments should be carefully scaled to neighborhood size and be patterned after the character of existing residential streets.
 3. The use of one-way roads is encouraged where practical, to reduce the ratio of pavement to buildings and open spaces.
 4. The applicant must demonstrate that access from a primary road to the site is adequate, has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.
 5. Direct automobile links or pathways should be made to the Old Village to emphasize the connection between existing and new development.
 6. Streets shall be designed according to the following standards; pavement shall be 14 feet wide for one-way streets; pavement shall be 26 feet wide for two-way streets; pavement width shall be 22 feet wide for streets where homes are located on one side of the street.
 7. The minimum street right-of-way for a one way street shall be 40 feet and the minimum right-of-way for two way streets shall be 50 feet.

Subd. 8. Historic Preservation.

- A. Historic Structures on the site shall be identified. If applicable, historic structures shall be restored or rehabilitated according to the Secretary of Interior's Standards for Rehabilitation.

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Subd. 9. OP Rezoning and Concept Plan.

A. Required Submittals - Concept Plan. The applicant shall submit 20 copies of a Concept Plan for a development in an OP District that shall include the following information:

1. An existing conditions plan which identifies the following (draw to a scale of 1" = 100'):
 - a. Primary Conservation Areas.
 - b. Secondary Conservation Areas.
2. A general site plan to include all platted lots, streets, and open space areas, building locations, trails, common open spaces and park, (drawn to a scale of 1" = 100').
3. The applicant shall submit a schedule of site characteristics including the following:

a. Environmental Resources:

(Map and calculated acreage)

- | | | |
|----------------------------------|-------|-------|
| (1.) Total Site | _____ | acres |
| (2.) Protected Wetlands | _____ | acres |
| (3.) Wetland buffer/setback area | _____ | acres |
| (4.) 12% - 24% sloped area | _____ | acres |
| (5.) 25% + sloped area | _____ | acres |
| (6.) Woodlands | _____ | acres |
| (7.) Net developable acres | _____ | |
| (1) minus (2) and (5) equals (7) | _____ | acres |

b. Public Improvements

- | | | |
|--------------------------------------|-------|-------|
| (1.) Public Parks | _____ | acres |
| (2.) Public Open Space
(not park) | _____ | acres |

c. Proposed Development

- | | | |
|--|-------|-------|
| (1.) Total residential area | _____ | acres |
| (2.) Total commercial land | _____ | acres |
| (3.) Total private open space (greens,
commons and greenways) | _____ | acres |

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4. A General Landscape Plan.
 5. Statement of Intent. If applicable, provide a statement of intent establishing a homeowners association with bylaws and deed restrictions to include, but not be limited to, the following:
 - a. Ownership, management and maintenance of defined open space both private and public, and private stables.
 - b. Maintenance of public and private utilities.
 - c. General architectural guidelines for principal structures, accessory structures and any other structures constructed on open space lots.
 6. Proposed Staging Plan
 7. Where applicable, a historic preservation plan for any historic structures on the site.
 8. A Rezoning Application. The applicant shall submit an application for a rezoning consistent with the requirements of Section 301.060 E. of the Code.
- B. Planning Commission Review. Upon receipt of a completed OP Development concept plan and Rezoning Applications, the City Planner shall schedule the applications for review by the Planning Commission at a public hearing preceded by ten (10) days published notice and two (2) weeks mailed notice to the recorded owners of each parcel located within 350 feet of the perimeter of the proposed development. The Planning Commission shall make its recommendations to the City Council within thirty (30) days of Planner's receipt of a completed application, and shall include its findings on the following:
1. The consistency of the concept plan with the goals, objectives and policies of the Comprehensive Plan.
 2. The consistency of the concept plan with the purpose of the Open Space Preservation District.
 3. The compliance of the concept plan with the development standards of the Open Space Preservation Regulations.
 4. The preservation of required open space within the concept plan.

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5. The consistency of the rezoning with the Comprehensive Plan.

- C. City Council Review. The City Council shall review and determine whether to approve or deny the OP Development Concept Plan and Rezoning within sixty (60) days of the Planner's receipt of a completed applications. The City Council may also table its review of one or both of the applications a reasonable time, if necessary, to obtain information that will enable the Council to make a reasonable decision and if the extension is consented to by the applicant on the record. OP Development Concept Plan approval shall require three (3) affirmative votes of the City Council. The rezoning application shall require four (4) affirmative votes of the City Council and, if approved, shall be approved subject to approval of the OP Development Final Plan.
- D. Limitation of Approval. Unless an OP Development Preliminary Plan is submitted within twelve (12) months from the date on which the City Council approved the OP Development Concept Plan, approval shall expire. The City Council, in its sole discretion, may extend the filing deadline for an OP Development Preliminary Plan if an application for extension is filed and approved by the City Council before the OP Development Concept Plan approval expires.

Subd. 10. OP Preliminary Plan.

- A. Submittals. The OP Development Preliminary Plan shall include the following:
1. A Statement of City action necessary for implementation of the proposed plan.
 2. Twenty (20) sets of site plans, drawn to scale of not less than one (1) inch equals one hundred (100) feet (or scale requested by the city staff) containing at least the following information:
 - a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat previously recorded in Washington County.)
 - b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property that may have an impact on the open space or the development.
 - c. Location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian trails, and the total site coverage of all circulation elements.
 - d. Location, designation and total area of all open space.

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- e. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
 - f. Proposed lots and blocks, if any, and numbering system.
 - g. The location, use and size of structures and other land use on adjacent properties.
 - h. Preliminary sketches of proposed landscaping.
 - i. General grading and drainage plans for the developed OP Development.
 - j. Such Development plans shall also indicate the results of deep soil test pits and percolation tests, at the rate of no fewer than two (2) successful test results for each proposed septic disposal area.
 - k. Any other information that may have been required by the City Council in conjunction with the approval of the OP Development Concept Plan.
- 3. An accurate legal description of the entire area within the OP Development for which development plan approval is sought.
 - 4. Architectural and performance standards for the development.
 - 5. Preliminary grading and site alteration plan illustrating changes to existing topography and natural vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.
 - 6. A Preliminary Plat prepared in accordance with Chapter 505 of the Statutes of Minnesota and other applicable laws and illustrating stages of development where appropriate.
 - 7. A Soil Erosion Control Plan acceptable to the city, watershed districts, Department of Natural Resources or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.
 - 8. Homeowner's Association Documents including bylaws, deed restrictions, covenants, and proposed conservation easements.

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- B. Planning Commission Review. Upon receipt of a completed OP Development Preliminary Plan and, where appropriate a Preliminary Plat, the City Planner shall refer the applications to appropriate staff, consultants, and other special review agencies including the Minnesota Department of Natural Resources if the proposed development is within a designated shoreland. The applications shall also be placed on the Planning Commission Agenda for review at a public hearing preceded by ten days published notice and two weeks mailed notice to record owners of each parcel located within 350 feet of the perimeter of the proposed development. The Planning Commission shall make its recommendation to the City Council within thirty days of Planner's receipt of the completed OP Development Preliminary Plan and Preliminary Plat applications.
- C. City Council Review. The City Council shall review the OP Development Preliminary Plan and Preliminary Plat within sixty (60) days of Planner's receipt of a completed applications. The OP Development Preliminary Plan and Preliminary Plat shall require three (3) affirmative Council votes for approval. The City Council may also table its review a reasonable time, if necessary, to obtain information that will enable the Council to make a reasonable decision and if the extension is consented to by the applicant on the record.

Upon approval, the City Council shall instruct the City Attorney to draw up an OP Development Agreement that stipulates the specific terms and conditions established and approved by the City Council. The Development Agreement shall be signed by all parties within thirty days of the City Council's approval of the OP Development Preliminary Plan.

- D. Limitation on Preliminary Plan Approval. Unless a Final Plan covering the area designated in the Preliminary Development Plan as the first stage of the OP Development has been filed within six months from the date Council grants approval, or in any case where the applicant fails to file Final Plans and to proceed with the development according to the provisions of the Ordinance, the Preliminary Development Plan shall expire. The Council may at its discretion, extend the filing deadline for any Final Plan when, for good cause shown, such extension is reasonable. In any case where Preliminary Development Plan approval expires, the Concept Plan approval and Preliminary Development Plan approval for that portion of the OP Development that has not received Final Plan approval is repealed.

Subd. 11. OP Final Plan. The purpose of the Final Plan is to provide a complete, thorough and permanent public record of the OP Development and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the OP Development process. It shall serve in conjunction with other City ordinances as the land use regulation applicable to the OP Development.

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- A. Submittals Required. After approval of the Concept Plan and Preliminary Plan for an OP Development, the applicant shall submit the following material for review by the City Staff prior to the issuance of any building related permits:
1. A detailed landscaping plan.
 2. Proof of recording any easements and restrictive conservation covenants prior to the sale of any land or dwelling unit with the OP Development and of the organization of any legal entity that is to be responsible for the management and maintenance of any public or common open space or service facility.
 3. All certificates, seals and signatures required for the dedication of land recording of documents.
 4. General architectural working drawings of all structures along with architectural standards.
 5. Final engineering plans and specifications for streets, utilities and other public improvements, together with all required development agreements for the installation of such improvements and financial guarantees for the completion of such improvements.
 6. Any other plans, agreements, or specifications reasonably necessary for the City Staff to review the proposed construction.
 7. Final Plat.
- B. City Council Review. Upon receipt of a completed OP Development Final Plat, the City Planner shall refer the application to appropriate City Staff for review and recommendations. The OP Development Final Plan and Final Plat shall conform to the requirements established through approval of the OP Development Preliminary Plan and Preliminary Plat. The City Council shall review the OP Development Final Plan and Final Plat within sixty days of Planner's receipt of the completed applications. The City Council may also table its review a reasonable time, if necessary, to obtain information that will enable the City Council to make a reasonable decision and if the extension is consented to by the applicant on the record. OP Development Final Plan and Final Plat shall require three affirmative City Council votes for approval.
- C. Recording of Final Plat. Within ten (10) days of approval by the City Council and notification by the City Planner, the applicant shall cause the Final Plat, or such portions thereof as are appropriate, to be recorded with the County Recorder or Register of Titles.

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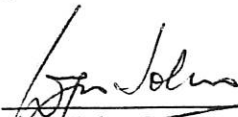
- D. Building and Other Permits. Except as otherwise expressly provided herein, upon receiving written notice from the City Planner and the City Attorney that the approved final plan has been recorded and all conditions of approval satisfied, the City Building Official may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved final plan; provided, however, that no such permit shall be issued except upon proper application and after the requirements of all other applicable codes and ordinances have been satisfied.
- E. Limitation on Final Plat Approval. Within eighteen (18) months after approval of a Final Plan for OP Development, or such shorter time as may be established by the approved development schedule, construction shall commence according to such approved plan. Failure to commence approvals for the final OP Development Plan. The City Council may at its discretion extend the construction time as necessary when good cause is shown.
- F. Method of Amending an OP Permit. Any desired change involving structural alteration, enlargement or intensification of the use not specifically allowed by the specific terms of a previously passed OP Development permit, shall require that an application be filed for an amended permit and all procedures shall then apply as if a new permit was applied for.

Subd. 12. Information Requirements: Additions-Exceptions.

- A. Records. The City Administrator shall maintain a record of all permits issued including information on the use, locations, conditions imposed, time limits, review dates, and such other information as may be appropriate. OP Development permits granted shall be clearly noted on the community zoning map and shall be recorded with the Washington County Recorder or Registrar of Titles.


Subd. 13. Effective Date: This ordinance shall become effective upon its passage and publication.

Adopted by the Lake Elmo City Council the 4th day of June, 1996.



Wyn John, Mayor

Attest:



Mary Kueffner, City Administrator