

STAFF REPORT

DATE: May 11, 2020
Public Hearing

TO: Planning Commission
FROM: Ben Prchal – City Planner
AGENDA ITEM: Zoning Text Amendment(s) – Farm School
REVIEWED BY: Ken Roberts, Planning Director

BACKGROUND

The City of Lake Elmo has received a request from Amy Marotz, owner operator of Awakening Spirit Farm School, which is currently located in Woodbury, to add Farm Schools as a possible land use in the Rural Zoning Districts. The applicant currently is not a resident of the City but is hopeful the City will approve the proposed zoning text amendment so the School could possibly relocate to Lake Elmo. The City has entertained the concept of Farm schools in the past as part of a larger development which also included housing. In this instance it is proposed as an accessory use; and would strictly apply to properties that meet the performance standards.

REVIEW AND ANALYSIS

Staff believes the request is unique but does share some similarities between other uses in the City, such as day cares and of course schools. Functionally this use would appear to operate on a very similar level as a day care, the only difference would be the structure of the day for the children. Staff would like to first start by generally addressing the City code and how similar uses are addressed and then then provide some discussion on how other communities would address the same request.

EXISTING ZONING CODE

Day Care Discussion:

§ 154.012 ZONING USE TYPES AND CLASSIFICATIONS.

Day Care Center. Any facility operated for the purpose of providing care, protection, and guidance to 14 or more individuals during only part of a 24 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 24 hour period.

Parking – Requires 1 space per employee on the largest shift and 1 space per 10 students if off street parking is required.

Zoning Districts: If a use is permitted it will still need to meet the performance standards listed in the definition.

Rural Districts	Allowed as a permitted use in all rural districts.
Urban Districts	Allowed as a permitted use in the MDR and HDR district.
Village Districts	Allowed as a permitted use in the VMX district.
Mixed Use Districts	Allowed as a conditional use in all districts.
Commercial Districts	Allowed as a conditional use in all districts.

School/Educational Service Discussion

154.012 B. 2.) 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 and trade schools are classified as educational services.

154.012 B. 3.) Educational Services. Establishments engaged in furnishing specialized academic or technical courses, normally on a fee basis, such as vocational or correspondence schools, Barber College, data

processing schools, or secretarial schools, along with non-degree granting schools such as post-secondary colleges and universities, martial arts, music, art, ceramic, and dramatic, schools, and dance instruction.

Parking - 1 space per staff member plus 1 space per 5 students of legal driving age based on design capacity.

Zoning District:

Urban Districts	Schools are allowed as a conditional use in the LDR, MDR, and HDR districts. Following standards in section 154.303. Educational service is not allowed.
Village Districts	Schools are allowed through a Conditional Use Permit (CUP) in the VMX district. Educational services are a allowed permitted use.
Mixed Use Districts	Schools are not allowed and Educational services are an allowed permitted use.
Commercial Districts	Schools are allowed by CUP in the commercial and Business Park district. Educational services are allowed as a permitted use in all districts.
Public and Semi Public	Schools are allowed by CUP and educational services are not allowed.

154.303 Standards for Services. A. Educational Services. Except in the industrial districts, all typical activities shall be conducted within an enclosed building.

154.513 G. Educational Services.

1. The structure containing the use shall be no less than 100 feet from residential properties.
2. Outdoor recreation areas shall be setback a minimum of 100 feet from residential properties with adequate screening.
3. The number of persons on-site at any given time shall not exceed 700, with the exception of larger events occurring no more than four times per year.

Staff would like the Elected to understand that the only performance standards that the City could apply are the generic standards for a CUP review, design standards for the district, that which is established in the definition and in section 154.303, and/or section 154.513 for education services. Although, the list may appear long there isn't much that would be specific to the use. Additional standards can be applied but they need to be applicable a crossed the board. Which is why it is important to establish the code and standards for the use now.

2040 Comprehensive Plan Discussion:

A condition of the CUP process is that the use is consistent with the 2040 Comprehensive Plan. Specific uses don't necessarily need to be called out in the comprehensive plan to be compatible. Schools are addressed in the Institutional section of the City Code. However, Staff does not believe schools are necessarily limited to just those districts. It can be said that the rural districts are described as being agricultural in nature however, a daycare is not necessarily an agricultural use but is allowed. The intent of the use is to be accessory to the property. If the property owner were to sell and the new home owner does not wish to operate a school it can easily remain a residential property in an agricultural district.

Suggested Performance Standards:

Although schools and day cares are now allowed in many Lake Elmo zoning districts, the proposed code change would only be applicable to the rural districts. After speaking with the City Planners for Orono and Cottage Gove, Lake Elmo would be one of the first City's to prepare standards for schools that are a step above a home school setting but not quite large enough for a traditional school campus. The City of Orono allows schools in many districts but require properties of less than 15 acres to apply for a CUP. Both codes do allow schools in specific districts but not all performance standards were not set in the code (beyond setbacks, minimum lot size, etc.) and instead would be applied through the CUP review. Although it is possible to do this it creates uncertainty for the perspective operator and potentially places the City in a difficult position as standards need to be more or less similar across the board and be reasonable for the property.

City Staff also followed up with the City of Woodbury, where the school currently operates. The response from the Planner stated the following (*The referenced code is attached*) “This address is a single-family home in our R-4 District. A daycare would be reviewed under Woodbury City Code Sec. 24-134. Daycares are a permitted accessory use for under 12 children. 13+ children would require a CUP. In addition, we do not having any documentation of this address receiving a CUP to operate as a school.” As not to violate the code the school would need to have 12 children or less. As a permitted accessory use in the R-4 district there would not be as much City permitting as a school would require which is an accessory conditional use (as Staff is recommending). Woodbury does not dictate the type of road that the School needs to have access to but instead limits it based on parcel size and then some specific standards that need to be met on site. Staff believes this has pros and cons. Busier roads and properties located on them would not notice the traffic as much as a neighborhood street would. As the Lake Elmo has it now, one could argue that as long as there are 14 fewer children in the school there wouldn’t be a negative impact to nearby properties.

After consulting Legal on the code change, the City should consider the following:

- This would be an accessory conditional use, so there would need to be a principal use on the property (i.e. a house or a farm) in addition to the school. Staff suggests the City consider the school as an accessory use so that if the use were to stop, the property would/could revert back to a residential property.
- The City should be aware that if it allows this type of use, it is opening this type of use up to other (*types of*) schools as well, not just this one.
- The City should require visually on the surface for the property to appear as a residential property.
- It is critical that the City review the suggested mandatory conditions in order to place some limitations on size (number of students and building size), access, hours of operation, etc. or this type of use could get out of hand.

Section 154.600 B. 5.) (*Provided below*) outlines some standards for schools in the City. Staff cannot speak on how or why the SAC ratio was determined but instead it may be more reasonable to limit on number of students instead of a SAC determination. However, Staff does not think the direct access onto a collector or arterial street would be a performance standard to consider.

5. Public and private schools (except licensed day care), provided that:

a. No use may exceed a ratio of 3.0 SAC units per 3.5 acres or 235 gallons per day per net acre of land based on design capacity of all facilities, whichever is more restrictive; and

b. Direct access is provided to a public street classified by the Comprehensive Plan as a major collector or arterial.

The City should consider adding the following performance standards into section 154.303.

Schools, Public and Private (For the rural zoning distircts).

- The minimum lot area required for a rural school shall be 5 acres.
 - Woodbury requires a 2 acre site.
- An affiliate of the school must live on site as a permanent resident.
 - The intent of this requirement would to ensure that the primary use is first residential and then the school would become accessory. If the school were dissolve then the site would maintain the ability to continue use as a residential property.
- *The site must have primary access to a roadway that is not classified as a neighborhood street or a “B Minor” in the Comprehensive plan.
 - Street classifications can cause issues, as seen with the Whippletree. There may be a site that is well established for the proposed use but due to the road classification it no longer becomes viable. The City should decide now if there is any value in requiring a certain road classification. Perhaps the commission would like to consider a “tier.” For example

if the school has 15 or less students there is no road classification requirement. Where 16 or more students would require the site to meet the road classification requirement.

- All parking shall be contained on site and shall follow the standards in section 154.210
- Student drop off and pick up must occur on site.
- The buildings on site which are intended for use by the school will be subject to a review by the City Building Official and the Fire Chief.
- The applicant must have a pre application meeting on site with the Building Official before final submission of a land use application.
- The buildings must meet the Minnesota State Building Code for the proposed use.
- The School must comply with the applicable requirements of the U.S. and/or Minnesota Department of Education.
- The septic system shall be inspected and approved by Washington County verifying the site can functionally support the allotted number of students and Staff.
- The septic approval/review shall be provided to the City.
- All structural additions and modifications if desired, shall be structurally similar by design and color to the existing structure and shall represent the appearance of a residential property.
- There shall be no overnight activities.
- There shall be no more than 25 students on site at a time.
- All school assemblies (Such as plays, parent teacher conference, etc.) shall be conducted Monday through Friday. All assemblies desired outside of this time frame shall be conducted off site.

FISCAL IMPACT:

Staff does not foresee a fiscal impact with this possible code change. The City charges an application fee for every zoning text amendment and conditional use permit application.

COMMENTS AND RECOMMENDATION

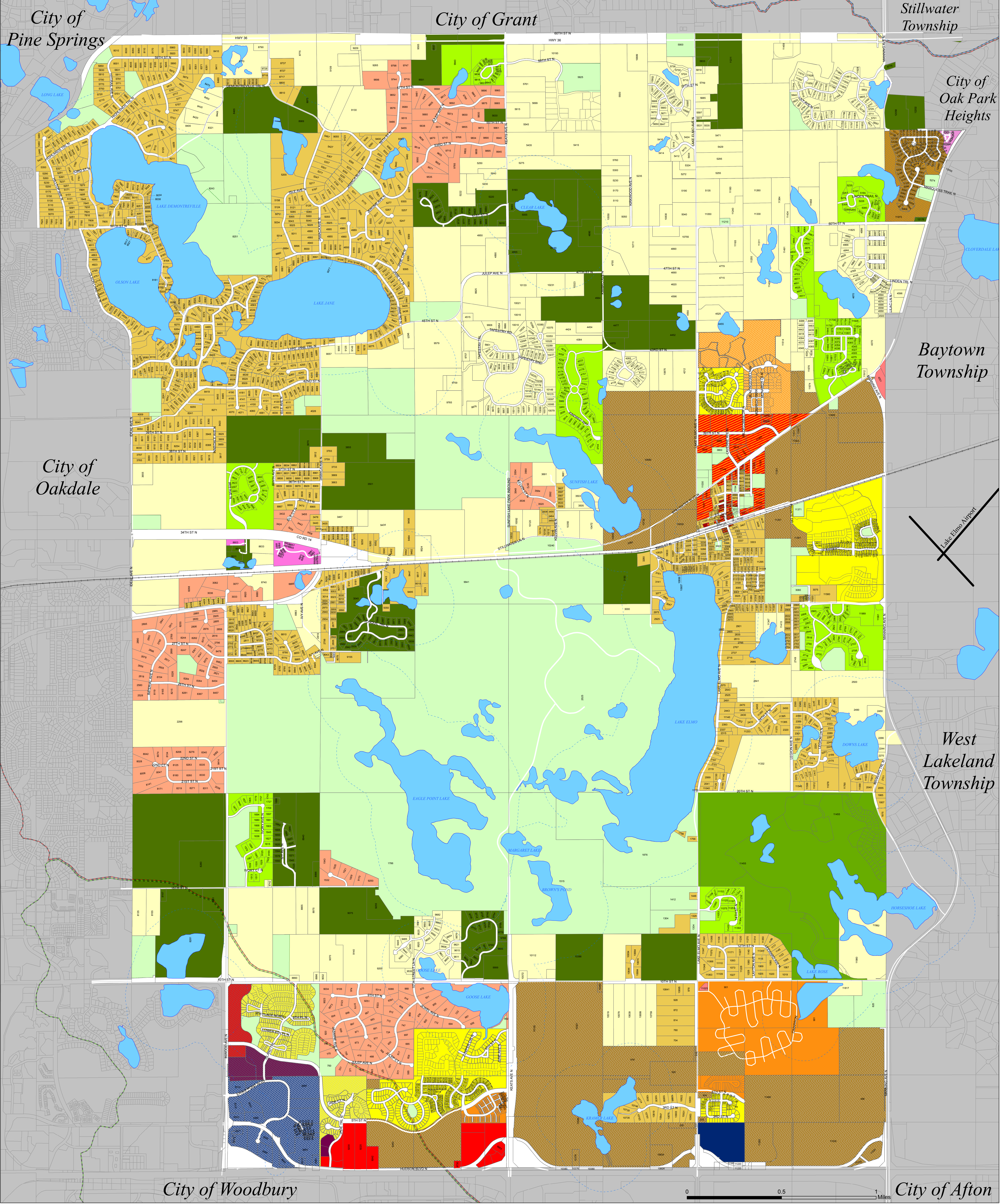
City staff is looking for comments and direction from the Planning Commission about the proposed code change that would allow limited schools in the rural zoning districts.

Staff does believe it can be possible for the use to cohesively operate in the rural districts and not pose a negative impact on the neighboring properties.

ATTACHMENTS

Lake Elmo Zoning map
Woodbury zoning code and zoning map
Notes from other Community Planners pointing out CUP criteria
Minnesota Department of Education Regulations
Proposed Ordinance
Applicant Brochure and Narrative

Lake Elmo Zoning Map



Zoning Districts

A	BP-PUD	GB	LC-PUD	MDR-PUD	RE	RS
OP	C	HDR	LDR	GCC	ROW	RT
BP	C-PUD	HDR-PUD	LDR-PUD	PF	RR	VMX
CC	LC	MDR	R2-PUD			

General

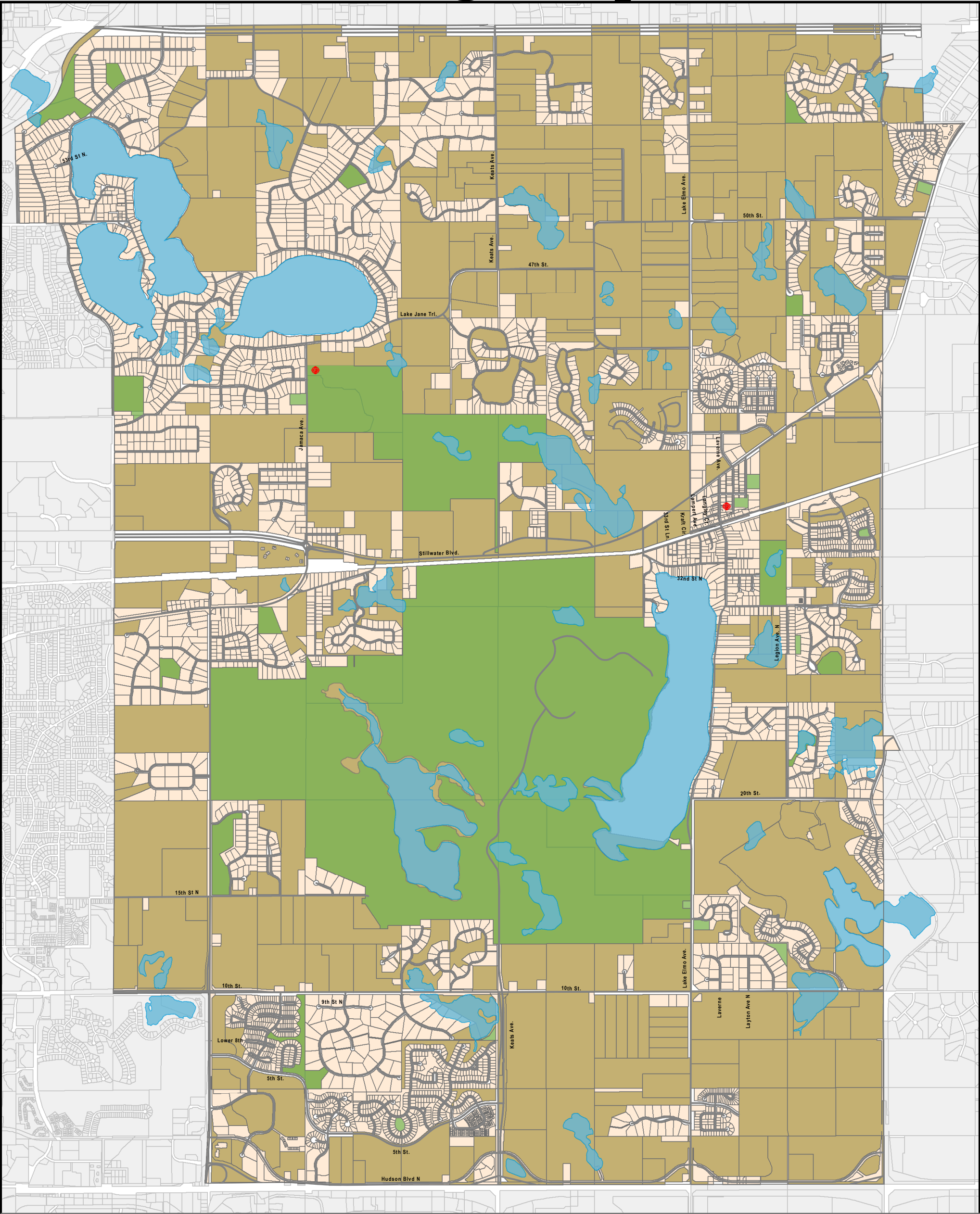
Lakes	Tributary	Shoreland Buffer
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Watershed Districts

Browns Creek	Cottage Grove Ravine	Valley Branch
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Data Source: Washington County
Updated by LE Planning Dept 6/19/2018

Acreage Map



Property Sorted By Acreage

- 0 - 4.99 Acres
- 4.991 - 1000 Acres

0.5 0.25 0 0.5 Miles

Map Date: 2019



It needs to be understood that some of the properties noted as being over 5 acres cannot be used as a residential property. For example outlots in the Open Space Developments can often be larger than 5 acres, but they will remain outlots for the development.

Also, notice that not all of the Royal Golf, Legacy at North Star, and Cimarron neighborhood are not noted on the map. It is also important to remember that the code change for schools will only be applicable in the rural districts.



Awakening Spirit Farm School takes highly sensitive children who currently 'hate school' and helps them reignite their love of learning in 3 months or less.

Dr. Elaine Aron, author of The Highly Sensitive Child, defines a highly sensitive child (HSC) as a person born with a nervous system that is highly perceptive and quick to react to their environment. As 15%-20% of the general population, these children are easily overwhelmed by high levels of stimulation, emotional distress of others, and sudden changes.

These are not bad kids who misbehave in the classroom. In fact, they are very much rule-followers.

However they can often be labeled as 'problems' because their behaviors are varied and misunderstood. Some HSC are emotionally intense, bossy, demanding, and active. They may exhibit temper-tantrum like behavior when they are overwhelmed. Others may have seemingly opposite characteristics-- quiet, shy, introspective, calm and obedient. The kids on this side of the highly sensitive spectrum may not seem like a 'problem' at all, until they shut down when asked to join a group of children they don't know or travel to a place they are unfamiliar with.

Being labeled as a 'problem' invariably leads to a loss of self-esteem. Instead of celebrating differences and strengths (such as intuition, creativity, empathy for others and deep wisdom), focus is on their fearfulness, fussiness, hypersensitivity and 'otherness'. They simply process their world differently, and can be bullied by peers or uncomfortably singled out by teachers who don't understand.

Unfortunately, because their learning environments are not right for them, many HSC start displaying anxiety and depression at an early age. Add to their temperament another gift, such as dyslexia or dysgraphia, and the difficulty of 'doing well' in school compounds drastically. They "hate school" because they intuitively know that their environment is not a safe space. A percentage of these kids (1-5% of all children ages 5-17) exhibit outright school refusal. This is different than truancy. Students demonstrating school refusal display severe emotional distress which manifests in anxiety attacks, temper tantrums, depression, difficulty sleeping, and/or somatic symptoms like headaches and stomachaches.

When children do not feel safe, their brains are stuck in a flight-fight-freeze pattern. No true learning is possible. Without intervention, a highly sensitive child in crisis can quickly spiral into serious social and emotional problems. In the short term, these students have more difficulties with peer relationships and more family stress. They unsurprisingly demonstrate poor academic performance.

4

In the long term, this school refusal leads to academic underachievement, employment difficulties and an increased risk of psychiatric illness. Unaddressed or untreated anxiety and depression can lead to dropping out of high school and, more alarmingly, suicide. According to the 2018 CDC WISQARS, suicide was the second leading cause of death for youth ages 5-18. In the 2019 Minnesota Student Survey, 1 in 5 teenage girls has "seriously considered suicide."

As both a highly sensitive person, and a parent of two HSC, I (Amy Marotz) refuse to stand by and watch this downward spiral exist. By creating a unique school community that is consciously designed to nurture HSC, I am assuring that the sons and daughters of our community will be supported and respected as individual learners. These children will have control over their own educations, and their futures. They will grow to be happy, healthy, well-balanced, and creative adults. In our school environment, they will learn that embracing the gifts that come along with being a HSC will empower them to be amazing caretakers and stewards of this world.

TABLE 1

Criteria for Differential Diagnosis of School Refusal and Truancy

<i>SCHOOL REFUSAL</i>	<i>TRUANCY</i>
Severe emotional distress about attending school; may include anxiety, temper tantrums, depression, or somatic symptoms.	Lack of excessive anxiety or fear about attending school.
Parents are aware of absence; child often tries to persuade parents to allow him or her to stay home.	Child often attempts to conceal absence from parents.
Absence of significant antisocial behaviors such as juvenile delinquency.	Frequent antisocial behavior, including delinquent and disruptive acts (e.g., lying, stealing), often in the company of antisocial peers.
During school hours, child usually stays home because it is considered a safe and secure environment.	During school hours, child frequently does not stay home.
Child expresses willingness to do schoolwork and complies with completing work at home.	Lack of interest in schoolwork and unwillingness to conform to academic and behavior expectations.

TABLE 2

Somatic Symptoms in Children with School Refusal

Autonomic	Gastrointestinal	Muscular
Dizziness	Abdominal pain	Back pain
Diaphoresis	Nausea	Joint pain
Headaches	Vomiting	
Shakiness/trembling	Diarrhea	
Palpitations		
Chest pains		

WANDA P. FREMONT, M.D., State University of New York Upstate Medical University, Syracuse, New York
Am Fam Physician. 2003 Oct 15;68(8):1555-1561.

Traditional schools often fall short of meeting the needs of a HSC either because of space limitations, overcrowding, lack of money or understanding.



Awakening Spirit Farm School Offers:

INDIVIDUAL ATTENTION



Our educators see, hear and value each student as an individual.

-With a ratio of 8:1, each child gets an average 20-30 minutes a day of one-on-one attention.

-Upper school students each have their own individualized math and reading learning plans.

-Upper school student-parent-teacher conferences where students share how they can be helped, their goals and what interferes with their learning.

MINDFUL TEACHERS



Our teachers provide the nurturing, consistent support and steady guidance that HSC students need in order to flourish.

-Teachers may themselves be highly sensitive or be parents of HSC. They are well-informed on implementing developmental psychology-based practices.

-Teachers handle their class with gentleness and sensitivity. They do not raise their voices or shout at students as a way of getting a point across.

-Teachers practice mindfulness together on a weekly basis, as well as teach and practice mindfulness in the classroom daily (meditation, yoga, prayer).

STRONG COMMUNITY



Every student, teacher, and parent has a very important role in our community. We practice love, compassion and grace with each other while holding each other to the highest versions of ourselves.

-All families are an active part of our community. Parents are invited on all field trips and Roadschoo trips.

-Parents have an opportunity to speak with teachers twice a day.

-Students have a rotation of real work responsibilities both indoors and outdoors to keep our school operating smoothly. Every job is important.

We host two community-wide celebrations a year. Neighbors, city officials, friends, holistic practitioners, and church families come together on our grounds to celebrate our learning and share a meal.

QUIET TIME & SPACE



Highly sensitive children need down time, and lots of it. Even the extroverts.

-Daily rhythm is a 'breathing in', 'breathing out' that allows time to come together as well as time for individuals to recharge.

-Main lesson classroom and separate kindergarten playroom, as well as breakout spaces that shut out the noise, or shut in a group that needs to be noisy for a time.

SELF-DIRECTED EXPERIENTIAL LEARNING



Self-directed learning allows for students to have choice and a feeling of control.

-Passion Projects: students learn "HOW to learn" through pursuing their own interests with teacher and mentor guidance.

-Focus on mastery and understanding. We do not assign homework, tests or grades.

-Hundreds of field trip opportunities (1/week, plus 3 week-long Roadschoo trips every year) for experiential learning and on-site observation.

FARM ENVIRONMENT



Consistent exposure to nature decreases stress and anxiety, helps elevate mood, and helps with emotion. Learning outside and connecting with nature is a direct way for the future generation to appreciate and learn conservation skills.

-Students spend 120+ minutes every day outdoors on 10 acres of natural land.

-Daily farm chores in the gardens, and tending to animals (llama, goats, chickens, rabbits, honeybees).

FLEXIBLE SCHEDULE



We trust our families to make their own decisions about missing school for appointments, opportunities, and/or family time.

-Flexible drop off and pick up times to cater to family schedules

-Low-residency online option for students who are traveling or unable to physically meet on the school grounds.

CALMING CLASSROOM



Every detail of our school is carefully and consciously curated to provide a beautiful, soothing environment for highly sensitive children.

-Our school is located inside of a home. Soft colors, acoustic dampening, natural lighting and elements (woods, fibers, minerals, plants) allow for a warm and safe feeling throughout.

-Essential oil aromatherapy (whole-room and student necklace diffusers).

-Moveable tables and benches allow for ample workspace. Sheepskin rugs, pillows, and blankets for comfort.

-In-school therapy animals (dog, rabbits, cats, fish) provide a calming presence.

-Access to filtered, ionized, alkaline water and 'snack shelf' filled with healthy fruit, vegetable and whole-grain options for students throughout the day.



Every aspect of Awakening Spirit Farm School is intentionally designed for the highly sensitive child. From the first moment that they step onto our property, children who have felt unsafe in other schools are able to finally take a deep, unrestricted breath of relief.

There are no other schools in our area that offer a truly gentle, individual, hands-on educational experience that meets every emotional, physical, and spiritual need of a highly sensitive child.

In order to serve the highly sensitive child, we have blended a variety of academic and non-academic models in order to form the Awakening Spirit Farm School instructional model.

EXISTING MODELS:

CHARLOTTE MASON METHOD- “Main Lesson”

Cultivating good habits of work, study, and community responsibility is of utmost importance in a Charlotte Mason pedagogy. The atmosphere of the environment is absorbed into a child's subconscious. Academic subjects should be experienced through ‘living thoughts and ideas’, not just dry facts. Main Lesson topics are expressed to students from a wide variety of sources- Shakespeare & the Bible, Natural & Applied Sciences, American & World History, and foreign language. The works of great artists and composers are taught throughout these lessons. Narration and guided note-taking help students construct their own illustrated textbooks to contain their learning.

WALDORF-INSPIRED KINDERGARTEN

The Waldorf philosophy sees education as an art. Curriculum (storytelling, nature, seasonal study, real life work) provides an unhurried way of learning that minimizes modern stressors and protects childhood. Kindergarten children bake, paint, garden and craft year round in this warm and loving environment. Forest time in our outdoor play space is a magical place for free, imaginative play.

INDEPENDENT READING LESSONS: MindPlay Virtual Reading Coach-

MindPlay Virtual Reading Coach® (MVRC) is an effective, evidence-based, online reading program that improves reading abilities. It permits students with diverse skills and unique needs to read with control and precision. It teaches Phonemic Awareness, Phonics, Vocabulary, Grammar, Comprehension, and Fluency . In 30 minutes a day, 4 days a week, the program offers each student tiered instruction and remediation, but is also designed with content based on the Orton-Gillingham methodology (specific instruction for dyslexic students). Metrics and results are available immediately for teachers to track.



INDEPENDENT MATH LESSONS: Teaching Textbooks

Teaching Textbooks™ were designed specifically for independent learners grades 3-12. In a web-based platform, Teaching Textbooks present audiovisual step-by-step lessons and explanations for every chapter and problem. Each student is able to progress through the program at exactly their pace. It introduces terminology that students need to know for standardized tests such as the SAT and ACT. Metrics and results are immediately available for teachers and parents to track.

SELF-DIRECTED LEARNING- “Passion Projects”

We call our self-directed learning time our “Passion Projects”, and they are easily the student’s favorite part of our school day. This method of learning aims to teach students the most essential skill of becoming lifelong learners-- the knowledge of how to learn. Teachers act as mentors and guides. Instruction focuses on skills and practices that enable lifelong learning and independent problem solving. The idea is that if the students can learn the ‘how’, content/topic becomes interchangeable. The skills needed for taking on the responsibility of self directed learning may be a key factor in students pursuing undergraduate education, postgraduate training, and continuing professional development.



OUTDOOR EDUCATION/FOREST TIME:

In order to help our students become stewards of our environment, we believe they must experience nature firsthand. Outdoor experiential activities (den building, fire lighting, tool use, exploration, etc) develop problem-solving skills, co-operation abilities and leadership roles. A positive element of risk and challenge is inherently present in this atmosphere, as children climb trees, construct forts and explore nature. Adults are ever present to provide gentle guidance, supervision and safety instruction.

MINDFULNESS/WELLNESS

Mind-body-spirit balance is of utmost importance for our HSC. Teachers bring mindfulness into the classroom daily by incorporating brain-based cross-lateral movement, prayer, and guided meditation during transition times. Twice a week, students experience and practice fitness, meditation and nutrition with a local health & wellness coach. Students also use this learning to plan, prepare and serve healthful meals and snacks every day.

Weekly martial arts provide mindfulness practice, focus, discipline, self-confidence, and work ethic along with the actual self-defense skills that kids need to protect themselves. To round out this element, the "ABC's of Safety", a nationwide program developed by the Good Knight Child Empowerment Network will be taught every summer. These 10 simple lessons teach children how to recognize predators and keep themselves safe. They replace childhood vulnerability with empowerment.



FARM CHORES:

A rotating schedule of daily chores on the farm ensure that every member of our community has an important and active role. Farm chores include teams for vegetable & flower gardens, animal care (chickens, goats, llama), a groundskeeping team that assists teachers with lawn, trail and forest upkeep, as well as a maintenance team that will accompany teachers to learn how to fix equipment, fencing and classroom tools.

ADVENTURE DAYS:

Our weekly field trips (“Adventure Days”) are not only learning opportunities, they also help inoculate highly sensitive children to the outside world. Sensitive children discover that ‘different’ is sometimes not ‘comfortable’, but it can be conquered. Weekly trips to museums, zoos, and theaters in the Twin Cities expose our children to crowds and sensory stimulation. Respite is found on our quiet school grounds, but we are able to return again and again to situations which may cause stress, conquering former barriers to happiness and lifetime enjoyment.

ROADSCHOOLING:

Three times a year, our entire upper school has the opportunity to travel together to deepen our understanding of specific topics. Students select a topic of study. As a group, we research destination and transportation options, while looking for other learning opportunities to tie in along the way. Because group travel can be a big hurdle for highly sensitive children, roadschool trips are optional. Parents are always invited along to act as chaperones and support systems for any HSC who want to join us on the adventure, but are not yet ready to travel without family.

LOW-RESIDENCY ONLINE PROGRAM

We know that it is not always possible to physically be at school. In order to serve children who can not be on the school grounds, for any reason, we have a remote learning option that includes independent learning plans, Main Lessons, and self-directed learning. The flexibility offered by this platform is paramount for keeping our students connected with their school community, regardless of location.

A Short History of Awakening Spirit Farm School:

I have been teaching for the past 15 years. My first position was as a founding teacher at the Minneapolis Academy charter school (90% free & reduced lunch, inner city Minneapolis). It was a dream opportunity for a first-year teacher to be able to design my classroom and curriculum from the ground up. The school launch and first three years of operation were hard work, educational, and extremely rewarding.

After leaving the public sector to raise and educate my own two HSC, I embraced the importance of simplicity, calm, rhythm and strong spiritual home life for young, highly sensitive children. I began writing guest blog posts for Simplicity Parenting community, and became known for gentle, responsive parenting and homeschooling advice.

A few years later I heard about the stress and anxiety that a friend's highly sensitive child had in the public school system. My friend's daughter was breaking down into tears every day. This little eight year old girl was a perfectionist—a rule follower who was so worried about the possibility of not getting the 'right answers' that she would be unable to do anything but cry. The classroom was loud and crowded. Her classmates made fun of her. Her teachers were frustrated that she couldn't just 'get over it'. She begged her mother to homeschool her, but her mom was a single parent and a business owner with no free time to do so. She refused to go to school. Their family needed an alternative. My heart ached for that child and I felt called to start my own microschool that would hear, see and value highly sensitive children who needed a change.

In 2017, I registered "Awakening Spirit School" as a nonpublic school with the state of Minnesota. My proof-of-concept school operating budget was very low as a result of holding classes in the basement of my family home. Over the next two years, I was able to grow the student body from 3 to 7 enrolled children, grades K-8. Parents were beside themselves with gratitude. Students transformed into happy, healthy, self-confident learners. They now loved school.

During the 2019-2020 school year, word of "AWS" spread organically through the HSC community. Curious teachers and holistic practitioners began referring new students. It was then that I knew my proof-of-concept experiment had just about run its course. It was time to open a stand-alone, "Awakening Spirit Farm School". Armed with a sound business plan and budget, a crystal-clear vision, a creative and enthusiastic staff and support team, and open lines of communication between families, staff and administration, I am ready to truly bring the vision of a holistic, nature-based farm school community to life.

Amy E Marotz



Amy Marotz,
Founder & Director

Holistic Education Expert

BA in English & Studio Art St. Olaf College
M.Ed Bethel University

With 15+ years teaching experience, Amy prides herself on truly hearing, seeing and valuing every individual student. She believes that the most important product of any educational system should be a happy, healthy child, balanced in mind, body and spirit. She strives to fill students with abiding love, compassion and grace for themselves, their families, and their communities at large.

She is currently the sole teacher of the proof-of-concept "Awakening Spirit School", and is excited to be joined by two additional full-time teachers when Awakening Spirit Farm School opens its doors in September 2020.

Twenty-one years serving in the US Air Force has given Aaron unique knowledge in entrepreneurship and leadership. He served as a Unit Training Manager as well as a Base Education Training officer, directly responsible for mentoring and guiding all new recruits through basic and initial skills training.

Aaron and his wife also own and operate three businesses based on residual income concept. They utilize systems to leverage their businesses to create time freedom to spend more time with their two highly sensitive children (ages 8 & 11), and to pursue their passions of travel and adventure.

Aaron is an extremely animated and passionate teacher. His background in elementary education combines with his authentic positivity to ignite a love of learning in every student he comes in contact with, making him an amazing mentor and guide for our school.



Aaron Bayer,
Upper School Teacher
Leadership/Entrepreneurship Expert
BS in Elementary Education
University of Wisconsin- River Falls



Thor Riley,
Forest Kindergarten Teacher
Outdoor Education Expert
BS in Business Administration
Management/Psychology
University of Wisconsin- Green Bay

Being raised in rural Wisconsin gave Thor the opportunity to learn agricultural practices from local farmers. He spent every free moment of his youth exploring the abundance of lakes, rivers, fields and forests around him. As an avid outdoorsman, his passion is to teach the next generation to appreciate, respect and enjoy nature and its splendors. He wants every child to realize the importance that people have in relation to their environment on a global scale.

As a skilled businessman, craftsman, and parent of a highly sensitive child (age 4), he has a wide variety of skills that will lend themselves to both operating a school, as well as mentoring and inspiring students' Passion Projects (asphalt paving, masonry, woodworking, carpentry, landscaping, tile, cooking, gardening, sales, and restaurant/inventory management).

Thor's ability to make genuine connections with students, while quietly evaluating their individual passions in order to mentor them, is a unique combination. He has a powerful vision for the environment and giving back to the community that stems from an early childhood, mixed-age forest kindergarten model (ages 3-6) that will educate children gently and naturally.

Growing up as a highly sensitive child with a learning disability, David taught himself many coping mechanisms to beat the odds. He credits much of his success to spending hours and hours outside with his grandfather, learning how to work with his hands. He was diagnosed with auditory dyslexia while an undergrad, which allows him to connect on a personal level with many of our students who have similar gifts.

David graduated from St. Olaf College, and spent the following years as a consultant for a Healthcare IT companies. In the midst of this, he obtained his MBA at Yale University. He spends his free time skiing, volunteering as a Sunday School teacher and a Den leader with local BSA Scout troop 56. He now serves as our Volunteer Business Director.

David is also our technology expert. He facilitates an upper school classroom that runs smoothly and is able to access 21st century tools to explore, experience, and present their learning portfolios. He has been working part time for the proof-of-concept school, and will continue to assist as needed with Awakening Spirit Farm School.



David Marotz,
Business Director
Technology Expert

BA in Economics Management- St. Olaf College
MBA- Yale University



Director / Lead Teacher
Amy Marotz, MEd

Advisory Board

Volunteer Advisory Board meets quarterly with the Director to provide assistance and advice. They may choose to attend the monthly staff meeting if they wish.

David Marotz, MBA
Business Director (volunteer)

Roger Ruetten, MBA
SCORE Mentor

Mara Linaberger, EDD
Microschool Builders

Full Time Teachers

Teachers & Director will have one weekly meeting to discuss staff agenda items, discuss student progress, and practice mindfulness together.
FT teachers will also attend a monthly all-staff meeting.

Aaron Bayer, BS
Upper School Teacher

Thor Riley, BS
Forest Kindergarten Teacher

Part-Time Contract Teachers

Contract teachers will teach 1-4 hours/week.
They may be asked to mentor for specific student passion projects.
Contract teachers will attend a monthly staff meeting.

Eric Howard (TBD)
Martial Arts

Amanda Riley, NASM:CPT, WES, BMSCO
Health/Wellness

Extended Network

AWFS has professional relationships with the following businesses:

Liz Lajoie, MBA
Finance/Payroll/Accounting
ZenMoney

Heather Stephens, BA
Marketing
Wise Owl Marketing

Beverly Davidek, Esq
Legal
Davidek Law Firm, PLLC

Danielle McPherson
Human Resources



At Awakening Spirit Farm School, success will be obtained when every student feels personally significant, welcomed and recognized as an individual.

Student loves school.

Student feels energized & fulfilled at the end of their day.

Student feels confident & in control of pursuing their passions.

Upon graduation, they will be happy, balanced, productive junior members of society. They will know how to learn, and will have the tools to follow their dreams and be fulfilled in their chosen career field.



SHORT TERM GOALS

Tracked via Parent/Teacher/Student conference interviews and surveys; standardized testing metrics

-Students are excited & happy to attend school every day.

-Students make authentic connection with teachers and friends. They feel they are a valued member of our community.

-Students learn and use mindfulness techniques throughout the school day and at home.

-Students understand that they are caretakers of our natural environment.

-Students can recall and share what they've learned during this week/month's main lesson topics (upper school).

-Students can identify and pursue their own interests & passion projects (upper school).

-Students perform at or above expectation on end-of-year- standardized testing (upper school).

LONG TERM GOALS

Tracked via annual survey and/or gatherings of graduate families

-Student Advancement: Students will enter and successfully complete the high school program of their choice (homeschool, private, public).

-Student Advancement: After high school, every graduate can and will successfully pursue the career they want (via apprenticeships, trade school, college or university).

-Every graduate blossoms into a happy, well-balanced, healthy and productive member of our global society.

-Graduates will understand and demonstrate in their personal lives the value of serving their communities and caring for the environment.

Some of you know I switched my babies to a private -microschool because I know they need more support emotionally and definitely more time outside. I made excuses for years: the cost, the drive to Woodbury and commute back into Minneapolis. Finally- I leapt. Because the decision made absolute sense for my babies. Take my advice and get connected with a fabulous woman who is supporting and loving my children and opening their world to a whole new dimension of exploration and self-directed learning.

My kids have been through a lot this past year. This school and the love they have received has changed our lives. Amy is patient, innovative and loves my children as her own. I couldn't ask for a better teacher!



-Melissa M, parent

proof-of-concept *testimonials*



-Amanda R, parent

"I decided to pull Tay out of traditional school after 3rd grade. Why? Well, there were many reasons actually and there has not been a day that I've regretted it. One such reason was that Tay's self-confidence was much lower than it should have been. She is a perfectionist, and was very discouraged and frustrated to tears (often) in the traditional school setting when she couldn't "do something" as well or as quickly as the teacher expected the students to do. She was a struggling reader with NO interest in books. As every child, Tay has a unique way of learning and developing. Once she started attending Awakening Spirit School, she got to experience a teacher who is able to foster that. Tay LOVES school, like LOVES it! She is actually sad on Fridays cuz she won't be in school and happy on Sundays when she gets to go back to school!!! Tay is always reading. She now brings a small pile of books home from library days, and can be found lounging on the couch with her puppy and a book. Her reading assessments have jumped to being to right at grade level. As far as socialization and real-world experiences, Tay has gone on roadschool trips to to Atlanta, Arizona, South Dakota, Colorado and New Mexico...on these adventures she has been to museums, exhibits, water parks, river rafting, camps, sand dunes, parks, aquariums and so much more that she would never get to experience without this school! Her self-confidence has sky-rocketed and she has grown tremendously as she's been able to discover life on her own terms."

Parents of highly sensitive children are searching for a viable alternative to traditional school. Their level of desperation is a function of how poorly their child is currently doing. By the time they have come to us they have “tried everything”- counseling, in-school IEP’s, occupational therapy, dietary adjustments, holistic treatments, medication. The only thing that they are unable to control for is the environment their kids are in during the day. Most of our parents work full time. They need a school alternative that combines the comforts of home with the support of teachers trained to work with HSC.

Our families practice mindful, intentional parenting. They are aware of their children’s temperaments (and may be highly sensitive adults themselves), and they choose to honor who their children are as people. They have been awakened to the idea that their children cannot be defined by test scores alone. They want to know their child is being seen, heard and valued as an individual.

Families of HSC need the school day to be flexible to accommodate therapies, holistic treatments, and ‘mental health days’. While we monitor and track student attendance and retention, we do not assign punitive unexcused absences or tardies. We trust our families to make mindful decisions with the highest good of their children in mind. Our low-residency remote school program is available to serve students who, for any reason, are unable to be physically at school.

"It's no secret that my son was really struggling with school prior to this year. He is a highly sensitive kid. At the age of 5 he had a number of labels slapped on him. I was told that I needed to medicate, and he would come home every day and tell me how stupid and naughty he thought he was. He hated school, all during the preschool years. Every day was an absolute struggle. After the first month of Kindergarten at Awakening Spirit School, he came home from school and “read” me a book he wrote, and the book is all about how much he loves school now. Then he talked my ear off non stop for an hour. I couldn’t even respond because I was so close to tears. After his first full school year, we can see how he has blossomed into an awesome learner, he is EXCITED about going to school every day and going on learning adventures weekly. We have seen his self esteem soar and I have not heard the stupid word come out of his mouth again. My husband and I have since decided to pull our older son from traditional school, and enroll him at AWS as well. We are in full support of the Awakening Spirit School mission. What a wonderful world this will be when the lessons of love, compassion and grace are absorbed and re-taught by the next generation."



-Jen B, parent



Shepherd of the Valley Lutheran Church (Afton, MN) serves the St. Croix River Valley communities. Amy Marotz is a respected volunteer teacher for the children's ministry (10+ years). SOTV has donated equipment & supplies to Awakening Spirit School.



Woodbury Thrives is a nonprofit that focuses on connecting the community to inspire health and well-being for everyone. Awakening Spirit School participates in their community-wide events.



The Children's Farm is a nonprofit that offers an early childhood and preschool option in Stillwater, MN. Nancy Jones, founder, is a resource for both wisdom and potential students when they graduate from her program.



Blissful Oasis is a nonprofit that serves the local St. Croix River Valley communities with retreat programming. They have been very supportive of Awakening Spirit School, providing our teachers with mindfulness training and referring potential families.



David Marotz is involved in the Leadership of Cub Scout Pack 46. We have several students who are members of girls' BSA Troop 7071. We will support their volunteer and complementary advancement opportunities.



SCORE nonprofit has been a valuable resource for starting a small business. Our mentor, Roger Ruetten, is a member of our advisory board. He has made many connections for us within the St. Croix River Valley communities.

As our model is easily replicable for anyone with access to natural grounds, we look forward to mentoring other schools in best practices for highly sensitive children.

We wish to partner with local teaching colleges to provide a field placement and/or student teaching program in a truly alternative setting. Educating our educators is an important part of building a legacy and changing the paradigm.

We look forward to having community open house days, where not only families, but other curious teacher and administrators from the public and private sectors will be invited to come and join us and bring back ideas for serving highly sensitive children that may work in their own settings.



The City of Lake Elmo is nestled between downtown Saint Paul (20 min) and the St Croix River Valley. Its location and accessibility has made it one of the most desirable and fastest growing communities in the Twin Cities metropolitan area over the past decade.

Bringing a small, farm-based, 'one-room schoolhouse' type business to Lake Elmo will help perpetuate its small-town charm.

We will be securing a 10+ acre wooded rural residential farm property within a 10 minute radius off I-94 in Lake Elmo, MN.

We need an existing home for indoor classroom space with a private driveway, and at least three paved parking spaces.



concept art by Amy Marotz

Microschools are such a novel concept, the city planning offices do not currently have template language in place to categorize such a small school.

We have found that fire departments of some cities tend to consider us as an 'in-home daycare' for fire code regulations, because we have a small occupancy and are planning on being located in an existing home.

The Washington County health department considers our kitchen a 'home economics classroom' because our students plan, prepare and serve all of our meals.

For septic needs, Washington County says we need to be able to process 14 gallons of waste water per student, per day.

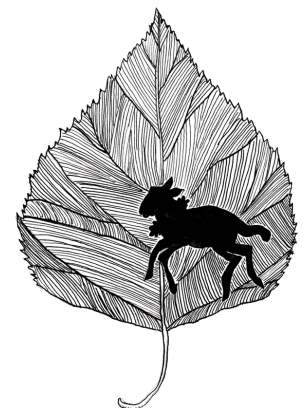
RESOURCES

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CHAPTER 9

RESIDENTIAL DISTRICTS

ARTICLE A. R-1 RURAL RESIDENTIAL DISTRICT

SECTION:

11-9A-1: Purpose

11-9A-2: Permitted Principal Uses

11-9A-3: Permitted Accessory Uses

11-9A-4: Conditional Uses

11-9A-5: Development Standards

11-9A-1: PURPOSE:

The R-1 rural residential district represents those areas suitable for residential development that are without public utilities. These areas are designated as rural residential in the city's comprehensive plan. It is the intent that low densities be maintained in order to permit efficient resubdivision of lots to urban densities at such future time that public utilities become available. (Ord. 939, 2-4-2015)

11-9A-2: PERMITTED PRINCIPAL USES:

On any individual lot, the following uses can be conducted as a principal use:

1. One single-family detached dwelling.
2. Agriculture - rural.
3. Agriculture - urban.
4. Agricultural buildings.
5. Habitable or nonhabitable structures for local, county, state, or federal government purposes.
6. Public utility structures and stormwater ponds.
7. Public roads, bridges, trailways and sidewalks.
8. Public parks, scientific natural areas, and playgrounds.
9. Signs as regulated by title 9, chapter 8 of this code.
10. A state licensed residential facility or housing established with services registered under Minnesota state statutes chapter 144D serving six (6) or fewer persons, a licensed daycare facility serving twelve (12) or fewer persons, and a group family daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children. (Ord. 939, 2-4-2015)

11-9A-3: PERMITTED ACCESSORY USES:

Uses and structures which are customarily accessory and clearly subordinate to permitted uses and structures shall be permitted, including:

1. Accessory apartments.

A. Purpose: The purpose of this entry is to permit the installation of no more than one accessory apartment in an existing single-family dwelling. Because this opportunity is allowed in neighborhoods with established recreation facilities, utility systems, parking, traffic patterns and architectural character, the installation and use of accessory apartments must be strictly controlled to avoid adverse physical, social, economic, environmental and aesthetic impacts. By allowing only those accessory apartments that are in compliance with all of the performance standards of this entry, the character and quality of existing neighborhoods will be protected.

B. Permit Procedures:

(1) Permit Required; Application; Fee: No one shall install an accessory apartment without first having obtained a permit from the director of community development. Application for the permit shall be made on such form(s) as may be designated by the director of community development and shall be accompanied by the required permit fee, established by city council ordinance.

(2) Issuance Or Denial Of Permit; Appeals: Within ten (10) working days after receiving the application, the director of community development shall review the application and inspect the property to determine whether or not the proposed accessory apartment meets the performance standards. He/she shall deny or approve the application based upon a statement of findings relative to the standards. The decision to issue or deny the permit may be appealed to the planning commission.

(3) Renewal Of Permit: The permit shall be renewed biennially, subject to an inspection and the permit renewal fee.

(4) Revocation Of Permit; Appeals: Violation of the performance standards shall be grounds for revocation of the permit. Notice of intent to revoke the permit shall be sent by the director of community development to the permit holder, stating the grounds

for revocation. The holder of the permit shall have ten (10) days from the receipt of the notice to file an appeal to the planning commission. Failure to file an appeal within ten (10) days forfeits any challenge to the revocation. At the expiration of the ten (10) day appeal period, the permit shall be revoked. Operation of the accessory apartment shall cease within sixty (60) days from the date of revocation.

C. Performance Standards:

(1) All remodeling for the addition of the accessory apartment shall be on the inside of the structure. Exceptions to this condition will be made only if the applicant submits exterior elevation drawings determined by the director of community development to be architecturally compatible with adjacent structures.

(2) At least four (4) paved off street parking spaces shall be available on the site, in a location other than in a required front yard.

(3) Detached accessory structures shall not be converted to living space.

(4) Both the principal and accessory unit must meet the applicable standards of the building code.

(5) The owner(s) of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises, except for temporary absences.

(6) No more than ten percent (10%) of the single- family dwellings in any one block may contain an accessory apartment. A "block" shall be interpreted to be an area enclosed on its perimeter by streets. In some cases, a block may also be bordered by a body of water or a municipal boundary line.

(7) If the dwelling utilizes an on site sewage disposal system, additional capacity shall be added to the system if needed for the accessory unit. All systems shall be inspected by a licensed contractor or inspector prior to issuance or renewal of the accessory apartment permit. The system shall be pumped as necessary.

(8) House numbers shall be placed on the principal structure to indicate that the structure contains an accessory apartment.

2. Excavation incidental to construction on the premises.

3. Home occupations.

A. Purpose: The purpose of this entry is to recognize that certain home occupations conducted for gainful employment involving the manufacture, provision, or sale of goods and/or services are compatible with the character of residential neighborhoods and to further establish regulations relating to permitted home occupations. In addition, this section is intended to provide a distinction between permitted and prohibited activities and uses concerning home occupations.

B. Home Occupations: Home occupations are permitted as an accessory use to the principal use of properties within all zoning districts within the city subject to meeting the performance standards established in this entry.

C. Performance Standards: A home occupation must conform to all of the following standards:

(1) No more than one person, other than a member of the immediate family occupying the dwelling, shall be employed on the premises at any one time.

(2) Identification signs shall conform to title 9, chapter 8 of this code.

(3) The appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or advertising signs or the emission of sounds, odors, noise, vibrations, heat, glare or electrical disturbances.

(4) No home occupation shall be conducted in any accessory building.

(5) The use shall not create substantial traffic. The number of customer vehicular trips to the dwelling unit for the purpose of obtaining products or service shall not exceed ten (10) per day. Vehicular trips related to package pick ups and deliveries for home occupations shall be limited to four (4) per day and is restricted to straight axle vehicles only. Any need for parking shall be off the street and be located on approved parking surfaces.

(6) No home occupation shall cause an increase in sewer or water usage so that the combined total use for dwelling and home occupation purposes exceeds the normal range for residences in the city.

(7) Exterior storage or display of materials or equipment of any kind is prohibited.

(8) Any construction, or alteration of the principal structure, electrical, or mechanical equipment requires a building permit. The use and/or storage of chemicals or materials shall not change the fire rating of the principal dwelling.

(9) The operation of the home occupation shall begin no earlier than seven o'clock (7:00) A.M. and end no later than ten o'clock (10:00) P.M.

(10) No more than twenty five percent (25%) of the principal structure may be devoted to home occupation use.

D. Permitted Home Occupations: All uses that are not prohibited in this section and are conducted as a home occupation are required to meet the purpose statement and performance standards of this entry in addition to any applicable state or federal requirements, codes, or statutes. The city zoning administrator is designated with the authority to determine if a specific use is allowed as a permitted home occupation.

E. Prohibited Home Occupations: The following uses shall not be permitted as home occupations:

- (1) Adult uses.
 - (2) Animal hospitals, pet shops, pet daycare.
 - (3) Check cashing.
 - (4) Clinics or hospitals.
 - (5) Contractor yard including the storage of equipment, materials, and other accessories for the construction and service trades.
 - (6) Equipment and supply rental.
 - (7) High intensity arc and oxyacetylene welding.
 - (8) Limousine services.
 - (9) Machining.
 - (10) Medical marijuana dispensary.
 - (11) Medical and dental offices, clinics and laboratories.
 - (12) Microbreweries open to the public.
 - (13) Mortuaries and crematoriums.
 - (14) Pawnbroker.
 - (15) Precious metal dealer.
 - (16) Private clubs.
 - (17) Repair shops or service establishments, except the repair of computers, cameras, phones or similar small devices and equipment.
 - (18) Restaurants or any catering or food preparation business.
 - (19) Smoking lounges.
 - (20) Stables or kennels, except as provided under section 11-9A-4 of this article, "Commercial horse stables..."
 - (21) Retail shopping stores.
 - (22) Uses utilizing gunpowder or explosives.
 - (23) Vehicle sales requiring a Minnesota dealers or wholesale license.
 - (24) Vehicle, trailer, or boat rental.
 - (25) Vehicle, trailer or boat painting or detailing.
 - (26) Vehicle, trailer or boat repair or service.
 - (27) Other uses determined by the zoning administrator to not be a permitted home occupation.
4. Identification signs, in accordance with performance standards governing signs.
 5. Accessory structure as regulated in section 11-3-3 of this title.
 6. Private swimming pools intended for and used solely by the occupants of the property on which they are located and their guests.
 7. Real estate sales by a subdivider in model homes within his/her own subdivision.
 8. Signs, as regulated by the city.
 9. Farmers' market, subject to compliance of the criteria established in section 11-8A-3 of this title, "Farmers' market on nonresidential property...". (Ord. 939, 2-4-2015)

11-9A-4: CONDITIONAL USES:

No structure or land shall be used for one or more of the following uses except by conditional use permit:

1. Accessory buildings and structures requiring a conditional use permit as provided in section 11-3-3 of this title.
2. Cemeteries.
3. Religious institutions and columbariums, including those related structures located on the same site which are an integral part of the church proper; convents or homes related to a religious function on the same site; provided, that no more than ten (10) persons shall reside on the site, and no building shall be located within fifty feet (50') of any lot line.
4. Commercial greenhouses; provided, that all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street or an adjoining lot.
5. Commercial horse stables, kennels for domesticated animals, dog kennels, boarding stables and similar uses shall not be

located within three hundred feet (300') of a dwelling unit other than the dwelling unit of the property in question.

6. Electromagnetic communication facilities as regulated in section 11-4-7 of this title.

7. Essential service structures; provided, that no building shall be located within fifty feet (50') of any lot line of an abutting lot in an R district.

8. Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and swimming pools serving more than one family. The principal structure for any of the above listed uses shall be one hundred feet (100') or more from any abutting lot in an R district, and accessory structures shall be a minimum of fifty feet (50') from any lot line.

9. Home occupations not meeting the performance standards of section 11-9A-3 of this article, "Home occupations", subsection C, "Performance Standards"; provided, that the building in which the home occupation is conducted shall be set back at least one hundred feet (100') from any lot line and at least two hundred feet (200') from a residence of a person other than the home occupation permit holder; provided, further, that the lot on which the home occupation is located shall be at least five (5) acres in size. In no case shall a conditional use permit issued pursuant to this entry permit a home occupation that employs more than seven (7) persons, other than members of the immediate family occupying the dwelling, on the premises at one time; nor shall such a permit allow deviations from the requirements for the appearance of the structure as required by section 11-9A-3 of this article, "Home occupations", subsection C(3), or from the limitations on excessive traffic (section 11-9A-3 of this article, "Home occupations", subsection C(5)), or from the limitations on storage and display (section 11-9A-3 of this article, "Home occupations", subsection C(7)), or from the normal hours of operation of home occupations (section 11-9A-3 of this article, "Home occupations", subsection C(9)), nor shall any such permit allow a use prohibited by section 11-9A-3 of this article, "Home occupations", subsection E, "Prohibited Home Occupations".

10. Limited commercial ventures conducted at "historic properties" as defined in section 11-9H-4 of this chapter, "Limited commercial ventures..."

11. Tax exempt clubs and lodges.

12. Public, private and parochial schools of all educational levels; provided, that no building shall be located within fifty feet (50') of any lot line.

13. Limited use dog training facilities, subject to the following performance standards:

A. Parcels ten (10) acres or greater.

B. No overnight boarding.

C. Minimum setback of fifty feet (50') from all property lines for all training facility arenas and buildings.

D. Limited hours of operation.

E. Limited number of vehicular trips equivalent to the number of trips that could be generated if the property was developed at its maximum allowed density.

F. Noise control as regulated by local and state standards.

G. Nuisance control as regulated by local and state standards.

H. Any other reasonable standards or conditions deemed applicable by the planning commission or city council. (Ord. 939, 2-4-2015)

11-9A-5: DEVELOPMENT STANDARDS:

A. Minimum Requirements: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications set forth in this title:

Lot area	3 acres
Lot width	180 feet
Front yard	30 feet
Rear yard	50 feet
Side yard	25 feet
Side yard, attached garage	20 feet
Maximum structure height	30 feet
Maximum impervious lot coverage	10 percent

B. Cluster Developments: In order to encourage the preservation of environmentally sensitive areas, encourage more efficient allocation and maintenance of privately controlled open space and more efficiently utilize investment in and maintenance of public streets, cluster developments in the R-1 district shall be encouraged under the following conditions:

1. No individual lot shall be less than one and one-half ($1\frac{1}{2}$) acres in size, with a minimum of one and one-half ($1\frac{1}{2}$) acres of land suitable for on site sewage disposal systems. Exceptions to the minimum lot width requirement may be granted.

2. The overall density of the parcel shall not exceed one dwelling unit per three (3) acres.

3. The remaining area shall be permanently preserved as open space. This area may be accepted by the city as fulfillment of the park dedication requirement of the subdivision regulations, if consistent with the parks and open space element of the comprehensive plan. If not so dedicated, the open space shall be placed under control of a homeowners' association or other appropriate jurisdiction. Deed restrictions requiring the permanent preservation of these areas as open space shall be recorded before building permits for lots in a cluster development may be issued. (Ord. 939, 2-4-2015)

ARTICLE B. R-2 RESIDENTIAL ESTATE DISTRICT

SECTION:

11-9B-1: Purpose

11-9B-2: Permitted Uses

11-9B-3: Permitted Accessory Uses

11-9B-4: Conditional Uses

11-9B-5: Development Standards

11-9B-1: PURPOSE:

The R-2 residential estate district is intended to represent areas which, because of rugged, wooded terrain, are well suited to high value housing of very low densities. These areas will provide a permanent, semirural lifestyle on land for which this is considered the highest and best use. Since these areas will be planned to exist without public sewer and water systems, only areas with soils and topography suitable for on site utilities will be considered for this district. Areas designated on the comprehensive plan as rural residential may be considered for inclusion in this district only if they are programmed for public utilities before the year 2000, as shown on the utility staging plan. Before land is placed in the R-2 district, the effect on future extension of public utilities will be considered. (1971 Code § 28-54)

11-9B-2: PERMITTED USES:

No structure or land shall be used except for any use permitted in section 11-9A-2 of this chapter and regulated therein. (1971 Code § 28-54)

11-9B-3: PERMITTED ACCESSORY USES:

No accessory structure shall be permitted except for any use permitted as accessory in section 11-9A-3 of this chapter and regulated therein. (1971 Code § 28-54)

11-9B-4: CONDITIONAL USES:

No structure or land shall be used for one or more of the following uses, except by conditional use permit:

1. Accessory buildings and structures requiring a conditional use permit as provided in section 11-3-3 of this title.
2. Religious institutions and columbariums, including those related structures located on the same site which are an integral part of the church proper; convents or homes related to a religious function on the same site; provided, that no more than ten (10) persons shall reside on the site, and no building shall be located within fifty feet (50') of any lot line.
3. Electromagnetic communication facilities as regulated in section 11-4-7 of this title.
4. Essential service structures; provided, that no building shall be located within fifty feet (50') of any lot line of an abutting lot in an R district.
5. Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and swimming pools serving more than one family. The principal structure for any of the above listed uses shall be one hundred feet (100') or more from any abutting lot in an R district, and accessory structures shall be a minimum of fifty feet (50') from any lot line.
6. Home occupations not meeting the performance standards of section 11-9A-3 of this chapter, "Home occupations", subsection C, "Performance Standards", as provided by section 11-9A-4 of this chapter.
7. Limited commercial ventures conducted at "historic properties" as defined in section 11-9H-4 of this chapter, "Limited commercial ventures...".
8. Public, private and parochial schools of all educational levels; provided, that no building shall be located within fifty feet (50') of any lot line.
9. Signs, as regulated by the city.
10. Limited use dog training facilities, subject to the following performance standards:
 - A. Parcels ten (10) acres or greater.
 - B. No overnight boarding.
 - C. Minimum setback of fifty feet (50') from all property lines for all training facility arenas and buildings.
 - D. Limited hours of operation.
 - E. Limited number of vehicular trips equivalent to the number of trips that could be generated if the property was developed at

its maximum allowed density.

F. Noise control as regulated by local and state standards.

G. Nuisance control as regulated by local and state standards.

H. Any other reasonable standards or conditions deemed applicable by the planning commission or city council. (1971 Code § 28-54; amd. Ord. 635, 9-18-1996; Ord. 653, 2-4-1998; Ord. 663, 4-21-1999; Ord. 884, 10-20-2010; Ord. 887, 2-16-2011)

11-9B-5: DEVELOPMENT STANDARDS:

The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications set forth in this title:

Lot area	1 ¹ / ₂ acres
Lot width	180 feet
Front yard	30 feet
Rear yard	50 feet
Side yard	25 feet
Side yard, garage	20 feet
Maximum structure height	30 feet

(1971 Code § 28-54)

ARTICLE C. R-2.5 RESIDENTIAL DISTRICT

SECTION:

11-9C-1: Purpose

11-9C-2: Permitted Uses

11-9C-3: Permitted Accessory Uses

11-9C-4: Conditional Uses

11-9C-5: Development Standards

11-9C-1: PURPOSE:

The R-2.5 residential district is to provide appropriate areas for unattached single-family living at reasonable population densities consistent with sound standards of public health and provide institutional and community services such as parks, schools, religious facilities, and community centers supportive to a residential area while safeguarding the residential character. This district is located within the metropolitan urban service area (MUSA), and each dwelling unit is intended to be connected to the public sewer and water systems. (Ord. 640, 12-4-1996)

11-9C-2: PERMITTED USES:

The following uses are permitted in the R-2.5 residential district:

1. Agriculture.
2. Essential services.
3. Public and private parks, playgrounds, and open space.
4. Public utility and public park buildings and structures.
5. Single-family detached dwellings.
6. State licensed residential facility serving six (6) or fewer persons, a licensed daycare facility serving twelve (12) or fewer persons, and a group family daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children. (Ord. 640, 12-4-1996)

11-9C-3: PERMITTED ACCESSORY USES:

The following uses shall be permitted accessory uses in the R-2.5 residential district:

1. Accessory apartments as regulated in section 11-9A-3 of this chapter, entry #1, "Accessory apartments".
2. Buildings or trailers temporarily located for purposes of construction or sales on the premises for a period of not to exceed the time necessary for such construction.
3. Decorative landscape features including, but not limited to, arbors, fences, retaining walls and terraces.
4. Detached accessory structures as regulated in section 11-3-3 of this title.
5. Garage sales, not to exceed two (2) per calendar year.

6. Gardening and other horticultural uses where materials or products are grown but not sold on the premises, unless in accordance with state statutes.
7. Home occupations as regulated in section 11-9A-3 of this chapter, entry #3, "Home occupations", and section 11-9A-4 of this chapter, entry #9, "Home occupations not meeting the performance standards..."
8. Off street parking as regulated in section 11-3-9 of this title.
9. Private swimming pools, recreational courts and play apparatus intended for and used by the occupants of the property on which they are located.
10. Real estate sales in model homes.
11. Repair and maintenance of motor vehicles owned by the occupant.
12. Signs, as regulated by title 9, chapter 8 of this code.
13. Farmers' market, subject to compliance of the criteria established in section 11-8A-3 of this title, "Farmers' market on nonresidential property..." (Ord. 640, 12-4-1996; amd. Ord. 841, 8-13-2008)

11-9C-4: CONDITIONAL USES:

No structure or land shall be used for one or more of the following uses, except by conditional use permit:

1. Religious institutions and columbariums, including those related structures located on the same site which are an integral part of the church proper; convents or homes related to a religious function on the same site; provided, that no building shall be located within fifty feet (50') of any lot line.
2. Electromagnetic communication facilities as regulated in section 11-4-7 of this title.
3. Essential service structures; provided, that no building shall be located within fifty feet (50') of any lot line.
4. Golf courses (except miniature courses and driving ranges operated for commercial purposes); and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and swimming pools serving more than one family. The principal structure for any of the above listed uses shall be one hundred feet (100') or more from any abutting lot in an R district, and accessory structures shall be a minimum of fifty feet (50') from any lot line.
5. Group daycare/nursery school in a religious institution, community center, or academic educational institution.
6. Hospitals for human care, sanatoriums, rest homes and nursing homes; provided, that all structures except fences shall be located one hundred feet (100') or more from the lot line.
7. Limited commercial ventures conducted at "historic properties" as defined in section 11-9H-4 of this chapter, "Limited commercial ventures..."
8. Municipal buildings and utility structures.
9. Public, private and parochial schools of all educational levels; provided, that no building shall be located within fifty feet (50') of any lot line.
10. Limited use dog training facilities, subject to the following performance standards:
 - A. Parcels ten (10) acres or greater.
 - B. No overnight boarding.
 - C. Minimum setback of fifty feet (50') from all property lines for all training facility arenas and buildings.
 - D. Limited hours of operation.
 - E. Limited number of vehicular trips equivalent to the number of trips that could be generated if the property was developed at its maximum allowed density.
 - F. Noise control as regulated by local and state standards.
 - G. Nuisance control as regulated by local and state standards.
 - H. Any other reasonable standards or conditions deemed applicable by the planning commission or city council. (Ord. 653, 2-4-1998; amd. Ord. 663, 4-21-1999; Ord. 884, 10-20-2010; Ord. 887, 2-16-2011)

11-9C-5: DEVELOPMENT STANDARDS:

The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications set forth in this title:

Lot area	11,000 square feet
Lot width	85 feet
Front yard	30 feet
Rear yard	35 feet
Side yard (living area of dwelling)	10 feet
Side yard (attached garage)	10 feet

Maximum principal structure height	35 feet
Maximum lot coverage of impervious surfaces	50 percent
Minimum lot width at right of way line for cul-de-sac lots	65 feet
Minimum lot width at setback line for cul-de-sac lots	90 feet

(Ord. 640, 12-4-1996)

ARTICLE D. R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION:

11-9D-1: Purpose

11-9D-2: Permitted Uses

11-9D-3: Permitted Accessory Uses

11-9D-4: Conditional Uses

11-9D-5: Development Standards

11-9D-1: PURPOSE:

The R-3 single-family residential district is intended to preserve the character of existing neighborhoods, and to provide for development of those areas designated single-family residential in the comprehensive plan at densities and standards consistent with existing single-family developments. (1971 Code § 28-55)

11-9D-2: PERMITTED USES:

No structure or land shall be used except for one or more of the following uses:

1. Agriculture.
2. Municipal buildings and structures.
3. One-family detached dwellings.
4. Public parks and playgrounds.
5. Public utilities.
6. Zero lot line single-family dwellings. (1971 Code § 28-55)

11-9D-3: PERMITTED ACCESSORY USES:

No accessory structure or use of land shall be permitted, except for any use permitted as accessory in section 11-9A-3 of this chapter and regulated therein. (1971 Code § 28-55)

11-9D-4: CONDITIONAL USES:

No structure or land shall be used for one or more of the following uses except by conditional use permit:

1. Boarding homes, lodging houses and tourist homes.
2. Cemeteries.
3. Religious institutions and columbariums, including those related structures located on the same site which are an integral part of the church proper; convents or homes related to a religious function on the same site; provided, that no more than ten (10) persons shall reside on the site, and no building shall be located within fifty feet (50') of any lot line.
4. Dormitories as accessory uses to schools with accommodations for up to seventy five (75) persons residing on the site provided that no buildings shall be located within fifty feet (50') of any lot line.
5. Electromagnetic communication facilities as regulated in section 11-4-7 of this title.
6. Essential service structures; provided, that no building shall be located within fifty feet (50') of any lot line of an abutting lot in an R district.
7. Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retailing; tennis clubs, and public swimming pools serving more than one family. The principal structure for any of the above listed uses shall be one hundred feet (100') or more from any abutting lot in an R district, and accessory structures shall be a minimum of fifty feet (50') from any lot line.
8. Home occupations not meeting the performance standards of section 11-9A-3, "Home occupations", subsection C, "Performance Standards", as provided by section 11-9A-4 of this chapter.
9. Hospitals for human care, sanatoriums, rest homes and nursing homes; provided, that all structures except fences shall be located one hundred feet (100') or more from the lot line of any abutting lot in an R district.
10. Limited commercial ventures conducted at "historic properties" as defined in section 11-9H-4 of this chapter, "Limited

commercial ventures...".

11. Nonprofit clubs and lodges.

12. Public, private and parochial schools of all educational levels; provided, that no building shall be located within fifty feet (50') of any lot line.

13. Real estate sales in a structure not permanently on a subdivided lot.

14. Signs as regulated by the city.

15. Limited use dog training facilities, subject to the following performance standards:

A. Parcels ten (10) acres or greater.

B. No overnight boarding.

C. Minimum setback of fifty feet (50') from all property lines for all training facility arenas and buildings.

D. Limited hours of operation.

E. Limited number of vehicular trips equivalent to the number of trips that could be generated if the property was developed at its maximum allowed density.

F. Noise control as regulated by local and state standards.

G. Nuisance control as regulated by local and state standards.

H. Any other reasonable standards or conditions deemed applicable by the planning commission or city council. (1971 Code § 28-55; amd. Ord. 635, 9-18-1996; Ord. 653, 2-4-1998; Ord. 663, 4-21-1999; Ord. 797, 7-19-2006; Ord. 884, 10-20-2010; Ord. 887, 2-16-2011)

11-9D-5: DEVELOPMENT STANDARDS:

A. Minimum Requirements: The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications set forth in this title:

Lot area	10,000 square feet
Lot width	75 feet
Front yard	30 feet
Rear yard	35 feet
Side yard	10 feet
Side yard, garage	5 feet
Maximum structure height	30 feet

B. Cluster And Zero Lot Line Development: Variances from the strict lot size, width and setback requirements may be granted for developments utilizing a cluster platting or zero lot line concept, with the following general requirements:

1. All variances requested shall be noted on the preliminary plat at the time of application.

2. The number of dwellings proposed for the entire site shall not exceed the maximum permitted if cluster or zero lot line development is not used. The maximum number of dwelling units shall be determined by dividing the gross acreage of the project area by ten thousand (10,000) square feet.

3. Any one lot shall not be reduced to less than sixty six percent (66%) of the required lot area nor less than sixty six percent (66%) of the required lot footage.

4. Land which is to be set aside as permanent open space shall be clearly indicated on the plan. If this area is not to be dedicated as public park land, it shall be placed under the control of a homeowners' association, and provisions for its continual maintenance shall be made. Deed restrictions requiring the permanent reservation of these areas as open space shall be recorded with the final plat. (1971 Code § 28-55)

ARTICLE E. R-4 LOW DENSITY RESIDENTIAL DISTRICT

SECTION:

11-9E-1: Purpose

11-9E-2: Permitted Uses

11-9E-3: Permitted Accessory Uses

11-9E-4: Conditional Uses

11-9E-5: Development Standards

11-9E-6: Density Bonuses

11-9E-1: PURPOSE:

The R-4 Low Density Residential District represents those areas designated on the City's Comprehensive Plan as low density residential where all public services, utilities and amenities needed for urban residential development are available. Development densities shall not exceed five (5) dwelling units per gross acre, except as modified in this Title. The purpose of the District is to allow flexibility in attaching and clustering single-family units in order to promote the availability of affordable housing and to decrease energy costs and costs of public improvements and utilities. (1971 Code § 28-56)

11-9E-2: PERMITTED USES:

- !!! 1. Agriculture.
2. Municipal buildings and structures.
3. One-family detached dwellings.
4. Public parks and playgrounds.
5. Public utilities.
6. Single-family attached dwellings, including duplexes, twin homes, quad homes and town houses up to a maximum of eight (8) units attached. (1971 Code § 28-56)

11-9E-3: PERMITTED ACCESSORY USES:

No accessory structure or use of land shall be permitted except for any use permitted as accessory in Section 11-9A-3 of this Title and regulated therein. (1971 Code § 28-56)

11-9E-4: CONDITIONAL USES:

No structure or land shall be used except for any use permitted as conditional in Section 11-9D-4 of this Title and regulated therein. (1971 Code § 28-56)

11-9E-5: DEVELOPMENT STANDARDS:

A. Single-Family Detached Dwellings:

1. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this Title:

Lot area	7,500 square feet
Lot width	60 feet
Front yard	30 feet
Rear yard	35 feet
Side yard	7.5 feet
Side yard, garage	5 feet
Maximum structure height	35 feet

2. In no case shall more than thirty percent (30%) of a single-family lot be covered with structures.

3. Garages are not required by this Title. In the case of single-family dwellings constructed without garages, however, the site shall be planned with a garage location consistent with all setback requirements.

B. Cluster Developments And Attached Dwellings: Exceptions to rigid lot area, width and depth requirements shall be granted for cluster developments and attached units subject to approval of a site plan pursuant to Section 11-2-4 of this Title in compliance with the development standards of this District.

1. Setbacks:

a. There shall be a minimum separation of fifteen feet (15') between detached dwelling units and/or structures containing two (2) or more dwellings. This separation may be decreased to ten feet (10') in the case of residential garages or underground structures. All setbacks and structure separations shall provide reasonable visible and acoustical privacy, light and air for all dwelling units.

b. There shall be a minimum setback of twenty five feet (25') from all district boundaries abutting the R-1, R-2, R-2.5 and R-3 Zoning Districts for all structures and parking. This area shall be adequately landscaped with trees and shrubbery, so as to provide a pleasing transition between the two (2) districts.

2. Parking: A minimum of two (2) paved off-street parking spaces shall be provided for each dwelling unit. Sidewalks shall be provided from parking areas to the dwellings that they serve.

3. Site Coverage: A maximum of forty percent (40%) of the total area of the project shall be covered with structures, driveways, streets or other impervious surfaces. Site coverage may be further restricted if necessitated by capacities of the City's storm sewer system.

4. Open Space:

- a. A minimum of four hundred (400) square feet of usable open space per dwelling unit shall be provided. "Usable open space" is defined as an area which is graded, developed, landscaped, equipped, intended and maintained for either active or passive recreation, or both. Such areas shall contain improvements containing benches, pedestrian paths and trails, play equipment, fixtures or features. The least dimension of the space so provided shall be thirty feet (30') or greater.
- b. Wherever possible, usable open space shall be contiguous. It shall be easily accessible to all residents of the development by means of an internal circulation system of paths or walkways. The area shall be landscaped according to an approved plan at a density of at least twenty (20) trees per acre. A mixture of deciduous and evergreen trees and shrubs will be used.
- c. The area shall be permanently reserved as open space. It may be accepted by the City as partial fulfillment of the park dedication requirements if consistent with the parks and open space element of the Comprehensive Plan. If not so dedicated, the open space shall be placed under the control of a homeowners' association or other appropriate jurisdiction. Deed restrictions requiring the permanent reservation of these areas as open space shall be recorded prior to the issuance of any building permit for residential structures.

5. Landscaping:

- a. At least one shade tree, a minimum of two inches (2") caliper size shall be planted per dwelling unit. This shall be in addition to any plantings required in the usable open space area.
- b. All signs, mailboxes and accessory lighting shall be uniform in materials and design and be approved as a part of the landscape plan.
- c. The completion of the landscape plan shall be assured and included in any bond required as a part of the development process. (1971 Code § 28-56; amd. 2000 Code)

11-9E-6: DENSITY BONUSES:

Density bonuses in excess of those allowed by right in this District may be granted by the City Council if the plan provides one or more of the following features which enhance the design of the project, display innovative site planning techniques, or contribute to the availability of affordable housing. The allowable total density increase under this provision shall be no more than twenty percent (20%). Density bonuses shall not be granted in any case where the increased density would overload public utility systems, roadways, parks or schools:

Design Feature	Density Bonus
Preservation of significant natural site features, such as vegetation, and minimizing grading of natural slopes	0-10%
Provision of affordable housing; provided, that:	0-10%
A. Units reserved for low and moderate income persons (subsidized housing) do not exceed more than 20% of the development total.	
B. Units for sale or rental at a price less than or equal to the modest cost housing level determined by the Metropolitan Council do not exceed more than 33% of the development total.	
C. The City shall require from the developer a guarantee that all units for which such bonuses will be awarded for sale or rent are within these guidelines.	
D. All of the affordable units shall be integrated into the overall design of the development and scattered throughout the project to the maximum extent possible.	
Provision of common recreation facilities and/or open space beyond that which is required by the provisions of this Section, including playground equipment, swimming pools and tennis courts	0-5%
A site planning concept demonstrating innovative energy conservation efforts, including features such as orientation of lots and/or units for maximum use of passive solar energy, earth sheltering, alternative energy sources and preservation of solar access for active solar energy systems	0-5%

ARTICLE F. R-5 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION:

11-9F-1: Purpose

11-9F-2: Permitted Uses

11-9F-3: Permitted Accessory Uses

11-9F-4: Conditional Uses

11-9F-5: Development Standards

11-9F-6: Density Bonuses

11-9F-1: PURPOSE:

The R-5 medium density residential district represents those areas designated on the city's comprehensive plan as medium density residential, where all public services, utilities and amenities needed for urban residential development are available. Development densities shall not exceed ten (10) dwelling units per gross acre, except as modified in this title. The purpose of the district is to allow for higher densities for attached single-family units in order to promote the availability of affordable housing and to decrease energy costs of public improvements and utilities. (1971 Code § 28-57)

11-9F-2: PERMITTED USES:

No structure or land shall be used except for any use permitted in section 11-9E-2 of this chapter. (1971 Code § 28-57)

11-9F-3: PERMITTED ACCESSORY USES:

No accessory structure or use of land shall be permitted except for any use permitted as accessory in section 11-9A-3 of this chapter and regulated therein. (Ord. 841, 8-13-2008)

11-9F-4: CONDITIONAL USES:

No structure or land shall be used except for any use permitted as conditional in section 11-9E-4 of this chapter and regulated therein. (1971 Code § 28-57)

11-9F-5: DEVELOPMENT STANDARDS:

A. Development standards shall be the same as those for the R-4 district, contained in section 11-9E-5 of this chapter, except as hereby modified.

B. There shall be a minimum setback of fifty feet (50') from district boundaries abutting the R-1, R-2, R-2.5, R-3 and R-4 zoning districts for all aboveground structures and parking. In case of a boundary abutting a street, the street right of way may be included in this setback. This area shall be landscaped with a dense combination of deciduous and evergreen trees, shrubs and bushes and berms, so as to form a screen to the adjoining districts as appropriate. (1971 Code § 28-57; amd. 2000 Code)

11-9F-6: DENSITY BONUSES:

Density bonuses in excess of those allowed by right in this district may be granted by the city council according to the provisions of section 11-9E-6 of this chapter. The allowable total density increase shall be no more than twenty percent (20%). Density bonuses may be granted for the following design features, in addition to those listed in section 11-9E-6 of this chapter:

Design Feature	Density Bonus
$\frac{1}{3}$ or more of the required parking spaces in covered or underground parking structures	0–10 percent

(1971 Code § 28-57)

ARTICLE G. R-6 HIGH DENSITY RESIDENTIAL DISTRICT

SECTION:

11-9G-1: Purpose

11-9G-2: Permitted Uses

11-9G-3: Permitted Accessory Uses

11-9G-4: Conditional Uses

11-9G-5: Development Standards

11-9G-1: PURPOSE:

The R-6 High Density Residential District represents those areas designated on the City's Comprehensive Plan as multiple-family

residential, where all public services, utilities and amenities needed for urban residential development are available. Development densities shall not exceed sixteen (16) dwelling units per gross acre, except as modified in this Title. The purpose of this District is to allow a mix of housing types, including apartments, in attractive developments with adequate amounts of open space and recreational facilities. (1971 Code § 28-57.1)

11-9G-2: PERMITTED USES:

No structure or land shall be used except for one or more of the following uses:

1. Any use permitted in Section 11-9E-2 of this Title.
2. Apartments. (1971 Code § 28-57.1)

11-9G-3: PERMITTED ACCESSORY USES:

No accessory structure or use of land shall be permitted except for any use of land permitted as accessory in Section 11-9A-3 of this Title and regulated therein. (1971 Code § 28-57.1)

11-9G-4: CONDITIONAL USES:

No structure or land shall be used except for any use permitted as conditional in Section 11-9E-4 of this Title and regulated therein. (1971 Code § 28-57.1)

11-9G-5: DEVELOPMENT STANDARDS:

Development standards for the R-6 District shall be the same as those for the R-4 District contained in Section 11-9E-5 of this Title, except as hereby modified:

A. Setbacks:

1. In the case of residential structures greater than two (2) stories in height, the minimum separation between structures shall be fifty feet (50'). This separation may be reduced to twenty five feet (25') if the horizontal extension of the lines created by the nearest vertical surfaces would create an angle of not less than forty five degrees (45°).

2. There shall be a minimum setback of one hundred feet (100') from District boundaries abutting any R-1, R-2, R-2.5, R-3, and R-4 Zoning District for all aboveground structures and parking. If the boundary abuts a street, right of way may be included in the setback area. This area shall be suitably landscaped with a dense combination of deciduous and evergreen trees, shrubs and bushes so as to form a screen to the adjoining districts as appropriate.

B. Site Coverage: A maximum of fifty percent (50%) of the total area of the project shall be covered with structures, driveways, streets or other impervious surfaces. Site coverage may be restricted further if necessitated by the capabilities of the City's storm sewer system.

C. Landscaping: All yard areas and usable open space shall be landscaped according to an approved landscape plan. All signs, mailboxes and accessory lighting shall be uniform in materials and design and be approved as part of the plan. Completion of the landscape plan shall be assured and included in any bond required as a part of the development process. (1971 Code § 28-57.1; amd. 2000 Code)

ARTICLE H. UR URBAN RESERVE RESIDENTIAL DISTRICT

SECTION:

11-9H-1: Purpose

11-9H-2: Permitted Uses

11-9H-3: Permitted Accessory Uses

11-9H-4: Conditional Uses

11-9H-5: Development Standards

11-9H-1: PURPOSE:

The UR urban reserve residential district represents transition areas of the city that have been identified in the city's comprehensive land use plan as being physically eligible, fiscally practical, and generally suitable for future staging of urbanized development. The identified areas are located contiguous to and outside of the metropolitan urban service area, and require installation of private well and septic systems until urban services are available. Development densities shall not exceed one dwelling unit per twenty (20) acres. The intent of the district criteria is to promote the preservation of large blocks of undeveloped land that is unencumbered by inefficient building and road layouts, and to give notice to landowners about the likelihood for the future extension of a full range of urban services into the area. The expected future land uses could be residential, commercial and parks and open spaces. (Ord. 639, 12-4-1996)

11-9H-2: PERMITTED USES:

No structure or land shall be used except for one or more of the following uses:

1. Agriculture.
2. Essential services.
3. Public and private parks, playgrounds, and open space.

4. Public utility and public park buildings and structures.
5. Single-family detached dwellings, private garages and accessory structures.
6. State licensed residential facility serving six (6) or fewer persons, a licensed daycare facility serving twelve (12) or fewer persons and a group family daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children. (Ord. 639, 12-4-1996)

11-9H-3: PERMITTED ACCESSORY USES:

The following accessory uses shall be permitted:

1. Accessory apartments as regulated in section 11-9A-3 of this chapter, entry #1, "Accessory apartments".
2. Accessory structures as regulated in section 11-3-3 of this title.
3. Home occupations as regulated in section 11-9A-3 of this chapter, entry #3, "Home occupations".
4. Private swimming pools intended for and used solely by the occupants of the property on which they are located and their guests.
5. Real estate sales in model homes.
6. Renting of rooms by a resident family for lodging purposes only and for the accommodation of not more than two (2) roomers in a single-family dwelling.
7. Signs, as regulated by title 9, chapter 8 of this code.
8. Farmers' market, subject to compliance of the criteria established in section 11-8A-3 of this title, entry #6, "Farmers' market on nonresidential property...". (Ord. 639, 12-4-1996; amd. Ord. 841, 8-13-2008)

11-9H-4: CONDITIONAL USES:

No structure or land shall be used for one or more of the following uses except by conditional use permit:

1. Religious institutions and columbariums, including those related structures located on the same site which are an integral part of the church proper; convents or homes related to a religious function on the same site; provided, that no building shall be located within fifty feet (50') of any lot line.
2. Essential service structures; provided, that no building shall be located within fifty feet (50') of any lot line.
3. Limited commercial ventures conducted at historic properties meeting established performance standards of subsection A of this entry; and containing one or more of the following uses: class 1 restaurant, catering centers, bed and breakfasts, overnight rooms, reception facilities, meeting or conference facilities, professional office uses, museums, art galleries, antique shops, craft boutiques, site tours, limited retail activities, or other uses deemed similar by the director of community development.

A. Historic Property Performance Standards: In order to be considered eligible for a historic properties conditional use permit, properties must be in conformance with the following:

- (1) The applicant demonstrates that the historic characteristics of the property cannot be maintained reasonably and economically unless the conditional use permit is granted.
- (2) Listed on the city register of historic sites and landmarks or the national register of historic places.
- (3) The property is adequately sized to meet the proposed use.
- (4) Adequately served by municipal services or a septic system with adequate capacity for the proposed use.
- (5) In conformance with all applicable building and fire codes, and ADA requirements.
- (6) In conformance with all state and county health regulations.
- (7) In conformance with the city's off street parking requirements pursuant to subsection 11-3-9F of this title, or proof of parking, if deemed reasonable by the city.
- (8) Adequately situated and designed so as to not create a significant traffic impact on adjoining public roadways, and includes safe ingress and egress to the site.
- (9) The development meets all applicable setback requirements.
- (10) Activity areas are appropriately screened from adjoining properties.
- (11) The property and land use are adequately designed so as not to create an adverse impact on the residential character of the surrounding area.
- (12) The development meets all applicable commercial site development performance standards.
- (13) The development does not create any increase in the level of noise, air, or other pollution which would have an adverse effect on other properties.
- (14) One advertising sign not to exceed twenty (20) square feet.
- (15) Site improvements meet the city's historic preservation standards and guidelines.
- (16) All applications for city permits are reviewed by the advisory committee on historic preservation, and a certificate of

appropriateness is obtained for site work to preserve, rehabilitate, restore or reconstruct historic buildings, structures, landscapes or objects.

4. Public, private and parochial schools of all educational levels; provided, that no building shall be located within fifty feet (50') of any lot line.

5. Limited use dog training facilities, subject to the following performance standards:
- A. Parcels ten (10) acres or greater.
 - B. No overnight boarding.
 - C. Minimum setback of fifty feet (50') from all property lines for all training facility arenas and buildings.
 - D. Limited hours of operation.
 - E. Limited number of vehicular trips equivalent to the number of trips that could be generated if the property was developed at its maximum allowed density.
 - F. Noise control as regulated by local and state standards.
 - G. Nuisance control as regulated by local and state standards.
 - H. Any other reasonable standards or conditions deemed applicable by the planning commission or city council. (Ord. 653, 2-4-1998; amd. Ord. 884, 10-20-2010; Ord. 887, 2-16-2011)

11-9H-5: DEVELOPMENT STANDARDS:

The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications as set forth in this title:

Lot area	20 acres
Lot width	320 feet
Front yard	30 feet
Rear yard	50 feet
Side yard	25 feet
Side yard, garage	20 feet
Maximum structure height	35 feet

(Ord. 639, 12-4-1996)



ARTICLE I. R-2A THROUGH R-2F RESIDENTIAL DISTRICTS

SECTION:

11-9I-1: Purpose Statements

11-9I-2: Permitted, Accessory, And Conditional Uses

11-9I-3: Development Standards

11-9I-4: Single-Family Performance Standards

11-9I-5: Multi-Family And Townhouse Performance Standards

11-9I-1: PURPOSE STATEMENTS:

- A. R-2A, Residential Single-Family District: The purpose of the R-2A, residential single-family district is to provide for low density detached single-family dwellings and directly related complementary uses on lots ensuring adequate light, air, privacy and open space for each dwelling; protect residents from the impacts of high levels of traffic; minimize traffic congestion; and avoid the overloading of utilities by preventing the construction of buildings of excessive size when compared with surrounding structures. This district is intended for areas that are designated for "low density" in the comprehensive plan.
- B. R-2B, Detached Single-Family District: The purpose of the R-2B, detached single-family district is to provide appropriately located areas for a single-family unit on a larger lot to ensure adequate light, air, privacy and open space for each dwelling; protect residents from the impacts of high levels of traffic; minimize traffic congestion; avoid the overloading of utilities by preventing the construction of buildings of excessive size when compared with surrounding structures; and provide institutional and community services such as parks, schools, religious institutions, and community facilities supportive of a residential area. This district is intended for areas that are designated for "low density" in the comprehensive plan.
- C. R-2C, Detached Single-Family District: The purpose of the R-2C, detached single-family district is intended to recognize areas which, because of topography, level of services, or other natural or development factors, are best served by a large lot designation. Development should not exceed an overall average of two (2) dwelling units per acre.

D. R-2D, Twin Home Single-Family District: The R-2D district is designed to permit twin home residential units in or near detached single-family and attached family unit residential neighborhoods. This district does not provide for the sale of individual dwelling units. Development of R-2D property will be allowed in the low density and medium density residential land use designations in the comprehensive plan.

E. R-2E, Residential Townhouse District: The R-2E, residential townhouse district is intended for areas that are designated for "medium density" in the comprehensive plan, where a moderate density of townhouse or apartment dwelling units is expected. Development of the R-2E district will be in proximity to either neighborhood or community collector roads or to arterial roads.

F. R-2F, Residential Multi-Family District: The purpose of the R-2F, residential multi-family district is to expand life cycle housing options by allowing a variety of attached dwelling unit types and directly related complementary uses. Lot sizes are intended to reflect the city's objective of promoting efficient use of land and public utilities. A full range of public services and facilities will be available to this district. R-2F districts are areas designated for "high density" in the comprehensive plan. Property within this district is in close proximity to community collector roads and arterial roads. (Ord. 796, 6-21-2006)

11-9I-2: PERMITTED, ACCESSORY, AND CONDITIONAL USES:

Except as provided in this title or otherwise as provided by law, a principal building, structure or land use is permitted only in the zones indicated in the following table 1. A use listed in table 1 of this section in any zone denoted by the letter "P" is permitted, by the letter "A" is accessory use, and by the letter "C" is a conditional use. (Ord. 796, 6-21-2006)

TABLE 1

PRINCIPAL, ACCESSORY, AND CONDITIONAL

USES PERMITTED IN ZONES

Uses	R-2A	R-2B	R-2C	R-2D	R-2E	R-2F
A state licensed residential facility or a housing with services establishment registered under Minnesota state statutes chapter 144D serving from 7 through 16 persons or a licensed daycare facility serving from 13 through 16 persons	n/a	n/a	n/a	n/a	C	C
A state licensed residential facility or a housing with services establishment registered under Minnesota state statutes chapter 144D serving 6 or fewer persons, a licensed daycare facility serving 12 or fewer persons, and a group family daycare facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children	P	P	P	P	P	P
Accessory apartments	A	A	A	A	A	A
Accessory buildings and structures requiring a conditional use permit as provided in section 11-3-3 of this title	C	C	C	C	C	C
Accessory structures	A	A	A	A	A	A
Agriculture	P	P	P	P	P	P
Antennas and towers	A	A	A	A	A	A
Apartments	n/a	n/a	n/a	n/a	C	C
Boarding homes, lodging houses, and tourist homes	C	C	C	C	C	C
Building and trailers temporarily located for purposes of construction or sales on the premises for a period of not to exceed the time necessary for such construction	A	A	A	A	A	A
Cemeteries and columbariums	C	C	C	C	C	C
Commercial horse stables, kennels, boarding stables and similar uses	C	C	C	C	C	C

Decorative landscape features, including, but not limited to, arbors, fences, retaining walls, and terraces	A	A	A	A	A	A
Electromagnetic communication facilities as regulated in section 11-4-7 of this title	C	C	C	C	C	C
Essential service structures	C	C	C	C	C	C
Excavation incidental to construction on the premises	A	A	A	A	A	A
Farmers' market, subject to compliance of the criteria established in section 11-8A-3 of this title, "Farmers' market on nonresidential property..."	A	A	A	A	A	A
Fences	A	A	A	A	A	A
Garage sales	A	A	A	A	A	A
Gardening and other horticultural uses where materials or products are grown but not sold on the premises, unless in accordance with state statutes	A	A	A	A	A	A
Golf courses and country clubs, which may include a restaurant, on-sale liquor license, assembly, and accessory retail; tennis clubs, and swimming pools serving more than 1 family	C	C	C	C	C	C
Group daycare/nursery school in a religious institution, community center, or academic education institution	n/a	n/a	n/a	n/a	C	C
Home occupations	A	A	A	A	A	A
Hospitals for human care, sanatoriums, rest homes and nursing homes	n/a	n/a	n/a	n/a	C	C
Limited commercial ventures conducted at historic properties as defined in section 11-9H-4 of this chapter	C	C	C	C	C	C
Municipal buildings and structures	P	P	P	P	P	P
Nonprofit clubs, lodges, social halls, fraternal organizations, and clubs	n/a	n/a	n/a	n/a	C	C
Parking lots and parking areas	A	A	A	A	A	A
Parks and playgrounds	P	P	P	P	P	P
Private swimming pools, recreation courts, and play apparatus intended for and used by the owners of the property	A	A	A	A	A	A
Public, private, and parochial schools, and quasi-public buildings and uses of a recreational, educational, religious, cultural, or public service types	C	C	C	C	C	C
Public utilities	P	P	P	P	P	P
Real estate sales in model homes	A	A	A	A	A	A
Religious institutions, including those related structures on the same site which are an integral part of the facility	C	C	C	C	C	C
Repair and maintenance of motor vehicles owned by the property owner	A	A	A	A	A	A

Signs, complying with the applicable regulations set forth in title 9, chapter 8 of this code	A	A	A	A	A	A
Single-family detached dwelling; 1 dwelling per lot	P	P	P	n/a	n/a	n/a
Townhouses, row homes, or multi-family apartments having 3 or more residential units attached	n/a	n/a	n/a	n/a	C	C
Twin home	n/a	n/a	n/a	P	P	n/a

(Ord. 796, 6-21-2006; amd. Ord. 841, 8-13-2008; Ord. 884, 10-20-2010)

11-9I-3: DEVELOPMENT STANDARDS:

The following table 2 of minimum lot area, yard, and bulk requirements must be observed:

TABLE 2

MINIMUM LOT AREA, YARD, AND BULK REQUIREMENTS

	<i>R-2A</i>	<i>R-2B</i>	<i>R-2C</i>	<i>R-2D</i>	<i>R-2E</i>	<i>R-2F</i>
Minimum lot area for detached single-family dwellings	11,000 sq. ft.	13,000 sq. ft.	21,500 sq. ft.	n/a	n/a	n/a
Minimum lot area for 2 single-family units attached	n/a	n/a	n/a	20,000 sq. ft.	20,000 sq. ft.	n/a
Minimum lot width for detached single-family dwellings	85 ft.	100 ft.	100 ft.	n/a	n/a	n/a
Minimum lot width for 2 single-family units attached	n/a	n/a	n/a	135 ft.	135 ft.	n/a
Minimum lot width at the right of way line for cul-de-sac lots	65 ft.	65 ft.	85 ft.	90 ft.	n/a	n/a
Minimum lot width that the minimum front yard setback line for cul-de-sac lots	90 ft.	90 ft.	90 ft.	90 ft.	n/a	n/a
Minimum front yard setback for attached garage if there is no porch on the front of the home	35 ft.	35 ft.	35 ft.	35 ft.	50 ft.	50 ft.
Minimum front yard setback for attached garage if there is a porch on the front yard	30 ft.	30 ft.	30 ft.	30 ft.	50 ft.	50 ft.
Minimum front yard setback for all principal structures	30 ft.	30 ft.	30 ft.	30 ft.	50 ft.	50 ft.
Maximum projection of an attached garage in front of the dwelling	6 ft.	6 ft.	6 ft.	6 ft.	n/a	n/a
Minimum front yard setback for an attached garage with the garage door facing a side property line	30 ft.	30 ft.	30 ft.	30 ft.	50 ft.	50 ft.
Minimum rear yard setback for all principal structures	35 ft.	35 ft.	35 ft.	35 ft.	50 ft.	50 ft.
Minimum interior side yard setback for a principal structure with less than 30 feet in height	10 ft.	10 ft.	10 ft.	15 ft.	50 ft.	50 ft.
Minimum interior side yard setback for principal structures that are greater than 30 feet to 35 feet in height	15 ft.	15 ft.	15 ft.	20 ft.	50 ft.	50 ft.

Minimum interior side yard setback for nonliving area of the principal structure	10 ft.	10 ft.	10 ft.	15 ft.	50 ft.	50 ft.
Minimum corner side yard setback for a principal structure adjacent to a collector or arterial street	25 ft.	30 ft.	30 ft.	30 ft.	30 ft.	50 ft.
Minimum corner side yard setback for a principal structure adjacent to a local street	20 ft.	25 ft.	25 ft.	25 ft.	25 ft.	35 ft.
Maximum lot coverage of all impervious surfaces	50%	50%	50%	50%	40%	40%
Maximum principal structure height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft.

(Ord. 796, 6-21-2006)

11-9I-4: SINGLE-FAMILY PERFORMANCE STANDARDS:

The following performance standards for all new single-family residential development zoned R-2A, R-2B, and R-2C must be observed:

- A. The minimum finished floor area for the following dwelling types are as follows:

Single-family rambler	1,500 square feet
All other single-family designs	2,000 square feet

(Ord. 796, 6-21-2006)

11-9I-5: MULTI-FAMILY AND TOWNHOUSE PERFORMANCE STANDARDS:

The following performance standards for all new multi-family and townhouse residential development must be observed:

- A. A minimum of thirty percent (30%) of all townhouse structures' and sixty percent (60%) of all multiple-family structures' exterior elevations, exclusive of doors, windows, and garage doors must be covered by brick or artificial stone. (Ord. 827, 10-17-2007)

- B. The minimum finished floor area for the following dwelling types zoned R-2D, R-2E, and R-2F are as follows:

Detached townhomes without basements	1,700 square feet
Detached townhomes with basements	1,500 square feet
Attached townhomes without basements	1,400 square feet
Attached townhomes with basements	1,200 square feet

- C. Site and architectural plans will be reviewed by a licensed design professional selected by the city. The cost for this review will be paid by the developer as part of the planning application escrow fee.

- D. Structures must incorporate varied and articulated facades. Buildings must include prominent entry features, pitched roofs, and transitional architectural features such as porches and covered stoops. (Ord. 796, 6-21-2006)



U.S. Department of Education

Minnesota State Regulations

Updated November 20, 2012

State Regulation of Private and Home Schools — [Map](#)

Private Schools

Accreditation, Registration, Licensing, and Approval

- Minnesota defines a nonpublic school as any school, church or religious organization, or home school where a student can fulfill compulsory education requirements, that is located in the state, and that meets the requirements of Title VI of the *Civil Rights Act of 1964*. *Minn. Stat. Ann.* §123B.41, Subd. 9.
- *Accreditation* is optional.
 - The Nonpublic Education Council may recognize educational accrediting agencies. *Minn. Stat. Ann.* §123B.445.
 - Minnesota nonpublic schools (traditional private schools or home schools) that are directly accredited by an organization that has been recognized by the Minnesota Nonpublic Education Council or the Commissioner of Education are eligible for reduced reporting requirements to the superintendents of the districts where their students reside, as outlined in *Minn. Stat. Ann.* §120A.22, Minnesota Compulsory Instruction Law.
- No requirements for *Registration*.
- No requirements for *Licensing*.
- No requirements for *Approval*.

Teacher Certification

- Teacher certification is optional. An instructor in Minnesota must meet one of the following criteria: Hold a valid Minnesota teaching license for the grade level at which he or she will teach; be directly supervised by an individual with a valid Minnesota teaching license; successfully complete a teacher competency examination; provide instruction in a school that is accredited by an accrediting agency recognized by the commissioner. *Minn. Stat. Ann.* §122A.15; hold a baccalaureate degree; be a parent of a child whose performance is assessed each year in accordance with *Minn. Stat. Ann.* §120A.22, Subd. 11. *Minn. Stat. Ann.* §120A.22, Subd. 10.

Length of School Year and Days

- The state does not regulate the length of the school year for students attending nonpublic schools.

Curriculum

- Minnesota's compulsory education law requires instruction in 1) basic communication skills, including reading, writing, literature, and fine arts; 2) mathematics and science; 3) social studies, including history, geography, and government; and 4) health and physical education. *Minn. Stat. Ann.* §120A.22, Subd. 9.
- Instruction, textbooks, and materials must be offered in the English language. *Minn. Stat. Ann.* §120A.22. Another language may be used for students with limited English proficiency. *Minn. Stat. Ann.* §§124D.59-124D.61 et seq.
- School districts may provide nonpublic school students of limited English proficiency the opportunity to participate in specially designed programs for such students attending public school. *Minn. Stat. Ann.* §124D.65, Subd. 6.
- Nonprofit, nonpublic, nonsectarian schools may contract with local school districts to provide educational services to at-risk children under the state's High School Graduation Incentives Program. *Minn. Stat. Ann.* §124D.68.
- Nonpublic schools may contract with local school districts to provide American Indian language and culture education programs to American Indian children. *Minn. Stat. Ann.* §124D.74.
- The State Department of Education may provide assistance to nonpublic schools participating in a local school district's violence prevention education program at neutral sites. *Minn. Stat. Ann.* §120B.22.



U.S. Department of Education

Recordkeeping and Reports

- Nonpublic schools must complete and submit the Minnesota Compulsory Instruction Report to the local superintendent by October 1 of each school year. The report requires the name, age, and address of each child receiving instruction. In addition, schools not accredited by the Minnesota Department of Education or an accrediting organization recognized by the Minnesota Nonpublic Education Council must also report the name of each instructor and evidence of their qualifications; and they must make available documentation that the requisite subjects are being taught and provide class schedules, materials for instruction, and descriptions of methods used to assess student achievement. *Minn. Stat. Ann.* §120A.24.
- Nonpublic school administrators are responsible for issuing age certificates for students in attendance who wish to obtain employment. *Minn. Stat. Ann.* §181A.06.
- Any minor 14 or 15 years of age who wishes to work on school days during school hours shall first secure an employment certificate. The certificate shall be issued only by the school district superintendent, the superintendent's agent, or some other person designated by the board of education. The employment certificate shall be issued only for a specific position with a designated employer and shall be issued only in the following circumstances:
 1. if a minor is to be employed in an occupation not prohibited by rules promulgated under *Minn. Stat. Ann.* §181A.09 and as evidence thereof presents a signed statement from the prospective employer; and
 2. if the parent or guardian of the minor consents to the employment; and
 3. if the issuing officer believes the minor is physically capable of handling the job in question and further believes the best interests of the minor will be served by permitting the minor to work.

Health and Safety Requirements

- Immunizations are mandatory for students attending any elementary or secondary school in Minnesota unless contraindicated for medical reasons or contrary to conscientiously held beliefs of the parent or guardian or emancipated student. *Minn. Stat. Ann.* §121A.15.
- The State Department of Education may assist private schools participating in a local school district's AIDS prevention or AIDS risk-reduction program at a neutral site. *Minn. Stat. Ann.* §121A.23.
- Private schools not subject to crisis management policy requirements in accordance with *Minn. Stat. Ann.* §121A.035 are required to have at least five school lockdown drills, five school fire drills consistent with *Minn. Stat. Ann.* § 299F.30, and one tornado drill. 2006 Omnibus Education Policy Act, Chapter 263 Article 1 Section 7.
- Private schools are required to have at least nine fire drills each school year and to keep all doors and exits unlocked from the inside during school hours. Records of drills must be posted for review by the state fire marshal. *Minn. Stat. Ann.* §299F.30.
- All schools must be operated in compliance with the uniform fire code. *Minn. Stat. Ann.* §299F.391.
- Private schools may develop a voluntary fingerprinting program for pupils in conjunction with law enforcement agencies having jurisdiction where the nonpublic school is located. *Minn. Stat. Ann.* §123B.07.
- Private schools may participate in school district chemical abuse programs. Teachers at participating schools have a duty to report incidences of chemical abuse on school property or at school-related activities. *Minn. Stat. Ann.* §§121A.26; 121A.29.
- Local authorities may establish the speed limit within a school zone of a private school based on an engineering and traffic investigation. *Minn. Stat. Ann.* §169.14, Subd. 5a.
- The commissioner of public safety distributes a missing children's bulletin to private schools on a quarterly basis. *Minn. Stat. Ann.* §299C.54.
- An assault against a private school teacher performing official duties that results in demonstrable bodily harm is a gross misdemeanor. *Minn. Stat. Ann.* §609.2231 Subd. 5.
- Private school instructional or supervisory staff may use reasonable force to restrain a student from self-injury or injury to another or to property. *Minn. Stat. Ann.* §609.379.

Transportation



U.S. Department of Education

- A school district eligible to receive state aid for transportation must provide equal transportation within the district for all school children to any school when transportation is necessary because of distance or traffic conditions. Transportation may be provided under limited circumstances to out-of-district schools. Transportation is also authorized for private school students receiving pupil support services at public schools or neutral sites. *Minn. Stat. Ann.* §123B.86.
- Private school students transported by a public school district must act in accordance with the student bus conduct and discipline policies of the transporting public school district. 2006 Omnibus Education Policy Act, Chapter 263 Article 1 Section 10.
- Public transportation of private school students attending parochial schools does not violate the Minnesota constitutional provision prohibiting the use of public funds to support sectarian schools. *Americans United Inc. as Protestants and Other Americans United for Separation of Church and State v. Ind. School Dist. No. 622, Ramsey County, 179 N.W.2d 146, Minnesota Supreme Court (1970).*

Textbooks

- Local school districts must provide or loan "textbooks, individualized instruction or cooperative learning materials, and standardizes tests" to students enrolled in nonpublic schools upon formal request on designated forms. Textbooks include only those secular, neutral, and non-ideological textbooks available to public school students. *Minn. Stat. Ann.* §123B.42.
- If the state appropriation for services is not sufficient, the State Department of Education must notify the school districts of the need to prorate the appropriation. *Minn. Stat. Ann.* §123B.47.

Testing

- Local school districts must provide standardized testing services to students enrolled in private schools upon formal request. *Minn. Stat. Ann.* §123B.42.
- Students attending private schools that are not accredited by a state-recognized accrediting agency must be assessed annually using a nationally norm-referenced standardized achievement examination. Students attending private schools accredited by a state-recognized accrediting agency are exempt from the testing requirement. *Minn. Stat. Ann.* §120A.22, Subd. 11.
- Minnesota may pay all or part of the fee for Advanced Placement (AP) examinations for needy students attending nonpublic schools. *Minn. Stat. Ann.* §120B.13.

Special Education

- Students with disabilities attending private schools that fulfill the compulsory instruction requirements and comply with Title VI of the Civil Rights Act of 1964 may not be denied special instruction and services on a shared time basis through the public school. Transportation to and from the nonpublic school may be provided by the school district. *Minn. Stat. Ann.* §125A.18.
- Educational institutions are prohibited from discriminating on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability, or from failing to ensure physical and program access for persons with disabilities. Religious corporations, associations, and societies are exempt with respect to qualifications based on religion or sexual orientation, when these are bona fide occupational qualifications. Religious or denominational institutions may limit or give preference to applicants of the same religion. Single-sex private schools are also permitted. *Minn. Stat. Ann.* §§363.02 Subd. 1, 3; 363.03 Subd. 5.

Nursing and Health

- Local school districts must provide equivalent health services and guidance or counseling services "as are provided to public school pupils by the district where the nonpublic schools is located" to students attending nonpublic schools upon formal request. Health and guidance and counseling services may be provided on the nonpublic school grounds. *Minn. Stat. Ann.* §123B.44.
- Nonpublic school students may participate in the state's milk program that ensures all students have access to milk on a daily basis. *Minn. Stat. Ann.* §124D.118.
- If a nonpublic school participates in the school lunch aid program or school breakfast program, the school must make lactose-reduced milk available to students. *Minn. Stat. Ann.* §124D.114.



U.S. Department of Education

- If a nonpublic school participates in the school lunch aid program or school breakfast program, state aid is provided on a per-meal basis in addition to the federal reimbursements. *Minn. Stat. Ann.* §124.D.111 and 124D.1158.

Technology

- Minnesota traditional nonpublic schools may purchase computers through the Minnesota Computers for Schools Program. Computers for Schools is a program of the Minnesota Correctional Facility, where inmates refurbish computers donated by corporations.
- Minnesota traditional nonpublic schools are covered under the Telecommunications/Internet Access Equity Aid. *Minn. Stat. Ann.* §125B.26.
- Minnesota nonpublic schools may participate in the federal E-Rate program.

Professional Development

- Nonpublic school administrative units are eligible for nonvoting associate memberships in the Educational Cooperative Service Units. The ECSU performs educational planning on a regional basis and provides educational programs and services. *Minn. Stat. Ann.* §123A.21, Subd. 3.
- The Minnesota Academic Excellence Foundation was established to promote academic excellence in Minnesota public and nonpublic schools. Through the foundation, students and teachers are recognized for academic excellence, and an academic league provides competition for public and nonpublic students in elementary and secondary schools. *Minn. Stat. Ann.* §124D.94, Subd. 2.

Reimbursement for Performing State and Local Functions

- There is no state policy at this time.

Tax Exemption

- A nonprofit nonpublic school may complete the Minnesota Department of Revenue's Application for Nonprofit Exempt Status—Sales Tax. *Minn. Stat. Ann.* §297A.70.

Public Aid for Private Education

- **Constitutional Provisions:** "In no case shall any public money or property be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught." *Minn. Const.* art. XIII, § 2.
- **Programs for Financial Assistance for Attendance at Private Schools:** K—12 Education Credit and Subtraction Program provides financial assistance to parents of qualifying students through Minnesota tax credits for qualified educational expenses. Students qualify if they attend a public, private, or home school. Qualified educational expenses include tutoring by a qualified instructor; fees for qualified after-school programs; tuition for qualified summer camps; music lessons; qualified nonreligious books and materials; purchase or rental of musical instruments for use in regular school music classes; qualified transportation costs; and up to \$200 in computer related expense. The subtraction program was enacted in 1955 and expanded in 1997. It allows parents of qualifying students to receive subtractions from their taxable income for qualified expenses that are covered by the tax credit, as well as tuition for private school and college courses that satisfy high school graduation requirements. The same expense cannot be claimed as both a credit and subtraction. The amount of the credit is 75 percent of the amount expended, with income restrictions on the maximum credit amount. The maximum subtraction amount is \$1,625 for students in grades K—6 and \$2,500 for students in grades 7—12. *Minn. Stat. Ann.* §290.0674 and *Minn. Stat. Ann.* §290.01.

Home Schools

- "The parent of a child is primarily responsible for assuring that the child acquires knowledge and skills that are essential for effective citizenship." *Minn. Stat. Ann.* §120A.22.
- A home school is defined as a nonpublic school wherein a resident of Minnesota may legally fulfill the compulsory instruction requirements. The home school must be located within the state and must meet the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352). *Minn. Stat. Ann.* §123B.41.



U.S. Department of Education

- The local superintendent is responsible for ensuring compliance with Minnesota's compulsory instruction law. *Minn. Stat. Ann.* §120A.26.

Initial and Renewal Applications

- A parent conducting a home school must complete and submit documentation that meets annual reporting requirements to the local superintendent by October 1 of the first school year "the child receives instruction after reaching the age of seven." *Minn. Stat. Ann.* §120A.24.
- Home school instructors submit to the local superintendent either a full report or a Letter of Intent to Continue Homeschooling. *Minn. Stat. Ann.* §120A.24, §120A.22, §121A.15.

Curriculum and Instruction

- Home schools are required to provide instruction in: 1) basic communication skills, including reading, writing, literature, and fine arts; 2) mathematics and science; 3) social studies, including history, geography, and government; and 4) health and physical education. *Minn. Stat. Ann.* §120A.22.
- Instruction, textbooks, and materials must be in the English language. It is permissible to use another language in addition to English, according to *Minn. Stat. Ann.* §124D.59-124D.61.
- Home school students may take non-elective core courses in the local public school at the discretion of the local school district. Local school districts receive prorated funding from the state for the portion of time used to educate nonpublic school students. *Minn. Stat. Ann.* §126C.19.
- Home school students are eligible to participate in cocurricular activities in their resident local school district. *Minn. Stat. Ann.* §123B.49.
- Teacher certification is not required. However, if the home school is not accredited by a Minnesota state-recognized accrediting agency (TEACH or HBEA as of September 2008), then the parent is required to submit instructor qualifications in accordance with the Compulsory Instruction Law. *Minn. Stat. Ann.* §120A.22, Subd.10(6).

Assessment and Diplomas

- A home school student is required each year to be "assessed using a nationally norm-referenced standardized achievement examination." Both the parent and the superintendent must agree on the specific examination, the administration, and location of the examination. *Minn. Stat. Ann.* §120A.22, Subd.11.

Health

- Home schools must submit immunization to the local school district in which the home school is located the first year of the child's homeschooling in Minnesota and the grade seven year. *Minn. Stat. Ann.* §121A.15.

Tax Exemption

- Limited aid is available. Costs can include instructional materials, field trips, and most importantly, parental time, as the parent/guardian is the instructor and administrator of the homeschool. *Minn. Stat. Ann.* §§123B.41, 290.0674.

Public School Access

- School districts "shall allow all resident pupils receiving instruction in a home school ... to be eligible to fully participate in extracurricular [but not co-curricular] activities on the same basis as public school students." *Minn. Stat. Ann.* §123B.49, Subd.4(a).
- Shared Time – School districts may establish policies that allow nonpublic school students who reside in a district to take public school classes to fulfill the district's graduation requirements. Local policy determines which classes are eligible and other factors may affect a nonpublic school student's ability to enroll. *Minn. Stat. Ann.* §§126C.19; 126C.01, Subd. 6-8.

Web Resources

Information and Legislation

- [Minnesota Department of Education \(MDE\): School and Enrollment Choices](#) Homeschool Full Report, Letter of Intent to Homeschool, Frequently Asked Questions about Homeschooling



U.S. Department of Education

- MDE: Nonpublic Education Council
Minnesota Department of Revenue: Education Credit and Subtraction
- 2012 Minnesota Statutes
- Chapters 120 — 129B, Education Code: Prekindergarten — Grade 12
- 2012 Minnesota Statutes Index (topics) — NONPUBLIC SCHOOLS
- 2012 Minnesota Statutes Index (topics) — HOME SCHOOLS

Contact Information--State and Federal Departments of Education

- Minnesota Department of Education
1500 Highway 36 West
Roseville, MN 55113-4266
Phone: 651-582-8200
Fax: 651-582-8724
E-mail: mde.contactus@state.mn.us
Website: <http://education.state.mn.us/mde/index.html>
- U.S. Department of Education, [Minnesota](#)

<https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/minnesota.html>

e. Chapter and section number of proposed amendment along with existing text of section.

(Ord. 2012-073, passed 3-19-2013)

§ 154.401 PERMITTED, CONDITIONAL, AND INTERIM USES.

Table 9-1 lists all permitted, conditional, and interim uses allowed in the rural districts. “P” indicates a permitted use, “C” a conditional use, and “I” an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

A. *Combinations of Uses.* Principal and accessory uses may be combined on a single parcel.

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household Living						
Single-Family Detached Dwelling	P	P	P	P	P	154.404 (A)
Secondary Dwelling	-	P	-	-	-	154.404 (D)
Services						
Self Service Storage Facility	I ^a	I ^a	-	-	-	154.404 (G)
Outdoor Recreation						
Outdoor Recreation Facility	-	C	-	-	-	154.306 (C)
Parks and Open Areas	P	P	P	P	P	154.012 (B) (7)
Restricted Recreation	-	C	-	-	-	154.306 (B)
Agricultural and Related Uses						
Agricultural Entertainment Business	I	I	I	-	-	154.914
Agricultural Production	P	P	P	-	-	154.012 (B) (9)
Agricultural Sales Business	I	I	I	-	-	154.913
Agricultural Services	C	C	-	-	-	154.404 (J)
Forestry Operations	-	P	-	-	-	154.012 (B) (9)
Greenhouses, Non Retail	C	C	C	-	-	154.012 (B) (9)
Wayside Stand	P	P	P	-	-	154.012 (B) (9)
Industrial and Extractive Uses						
Motor Freight and Warehousing	I ^a	-	-	-	-	154.404 (G)
Alternative Energy						
Solar Farm	I	C	C	-	-	154.308 (A)
Wind Generator – Ground Mounted	C	C	C	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308 (B)
Accessory Uses						
Bed and Breakfast	P	P	P	P	P	154.310 (A)
Domestic Pets	P	P	P	P	P	154.012 (B) (12)
Family Day Care	P	P	P	P	P	154.012 (B) (12)
Home Occupation	P	P	P	P	P	154.310 (E)
Kennel, Private	C	C	C	-	-	154.012 (B) (12)

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Solar Energy Systems	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	154.012 (B) (12)
Temporary Sales	P	P	P	P	P	154.012 (B) (12)
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Wind Generator – Ground Mounted	C	C	C	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308 (B)
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			154.310 (D)
Open Space Preservation Development						
OP Development	-	C	C	-	-	Article 16

Notes to Rural Districts Table 9-1

Add the line "Schools, Public and Private" under Accessory Uses in 154.401, Table 9-1.

Accessory Uses						
Bed and Breakfast	P	P	P	P	P	154.310 (A)
Domestic Pets	P	P	P	P	P	154.012 (B) (12)
Family Day Care	P	P	P	P	P	154.012 (B) (12)
Home Occupation	P	P	P	P	P	154.310 (E)
Kennel, Private	C	C	C	-	-	154.012 (B) (12)
School, Public and Private	C	C	C	C	C	154.303 (A)

§ 154.404 SITE DESIGN AND DEVELOPMENT STANDARDS.

Development of land within the rural districts shall follow established standards for traffic circulation, landscape design, parking, signs and other considerations as specified in Articles 7, 8 and 9. (Ord. 08-152, passed 10-01-2016) The following standards apply to specific uses, and are organized by district.

- A. *Single-Family Detached Dwelling, All Rural Districts.* All single-family dwellings shall be at least twenty-four (24) feet in width, at least nine hundred sixty (960) square feet in area, and be placed on a permanent foundation.
- B. *Septic Drainfield Regulation, A, RR, and RS Districts.* All lots must have at least 20,000 square feet of land suitable for septic drainfields and area sufficient for 2 separate and distinct drainfield sites. Placement of the second required drainfield between the trenches of the first drainfield is prohibited.
- C. *Septic Drainfield Regulation, RE District.* All new subdivided lots shall have a minimum area of 10,000 square feet. If the lot is less than 10,000 square feet, a septic drainfield screening will be required.

J. *Agricultural Services and Support, RT, A Districts*

- 1. A facility established after the effective date of this ordinance shall have direct access to a collector or higher classification street.
- 2. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.
- 3. All processing of animal or dairy products shall take place within an enclosed building.

2 | Page

- g. **A narrative describing your reason for requesting zoning text amendment. Your description should include how you would be impacted by the zoning text amendment.**

I wish to bring my small private microschool to a Lake Elmo Rural Residential property. Lake Elmo's location and accessibility makes it the most desirable location for my school, as our student body draws from Hudson and the entire St. Croix River Valley all the way to the Metro area. Lake Elmo has a unique small town charm that will work hand in hand with our 'one-room schoolhouse of the future'.

Awakening Spirit Farm School is registered with the state of MN as a nonpublic (private) school. We take highly sensitive students who currently 'hate school' and help them reignite a love of learning.

Between 2-5% of all school age children suffer from anxiety-based school refusal. It presents between the ages of 5-6 and 10-11. These children are not troublemakers. They, in fact, tend to have average or above-average intelligence, but they may develop serious educational or social problems if fears and anxieties keep them away from school. When they do attend, they suffer from stomachaches, headaches, crying jags and even behavior problems. No true learning is possible when they are stuck in a fight-flight-freeze brain pattern.

As we are a very small school, we operate as an old fashioned one-room schoolhouse, with two mixed age classrooms (a mixed age kindergarten and an upper elementary/middle school). **We have three full time teachers with a maximum student body of 24.** As a home-like environment is crucial to our vision of creating a warm and nurturing space. Our beautiful, natural classroom will eliminate stressors like chaotic halls, bells, overcrowding and active shooter drills. We will use essential oils, art, therapy animals, movement, purposeful farm and garden work, prayer and meditation to provide ongoing stress-relief.

Please see the attached brochure for more information about the school.

How the text amendment meets the Comprehensive Plan.

“Living Healthy in Washington County” is striving to make a positive difference across the county, including supporting policy changes within schools and communities around healthy youth development. Our school fits in this plan as we provide a wellness-based education alternative for the community’s youth.

City of Lake Elmo Comprehensive Plan 2040

CG Goal #1: Promote Lake Elmo as an exceptional place to live because of its proximity to the metropolitan area and access to healthcare, culture, and jobs.

Strategy c. Identify opportunities to bring new businesses and services to the community that support existing and future residents and neighborhoods.

Awakening Spirit Farm School will be employing three full time teachers year-round. We will also bring additional K-8 educational options for families who would benefit from the services and setting that our school can provide. Our one-room schoolhouse of the future will add to the unique small-town charm of the Lake Elmo community.

CG Goal #4. Provide a framework for developers and land owners that clearly communicates the desires and expectations of the City for specifically guided areas of the community.

Strategy b. Strengthen existing ordinances, zoning districts and other regulatory tools to clearly, and directly, support the Comprehensive Plan and land use designations.

Currently, schools (public and private) are not addressed in the Residential District use tables, but they are in the Urban Residential District use tables. By adopting this text amendment, the City of Lake Elmo will update its municipal code to align ordinances within its own code and that of neighboring cities.

Seven cities include language in their city code to allow for conditional use permits of Rural/Ag zoned parcels to support schools: Woodbury, Orono, Cottage Grove, Rogers, Bayport, Lakeland, Grant.

LU Goal #1. Work with residents, developers, land owners and other stakeholders through the development process and require development that is consistent with the Future Land Use Plan.

Strategy a. Create clearly defined land use designations that are responsive to a dynamic market place and create a balanced land use pattern

By adopting this text amendment to extend conditional use permits to schools on rural residential parcels, the City of Lake Elmo will be able to clearly define land use on a dynamic and case by case basis.

How the text amendment will impact the zoning and the subdivision code.

Conditional usage for “Schools, public and private” is allowed in Urban Residential districts in existing Lake Elmo code.

Article XII. Urban Residential Districts, section § 154.45 allows for conditional use approval for “Schools, public and private” in “Low Density Residential Districts (LDR)”, “Urban Medium Density Residential District (MDR)” and “Urban High Density (HDR) parcels” 154.301

No changes are proposed to the subdivision code.

City of Orono

After talking with the Planner perspective school properties of 15 acres or less would need to follow the CUP process and appropriate conditions would be applied during the CUP review.

The following information is the criteria that is used by Orono to review conditional use permits.

RR-1B Sect 78-418 (11) Schools, daycare centers, uses accessory to a high school on lots less than 15 acres.

a. Pre-kindergarten, primary and secondary public schools and private schools with a curriculum similar to a pre-kindergarten, primary or secondary school. Schools may include before and after school care for students.

b. Daycare centers, nursery schools and similar programs that are not associated with a public or private school and serve pre-kindergarten children.

c. Indoor ice arenas accessory to a high school provided the arena, including accessory uses, is:

1. Located on the same tax parcel as the high school to which it is accessory and is owned by the local school district;

2. Not separated from the high school building by a public road;

3. Operated by the school district or by a nonprofit organization; and

4. All structures are located at least 50 feet from any adjacent property zoned for residential use.

Sec. 78-916. - Granting of permit.

(a) The planning commission may recommend and the council may grant a conditional use permit as the use permit was applied for or in modified form. On the basis of the application and the evidence submitted, the city must find that the proposed use at the proposed location is or will be:

(1) Consistent with the community management plan;

(2) Compliant with the zoning code, including any conditions imposed on specific uses as required by article V, division 3 of the City Code;

(3) Adequately served by police, fire, roads, and stormwater management;

(4) Provided with an adequate water supply and sewage disposal system;

(5) Not expected to generate excessive demand for public services at public cost;

(6) Compatible with the surrounding area as the area is used both presently and as it is planned to be used in the future;

(7) Consistent with the character of the surrounding area, unless a change of character is called for in the community management plan;

(8) Compatible with the character of buildings and site improvements in the surrounding area, unless a change of character is called for in the community management plan;

(9) Not expected to substantially impair the use and enjoyment of the property in the area or have a materially adverse impact on the property values in the area when compared to the impairment or impact of generally permitted uses;

(10) Provided with screening and buffering adequate to mitigate undesirable views and activities likely to disturb surrounding uses;

(11) Not create a nuisance which generates smoke, noise, glare, vibration, odors, fumes, dust, electrical interference, general unsightliness, or other means;

(12) Not cause excessive non-residential traffic on residential streets, parking needs that cause a demonstrable inconvenience to adjoining properties, traffic congestion, or unsafe access;

(13) Designed to take into account the natural, scenic, and historic features of the area and to minimize environmental impact;

(14) All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts; and

(15) Not detrimental to the public health, public safety, or general welfare.

(b) A conditional use permit may be granted subject to such conditions as the council may prescribe.

(c) A conditional use permit shall remain in effect as long as the conditions imposed by the city council are observed, but nothing in this section shall prevent the city from enacting or amending official controls to change the status of conditional uses.

(d) A certified copy of any conditional use permit shall be filed with the county recorder or registrar of titles. The conditional use permit shall include the legal description of the property included.

Cottage Grove

City Staff spoke to the Planner for Cottage Grove and they indicated a similar process as Orono. If a plan were to come in, in a district where a school was allowed conditions would be applied during review. The following information is the criteria that Cottage Grove would use to review conditional use permits.

11-2-9: CONDITIONAL USE PERMITS:

A. Purpose And Interpretation: In order to give the district use regulations of this Title the flexibility necessary to achieve the objectives of the Comprehensive Plan, in certain districts conditional uses are permitted, subject to the granting of a use permit.

Conditional uses include those uses generally not suitable in a particular zoning district, but which may, under some circumstances, be suitable. When such circumstances exist, a conditional use permit may be granted. The permit shall be issued for a particular use and not for a particular person or firm.

B. Conditions Imposed; Performance Bond:

1. Conditions may be applied to issuance of the permit, and a periodic review of the permit may be required. Such conditions for conditional use permits for land designated to be flood plain may include, but are not limited to, the following:

- a. Modification of waste treatment and water supply facilities;
- b. Limitations on period of use, occupancy, and operation;
- c. Imposition of operational controls, sureties, and deed restrictions;
- d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures;
- e. Floodproofing measures, in accordance with the State Building Code and this Title. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associate flood factors for the particular area.

2. A performance bond of sufficient duration and amount to complete any of the conditions set forth in a permit may be required and, if so, shall be filed with the Director of Community Development prior to issuance of a building permit.

C. Application For Permit: An application for a conditional use permit shall be filed with the Director of Community Development and shall be accompanied by twelve (12) copies of a site plan meeting all of the requirements of Section 11-2-4 of this Chapter.

D. Public Hearing By Planning Commission: The Planning Commission shall hold at least one public hearing, giving the same public notice and making its written report to the City Council as required for amendments in subsections 11-2-8D and E of this

Chapter.

E. Action By Council: Action on conditional use permit applications shall be taken by the City Council by the same procedures as required for amendments by subsection 11-2-8F of this Chapter; except, that the granting of a conditional use permit shall require a majority vote of the City Council.

F. Criteria For Issuance Of Permit: In granting a conditional use permit, the City Council shall find that:

1. The use will be in conformity with the City's Comprehensive Plan and with the purpose, intent and applicable standards of this Title.

2. The use shall be located, designed, maintained and operated to be compatible with the existing or intended character of that zoning district in which it is located.

3. The use shall not depreciate values of surrounding property.

4. The use shall not be hazardous, detrimental or disturbing to present and potential surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, general unsightliness or other nuisances.

5. The use shall generate only minimal vehicular traffic on local streets as defined by the transportation element of the Comprehensive Plan. The use shall not create traffic congestion, unsafe access or parking needs that will cause inconveniences to the adjoining properties.

6. The use shall be served adequately by essential public services, such as streets, police, fire protection and utilities.

7. The use shall not create excessive additional requirements at public cost for public facilities and services and shall not be detrimental to the economic welfare of the City.

8. The use shall preserve and incorporate the site's important natural and scenic features into the development design.

9. The use shall cause minimal adverse environmental effects.

10. The use shall not adversely affect the potential development of adjacent vacant land.

11. In the case of flood plain applications, the following items shall be considered in addition to the aforementioned criteria:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments;

b. The danger that materials may be swept onto other lands or downstream to the injury of others or that they may block bridges, culverts or other hydraulic structures;

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

d. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;

e. The requirements of the facility for a water front location;

f. The availability of alternative locations not subject to flooding for the proposed use;

g. The compatibility of the proposed use with existing flood plain development and flood plain development anticipated in the foreseeable future;

- h. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for the area;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
- k. Such other factors which are relevant to the purposes of locating the proposed use in the flood plain.

G. Revocation Of Permit: A violation of any condition set forth in a conditional use permit shall be a violation of this Title and shall constitute grounds for revocation of the conditional use permit by the City Council.

H. Expiration Of Permit: A conditional use permit shall become void one year after it was granted, unless made use of within the year, or such longer period as the City Council may provide. (1971 Code § 28-14)

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

ORDINANCE NO. 08-__

**AN ORDINANCE AMENDING THE LAKE ELMO CITY ZONING CODE OF
ORDINANCES BY AMENDING THE SPECIFIC DEVELOPMENT STANDARDS AND
THE RURAL RESIDENTIAL ZONING DISTRICT TO ALLOW SCHOOLS FOR
PROPERTIES MEETING THE ESTABLISHED SITE CRITERIA.**

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article IX Specific Development Standards: by amending Section 154.303 Standards for Services;

§ 154.303 STANDARDS FOR SERVICES.

A. Educational Services. Except in the industrial districts, all typical activities shall be conducted within an enclosed building.

B. Schools, Public and Private (For the rural zoning districts).

1. The minimum lot area required for a rural school shall be 5 acres.
2. An affiliate of the school must live on site as a permanent resident.
3. *The site must have primary access to a roadway that is not classified as a neighborhood street or a "B Minor" in the Comprehensive plan.
4. All parking shall be contained on site and shall follow the standards in section 154.210
5. Student drop off and pick up must occur on site.
6. The buildings on site which are intended for use by the school will be subject to a review by the City Building Official and the Fire Chief.
 - a. The applicant must have a pre application meeting on site with the Building Official before final submission of a land use application.
7. The buildings must meet the Minnesota State Building Code for the proposed use.
8. The School must comply with the applicable requirements of the U.S. and/or Minnesota Department of Education.
9. The septic system shall be inspected and approved by Washington County verifying the site can functionally support the allotted number of students and Staff.
 - a. The septic approval/review shall be provided to the City.
10. All structural additions and modifications if desired, shall be structurally similar by design and color to the existing structure and shall represent the appearance of a residential property.
11. There shall be no overnight activities.
12. There shall be no more than 25 students on site at a time.
13. All school assemblies (Such as plays, parent teacher conference, etc.) shall be conducted Monday through Friday. All assemblies desired outside of this time frame shall be conducted off site.

B-C. Medical Facilities. The facility shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate. A minimum of two (2) access points shall be provided.

1. Any new hospital or expansion of an existing hospital shall submit a master plan that shall describe proposed physical development for at least a ten (10) year period, and shall include a description of proposed development phases and plans, estimated dates of construction and anticipated interim uses of property.

2. Landing pads for helicopters involved in emergency rescue operations, and helicopter flight paths shall meet all applicable federal and state requirements.

~~C.D.~~ Nursing and Personal Care

1. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the existing building and surrounding neighborhood.
2. The site shall maintain a minimum of fifty (50) square feet of green space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. In cases of unique circumstances, the City may consider public parks or plazas within three hundred (300) feet of the site to meet this requirement. It is the responsibility of the applicant to demonstrate why the green space cannot be located on-site.
3. An appropriate transition area between the use and adjacent property may be required, to include landscaping, screening and other site improvements consistent with the character of the neighborhood.

~~D.E.~~ Self-Service Storage Facility

1. No commercial transactions shall be permitted other than the rental or sale of storage units.
2. No more than one (1) unit shall be accessed directly from the public street.
3. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title XV Land Use: Chapter 154 Zoning Code; Article XI Rural Districts: by amending Section 154.401, Table 9-1 Permitted, Conditional, and Interim Uses, Rural districts;

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

Accessory Uses	RT	A	RR	RS	RE	
Bed and Breakfast	P	P	P	P	P	154.310 (A)
Domestic Pets	P	P	P	P	P	154.012 (B) (12)
Family Day Care	P	P	P	P	P	154.012 (B) (12)
Home Occupation	P	P	P	P	P	154.310 (E)
Kennel, Private	C	C	C	-	-	154.012 (B) (12)
Solar Energy Systems	P	P	P	P	P	154.310 (C)
Stable, Private	C	C	C	-	-	154.012 (B) (12)
Swimming Pools, Hot Tubs, Etc.	P	P	P	P	P	154.012 (B) (12)
Temporary Sales	P	P	P	P	P	154.012 (B) (12)
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
Wind Generator – Ground Mounted	C	C	C	C	C	154.308 (B)
Wind Generator – Roof/Structure Mounted	C	C	C	C	C	154.308 (B)
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	
Commercial Wedding Ceremony Venue	I	I	I			154.310 (D)
<u>Schools, Public and Private</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>154.303 (B)</u>
Open Space Preservation Development						
OP Development	-	C	C	-	-	Article 16

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 08-____ was adopted on this _____ day of ____ 2020, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-____ was published on the ____ day of _____, 2020.

Appeals from the zoning administrator's determinations and questions or doubt concerning the exact location of district boundary lines shall be heard by the board of zoning appeals and adjustments and a recommendation made to the council.

(Code 1984, § 10.16(4))

Sec. 78-165. - Vacations do not affect boundary lines.

Whenever any street, alley or other public way is vacated by official action of the city, the zoning district abutting the centerline of the alley or public way shall not be affected by such proceeding.

(Code 1984, § 10.16(5))

Sec. 78-166. - Annexations.

Any property duly annexed to the city shall become a part of the RR-1A district unless it was otherwise zoned in the adjoining municipality before annexation, in which case it will fall in the zone most closely approximating the zone in the municipality from which it was annexed.

(Code 1984, § 10.16(6))

Secs. 78-167—78-200. - Reserved.

ARTICLE IV. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 78-201. - Interpretation and application of zoning district uses.

This article sets forth the permitted, conditional and accessory uses that are allowed in zoning districts. Uses listed as permitted uses constitute allowable principal uses of a property. Uses listed as conditional uses require a conditional use permit. Listed accessory uses are subordinate to and considered as customarily incidental to the principal permitted or conditional use on the property.

(Ord. No. 106 3rd series, § 2, 6-10-2013)

Secs. 78-202—78-225. - Reserved.

DIVISION 2. - R-1A ONE-FAMILY RESIDENTIAL DISTRICT

Sec. 78-226. - Purpose.

The R-1A one-family residential district is intended to provide a district which will allow a combination of low-density residential development and limited agricultural activity. Planned residential developments may be allowed by conditional use permit. The district shall have immediate access to highways and public sanitary sewer.

(7) Schools, daycare centers, uses accessory to a high school.

- a. Pre-kindergarten, primary and secondary public schools and private schools with a curriculum similar to a pre-kindergarten, primary or secondary school. Schools may include before and after school care for students.

- b. Daycare centers, nursery schools and similar programs that are not associated with a public or private school and serve pre-kindergarten children.
- c. Indoor ice arenas accessory to a high school provided the arena, including accessory uses, is:
 - 1. Located on the same tax parcel as the high school to which it is accessory and is owned by the local school district;
 - 2. Not separated from the high school building by a public road;
 - 3. Operated by the school district or by a nonprofit organization; and
 - 4. All structures are located at least 50 feet from any adjacent property zoned for residential use.

Secs. 78-231—78-250. - Reserved.

DIVISION 3. - R-1B ONE-FAMILY RESIDENTIAL DISTRICT

Sec. 78-251. - Purpose.

The R-1B one-family residential district is intended to provide a district which will allow denser residential development. Planned residential developments may be allowed by conditional use permits. The district shall have immediate access to highways and public sanitary sewer.

Sec. 78-253. - Conditional uses.

Within any R-1B one-family residential district, no structure or land shall be used for the following uses except by conditional use permit:

(7) Schools, daycare centers, uses accessory to a high school.

- a. Pre-kindergarten, primary and secondary public schools and private schools with a curriculum similar to a pre-kindergarten, primary or secondary school. Schools may include before and after school care for students.
- b. Daycare centers, nursery schools and similar programs that are not associated with a public or private school and serve pre-kindergarten children.
- c. Indoor ice arenas accessory to a high school provided the arena, including accessory uses, is:
 - 1. Located on the same tax parcel as the high school to which it is accessory and is owned by the local school district;
 - 2. Not separated from the high school building by a public road;
 - 3. Operated by the school district or by a nonprofit organization; and
 - 4. All structures are located at least 50 feet from any adjacent property zoned for residential use.

(8) Two-family dwelling, provided that:

- a. Public sanitary sewer service is available;
- b. The lot is adjacent to a commercial or industrial parcel;
- c. The dwelling is within 200 feet of the commercial or industrial parcel; and
- d. The design of the dwelling is compatible with the surrounding residences.

(9) Columbaria, provided that all portions of columbaria located at or below ground shall be located at least five feet from any adjacent lot line and at least 50 feet from principal structures located

on any adjacent property, whether such property is zoned for residential or non-residential use. All portions of columbaria located above ground shall meet the following standards:

- a. Located at least ten feet from property boundaries.
- b. Located at least 50 feet from principal structures located on any adjacent property, whether such property is zoned for residential or non-residential use.
- c. Located at least ten feet from the edge of the paved, traveled roadway.
- d. Shall not exceed eight feet in height including any appurtenances.
- e. Direct views from all adjoining residential parcels shall be buffered by appropriate means.

Secs. 78-256—78-280. - Reserved.

DIVISION 4. - LAKESHORE RESIDENTIAL DISTRICTS

Sec. 78-141. - Purpose.

The purpose of this division is to establish a formal site plan review procedure for commercial and industrial uses and provide regulations pertaining to the enforcement of site design consistent with the requirements of this division in advance of building permit issuance.

Subdivision I. - In General

Sec. 78-303. - Conditional uses.

Within any LR-1A one-family lakeshore residential district, no structure or land shall be used for the following uses except by conditional use permit:

(8) **Schools, daycare centers, uses accessory to a high school.**

- a. Pre-kindergarten, primary and secondary public schools and private schools with a curriculum similar to a pre-kindergarten, primary or secondary school. Schools may include before and after school care for students.
- b. Daycare centers, nursery schools and similar programs that are not associated with a public or private school and serve pre-kindergarten children.
- c. Indoor ice arenas accessory to a high school provided the arena, including accessory uses, is:
 1. Located on the same tax parcel as the high school to which it is accessory and is owned by the local school district;
 2. Not separated from the high school building by a public road;
 3. Operated by the school district or by a nonprofit organization; and
 4. All structures are located at least 50 feet from any adjacent property zoned for residential use.

Subdivision III. - LR-1B One-Family Lakeshore Residential District

Sec. 78-326. - Purpose.

The LR-1B one-family lakeshore residential district is intended to provide a district which will allow a combination of medium-density residential developments and limited agricultural activity. Planned

residential developments may be allowed by conditional use permits. The proposed land use may not endanger the quality of stormwater runoff into Lake Minnetonka or Long Lake. Because of the location of the district near Lake Minnetonka or Long Lake, special regulations are necessary to protect these natural resources from the effects of dense development. This district shall have immediate access to highways and public sanitary sewer.

Within any LR-1B one-family lakeshore residential district, no structure or land shall be used for the following uses except by conditional use permit:

(8) Schools, daycare centers, uses accessory to a high school.

- a. Pre-kindergarten, primary and secondary public schools and private schools with a curriculum similar to a pre-kindergarten, primary or secondary school. Schools may include before and after school care for students.
- b. Daycare centers, nursery schools and similar programs that are not associated with a public or private school and serve pre-kindergarten children.
- c. Indoor ice arenas accessory to a high school provided the arena, including accessory uses, is:
 1. Located on the same tax parcel as the high school to which it is accessory and is owned by the local school district;
 2. Not separated from the high school building by a public road;
 3. Operated by the school district or by a nonprofit organization; and
 4. All structures are located at least 50 feet from any adjacent property zoned for residential use.

Sec. 78-327. - Permitted uses.

Within the LR-1B one-family lakeshore residential district, no land or structure shall be used except for one or more of the following uses:

Sec. 78-329. - Accessory uses.

Within any LR-1B one-family lakeshore residential district, the only permitted accessory uses and structures are the following:

(9) Schools, daycare centers, uses accessory to a high school.

- a. Pre-kindergarten, primary and secondary public schools and private schools with a curriculum similar to a pre-kindergarten, primary or secondary school. Schools may include before and after school care for students.
- b. Daycare centers, nursery schools and similar programs that are not associated with a public or private school and serve pre-kindergarten children.
- c. Indoor ice arenas accessory to a high school provided the arena, including accessory uses, is:
 1. Located on the same tax parcel as the high school to which it is accessory and is owned by the local school district;
 2. Not separated from the high school building by a public road;
 3. Operated by the school district or by a nonprofit organization; and
 4. All structures are located at least 50 feet from any adjacent property zoned for residential use.

Secs. 78-351—78-365. - Reserved.

Sec. 78-346. - Purpose.

The LR-1C one-family lakeshore residential district is intended to provide a district which will allow a combination of medium-density residential development and limited agricultural activity. Planned residential developments may be allowed by conditional use permits. The proposed land use may not endanger the quality of stormwater runoff into Lake Minnetonka. Because of the location of the district near Lake Minnetonka, special regulations are necessary to protect that natural resource from the effects of intense development. The district shall have immediate access to highways and public sanitary sewer.

Subdivision V. - LR-1C-1 One-Family Lakeshore Residential District

Sec. 78-366. - Permitted uses.

Sec. 78-367. - Conditional uses.

Within the LR-1C-1 one-family lakeshore residential district, no structure or land shall be used for the following uses without a conditional use permit:

(9) Schools, daycare centers, uses accessory to a high school.

- a. Pre-kindergarten, primary and secondary public schools and private schools with a curriculum similar to a pre-kindergarten, primary or secondary school. Schools may include before and after school care for students.
- b. Daycare centers, nursery schools and similar programs that are not associated with a public or private school and serve pre-kindergarten children.
- c. Indoor ice arenas accessory to a high school provided the arena, including accessory uses, is:
 1. Located on the same tax parcel as the high school to which it is accessory and is owned by the local school district;
 2. Not separated from the high school building by a public road;
 3. Operated by the school district or by a nonprofit organization; and
 4. All structures are located at least 50 feet from any adjacent property zoned for residential use.

State Law reference— State mandated permitted uses, Minn. Stat. § 462.357, subd. 7.

Sec. 78-346. - Purpose.

The LR-1C one-family lakeshore residential district is intended to provide a district which will allow a combination of medium-density residential development and limited agricultural activity. Planned residential developments may be allowed by conditional use permits. The proposed land use may not endanger the quality of stormwater runoff into Lake Minnetonka. Because of the location of the district near Lake Minnetonka, special regulations are necessary to protect that natural resource from the effects of intense development. The district shall have immediate access to highways and public sanitary sewer.

Sec. 78-393. - Conditional uses.

(10) Schools, daycare centers, uses accessory to a high school.

- a. Pre-kindergarten, primary and secondary public schools and private schools with a curriculum similar to a pre-kindergarten, primary or secondary school. Schools may include before and after school care for students.
- b. Daycare centers, nursery schools and similar programs that are not associated with a public or private school and serve pre-kindergarten children.
- c. Indoor ice arenas accessory to a high school provided the arena, including accessory uses, is:
 1. Located on the same tax parcel as the high school to which it is accessory and is owned by the local school district;
 2. Not separated from the high school building by a public road;
 3. Operated by the school district or by a nonprofit organization; and
 4. All structures are located at least 50 feet from any adjacent property zoned for residential use.

(Code 1984, § 10.27(5); Ord. No. 18 3rd series, § 3, 9-27-2004; Ord. No. 173 3rd series, § 8, 6-27-2016; Ord. No. 222 3rd series, § 15, 12-10-2018)

Secs. 78-396—78-415. - Reserved.

DIVISION 6. - RR-1B ONE-FAMILY RESIDENTIAL DISTRICT

(8) Schools on lots 15 acres in size or greater.

- a. Schools may include pre-kindergarten, primary and secondary public schools and private schools with a curriculum similar to a pre-kindergarten, primary or secondary school. Schools may include before and after school care for students. Schools are activity centers in the community requiring flexible application of ordinances including special events, uses, number and size of structures. In all cases, Schools shall be developed and utilized consistent with the intent of the Community Management Plan, wetland, shoreland, and floodplain regulations, and not adversely affect adjacent property.
- b. Uses and structures accessory to a school may include garages, shelters, dugouts, press boxes, storage sheds, parking, sport courts and fields, bleachers, scoreboards and lighting less than 30 feet from grade and any other items customary and incidental to a school.
- c. Indoor ice arenas accessory to a high school provided the arena, including accessory uses, is:
 1. Located on the same tax parcel as the high school to which it is accessory and is owned by the local school district;
 2. Not separated from the high school building by a public road;
 3. Operated by the school district or by a nonprofit organization; and
 4. All structures are located at least 50 feet from any adjacent property zoned for residential use.

(Code 1984, §§ 10.20(2), 10.28(2); Ord. No. 161 2nd series, § 7, 6-7-1997; Ord. No. 226 2nd series, § 1, 5-27-2003; Ord. No. 44 3rd series, § 8, 2-25-2008; Ord. No. 82 3rd series, § 23, 12-13-2010; Ord. No. 90 3rd series, § 9, 12-12-2011; Ord. No. 198 3rd series, § 1, 6-12-2017; Ord. No. 210 3rd series, § 11, 6-25-2018; Ord. No. 233 3rd series, § 8, 10-14-2019)

State Law reference— State mandated permitted uses, Minn. Stat. § 462.357, subd. 7.

Sec. 78-418. - Conditional uses.

Within any RR-1B one-family rural residential district, no structure or land shall be used for the following uses without a conditional use permit:

(11) Schools, daycare centers, uses accessory to a high school on lots less than 15 acres.

- a. Pre-kindergarten, primary and secondary public schools and private schools with a curriculum similar to a pre-kindergarten, primary or secondary school. Schools may include before and after school care for students.
- b. Daycare centers, nursery schools and similar programs that are not associated with a public or private school and serve pre-kindergarten children.
- c. Indoor ice arenas accessory to a high school provided the arena, including accessory uses, is:
 1. Located on the same tax parcel as the high school to which it is accessory and is owned by the local school district;
 2. Not separated from the high school building by a public road;
 3. Operated by the school district or by a nonprofit organization; and
 4. All structures are located at least 50 feet from any adjacent property zoned for residential use.

Sec. 24-132. - R-1 urban reserve district.

- (a) *Purpose and scope.* This section applies to the R-1, urban reserve district. The main purpose of this district is to encourage existing productive agricultural areas to remain in agricultural uses and to allow limited rural residential development on large parcels of land. This district is also designed to serve as a rural holding area until such time that urban services are available per the comprehensive plan and any amendments thereto. It is planned that at some future time, these lands will be rezoned to allow urbanized uses. Land areas zoned R-1 are shown as "Places to Live, Low Density Residential" and "Places to Live, Urban Reserve" on the comprehensive plan and any amendments thereto.
- (b) *Permitted uses.* Permitted uses are as follows:
- Agricultural building.
 - Agricultural use.
 - Essential services including power lines less than 35 KV.
 - Historic site.
 - Nursery, horticultural.
 - Open space, public or private.
 - Residential care facility serving six or fewer persons.
 - Single-family detached dwelling.
- (c) *Permitted accessory uses.* Permitted accessory uses are as follows:
- Accessory structures in accordance with section 24-281.
 - Daycare, home-based and licensed, serving 12 or fewer persons.
 - Daycare, licensed, within a place of worship or school.
 - Drainage and irrigation system.
 - Ground source heat pump system in accordance with section 24-404.
 - Home business in accordance with section 24-263.
 - Retail sales accessory to golf course/driving range, ice arena or park facility.
 - Satellite dish for residential use.
 - Solar energy system in accordance with section 24-406.
 - Temporary seasonal roadside stand not to exceed one per farm selling only products produced on that farm.
 - Wind energy system on lots at least three acres in size up to 60 feet in height in accordance with
- (d) *Conditional uses.* Conditional uses are as follows:
- Accessory uses for a place of worship or school in addition to those listed as permitted may be allowed as a conditional use.
 - Cemetery.

Daycare, home-based and licensed, serving from 13 to 16 persons.

Golf course, driving range.

Government use.

Place of worship in accordance with section 24-303.

Power line 35 KV or above.

Radio and television broadcast transmitting antenna and supporting towers and structures in the north half of the southwest quarter of section 35, township 28 north, range 21 west.

Residential care facility serving from seven to 16 persons.

School in accordance with section 24-303.

(e) *Interim conditional uses.* Interim conditional uses are as follows:

Agricultural service.

Compost site.

Home business, parking and storage of business equipment and vehicles in accordance with section 24-264.

Horse boarding/training.

Kennel.

Mining in accordance with chapter 18.

Telecommunication tower in accordance with article VI, division 4.

Wind energy system on lots at least three acres in size up to 120 feet in height in accordance with section 24-405.

(f) *Zoning district standards.*

- (1) Minimum lot area: 20 acres provided that a parcel of more than three acres and less than 5 acres may be created as a minor subdivision as long as the following criteria is met:
 - a. The initial parcel is 20 acres or more in size and must be a parcel of record as of the date of this chapter and must have an inhabited residential structure.
 - b. Only one minor subdivision from the initial parcel is allowed until the property receives full public utilities.
 - c. The existing residential dwelling must be on the smaller of the two parcels.
 - d. Original accessory buildings can be on larger lot but must meet R-1 setbacks.
 - e. Two hundred feet of street frontage is required for each parcel.
 - f. Existing buildings must meet current setback standards from the new property lines.
 - g. No residential building permit shall be issued on the larger property unless the property is platted and all area utility charges are paid in full and a "ghost" plat is submitted showing how the area around the proposed home site can be subdivided in the future.
 - h. All area charges in effect at the time of the subdivision shall be paid on the smaller newly created lot.

- i. The applicant shall prepare a "ghost" plat showing how the smaller lot may be subdivided in the future.
 - j. Lots of record that are less than 20 acres but are five acres or more with at least 20 feet of frontage on a public right-of-way as of the effective date of this chapter shall be considered a buildable lot and shall not be subject to the minimum frontage requirements in subsection (b)(1).
 - k. Lots created solely for municipal utility facilities shall not be subject to minimum lot width, depth and area requirements.
- (2) Minimum lot width: 500 feet.
 - (3) Minimum lot frontage: 500 feet on a public street.
 - (4) Access: Maximum of two public street accesses per lot.
 - (5) Maximum height: Two and one-half stories or 35 feet, except for silos, grain elevators, water towers, spires, or similar uses.
 - (6) Minimum front yard setback: 50 feet.
 - (7) Minimum side yard setback: 25 feet.
 - (8) Minimum rear yard setback: 50 feet.
 - (9) Minimum setback, buildings housing livestock or kennels: 125 feet from all property lines.
 - (10) Maximum building coverage: 35 percent.

(Ord. No. 1858, § 1858.01, 9-26-2012; [Ord. No. 1913, § 1, 4-27-2016](#); Ord. No. [1957](#), § 2, 12-12-2018)

Sec. 24-133. - R-2 single-family estate district.

- (a) *Purpose and scope.* This section applies to the R-2 single-family estate district. This district is created to allow for a low-density semi-rural life style in areas which because of the topography and vegetation are not suitable for either large-scale agriculture or urban residential development. To minimize soil erosion and protect wooded areas, the most suitable use of this land is for single-family homes on larger lots. These areas are designed to be served by private water and sanitary sewer systems except where municipal services may be available from adjacent communities. These areas are shown as "Places to Live, Rural Estate" or "Places to Live, Urban Estate" on the comprehensive plan or amendments thereto.
- (b) *Permitted uses.* Permitted uses are as follows:
 - Agricultural building existing on April 14, 1971.
 - Agricultural use existing on April 14, 1971.
 - Cemetery existing as of September 12, 2012.
 - Essential services including power lines under 35 KV.
 - Historic site.
 - Open space, public or private.
 - Residential care facility serving six or fewer persons.
 - Single-family detached dwelling.

(c) *Permitted accessory uses.* Permitted accessory uses are as follows:

Accessory structures in accordance with section 24-281.

Daycare, home-based and licensed, serving 12 or fewer persons.

Daycare, licensed, within a place of worship or school.

Ground source heat pump in accordance with section 24-404.

Home business in accordance with section 24-263.

Retail sales accessory to golf course/driving range, ice arena or park facility.

Satellite dish for residential use.

Solar energy system in accordance with section 24-406.

Temporary seasonal roadside stand not to exceed one per farm selling only products grown on that farm.

Wind energy system on lots at least three acres in size up to 45 feet in height in accordance with section 24-405.

(d) *Conditional uses.* Conditional uses are as follows:

Accessory uses for a place of worship in addition to those listed as permitted may be allowed as a conditional use.

Cluster development as part of a planned unit development.

Daycare, home-based and licensed, serving from 13 to 16 persons.

Golf course, driving range.

Government use.

Place of worship in accordance with section 24-303.

Planned unit development in accordance with article IV.

Residential care facility serving seven through 16 persons.

(e) *Interim conditional uses.* Interim conditional uses are as follows:

Compost site.

Home business, parking and storage of business equipment and vehicles, in accordance with section 24-264.

Kennel.

Telecommunication tower in accordance with article VI, division 4.

Wind energy system on lots at least three acres in size up to 75 feet in height in accordance with section 24-405.

(f) *Zoning district standards.*

- (1) Minimum lot area: Three acres exclusive of water bodies and wetlands except that lots existing as of the date of this chapter, less than three acres but more than one acre, shall be considered a buildable lot.
- (2) Minimum lot width:
 - a. 200 feet, unplatted.
 - b. 160 feet, platted.
 - c. 80 feet at the setback line for culs-de-sac, platted.
- (3) Minimum lot depth: 200 feet provided, however, that the depth of any lot in a subdivision or in a cluster development shall not exceed three times the lot's width.
- (4) Additional standards, flag lot:
 - a. The flag lot shall have a minimum of 160 feet of width measured at the front setback line.
 - b. The "pole" of the flag lot shall be a minimum of 25 feet in width.
- (5) Access: Maximum of two accesses per lot on a public street.
- (6) Maximum height: 40 feet.
- (7) Minimum front yard setback, all lots: 50 feet.
- (8) Minimum rear yard setback, all lots: 50 feet.
- (9) Minimum side yard setback, standard lot:
 - a. Main building: 25 feet.
 - b. Garage: 20 feet.
- (10) Minimum side yard setback, flag lot:
 - a. Main building: 50 feet.
 - b. Garage: 50 feet.
- (11) Minimum setback, buildings housing livestock or kennels: 125 feet from all lot lines.
- (12) Maximum building coverage: 35 percent.

(Ord. No. 1858, § 1858.01, 9-26-2012; Ord. No. [1957](#), § 3, 12-12-2018)

Sec. 24-134. - R-4 urban residential district.

- (a) *Purpose and scope.* This section applies to the R-4 urban residential district. This district is created to provide an adequate amount of land to meet the demand for urban residential development. These areas will require public sewer and water systems which will be extended to encourage staged and orderly growth in the city in conformance to the comprehensive plan or amendments thereto. These lands are shown as "Places to Live, High Density Residential", "Places to Live, Medium Density Residential" or "Places to Live, Low Density Residential" on the comprehensive plan or amendments thereto. Maximum density shall be consistent with the base density in the comprehensive plan unless increased using a density bonus through an approved planned unit development.
- (b) *Permitted uses.* Permitted uses are as follows:
 - Agricultural building existing on April 14, 1971.
 - Agricultural use existing on April 14, 1971.
 - Essential services including power lines under 35 KV.

Historic site.

Open space, public or private.

Residential care facility serving six or fewer persons.

Single-family detached dwelling on a platted lot.

Single-family detached dwelling on an unplatted lot not less than 20 acres with a width of not less than 500 feet.

Single-family detached dwelling on an unplatted lot of record less than 20 acres in existence as of September 12, 2012.

(c) *Permitted accessory uses.* Permitted accessory uses are as follows:

Accessory structures in accordance with section 24-281.

Common property to a multiple family complex or planned unit development.

Daycare, home-based and licensed, serving 12 or fewer persons.

Ground source heat pump systems in accordance with section 24-404.

Home business in accordance with section 24-263.

Retail sales accessory to golf course/driving range, ice arena or park facility.

Satellite dish for residential use.

Solar energy system in accordance with section 24-406.

Temporary seasonal roadside stand not to exceed one per farm selling only products grown on that farm.

Wind energy system on lots at least 20 acres in size up to 45 feet in height in accordance with section 24-405.

(d) *Conditional uses.* Conditional uses are as follows:

Accessory uses for a place of worship or school in addition to those listed as permitted may be allowed as a conditional use.

Assisted living facility serving 16 or more persons.

Cemetery in existence as of September 26, 2012.

Daycare, accessory to a place of worship or school.

Daycare, home-based and licensed, serving from 13 to 16 persons.

Daycare, licensed, serving more than 16 persons along a collector or arterial street.

Golf course, driving range.

Government use.

Historic reuse ancillary to the primary residential use limited to: tearoom with scheduled events; indoor or outdoor wedding receptions and socials as scheduled events; bed and breakfast; and catering kitchen.

Multiple-family dwelling in accordance with section 24-309.

Place of worship in accordance with section 24-303.

Planned unit development in accordance with article IV.

Residential care facility serving from seven to 16 persons.

Single-family attached dwelling.

School in accordance with section 24-303.

(e) *Interim conditional uses.* Interim conditional uses are as follows:

Farmers' market in accordance with section 24-265.

Telecommunications tower in accordance with article VI, division 4.

Wind energy system on lots at least 20 acres in size up to 75 feet in height in accordance with section 24-405.

(f) *Zoning district standards.*

(1) Minimum lot area:

- a. Single-family detached dwellings, unplatted: 20 acres.
- b. Single-family detached dwellings, platted: 10,000 square feet with a minimum buildable area of 4,000 square feet.
- c. Single-family attached dwellings:
 1. Duplex: An average of 6,000 square feet per unit.
 2. Townhouse: An average of 4,500 square feet per unit.
 3. Quadplex: An average of 4,500 square feet per unit.
 4. Multiple-family dwellings:
 - (i) Efficiency: 2,300 square feet (maximum five percent efficiency units).
 - (ii) One-bedroom: 2,925 square feet.
 - (iii) Two-bedroom: 3,600 square feet.
 - (iv) Three-bedroom: 4,275 square feet.

(2) Minimum lot width: 80 feet.

(3) Minimum lot depth: 125 feet unless the rear lot line abuts a collector or arterial street then the minimum lot depth shall be 160 feet.

(4) Maximum lot depth: The depth of any lot in a subdivision shall not exceed three times the lot's width.

(5) Access: Maximum of two accesses per residential lot on a public street.

(6) Maximum height: Three stories or 40 feet.

(7) Minimum front yard setback: 35 feet, unless the front yard abuts an existing or future collector or arterial street, then the minimum front yard shall be 50 feet from the anticipated future right-of-way.

(8) Minimum side yard setback:

- a. From residential street: 20 feet.

- b. From major road (collector or arterial street): 50 feet.
 - c. From interior lot line: Ten feet.
 - d. From interior lot line: If a garage, five feet.
 - e. When the garage and the living unit align, or a portion of the living unit is above the garage, the side yard setback to the structure on the garage side shall be five feet.
- (9) Minimum rear yard setback: 35 feet unless the rear yard abuts an existing or future collector or arterial street, then the minimum rear yard shall be 50 feet from the anticipated future right-of-way.
- (10) Maximum building coverage: 35 percent.

(Ord. No. 1858, § 1858.01, 9-26-2012; Ord. No. [1957](#), § 4, 12-12-2018)

Sec. 24-303. - Performance standards for schools and places of worship in residential districts.

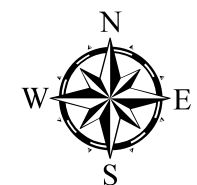
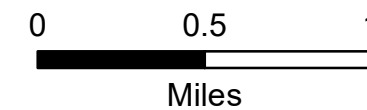
- (a) *Lot size.* A lot proposed for use as a school must be at least two acres in area. A lot proposed for a place of worship must be at least five acres in area.
- (b) *Accessory uses.* Accessory uses to schools and places of worship may include daycare, offices, playgrounds, driveways, parking and unlit recreational/athletic fields. Other accessory uses may be approved through a conditional use permit per section 24-134(d).
- (c) *Parking.* Parking shall be provided in accordance with article V, division 2.
- (d) *Lighting.* Building and site lighting shall comply with section 24-236. Athletic field lighting may be allowed through a conditional use permit. Light standards for illumination of athletic fields may be allowed up to a maximum height of 100 feet. The additional height must be necessary to ensure adequate illumination. Impacts from light and glare shall be minimized to the greatest extent practicable.
- (e) *Screening.* Screening through additional setback, berms, landscaping, buffer strips and/or fencing in accordance with section 24-246 may be required in any yard adjacent to or across the street from a residential district.
- (f) *Electrical generators.* Electrical generators are allowed subject to screening requirements in section 24-246(g) and must conform to state noise standards.
- (g) *Height.* Maximum height shall be 40 feet.
- (h) *Impervious surface coverage.* Maximum impervious surface coverage shall be 70 percent with at least 30 percent of the property retained as green space.
- (i) *Signage.* Signs shall conform to the requirements of chapter 18.5. The city council may further restrict the location, lighting and size of any signage through the conditional use permit.
- (j) *Exterior storage.* No exterior or vehicle storage, including buses or maintenance equipment, shall be permitted.

(Ord. No. 1863, § 1863.02, 10-24-2012)

Updated December 6, 2017

Districts

- R-1** Urban Reserve District
- R-2** Single-family Estate District
- R-4** Urban Residential District
- NC** Neighborhood Commerical
- B-1** Office Park District
- MC** Medical Campus District
- B-2** General Business District
- B-3** Planned Shopping Center District
- B-4** Office Warehouse District
- BC** Business Campus District
- GW** Gateway District
- FC-1** Freeway Corridor Mixed Use District
- FC-2** Freeway Corridor Special Impact District
- I-1** Light Industrial District
- CC** City Center
- MX** Mixed-Use District
- Shoreland Overlay Zone
- Riparian Dedication Zone



Disclaimer: This map is intended for reference purposes only and is not a legally recorded map or survey. The City of Woodbury shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statute 466.03 Subd 21.

