



NORTH BRANCH

—Minnesota—

Ka Bao Jennrich
Chair

Steve Cich
Commissioner

Jim Ibinger
Commissioner

Patrick Meacham
Commissioner

Gary Schaefer
Commissioner

**PLANNING COMMISSION
REGULAR AGENDA
TUESDAY, JUNE 4, 2024 @ 6:30 PM
CITY HALL, 6408 ELM STREET, NORTH
BRANCH, MN 55056**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. AGENDA APPROVAL
 - a. Approve Agenda ACTION
5. CONSENT AGENDA
 - a. Approve Meeting Minutes - April 2, 2024 - Planning Commission Meeting ACTION
6. OPEN FORUM
7. PUBLIC HEARINGS
 - a. Public Hearing to Consider a Request to Amend City Code Regarding the Placement of ACTION
Accessory Structures on Properties Zoned RR - Rural Residential
 - b. Public Hearing to Consider a Request to Amend City Code Regarding the Location of ACTION
Fences on Corner Properties
8. GENERAL BUSINESS
9. NEXT MEETING - TUESDAY, JULY 9, 2024 @ 6:30 PM
10. ADJOURNMENT



NORTH BRANCH

—Minnesota—

**PLANNING COMMISSION
REGULAR AGENDA
TUESDAY, APRIL 2, 2024 @ 6:30 PM
CITY HALL, 6408 ELM STREET, NORTH
BRANCH, MN 55056**

Ka Bao Jennrich
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MINUTES OF THE PROCEEDINGS OF THE OF THE CITY OF NORTH BRANCH IN THE COUNTY OF CHISAGO AND IN THE STATE OF MINNESOTA

REGULAR MEETING

Tuesday, April 2, 2024

1. CALL TO ORDER

Chair Jennrich called the meeting to order at 6:31 p.m.

2. PLEDGE OF ALLEGIANCE

3. OATHS OF OFFICE

- a. Oaths of Office for Patrick Meacham and Steve Cich

INFO

Community Development Director Ziemer issued the Oaths of Office to Patrick Meacham and Steve Cich.

4. ROLL CALL

Present: Chair Ka Bao Jennrich, Commissioner Gary Schaefer, Commissioner Jim Ibinger,
Commissioner Patrick Meacham, Commissioner Steve Cich

Absent:

Remote:

Others Present: Council Liaison Travis Miles and Community Development Director Jason Ziemer

Notes:

5. AGENDA APPROVAL

- a. Approve Agenda

ACTION

Commissioner Meacham moved and Commission Schaefer seconded the motion to approve the Agenda.
Motion passed 5-0.

6. CONSENT AGENDA

Commissioner Ibinger moved and Commissioner Cich seconded the motion to approve the Consent Agenda. Motion passed 5-0.

- a. Approve Meeting Minutes - February 6, 2024 Planning Commission Meeting. ACTION
- b. Approve Meeting Minutes - March 6, 2024 Planning Commission Meeting ACTION

7. OPEN FORUM

There was no Open Forum as there were no members of the public in attendance.

8. PUBLIC HEARINGS

- a. Public Hearing to Consider Preliminary Plat for Westside Commons 2nd Addition ACTION

Community Development Director Ziemer presented the request for Preliminary Plat approval for Westside Commons 2nd Addition, located on the northwest corner of Falcon Avenue and 386th Street. The requested plat was based on a dental clinic proposed for the site, which was across from the assisted living facility currently under construction. The property is guided Business and zoned B - Business; a dental clinic is a Permitted Use in that zoning district. Ziemer noted the proposed plan conforms to all minimum lot standards of lot area, lot width and lot depth, and recommended approval.

Commissioner Schaefer inquired about the 90% impervious maximum, asking whether the developer could meet that standard. Ziemer noted the impervious condition would be determined at the time of site plan, but stated 90% includes greenspace and pounding areas and felt the development would be able to meet that. Schaefer noted no sidewalks were shown on the plans. Ziemer said sidewalk/trail development would be part of the site plan approval, and staff did not look to address that with the plat. He discussed trail discussion along the west side of Falcon Avenue as part of the assisted living facility; that trail was being constructed from Highway 95 to the south end of the property of the assisted living facility. Schaefer and Commissioner Cich felt the trail issue needed to be addressed. Ziemer reviewed a recommendation from the April 1 Parks Trails & Open Space (PTOS) Commission meeting that included a recommendation regarding a trail and pedestrian crossing at Falcon Avenue and 386th Street. Chair Jennrich agreed the Commission's discussion was in line with the Planning Commission conversation. Schaefer noted addressing the trail on the north side was necessary as there was no trail being constructed on the south side of 386th with the assisted living facility.

Chair Jennrich opened and closed the public hearing at 6:38 p.m., noting there were no members of the public attending the meeting to provide comment.

Commissioner Meacham moved and Commissioner Ibinger seconded the motion to recommend to the City Council approval of the Preliminary Plat for Westside Commons 2nd Addition with the condition that a sidewalk or trail along 386th Street be constructed with the site and improvements made to the 386th Street and Falcon Avenue for pedestrian crossing. Motion passed 5-0.

9. GENERAL BUSINESS

Community Development Director Ziemer recapped the March 27 joint Council-Commission worksession, and at the conclusion of that meeting it was noted interest for a continued discussion of the groups regarding strategic planning and goal setting, and that one (1) representative from each of the commissions, along with one (1) City Council member and one (1) staff liaison would discuss and help plan that future worksession. Chair Jennrich asked as to the time commitment and frequency of those group meetings; Ziemer noted there was nothing set yet and that he and Mayor Kevin Schieber planned to chat further. Commissioner Ibinger volunteered to be the Planning Commission representative. There

was no formal vote but Commissioners provided unanimous consent to Ibinger serving as the Planning Commission representative.

10. NEXT MEETING - TUESDAY, MAY 7, 2024 @ 6:30 PM

11. ADJOURNMENT

Commissioner Schaefer moved and Chair Jennrich seconded the motion to adjourn. Motion passed 5-0. Meeting adjourned at 6:52 p.m.



Prepared By:
Jason Ziemer, Community Development Director
Presenter: Jason Ziemer, Community Development Director
Date: 05/29/2024

Board & Commission: Planning Commission

Subject: Public Hearing to Consider a Request to Amend City Code Regarding the Placement of Accessory Structures on Properties Zoned RR - Rural Residential

Background & Analysis

Summer is busy season for City staff as residential property owners explore summer improvement projects. The most common questions relate to accessory structures. Per City Code, all accessory structures are required to be located in the rear yard, or behind the home. Generically, "behind the home" is interpreted to mean not in front of the front side of the home. Thus, an accessory structure is typically allowed to be located in a side yard, provided it meets minimum setbacks. Corner lots are more closely reviewed as those properties essentially have two (2) front yards.

On Rural Residential properties, City Code grants an "exception" to the location rule, provided those lots are at least 5.0 acres and larger. On these lots, accessory structures may be placed anywhere on the lot, provided they meet minimum setbacks from lot lines, well and septic sites, wetlands, etc., and are not located in drainage and utility easement areas.

An ongoing issue stems from the placement of homes on rural residential lots, notably existing homes in older neighborhoods. It was not uncommon for homes in these areas to be set back at a much greater distance than just minimum front yard setback (40 feet). In many instances, the homes were located to the rear of the lot. That created a large front yard area, but relatively small backyard. As a result, on those lots it is also not uncommon to see accessory structures located beside the home, or in the front yard, on lots larger than 5.0 acres. An obvious challenge with placing accessory structures on rural residential lots are the minimum (required) setbacks from well and septic locations and wetlands, if any. When it comes to septic systems, all rural residential lots are also required to further identify and protect secondary septic system locations, which further reduces the building area of a lot, notably accessory structures. In part, it is the smaller rural residential lots – less than 5.0 acres – that

have the greatest challenge, especially when it comes to the desire to add on to existing accessory structures.

City staff recently worked with a property owner considering an accessory structure on his property. Using that property as an example: The property is zoned RR – Rural Residential and 1.2 acres, meaning an accessory structure must be located the behind the home. But, the rear yard includes the septic system for the home. The existing accessory structure is located beside the home and is currently has the following estimated setbacks from lot lines: 133 feet (front), 73 feet (side/corner) and 34 feet (rear). Although not desired, the property owner could add on to the south (rear), west (street side), or east (toward the home). The rear yard is problematic as that is the location of the septic system for the home. Based on City Code, the property owner could not seek a variance as he can satisfy the intent of City Code by adding on the west and east, and maybe south. And, a variance for location is effectively a “use variance” which is not permitted. In summary, he cannot demonstrate practical difficulties necessary for a variance.

After looking into the issue, City staff reviewed current City Code language in relation to similar circumstances and identified a potential path. An option to consider is basing “front yard” location of an accessory structure based on the greatest setback distance of the nearest home on the same side of the block. Using the example above, the home on the property described above has a setback of about 130 feet. If the adjacent homes had setbacks of 40 feet, 60 feet, 90 feet and 115 feet, the front of an accessory structure could be no closer than allowed in the “front yard” but no closer than the home setback at the greatest difference, or 115 feet in this example. All other minimum standards remain as written, including setbacks, height, maximum structure size, and number of structures per lot. See attached exhibit. As accessory structures are used for storage a potential conflict is that this change could result in accessory structures, and resulting outside storage, placed in front of other adjacent homes, creating a view of such uses out the front window.

As staff looked into this issue, a suggestion was to limit such “exception” to only additions on to existing structures, not new structures. Thus, we only suggesting the change on lots smaller than 5.0 acres for existing buildings. Lots larger than 5.0 acres still have the ability to locate structures in the front yard of homes without exception, provided those structures comply with all other minimum code requirements. When it comes to construction of new homes on rural residential lots, City staff do look at proposed building plans, and strongly suggest to buyers and builders consider future accessory structures and plan accordingly based on City Code.

Current & Proposed Code

City Code §66-898(b) currently stated the following regarding the location of accessory structures:

No accessory building shall be located in the front yard except on lots nominally five acres or larger, zoned RR, AG-1, or AG-2 or on lots 40 acres or larger and zoned R1.

The City Council approved a minor adjustment to this Code section in 2023, allowing accessory structures to be located in the front yard "...on lots larger than 40 and zoned R1." Previously, accessory structures were only permitted in the front yard if 5.0 acres or larger and zoned RR – Rural Residential

Based on the described situation above, City staff are recommending the following language change:

(b) Location. No accessory building shall be located in the front yard, with the following exception(s):

- 1. on lots nominally five acres or larger, zoned RR, AG-1, or AG-2 or on lots 40 acres, or*
- 2. on lots 40 acres or larger and zoned R1, or*
- 3. on additions to existing accessory structures on lots less than five acres, and where the front of the addition is not located in front of an adjacent home with the greatest setback on lots located on the same side of the street.*

Section (3) above is the new proposed language and will require greater review and likely revision, and may further result other structural revisions to this part of the City Code. That will be reviewed and cleaned up prior to City staff drafting the official ordinance for City Council consideration.

Staff Recommendation

City staff recommend approval of the proposed change as noted.

Recommended Planning Commission Action

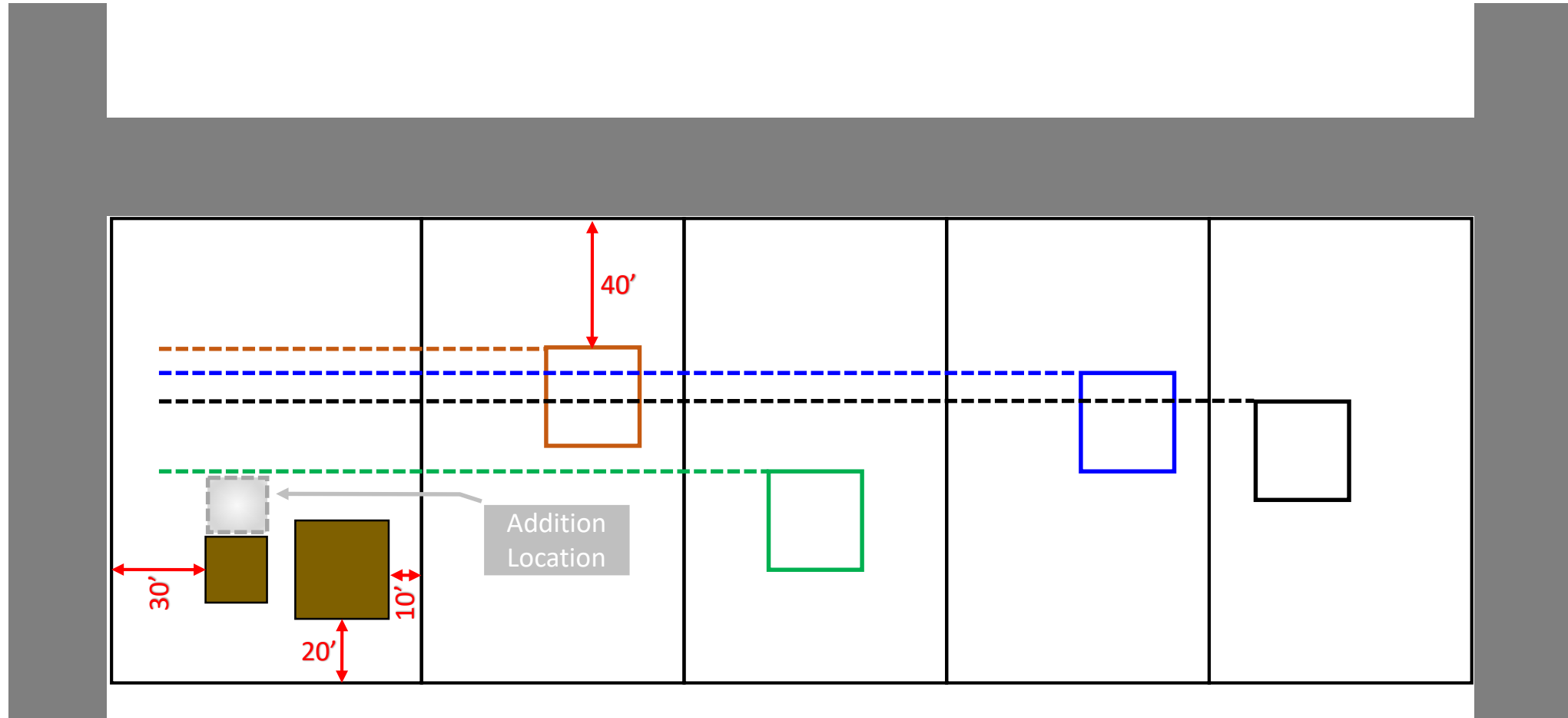
Motion to consider a text amendment to City Code Section §66-898(b), and recommend to the City Council approval of the amendment regarding location of additions onto accessory structures on properties less than 5.0 acres and zoned RR – Rural Residential, as stated.

Voting Requirements:

Voting Options Simple Majority

Accessory Structure Placement < 5.0 Acres

Concept – City Code Amendment



DRAFT
ORDINANCE NO. _____

**AN ORDINANCE AMENDING CITY CODE SECTION §66-898(b), ACCESSORY
STRUCTURE LOCATION, REGARDING THE LOCATION OF
ADDITIONS ONTO ACCESSORY STRUCTURES**

The North Branch City Council hereby ordains as follows:

Section 1. Amending Language Regarding Location

City Code Section §66-898(b), Accessory Structure Location, is hereby amended by adding the following underlined language and deleting the following ~~striketrough~~ language.

(b) *Location.* No accessory building shall be located in the front yard, with the following exception(s): ~~except on lots nominally five acres or larger, zoned RR, AG-1, or AG-2 or on lots 40 acres or larger and zoned R1.~~

- (1) on lots nominally five acres or larger, zoned RR, AG-1, or AG-2 or on lots 40 acres, or
- (2) on lots 40 acres or larger and zoned R1, or
- (3) on additions to existing accessory structures on lots less than five acres, and where the front of the addition is not located in front of an adjacent home with the greatest setback on lots located on the same side of the street.

Section 2. Effective Date.

This Ordinance shall have full force and effect upon its passage and publication.

Passed by the City Council of the City of North Branch, Chisago County, Minnesota, this 11th day of June, 2024.



Prepared By:
Jason Ziemer, Community Development Director
Presenter: Jason Ziemer, Community Development Director
Date: 05/29/2024

Board & Commission: Planning Commission

Subject: Public Hearing to Consider a Request to Amend City Code Regarding the Location of Fences on Corner Properties

Background & Analysis

Evan and Angel Rosemore (Applicants), 6236 384th Lane, have requested a text amendment to City Code regarding the location of fences specific to corner lots. Current City Code, Section §66-973(a), essentially limits fences to four (4) feet in height on corner lots if the fence is located up to the right of way, and/or require a minimum fence setback of 30 feet, if the desired fence height is six (6) feet. The basic premise of these requirements is to protect driver visibility, notably neighboring driveways. This it is assumed that the rear yard of a home adjoins a side yard of a home where the driveway accesses a different street.

In this circumstance, the rear yard of the property owned by the Applicants abuts rear yard the neighboring property. Thus, there is no immediate driveway conflict, resulting in no visibility concerns. However, given the Applicants are able to satisfy minimum standards of City Code they are not able to seek a variance, as they do not possess practical difficulties that warrant consideration and approval of such a variance. Thus, the Applicants are requesting the change to City Code, and have proposed language, which was reviewed by City staff.

Current & Proposed Code

City Code §66-973(a) currently states the following:

No fence located in the rear yard or side yard of any residential property shall exceed six feet in height. No fence in the front yard of any residential property shall exceed four feet in height. No fence in the corner side yard of any residential property shall exceed four feet in height unless the fence is located at the corner yard building

setback line for that zoning district. Fences located to the rear of the corner yard building setback shall not exceed six feet in height. See figure (a) below. If the construction is being made with pre-assembled panels that are six feet in height, the fence may be placed up to an average of four inches off the ground to allow for easier maintenance of vegetation and will still be considered a six-foot fence. This does not mean that you can use boards over six feet and fill in the space at the bottom.

The Applicants are proposing to strike the second sentence and add the following additional underlined language.

- 1. No fence located in the rear yard or side yard of any residential property shall exceed six feet in height. No fence in the front yard of any residential property shall exceed four feet in height. ~~No fence in the corner side yard of any residential property shall exceed four feet in height unless the fence is located at the corner yard building setback line for that zoning district. Fences located to the rear of the corner yard building setback shall not exceed six feet in height. See figure (a) below. If the construction is being made with pre-assembled panels that are six feet in height, the fence may be placed up to an average of four inches off the ground to allow for easier maintenance of vegetation and will still be considered a six-foot fence. This does not mean that you can use boards over six feet and fill in the space at the bottom.~~***

- 1. No fence in the corner side yard of any residential property shall exceed four feet in height unless it meets one of the of the following criteria:**
 - 1. the fence is located at the corner yard building setback line for that zoning district, or**
 - 2. the adjacent lot to the corner lot fence is not a front yard.**

City staff concur the proposed change does have merit. The proposed language will be further reviewed and cleaned up prior to City staff presenting the official ordinance for City Council consideration.

Staff Recommendation

City staff recommend approval of the proposed change as noted.

Recommended Planning Commission Action

Motion to consider a text amendment to City Code Section §66-973(a), and recommend to the City Council approval of the amendment regarding location of fences on corner lots.

Voting Requirements:

Voting Options Simple Majority

Evan and Angel Rosemore, homeowners at 6236 384th Lane, North Branch, Minnesota are seeking an amendment to the city ordinance regarding fence placement as the current ordinance does not take into consideration a layout where the street parallel to the side yard does not have any neighbor driveways.

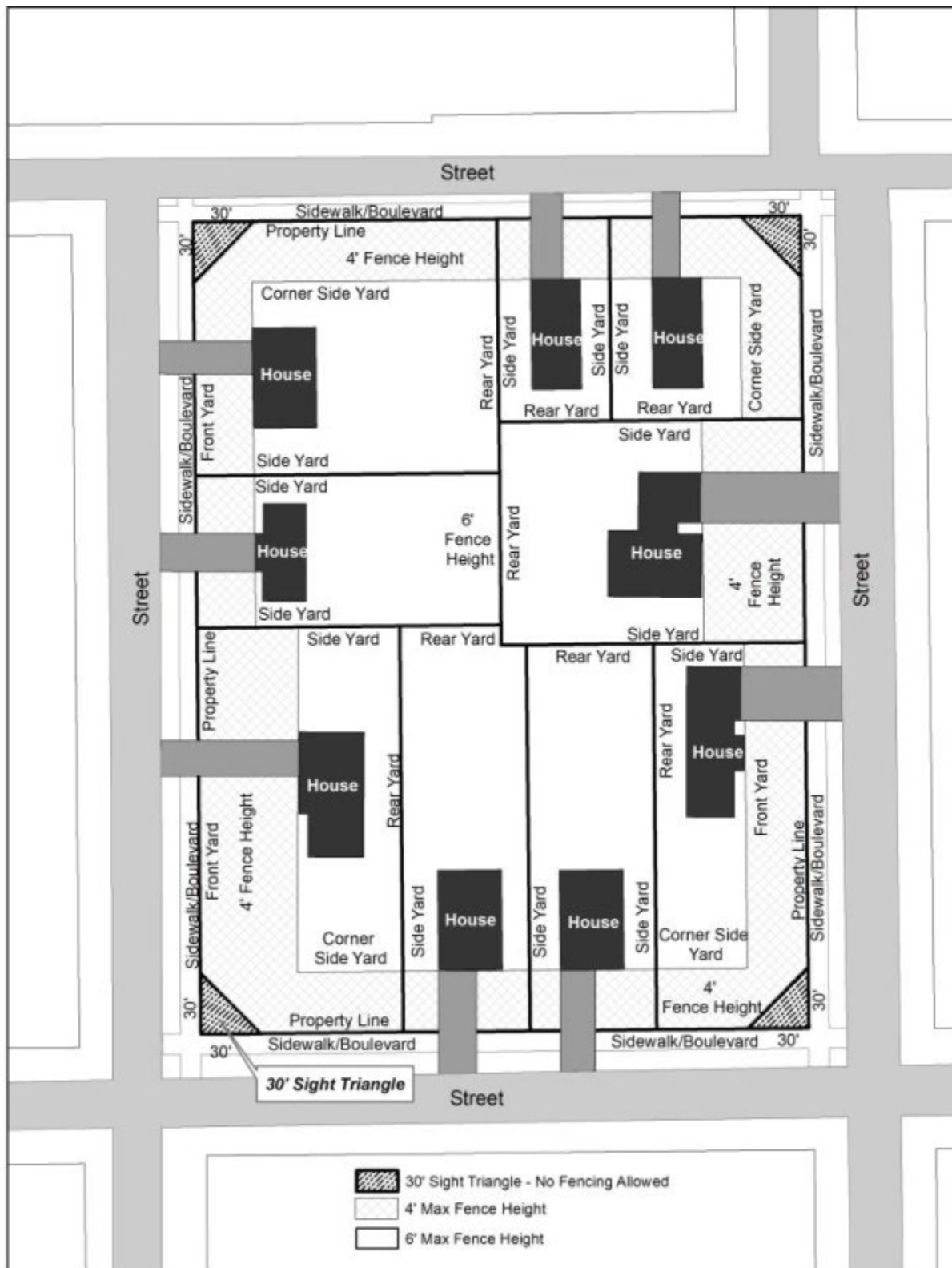
We understand that the intention of the four foot fence height restriction for a corner side yard is meant to ensure visibility is not impeded for any neighbors' driveway entrance located on the street parallel to the side yard. However, in our case, there are no driveways on the street parallel to our side yard and therefore visibility would not be impeded. We also understand that the current ordinance allows a six foot fence if we have a setback of 30 feet. However, given that there will be no visibility impediment, we would like to maximize our backyard space by having a setback less than 30 feet and closer to the two foot setback allowed in the rear yard. See below for the layout of our area.



Sec 66-973 Fencing And Screening

No fence located in the rear yard or side yard of any residential property shall exceed six feet in height. No fence in the front yard of any residential property shall exceed four feet in height. No fence in the corner side yard of any residential property shall exceed four feet in height unless the fence is located at the corner yard building setback line for that zoning district. Fences located to the rear of the corner yard building setback shall not exceed six feet in height. See figure (a) below. If the construction is being made with pre-assembled panels that are six feet in height, the fence may be placed up to an average of four inches off the ground to allow for easier maintenance of

vegetation and will still be considered a six-foot fence. This does not mean that you can use boards over six feet and fill in the space at the bottom.



We have a toddler and two dogs that will enjoy the increased freedom and privacy a six foot privacy fence will provide. This will ensure the dogs are unable to jump over the fence into the roadway and lessen their distraction and barking when they see people and their pets walking by. We want to have a safe place for our toddler to play and explore.

Safety for our young family and our beloved pets is the driving force for seeking this amendment.

Please consider approving this amendment and feel free to contact us at (218) 393-7131 with any questions or concerns.

Sincerely,

Evan and Angel Rosemore

Current City Ordinance:

[Sec 66-973 Fencing And Screening](#)

- No fence located in the rear yard or side yard of any residential property shall exceed six feet in height. No fence in the front yard of any residential property shall exceed four feet in height. No fence in the corner side yard of any residential property shall exceed four feet in height unless the fence is located at the corner yard building setback line for that zoning district. Fences located to the rear of the corner yard building setback shall not exceed six feet in height. See figure (a) below. If the construction is being made with pre-assembled panels that are six feet in height, the fence may be placed up to an average of four inches off the ground to allow for easier maintenance of vegetation and will still be considered a six-foot fence. This does not mean that you can use boards over six feet and fill in the space at the bottom.

Proposed Amendment

- No fence located in the rear yard or side yard of any residential property shall exceed six feet in height. No fence in the front yard of any residential property shall exceed four feet in height. ~~No fence in the corner side yard of any residential property shall exceed four feet in height unless the fence is located at the corner yard building setback line for that zoning district.~~ Fences located to the rear of the corner yard building setback shall not exceed six feet in height. See figure (a) below. If the construction is being made with pre-assembled panels that are six feet in height, the fence may be placed up to an average of four inches off the ground to allow for easier maintenance of vegetation and will still be considered a six-foot fence. This does not mean that you can use boards over six feet and fill in the space at the bottom.
 - No fence in the corner side yard of any residential property shall exceed four feet in height unless it meets one of the of the following criteria:
 - 1.) The fence is located at the corner yard building setback line for that zoning district
 - 2.) The adjacent lot to the corner lot fence is not a front yard

City Code 66-973(a)

Fencing Exhibit



DRAFT
ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE SECTION §66-973(a), REVISING LANGUAGE REGARDING THE LOCATION OF FENCES ON CORNER LOTS

The North Branch City Council hereby ordains as follows:

Section 1. Amending Language Regarding Fence Locations

City Code Section §66-973(a), is hereby amended by adding the following underlined language and deleting the following ~~strikethrough~~ language.

- a) No fence located in the rear yard or side yard of any residential property shall exceed six feet in height. No fence in the front yard of any residential property shall exceed four feet in height. ~~No fence in the corner side yard of any residential property shall exceed four feet in height unless the fence is located at the corner yard building setback line for that zoning district.~~ Fences located to the rear of the corner yard building setback shall not exceed six feet in height. See figure (a) below. If the construction is being made with pre-assembled panels that are six feet in height, the fence may be placed up to an average of four inches off the ground to allow for easier maintenance of vegetation and will still be considered a six-foot fence. This does not mean that you can use boards over six feet and fill in the space at the bottom.
- (1) No fence in the corner side yard of any residential property shall exceed four feet in height unless it meets one of the of the following criteria:
 - (a) the fence is located at the corner yard building setback line for that zoning district,
or
 - (b) the adjacent lot to the corner lot fence is not a front yard.

Section 2. Effective Date.

This Ordinance shall have full force and effect upon its passage and publication.

Passed by the City Council of the City of North Branch, Chisago County, Minnesota, this 11th day of June, 2024.