



NORTH BRANCH

—Minnesota—

Ka Bao Jennrich
Chair

Gary Schaefer
Commissioner

Jim Ibinger
Commissioner

Patrick Meacham
Commissioner

Steve Cich
Commissioner

**PLANNING COMMISSION
REGULAR AGENDA
TUESDAY, AUGUST 6, 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
5. MINUTES
6. REPORTS
7. OLD BUSINESS
8. NEW BUSINESS
 - a. Keeping of Chickens - Ordinance
 - b. Otto Accessory Structure - Ordinance/Variance
9. NEXT MEETING - 09/03/24 - 6:30 PM
10. ADJOURNMENT

ACTION

INFO

INFO



Prepared By:
Colette Baumgardner, WSB Graduate Community Planner
Presenter: Nathan Sondrol, GIS Specialist/Parks Director
Date: 08/02/2024

Board & Commission: Planning Commission

Subject: Keeping of Chickens - Ordinance

Overview / Background

At the April 23, 2024, meeting, the City Council heard from a resident regarding the keeping of chickens on residential lots zoned R1 – Single Family residential. At the June 11, 2024, meeting, the City Council discussed the issue further. Generally, the Council was in support of allowing the use on residential lots, but wanted some protection to have the chickens not become a nuisance to surrounding properties.

While the keeping of chickens is not in the zoning code requiring Planning Commission review, it is a zoning-related issue that Staff thought the Planning Commission should provide input on.

Current Code Analysis

Currently, chickens are not permitted in the R1 zoning district. Per the Zoning Use Table in [Section 66-6](#), chickens are only permitted on land zoned RR – Rural Residential and AG – Agriculture. Chickens, Turkeys and Ducks were permitted in the R1 zoning district prior to 2020. See attached ordinance 239-16

Chickens are currently considered as “livestock” as defined in Section 6-2 of the City Code. Therefore, they have been restricted to the RR and AG zoning districts.

Livestock shall be defined as any animals (excluding rabbits, dogs, and cats) including farm animals, wild animals, and exotic or unusual animals, or any animal used for breeding purposes.

However, the code does have standards for “Domestic Fowl And Honeybees On Lots Smaller Than Five (5) Acres” in Section 6-82 of the City Code. These standards have only been applied to lots smaller than five acres in the RR and AG zoning districts. The full text of Section 6-82 is

included as an attachment. In summary, Section 6-82 contains standards on the number of fowl, compatible principal uses, the types of fowl allowed, and the location and size of the structure where they are housed. The current code requires that coops/runs meet the structure setback requirements of the district and maintain a minimum setback of twenty (20) feet from dwellings on adjacent properties.

The code could be adjusted to exclude domestic fowl and honeybees as livestock and add the "keeping of domestic fowl and honeybees" as a permitted use in all districts. However, Staff would like to know if Commissioners would like additional standards to be added, specifically related to lot size, setbacks, and structure types.

Key Discussion Items

- **Lot size** - Does there need to be a minimum lot size for the keeping of domestic fowl?
- **Setbacks** - For lots less than 5 acres, the code currently requires coops, pens, and other structures for domestic fowl to meet standard setback requirements, be 20' from dwellings on adjacent properties, and located in rear yards only.
- **Permit requirements** - Section 6-82 currently states that no permit is required. Staff recommends a permit be required similar to that of a Site/Locate permit. The permit review would be to make sure the structure meets setbacks and the standards set forth in the ordinance. The permit also helps to enforce the use if a problem were to arise.
- **Accessory structure** - In the Zoning Code, Section 66-898 limits the size and number of accessory structures permitted on a lot by lot size. Would a chicken coop count toward the number of accessory structures permitted on a lot?
If it does not count as an accessory structure, staff would recommend having a maximum allowable size put in place and a restriction on the use as only being for the keeping of fowl. Therefore, if the coop were to be used as storage and become a nuisance, code enforcement action could be taken.
- **Districts** - What zoning districts would this be allowed in? All single family residential? Select multifamily uses? Central Business District?

Other Communities Requirements

City	Zoning Districts	Lot Size	Setbacks	Permit Needed?	Count as accessory structure?	Other standards
Rush City	R-1 and R-2	None, max of 6 allowed	20' property line Closer to principal dwelling on proposed property than any adjacent principal dwellings	Yes	Not stated	Require 60% of neighbors to consent Require floor space per chicken

Cambridge	R-1 and R-1A	6 fowl max on < 3 acres 12 fowl on > 3 acres and zoned residential	Accessory Structure setback + 30' from dwelling on adjacent properties	Yes	Not stated	
St. Francis	RR and R-1	No minimum	15' property line Closer to principal dwelling on proposed property than any adjacent principal dwellings	Yes	No	Require a certain amount of run/coop area per chicken

Previous North Branch Code

Staff Recommendations

Staff is primarily looking for input at this time. When looking at the neighboring communities, staff would provide the following summary for North Branch below.

- **Lot size** - No lot size minimum. Consider the minimum number per lot.
- **Setbacks** - The current standards are comparable to surrounding communities' requirements.
- **Permit requirements** - All other communities require a permit. Staff recommends requiring a permit.
- **Accessory structure** - This varies by community. From an administrative standpoint, it would be simpler if the coop/run did not count towards the number of accessory structures.
- **Districts** - Other communities allow on residential properties, not commercial or mixed-use areas.

Attachments

1. City Code Section 6-82
2. Rush City Code
3. Cambridge Code
4. St. Francis Code

Voting Requirements:

Voting Options **Simple Majority**

Sec 6-2 Definitions

Livestock shall be defined as any animals (excluding rabbits, dogs, and cats) including farm animals, wild animals, and exotic or unusual animals, or any animal used for breeding purposes.

Sec 6-80 Keeping Livestock

Except as provided in the zoning regulations in chapter 66, it shall be unlawful for any person to possess or harbor any livestock within the corporate limits of the city. This section shall not apply to traveling zoos, circuses, or other traveling commercial animal exhibitions or small native wildlife species where possession has been specifically permitted by the state.

Sec 6-81 Livestock And Livestock Operations

1. Required Permits.

a) In AG and RR districts only, livestock may be raised or bred without a permit provided that the number of animals, density, and other characteristics of the use comply with the Performance Standards in this section. b) Any person owning or seeking to conduct a livestock operation with a higher density (number of animals per grazable acre) than permitted by the Performance Standards in this section or to conduct any livestock operation in any zoning district other than AG or RR shall obtain a Conditional Use Permit. The CUP application shall include a manure management plan. c) Any person owning or seeking to operate a Feedlot in the City shall obtain a Conditional Use Permit. The CUP application shall include a manure management plan.

2. Other Requirements. Livestock and livestock operations must comply with all rules and regulations of Federal, State, County and local agencies.

3. Performance Standards. Livestock and livestock operations must comply with all of the following standards regardless of the number of animal units on the property or whether a permit is required:

a) Minimum Lot Size. No livestock, with the exception of domestic fowl and honeybees, shall be placed on any site of less than five (5) acres. For purposes of this section, five (5) acres may include the road right-of-way. b) Required Setbacks for Domestic Farm Animals.

1) Accessory structures used to shelter domestic farm animals on properties 5 (five) acres in size or larger and the boundaries of designated pasture areas shall meet the following setback requirements:

a) Any property line - 100 feet b) Any existing well or residential structure on the same parcel - 50 feet c) Any lake, stream or wetland - 200 feet

c) Animal equivalents. The following equivalents shall apply when determining animal units and animal densities per acre:

1. one mature dairy cow	1.4	2. one slaughter steer or heifer	1.0
3. one horse	1.0	4. one swine	0.4
5. one goose or turkey	0.2	6. one goat or sheep	0.1
7. one chicken, duck or pigeon	0.01		

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds.

d) Animal density. A minimum of two (2) grazable acres shall be provided for each animal unit or its equivalent. Grazable acres shall be defined as acreage currently providing enough pasture or other agricultural crops capable of supporting summer grazing at the density stated above.

The keeping of livestock in greater density than allowed as stated above shall require a conditional use permit. To obtain such permit, the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise and other nuisances.

e) Feedlots

1. Required setbacks. The following shall be the minimum setback requirements for feedlots.

a) County Parks 300 feet b) DNR protected water course or lakes 300 feet c) Wetlands 75 feet d) Private Well..... 100 feet

2. The construction of an earthen waste storage basin is permitted.

a) The structure shall not be used for the storage of animal manure for a period in excess of 12 months or the time period for which it was designed.

b) The design of the structure shall be prepared and designed by a registered Professional Engineer or staff from Chisago County qualified in the design of earthen structures or prepared by other professionals specializing in the design of such structures and with the proper training for such design and signed by a registered Professional Engineer.

3. Earthen waste storage basins, feedlots, and manure storage areas shall not be placed on slopes which exceed 13%.

f) Pastures. Livestock may graze within Shoreland and bluff impact zones provided permanent vegetation is maintained or a conservation plan has been submitted to the City and the County Zoning Administrator which is consistent with the technical guides of Chisago County.

g) The minimum acreage and animal density requirements in Sec. 6 – 81 are waived for keeping of honeybees and domestic fowl (chickens, turkeys, geese, ducks, turkeys, pheasants, Guinea hens, quail, and chuckers, except as specifically prohibited in Sec. 6 – 82 below) on lots smaller than 5 acres provided that the standards in Sec. 6 - 72 are met.

Sec 6-82 Domestic Fowl And Honeybees On Lots Smaller Than Five (5) Acres

1. The keeping of honeybees and/or up to five (5) domestic fowl on a lot that is smaller than five (5) acres does not require a City permit.

2. The total number of domestic fowl may not exceed 5 fowl per acre on a parcel that is less than five (5) acres in size and the coop and other structures must meet applicable setbacks.

3. The principal use of the property shall be single-family residential and contain a singlefamily residential structure. Honeybees and domestic fowl shall not be permitted on vacant properties or those containing multi-family residential uses. Coop structures used to house domestic fowl that are greater than 120 square feet in size shall comply with the Accessory structure limitations on the number and size of residential accessory structures permitted by Chapter 66.

4. The keeping of honeybees and domestic fowl on lots smaller than five (5) acres shall comply with the following standards:

a) Hen chickens are permitted. Roosters are prohibited. b) All chickens shall be of the subspecies *Gallus gallus domesticus*, and shall be tolerant of local climate conditions. All fowl species kept on parcels smaller than five (5) acres shall be domesticated varieties. c) Guinea fowl are prohibited (members of the Family Numididae, genus *Agelastes*, *Numida*, *Guttera*, or *Acryllium*). d) All domestic fowl shall be contained within the owner's parcel at all times. e) Domestic fowl shall not be kept inside the principal structure. f) Fowl may be slaughtered on the property in locations that are not visible to the public or adjacent properties. g) Coops and attached exercise pens shall be provided for all domestic fowl. Coops and pens shall be fully-enclosed including overhead areas, and shall be constructed of durable materials. The coop shall have sufficient windows for natural light. The floor area of the coop must equal at least two (2) square feet per fowl and the combination of the floor area and pen area must equal at least ten (10) square feet of area per domestic fowl. h) If the coop is larger than 200 square feet, the owner shall obtain a building permit. If electricity is to be provided for heating or lighting, the owner shall obtain an electrical permit. i) Coops, pens and other structures for domestic fowl shall meet the structure setback requirements of the zoning district where the parcel is located, plus all structures shall maintain a minimum setback of twenty (20) feet from dwellings on adjacent properties, and shall be located in rear yards only. j) No person may allow domestic fowl to range freely without fencing or without a mobile pen. k) All food stored for domestic fowl shall be kept in rodent-proof containers stored inside coops or other buildings. l) Structures and areas in which domestic fowl are kept or maintained, including coops and pens, shall be kept reasonable clean from filth, garbage, and any substances which attract rodents. All feces shall be collected regularly and properly disposed of on a regular basis as fertilizer, composted, or transported off the premises. m) Honeybees and domestic fowl shall not be kept in such a manner as to constitute a public nuisance as defined by the City. n) Honeybee hives shall meet the livestock setback requirements of this ordinance. The colony shall be maintained in good order and shall not be nuisance to any member of the public. o) The City may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating a reported violation or to ascertain compliance or noncompliance with the City Code and Certificate of Compliance.

CITY OF NORTH BRANCH

STATE OF MINNESOTA

COUNTY OF CHISAGO

ORDINANCE NO. 239-16

**AN ORDINANCE AMENDING THE NORTH BRANCH ZONING CODE, BY
MODIFYING ADDING LANGUAGE TO THE ORDINANCE REGULATING CHICKENS,
TURKEYS AND DUCKS**

THE CITY COUNCIL OF THE CITY OF NORTH BRANCH, MINNESOTA ORDAINS:

SECTION 1 AMENDMENT

Sec. 66-949. - Chickens, ducks, turkeys and chicken, turkey and duck keeping.

The city allows the keeping of chickens, turkeys and ducks on residential properties, subject to the following requirements:

- (a) Coops or enclosures are required and shall:
 - (1) Meet all setback requirements for the zoning district of the property.
 - (2) Coops be located consistent with Code section 66-898(b).
 - (3) Be at least ten feet from a side or rear property line.
 - (4) Not be located in a drainage or utility easement or in a shoreland protection area or in a wetland setback area.
 - (5) Shall be at least 30 feet from any residential dwelling on any adjacent property.
- (b) On properties that are less than five acres in size, outdoor pens attached to the coop must be fully enclosed to contain chickens within the pen area.
- (c) The owner must keep the chickens, turkey and ducks in a coop or fenced area. The city does not allow the keeping of free range of chickens and turkeys on properties less than five acres in size. Free range is allowed if the animals are supervised and fenced.
- (d) Animal fighting is prohibited.
- (e) There shall be no roosters on properties that are less than five acres of size.
- (f) The property owner shall maintain the coops and/or enclosures such that they are in good shape, not unsightly and free from major defects.
- (g) The property owner shall properly store all animal feed such to ensure that it does not Attract insect or rodents.
- (h) The property owner shall dispose of all animal waste in an appropriate manner.

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- (i) Are prohibited in multifamily structures and or homes.
- (j) Sale of eggs is prohibited in residentially zoned properties zoned R1, R2, R3 and R4.
- (k) The slaughtering of chickens, turkeys and ducks in view of the public is prohibited.
- (l) All coops, regardless if they have heat-lamps or not, shall be located 10 feet or further from any primary structure.
- (m) The maximum total number of chickens, turkeys and ducks allowed on properties is as follows:

Lot size (acres)	Maximum Number Allowed
Less than 1 acre	6
1.0—2.5	12
2.5—5.0	25
5.01—10.0	50

SECTION 2 EFFECTIVE DATE

This Ordinance shall take full effect and be in full force after its passage and publication according to law.

Passed and adopted this 12th day of April 2016.

CITY OF NORTH-BRANCH

BY: 
Kirsten Hagen-Kennedy, Mayor

ATTEST: _____
Bridgitte Konrad, City Administrator

1004.12: ANIMALS.

Subd. 1: Keeping of Chickens.

A. Administrative Permit Required:

1. *The keeping of chickens may be allowed upon a property developed with a single-family detached dwelling unit within the R-1 Single-Family Residential District and R-2 Two-Family Residential District subject to approval of an administrative permit in accordance with Section 1006.08: Administrative Permits of this chapter and the provisions of this section.*
2. *The application for an administrative permit shall include the information required by Section 1006.08: Administrative Permits of this chapter and the following additional information:*
 - a. *The breed and number of chickens to be kept.*
 - b. *A detailed sketch plan of the property drawn to scale including, but not limited to, the location and dimensions of the coop and run including setbacks to the property line and buildings located on the property.*
 - c. *Specifications for the coop and run including, but not limited to, dimensions, exterior finish materials, height and construction methods.*
 - d. *A written statement that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the City, or modifications thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and will be grounds for cancellation of the permit.*
 - e. *A written statement from at least 60% of abutting property owners (must share property lines) that they give consent for the applicant to keep chickens on the applicant's property.*
 - f. *Any other information the City deems necessary to evaluate the application for compliance with the requirements of this chapter and the Rush City municipal code.*
3. *An administrative permit approved in accordance with this section shall not be transferred to another owner upon the sale or change in occupancy of the property to which it is issued and shall not be transferred to another property.*

B. Performance Standards:

1. *Premises Occupied by Owner. The owner of the chickens must occupy the premises for which the administrative permit is issued.*
2. *Chickens.*
 - a. *The maximum number of chickens allowed to be kept on a property shall be six (6) chickens.*
 - b. *The keeping of roosters is prohibited.*
3. *Coop and Outdoor Exercise Area Specifications: A structure for housing the chickens herein defined as a coop and outdoor exercise area herein defined as a run shall be provided for the keeping of chickens in accordance with requirements for accessory buildings and fences in this and the following requirements:*
 - a. *Area.*

- (i) *The interior floor space of the coop shall provide a minimum of two (2) square feet for each chicken authorized by the administrative permit.*
 - (ii) *The coop shall not exceed thirty-two (32) square feet in area.*
- b. *Coop Exterior. The exterior finish of the coop shall be wood provided that the surfaces are painted or stained for exterior use or the wood is of proven durability for exterior use, such as cedar, redwood, or cypress.*
- c. *Coop Winterized. The coop shall be winterized so as to provide protection for the chickens during winter.*
- d. *Enclosed Run. A run with sides and overhead fully enclosed by fencing or wire mesh or netting with a minimum area of five (5) square feet and maximum area of twenty (20) square feet per chicken authorized by the administrative permit shall be provided and attached to the coop so as to provide controlled access between the coop and run.*
- e. *Predators and Vermin Prevented Access. The construction of and materials used for the coop and run must be adequate to prevent access by predators and vermin.*
- f. *Location.*
 - (i) *The coop and run shall be located only within a rear yard as defined by this chapter.*
 - (ii) *The coop and run shall be set back a minimum of twenty feet (20') from any lot line.*
 - (iii) *The coop and run shall not be located within a drainage and utility easement.*
 - (iv) *The coop and run shall be located closer to the principal dwelling upon the property to which the administrative permit is issued than any other residential dwelling on an abutting property.*
- 4. *Confinement. Chickens shall be confined inside of a coop from sunset to sunrise each day to prevent attracting predators and minimize nuisance noise.*
- 5. *Keeping of Feed: All feed for chickens shall be stored inside of an enclosed structure or within a watertight and vermin proof container.*
- 6. *Waste.*
 - a. *The chicken coop and run shall be kept in a sanitary and odor free condition, including the regular and frequent removal, storage in a leak proof container, and proper disposal of any accumulated feces or waste that may create a hazard to public health, safety, and welfare.*
 - b. *Feces, discarded feed, and chicken carcasses shall not be composted or buried upon the property.*
- 7. *Prohibited Activities.*
 - a. *No chicken shall be permitted to roam freely in any area not on the premises to which an administrative permit has been issued in accordance with this section.*
 - b. *Chickens shall not be kept or allowed at any time within a residential dwelling or accessory structure other than a coop allowed by this section.*

- c. Eggs from chickens kept upon the property to which the administrative permit is issued are for personal use and consumption by the occupants and shall not be offered for sale or sold.*
- d. The slaughtering of chickens upon a residential property is prohibited.*
- e. Chickens shall not be kept for breeding purposes.*

C. Administration and Enforcement.

- 1. The administrative permit shall be administered in accordance with Section 1006.08 Administrative Permits of this chapter.*
- 2. The premises, including the chicken coop and run, for which a permit is issued in accordance with this section shall at all reasonable times be open to inspection by the City to determine compliance with the requirements of the administrative permit, this section, or other provisions of this chapter relating to public health, safety, and welfare.*
- 3. The City, upon written notice, may revoke a permit for failure to comply with provisions of this Section or any of the permit's conditions. (Amended 01-9-23, Ord. 2023-01)*

(K) *Abandonment.* Any solar energy system which is inoperable for twelve (12) successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit.

§ 156.067 KEEPING OF FOWL

(A) Purpose. It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose and intent of this ordinance to permit the keeping and maintenance of fowl for eggs and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.

(B) Interim Use Permit Required. No person shall own, keep, harbor, or have custody of any live fowl without first obtaining an Interim Use Permit and paying a fee not to exceed \$150.00 for this permit.

(1) The keeping of any poultry besides fowl is prohibited.

(2) Roosters are prohibited

(3) Sale of eggs in a residential district is prohibited.

(4) Live slaughter is prohibited.

(5) Fowl fighting shall not be allowed within city limits.

(6) Leg banding of all fowl is required with serial numbers to identify the owner. An owner will have a set range of serial numbers associated for his/her chickens as noted on the Interim Use Permit application for the keeping of fowl.

(7) The maximum total number of fowl allowed on properties are as follows:

a. Less than three (3) acres – 6 fowl total

b. More than three (3) acres – 12 fowl total

(8) fowl shall not be kept in a residential house or an attached or detached garage.

(9) A separate coop is required to house the fowl. Coops must be constructed and maintained to meet the following minimum standards:

a. A site plan illustrating the location of the coop and run must be reviewed and approved by the Zoning Administrator.

b. Coops must be located in the interior side or rear yard

- c. Coops must meet all accessory structure setback requirements for the zoning district of the property and must be at a minimum of ten (10) feet from a side or rear property line and thirty (30) feet from any residential dwelling on adjacent properties or any road right-of-way.
 - d. Coops shall not be located in a drainage or utility easement or in a shoreland protection area or in a wetland setback area.
 - e. Construction shall be adequate to prevent access by rodents and predators.
 - f. Coops shall be maintained so they are not unsightly and free from major defects.
 - g. Coops must be constructed of materials which are durable and compatible with your house and neighboring residential properties.
- (10) On properties that are less than five acres in size, outdoor pens (also known as runs) are required and must be attached to the coop to fully enclose and contain fowl within the pen area.
- (11) Free range fowl on properties less than five (5) acres in size are prohibited. Free range fowl are allowed on properties five (5) acres or greater as long as the animals are supervised and fenced.
- (12) All premises on which fowl are kept or maintained shall be kept clean free from filth, garbage, and any substances which attracts rodents. The coop and its surroundings must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.
- (13) All food shall be stored in an enclosed, insect and rodent proof container.
- (14) Dead fowl shall be disposed of according to the applicable Minnesota Department of Health rules which require carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.

§ 156.068 TRAFFIC VISIBILITY AND CONTROL

- (A)** (1) A minimum sight triangle shall be established on each corner lot at every street intersection through which motorists shall have reasonable and unobstructed views. The minimum sight triangle is a triangle located at the corner of intersecting streets. The adjacent sides shall be located along the curb line or along the gutter line of streets without curb and gutter, and shall be 30 feet in length, except at controlled intersections the length shall be 15 feet. The third side shall be a straight line joining the end points of the adjacent sides.

10-68-14. Keeping of chickens.

- A. Definitions listed in Section 8-3-2 pertaining to the keeping of chickens shall apply to the following standards.
- B. On parcels of five (5) acres or more, the use standards for the Keeping of Animal and Fowl within Section 10-68-10 shall apply.
- C. On parcels of less than five (5) acres, the following standards for raising, harboring, maintaining, and keeping of chickens shall apply:
 - 1. The keeping of roosters is prohibited.
 - 2. The butchering of chickens on-site is prohibited.
 - 3. On properties of less than 2.5 acres, no more than five (5) chickens shall be kept on the permitted premises.
 - 4. On properties of 2.5 acres or more, no more than 10 chickens shall be kept on the permitted premises.
 - 5. Chickens must be confined on the permitted premises at all times in a chicken coop or chicken run, and may not be kept in any part of the principal dwelling, garage, front yard, or side yard.
 - 6. All chicken grains and feed must be stored in a rodent proof container.
 - 7. The use of chickens for cockfighting is prohibited.
 - 8. Fowl manure and other waste shall not be allowed to accumulate to create offensive odors. Accumulations of manure and other waste shall be removed at such periods as will insure that no objectionable aroma exists and the premises shall not be allowed to become unsightly or harbor rodents, flies, or insects.
 - 9. It is unlawful for any person to treat a chicken in a cruel or inhumane manner.
 - 10. It is unlawful for any person to keep a chicken in a coop or run infested by rodents, vermin, flies, or insects.
- D. Coop and Run
 - 1. All chickens shall be provided access to both a coop and run.
 - 2. A coop and run is exempt from accessory structure maximums as may be established in Chapter 10 of City Code.
 - 3. All fencing and electrical work associated with a chicken coop or run shall be consistent with applicable building and zoning codes, and all appropriate permits and/or licenses shall be obtained prior to construction.
 - 4. Any chicken coop or run shall be set back at least 15 feet from the property line, and shall be located closer to the principal dwelling on the permitted property than to any principal dwelling on adjacent properties.
 - 5. Any coop or run shall be set back at least 25 feet from the following features:
 - a. A delineated wetland edge;
 - b. The top of a bank of a pond, filtration basin, or infiltration basin.
 - 6. Chicken coops shall have a maximum footprint area of 10 square feet per chicken, and a minimum footprint area of five (5) square feet per chicken.

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7. Chicken runs shall have a maximum footprint area of 20 square feet per chicken, and a minimum footprint area of 10 square feet per chicken.
 8. The coop shall be elevated a minimum of 12 inches off the ground, and may not exceed a height of six (6) feet as measured from the ground.
 9. No coop or run shall be located in any form of easement or right-of-way.
 10. Both the coop and run shall be completely enclosed and rodent proof.
 11. The coop shall provide adequate protection from the elements and shall be winterized if chickens are being kept between November 1st and April 30th of any given year.
 12. Once an owner is finished raising chickens or if a permit is revoked, the coop and run shall be removed from the property.
- E. No person shall own, harbor, or keep within the City a hen chicken unless a valid permit for such chicken has been obtained pursuant to the provisions in Section 8-3-2 of the City Code.
- (Ord. 291, SS, 1-18-2022; Ord. 306, SS, § 3, 2-21-2023)



Prepared By:
Colette Baumgardner, WSB Graduate Community Planner
Presenter: Nathan Sondrol, GIS Specialist/Parks Director
Date: 08/02/2024

Board & Commission: Planning Commission

Subject: Otto Accessory Structure - Ordinance/Variance

Overview / Background

In February 2024, Ross Otto applied for a variance to have a 1472 sq ft shed on his property at 5967 Birch St (PID: 16.00054.10). The application did not contain a narrative or survey, and it was deemed incomplete for review. Upon further review, Staff would consider his request to be better suited as an ordinance amendment than a variance request. Given the review timeframe, staff suggested discussing the ordinance with the Planning Commission prior to requesting a second application.

Property Analysis

The subject property is approximately 2.65 acres, zoned as R-1 Single Family and within the zoning overlay districts for shoreland, floodplain, and wetland. Based on an estimate using the Chisago County GIS, the property has less than 1 acre of buildable land outside the floodplain. A survey of the property measuring the exact buildable acreage has not been conducted.

Section 66-898 (g) would allow for two accessory structures on the property: one up to 1,200 sq ft and one less than 200 sq ft.

Section 66-898 (g): Size of Accessory Structures Allowed

Lot Size <u>net buildable</u> <u>area size</u>	Maximum Individual Building Size (square feet)	Aggregate Square Footage of All Accessory Buildings	Quantity of Detached Accessory Buildings	Maximum Height of Side Walls (feet)

Less than one-half acre <u>buildable</u>	750	750 square feet	1 up to 750 sq ft 1 </ 200 sq ft	10
One-half acre but less than one acre <u>buildable</u>	1,200	1,400 square feet	1 </ 200 sq ft 1 up to 1,200 sq ft	16
One acre or more but less than five acres <u>buildable</u>	2,500	2,500 square feet plus 250 square feet per acre	1 </ 200 sq ft 1 up to 2, 500 sq ft	16

Current Code Analysis

Size of accessory structures is a regular request to City staff, and it is helpful to discuss and review the size from time to time to ensure that it is aligned with community interest.

The code allows for two separate structures and is written specifically so that the structures cannot be combined. Structures that are less than 200 sq ft do not require a building permit and are generally thought of as sheds or smaller storage buildings. Generally, staff are in support of keeping the language this way, as smaller shed type structures are often placed on properties even if a large accessory structure is on the property.

In 2017, the code was updated to require buildable area, not just total acreage on a parcel. The definition of buildable area is below. Often, the nonbuildable areas of parcels have features like wetlands or shoreland that could be adversely impacted by the increased impervious surface if the definition was for total acreage, not buildable area. If this requirement were to be for total acreage, there could be additional requests for variances from setback requirements or allowances for buildings in the front yard due to natural features on the lot.

Buildable Area means Upland-Buildable Area: An area of land excluding slopes of greater than eighteen percent (18%), surface waters, wetlands or flood plains, drainage and or utility easements where the depth to mottled soils is at least one (1) foot.

However, the allowed impervious surface coverage is based on the total area of a parcel. This means that a property owner can make an addition to their home of any size as long as it does not exceed the impervious surface allowance, meets setbacks, and meets the building code.

The overall size of structures allowed is quite permissive in comparison to other communities, especially for properties within the urban service area. In North Branch, the accessory structure standard is based on acreage, and it does not take into account a property's zoning or if it is in the urban service area. It is common for cities to have different standards for accessory

structures based on the property being in the urban or rural service area. Staff did a small survey of other communities' requirements for accessory structures below.

Surrounding Community Accessory Structure Sizes

	Urban Area*	Rural Area*
Rush City	No detached accessory building or combination of detached accessory buildings shall exceed 1,000 sq ft without CUP.	RR lots <10 acres: 1,500 sq ft RR lots 10 acres +: 3,000 sq ft A-1: 4,000 sq ft (combined)
Cambridge	1,000 sq ft in all districts, except Rural Residential and Agricultural	2 - 5 acres: 1,500 sq ft 5 + acres: 1,800
Wyoming	1,000 sq ft or 5% gross lot area, whichever is greater, with max of 2,000 sq ft	Same as urban
St. Francis	1 detached garage 840 sq ft 1 accessory structure 500 sq ft	< 1 acre: 600 sq ft 1 - 2.5 acre: 1,200 sq ft 2.5 - 5 acre: 1,500 sq ft 5 - 10 acre: 4,000 sq ft 10+ acre: 5,000

*Urban and Rural Areas generally tie to the urban service area, but some are more aligned with zoning districts.

Key Discussion Items

- Currently, the code allows for two separate structures. Does the Commission have interest in a maximum combined accessory structure size?
- Does the Commission have an interest in modifying the buildable acreage requirement?

Staff Recommendations

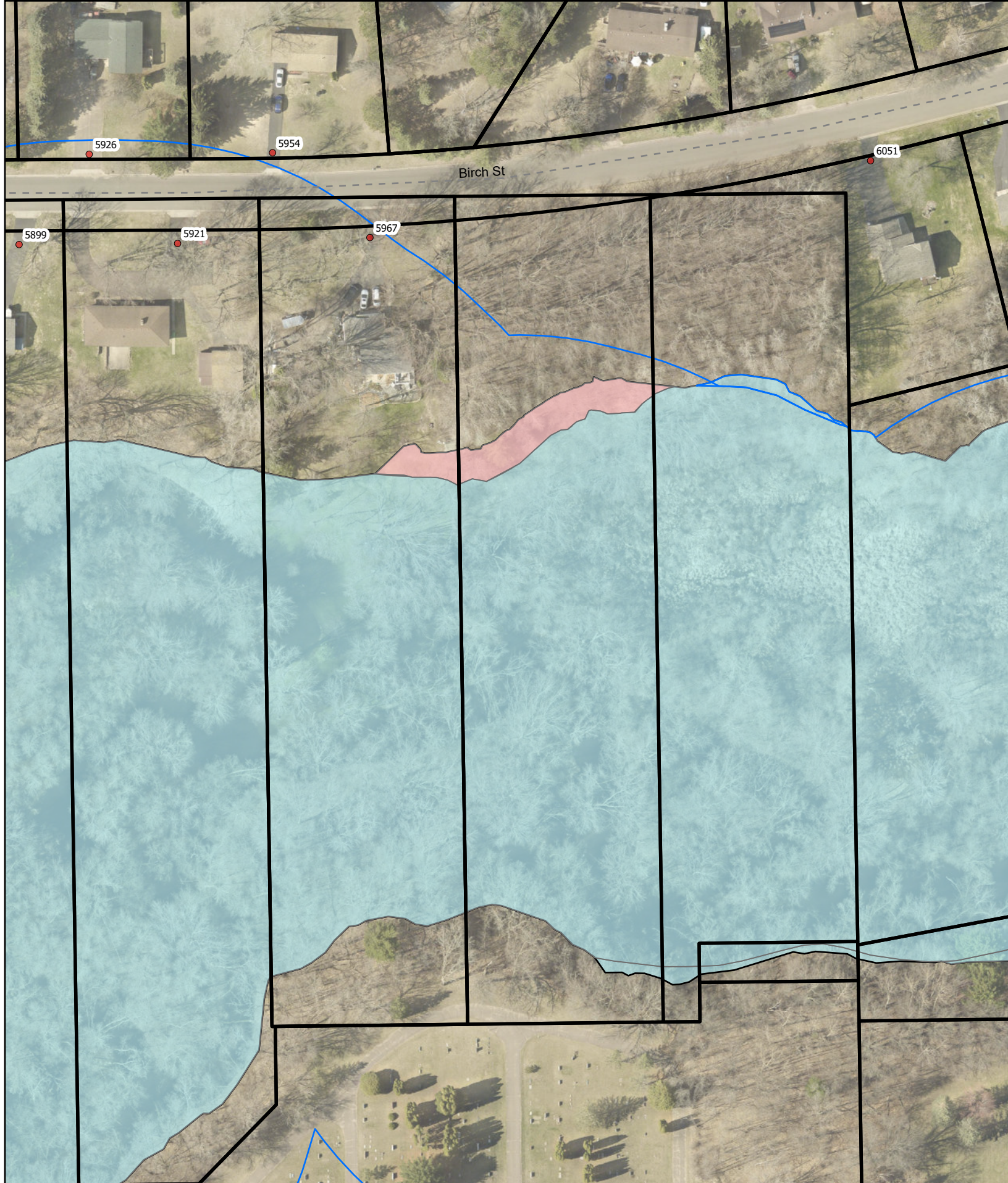
Staff is primarily looking for input at this time. Staff is in support of the current ordinance requirements, but wanted to bring forward the discussion to the Commission.

Attachments

1. Floodplain Map of 5967 Birch St

Voting Requirements:

Voting Options Simple Majority



Birch St

CITY OF

EST. 1881



5967 Birch St