



Regular Meeting of the Planning Commission

Tuesday, October 13, 2020

7 pm Regular Meeting

101 14th Street, Cloquet, MN 55720

Please join the meeting from your computer, tablet or smartphone

<https://global.gotomeeting.com/join/957353301> You can also dial in using your phone

United States: 1 (872) 240-3412 Access Code: 957-353-301

AGENDA

1. Call to Order
2. Roll Call
3. Additions/Changes to the Agenda
4. Minutes from the July 28, 2020 Planning Commission meeting
5. Zoning Case 20-11: City of Cloquet, Ordinance Amendment, Chickens
6. Homeless Shelter Discussions
7. Commissioner's Questions/Comments
8. Adjourn

NEXT MEETING:

November 10th @ 7 pm



CALL TO ORDER

Chairman Wilkinson called the meeting to order at 7:00 p.m.

ROLL CALL

Attending: Planning Commission members: Uriah Wilkinson, Terri Lyytinen, Elizabeth Polling, John Sanders and Philip Demers; City: Al Cottingham.

Absent: Mark Cline and Rob Zappia.

Others Present: Tim Fosness and Kay Johnson.

ADDITIONS/CHANGES TO THE AGENDA

None.

AGENDA ITEMS

July 14, 2020 Meeting Minutes

Chairman Wilkinson asked for any corrections or additions.

Motion: Commissioner Lyytinen made a motion to approve the Planning Commission meeting minutes from July 14, 2020, Commissioner Sanders seconded. (Motion was approved 5-0).

Zoning Case 20-10 – Rezoning, Preliminary Plat and Final Plat for Timothy Fosness

Chairman Wilkinson introduced Zoning Case 20-10, Rezoning, Preliminary Plat and Final Plat for Timothy Fosness and opened the public hearing. He asked Mr. Cottingham to provide an overview. Mr. Cottingham stated Timothy Fosness was proposing a rezoning for Lots 1 and 2 of the subdivision from Farm Residential to Single-Family Residence, a preliminary plat for 3 lots and a small utility extension and cul-de-sac it also identified the wetlands that have been reviewed and approved by the technical evaluation panel and a final plat that is consistent with the preliminary plat. This is a public hearing with a legal notice published in the Pine Knot on July 17, 2020 and property owners within 350 feet were notified of the hearing. He also noted that Mr. Fosness was present.

Chairman Wilkinson asked Mr. Fosness if he had anything to add to the overview given by Mr. Cottingham.

Mr. Fosness stated he did not and was available for any questions.



Regular Meeting of the Planning Commission

Via Teleconference

Tuesday, July 28, 2020

7:00 p.m.

101 14th Street, Cloquet, MN 55720

Chairman Wilkinson acknowledged Kay Johnson; 408 Briggs Creek Lane was present.

Ms. Johnson stated she did not have any questions.

There being no further discussion Chairman Wilkinson closed the public hearing and looked for a motion.

Motion: Commissioner Sanders made a motion to approve Resolution No. 20-10 Rezone, A Resolution Recommending the City Council of Cloquet approve the Rezoning from “FR – Farm Residential” to “R1 – Single-Family Residence”, Commissioner Lyytinen seconded. (Motion passed 5-0)

Motion: Commissioner Lyytinen made a motion to approve Resolution No. 20-10 PP, A Resolution Recommending the City Council of Cloquet approve the Preliminary Plat in the FR – Farm Residential District for Timothy Fosness subject to the conditions in the draft resolution, Commissioner Polling seconded. (Motion passed 5-0)

Motion: Commissioner Sanders made a motion to approve Resolution No. 20-10 FP, A Resolution Recommending the City Council of Cloquet approve the Final Plat in the FR – Farm Residential District for Timothy Fosness subject to the conditions in the draft resolution, Commissioner Polling seconded. (Motion passed 5-0)

Mr. Cottingham stated this would be forwarded to the City Council at their August 4, 2020 meeting.

Commissioner’s Questions/Comment

Mr. Cottingham stated the August meeting would need to be moved to Wednesday, August 12th since the 11th is primary elections. He also noted that the meeting would also be via teleconference.

Next Meeting

August 12, 2020

Meeting adjourned 7:12 p.m.

Respectfully submitted,

Al Cottingham, City Planner/Zoning Administrator



Community Development Department
101 14th Street • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

To: Cloquet Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: October 7, 2020

ITEM DESCRIPTION: ZONING CASE 20-11: ZONING ORDINANCE TEXTUAL AMENDMENT – CHICKENS

Background

The City Council at a recent Work Session directed staff to prepare an Ordinance Amendment that would allow the keeping of chickens in Residential Districts on lots of ¼ acre or larger. Staff decided using 11,000 sq. ft. would be easier rather than 1/4 acre (10,890 sq. ft.). The number of chickens would be limited to 5 (laying hens) and be subject to obtaining a license to keep chickens. Below is an attempt by staff to amend certain sections of the City Code that would allow the keeping of chickens based on City Council discussion along with licensing criteria.

A public hearing will be held on Tuesday, October 13, 2020 to consider possible amendments to the text of the Cloquet Zoning Ordinance. A legal notice was published in the Pine Knot on May 29, 2020, Property owners were **not** sent a notice of the hearing since this is a textual amendment. The amendments, if approved, would amend Section 8.4.02 of the City code and Sections 17.4.01 Subd. 12; 17.6.04 Subd 4; 17.6.05 Subd. 4; 17.6.06 Subd 4; and, 17.6.07 Subd 4 of the Zoning Ordinance to allow the keeping of chickens (laying hens only).

CHAPTER 8

Section 8.4.02 Farm Animals. Farm animals shall only be kept in an agricultural district of the City, or on a residential lot of at least ten (10) acres in size provided that no animal shelter shall be within three hundred (300) feet of adjoining piece of property. An exception shall be made for animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or licensed show or exhibition. **Another exception is the keeping chickens (laying hens) as an accessory use in all residential districts, see Chapter 17 for restrictions.**



CHAPTER 17

Section 17.4.01 Subd. 12 Animals other than Domestic (House) Pets.

- A. No animals, other than domestic (house) pets, as defined in *Section 17.1.05*, shall be permitted in any zoning district other than the FR Farm Residential District. **Chickens (laying hens) may be kept in all residential districts as an accessory use. See each specific district for the requirements.**
- B. No Structure (excluding a doghouse, **chicken coop** and pen area) or uses of land intended for the care and grooming of animals other than domestic pets, as defined in *Section 17.1.05*, shall be permitted in any zoning district except the FR – Farm Residential District.

Section 17.6.04 SR – Suburban Residential District, Subd 4. Accessory Uses.

K. Chickens – The keeping of not more than 5 chickens (laying hens) on lots of 11,000 sq. ft. or larger subject to obtaining a license to keep chickens.

Section 17.6.05 R-1 – Single-Family Residence District, Subd 4. Accessory Uses.

K. Chickens – The keeping of not more than 5 chickens (laying hens) on lots of 11,000 sq. ft. or larger subject to obtaining a license to keep chickens.

Section 17.6.06 R-2 – One- to Two-Family Residence Districts, Subd 4. Accessory Uses.

K. Chickens – The keeping of not more than 5 chickens (laying hens) on lots 11,000 sq. ft. or larger subject to obtaining a license to keep chickens.

Section 17.6.07 R-3 – Multiple-Family Residence District, Subd 4. Accessory Uses.

K. Chickens – The keeping of not more than 5 chickens (laying hens) on lots of 11,000 sq. ft. or larger subject to obtaining a license to keep chickens. The property is limited to a single-family dwelling.

The License to Keep Chickens is attached to this report.

Policy Objectives

As times change amendments to the Ordinance are made to try to stay current with things.

Financial Impacts

The Zoning Ordinance Text Amendment fee is \$300. These fees have been waived since the city is the applicant.



Community Development Department
101 14th Street • Cloquet MN 55720
Phone: 218-879-2507 • Fax: 218-879-6555

Advisory Committee Action Requested

The Planning Commission should review the draft Ordinance language to be sure it covers the topic to their satisfaction. The Commission should then recommend approval or denial of the Ordinance to the City Council.

Staff Recommendation

Staff would recommend approval of the Zoning Ordinance Text Amendment as identified in the attached pages.

Supporting Documents Attachments

- Resolution 20-11
- License to Keep Chickens

CITY OF CLOQUET

COUNTY OF CARLTON

STATE OF MINNESOTA

Commissioner _____ offered the following Resolution and moved its adoption.

RESOLUTION NO. 20-11

A RESOLUTION RECOMMENDING THE CITY COUNCIL OF CLOQUET APPROVE THE ATTACHED ORDINANCE RELATING TO CHICKENS

WHEREAS, the City of Cloquet is proposing to amend the City Code and the Zoning Ordinance regarding the keeping of chickens; and

WHEREAS, As required by ordinance, notification was advertised in the Pine Knot. A public hearing was held to consider the application at the regular meeting of the Cloquet Planning Commission on October 13, 2020 at which time Zoning Case / Development Review No. 20-11 was heard and discussed; and

WHEREAS, the Planning Commission reviewed the staff report and recommends approval of the attached ordinance.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF CLOQUET, MINNESOTA, the Planning Commission recommends approval of Zoning Case 20-11 to the Cloquet City Council and the attached ordinance; and

The foregoing motion was duly seconded by Commissioner _____ and being put to vote members voted: AYE: ____ NAY: ____ ABSENT: ____

| | | | |
|----------------|-------|-------------------|-------|
| MARK CLINE | _____ | PHILIP DEMERS | _____ |
| TERRI LYYTINEN | _____ | ELIZABETH POLLING | _____ |
| JOHN SANDERS | _____ | URIAH WILKINSON | _____ |
| ROBERT ZAPPIA | _____ | | |

Passed and adopted this 13th day of October 2020.

CITY OF CLOQUET

URIAH WILKINSON
CHAIR

ATTEST: _____
Alan Cottingham
City Planner/Zoning Administrator

ORDINANCE NO. XXXA

AN ORDINANCE TO AMEND CHAPTER 8 AND CHAPTER 17 OF THE MUNICIPAL CODE TO ALLOW CHICKENS IN RESIDENTIAL DISTRICTS

The City Council of the City of Cloquet does hereby ordain as follows:

Section 1. Section 8.4.02 Farm Animals is amended to read:

Farm animals shall only be kept in an agricultural district of the City, or on a residential lot of at least ten (10) acres in size provided that no animal shelter shall be within three hundred (300) feet of adjoining piece of property. An exception shall be made for animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or licensed show or exhibition. Another exception is the keeping of not more than five (5) chickens (laying hens) as an accessory use in all residential districts, see Chapter 17 for restrictions.

Section 2. Section 17.4.01 Subd. 12 Animals other than Domestic (House) Pets is amended to read:

- A. No animals, other than domestic (house) pets, as defined in *Section 17.1.05*, shall be permitted in any zoning district other than the FR Farm Residential District. Chickens (laying hens) may be kept in all residential districts as an accessory use. See each specific district for the requirements.
- B. No Structure (excluding a doghouse, chicken coop and pen area) or uses of land intended for the care and grooming of animals other than domestic pets, as defined in *Section 17.1.05*, shall be permitted in any zoning district except the FR – Farm Residential District.

Section 3. Section 17.6.04 SR – Suburban Residential District, Subd 4. Accessory Uses is hereby amended to read:

K. Chickens – The keeping of not more than 5 chickens (laying hens) on lots of 11,000 sq. ft. or larger subject to obtaining a license to keep chickens.

Section 4. Section 17.6.05 R-1 – Single-Family Residence District, Subd 4. Accessory Uses is hereby amended to read:

K. Chickens – The keeping of not more than 5 chickens (laying hens) on lots of 11,000 sq. ft. or larger subject to obtaining a license to keep chickens.

Section 5. Section 17.6.06 R-2 – One- to Two-Family Residence Districts, Subd 4. Accessory Uses is hereby amended to read:

K. Chickens – The keeping of not more than 5 chickens (laying hens) on lots of 11,000 sq. ft. or larger subject to obtaining a license to keep chickens.

Section 6. Section 17.6.07 R-3 – Multiple-Family Residence District, Subd 4. Accessory Uses is hereby amended to read:

K. Chickens – The keeping of not more than 5 chickens (laying hens) on lots of 11,000 sq. ft. or larger subject to obtaining a license to keep chickens. The property is limited to a single-family dwelling.

Section 7. Fees and Charges. The City’s 2020 Fee Schedule be amended to include an initial chicken license fee of \$50.00 and a renewal fee of \$25.00.

Section 8. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication in accordance with law.

Passed this ____ day of _____, 2020.

CITY OF CLOQUET

By: _____
Its Mayor

ATTEST:

By: _____
Its City Administrator

Published this _____ day of _____, 2020.

OBTAINING A LICENSE TO KEEP CHICKENS

- A. Any person who keeps chickens in the Residential zones of the City of Cloquet shall obtain an annual license prior to getting chickens. There will be a one-time fee for the inspection of the Chicken facility and then a yearly renewal. The license will run from January 1 to December 31 each year. Applications will be made to the City Planner/Zoning Administrator.**
- B. All licenses shall be conditioned upon passing a mandatory inspection by the City Planner/Zoning Administrator, Building Official or their designated agent.**
- C. The inspector may refuse to grant or revoke a license if the chickens become a nuisance, as evidenced by three admitted or judicially determined violations of the Chicken Ordinance within a 12-month period. Inspections will be conducted to investigate the nuisance.**
- D. The inspector may refuse to grant or may revoke a license to a person convicted of cruelty to animals under a code, ordinance, or statute of Minnesota or other state.**
- E. All reports of such inspections and reviews shall be in writing and maintained by the City of Cloquet.**
- F. A site plan must be submitted and approved before a license to keep chickens will be granted.**

CHICKEN LICENSE REGULATIONS

Each person holding a license to keep chickens within the City of Cloquet residential zones shall comply with the following:

- 1. The principle use of the property where the chickens are kept is a single-family dwelling.**
- 2. No resident shall keep more than five (5) chickens (laying hens). No roosters are allowed. No chickens shall be raised for meat and slaughtered within the City.**
- 3. No person shall slaughter a chicken in a residential zone.**
- 4. No person shall keep chickens inside a residential dwelling.**
- 5. Chickens shall be kept in a secure and well ventilated roofed enclosed structure. The roofed structure shall be fully enclosed, wind proof, have one square foot of window to 15 square feet of floor space. The floors and walls of the structure shall be kept clean and sanitary with all droppings and body excrements collected and disposed of properly. Chicken feed and manure must be kept in rodent and racoon-proof containers and must not be placed in yard compost piles.**
- 6. A fenced enclosure may be attached to the coop to allow an outside area. The enclosure shall be secure so the chickens cannot get out and roam. These areas shall be kept clean and sanitary.**
- 7. A floor area or combination of the floor and fenced yard area for keeping chickens shall not be less than 10 square feet of floor space per chicken.**
- 8. Chickens are not allowed to roam the area freely.**
- 9. No coop and enclosed fenced yard shall be located closer than 25 feet to a residential dwelling on adjacent lots.**
- 10. Building permits are not required for structures less than 200 square feet. An electrical permit is required for branch wiring to an accessory building.**
- 11. Coops and enclosed fenced yards cannot be located in the front yard and must meet all minimum setbacks from property lines and structures.**
- 12. Written consent of at least 75% of the property owners or occupants within one hundred (100) feet of the property must be submitted with the initial application.**

CHICKEN LICENSE APPLICATION

NAME: _____

ADDRESS: _____

PHONE: _____

A detailed site plan must accompany this application. It shall include a drawing of the coop and fenced yard area.

I HEREBY STATE THAT ALL THE INFORMATION HERE IS TRUE AND CORRECT AND THAT I SHALL COMPLY WITH ALL PROVISIONS OF THE ORDINANCES OF THE CITY OF CLOQUET AND THE LAWS OF MINNESOTA TND THEIR AMENDMENTS.

Signature

Date

Initial Fee \$50

Renewal Fee \$25

For office use only

Date _____

License # _____

Fees paid _____

Site Plan approved _____

Coop Inspected _____



COMMUNITY DEVELOPMENT DEPARTMENT

101 14th Street • Cloquet MN 55720

Phone: 218-879-2507 • Fax: 218-879-6555

www.cloquetmn.gov

To: Planning Commission
From: Al Cottingham, City Planner/Zoning Administrator
Date: October 7, 2020

ITEM DESCRIPTION: Zoning Discussion for Homeless Housing

This summer staff was made aware of a group called Hope Harbor that has purchased a single-family residence and is using it to house homeless individuals while they are working with them to transition them back into society, there is no onsite supervision provided at the home. It is our understanding that there are other places like this located in Cloquet. This may be something that only for a few months or possibly a year or longer depending on the individual. There is nothing in the Zoning Ordinance that would address this type of situation except for the definition of a “Family”. The definition allows up to 4 persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

In contacting other communities about this I could not find that they had anything quite like this. The City of Grand Rapids would probably call it a “Rooming House means a building that is the primary residence of the owner and in which rooms are provided by the owner, for compensation, to persons not related by blood, marriage, or adoption to the owner.” Depending on the size of the facility would depend on what zoning district it would be allowed. They also define “Emergency Housing Facility means a building or portion thereof where persons who do not have housing live until more permanent arrangements can be made.” This type of facility is allowed in most of their Zoning Districts with certain restrictions, an example would be in the R-1 and R-2 Districts as an accessory use to the principal use such as a church or school.

The City of Duluth defines “Rooming House as a building containing habitable units and that provide sleeping of living accommodations by prior arrangements, regardless of whether those accommodations are offered for compensation or not, and for definite time periods. Some of all bathroom and/or kitchen facilities, where provided, are for use on a communal basis. Individual habitable units are not owned by occupants, except that a habitable unit may be occupied by the owner of the building.” These facilities are allowed in their higher density residential areas and their commercial districts.

As part of the White Pine Apartments (930 14th Street) and Carlton Lofts (509 Carlton Avenue, Old Middle School) they each have 7 units available for Housing Support. These sites are in the R3 – Multiple-Family Residence District.

Staff would like to have some discussions regarding the “Rooming House” concept and what Zoning Districts this should be allowed in; supervision of the individuals within the building; the definition of a family to see if the number of unrelated individuals should be changed; and, possible short term and long term housing definitions. After receiving some feedback from the Commission staff will come back with some draft language prior to holding a public hearing to consider an Ordinance amendment.

As a side note the Ordinance defines a “Boarding House as a dwelling where meals of lodging, or both, are provided for compensation to three or more persons, who are not transients, by pre-arrangement for definite periods, in contradistinction to hotels and motels as herein defined.”

In discussions with the City Attorney it would be very hard to regulate the operations like Hope Harbor provided that stay within the regulations of the definition of a “Family” as defined in the Ordinance.