



City of
BRAHAM

"Building A Better Tomorrow"

201 Broadway Avenue South

PO Box 521

Braham, MN 55006

Phone: 320.396.3383

Fax: 320.396.3478

**Planning Commission Meeting
January 23, 2023, 5:00 pm
Braham City Hall Council Chambers**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approve Planning Commission Meeting Minutes from August 23, 2022
4. Interview two applicants for the vacant Planning Commission seat and bring back recommendation to City Council
 - Karen Knowles
 - Melinda LaQuier
5. Continue discussion on an ordinance that will allow chickens in residential districts within the city
6. Adjourn

Planning Commission Minutes
August 23, 2022

Members present: Loren Davis, Cheryl Fike, Jay Mankie, Sam Stigen, and Ex-Officio member Vicky Ethen

Members absent: None

Others present: Rachel Kytonen, City Administrator; Mike Tierney with Bolton and Menk; and Ken Gagner, Superintendent of Braham Area Public Schools

Call to Order

Chair Davis called the meeting to order at 4:30 p.m., took Roll Call, and led the Commission in the Pledge of Allegiance.

Approval of Minutes from July 26, 2022 Planning Commission Meeting

The minutes from the July 26, 2022 Planning Commission meeting were reviewed without any changes. Fike moved, seconded by Mankie, to approve the July 26, 2022 Planning Commission meeting minutes. The motion carried unanimously.

Variance request for Braham Elementary School parking lot project

Kytonen explained the Braham School District is doing some safety improvements to the parking lot at Braham Elementary, 528 8th St. SW. The variance is needed because City ordinance states a 30 feet front yard setback is required, and the proposed plan reduces that to 8.19 feet. According to the contractor, Bolton & Menk, this reduction is to provide safer interactions between vehicles on the site and would separate the parent drop-off and visitor parking from the bus drop-off and staff parking. The revised site layout also allows the buses to park along the curb and the students to load/unload without crossing vehicular traffic.

Kytonen explained Justin Bergerson, Isanti County Highway Engineer, reviewed the site plan as well. Bergerson noted that an Access to County Highway Permit and Work in County Highway Right of Way Permit would both be required before work can begin in the county right of way. Kytonen said if the Planning Commission grants the variance request, the motion should also include that the applicant needs to follow all the conditions and recommendations set forth by the Isanti County Highway Engineer.

Tierney also explained the primary reason for the project is safety. Planning Commission members asked a few more detailed questions about the project.

Following discussion, Davis moved, seconded by Fike, to approve the variance request for 528th 8th St. SW contingent upon the applicant/contractor meeting all the requirements set forth by the Isanti County Highway Department and Isanti County Highway Engineer Justin Bergerson in his memo dated August 23, 2022. The motion carried unanimously.

Discussion on possible chicken ordinance

Kytonen explained during the August 3, 2022 City Council meeting, the Council discussed the idea of allowing chickens within residential districts. Following discussion, the Council directed the Planning Commission to discuss the idea in greater detail.

The Council was in favor of utilizing an application process with a fee instead of requiring an interim use permit. The city would utilize Rum River Consultants as administrators of the program who would review the applications and site plans. To cover city costs, a fee of \$100 would be required with each application. This would be a one-time fee for the applicant unless the applicant moves. If the applicant moves, the coop and run/exercise yard would need to be removed from the property. If the applicant wishes to have chickens again in their new location, a new application will need to be filled out and the \$100 fee would be required again.

The Council discussed requiring site plans with the application; allowing up to six chickens per residential lot; not requiring leg banding and not requiring written permission from adjacent property owners. However, if the property is a rental property, written permission from the property owner would need to be attached to the application.

Some common themes among ordinances include the requirement of coops with setback requirements; animal fighting is prohibited; no roosters; the sale of eggs is prohibited in residential districts; premises must be kept clean from filth, garbage and any substances that attract rodents; running at large is prohibited; slaughtering of chickens in public view is prohibited; runs or exercise yards attached to the coop are required; and dead chickens must be disposed of according to the Minnesota Department of Health (carcasses need to be disposed of as soon as possible after death, usually within 48 to 72 hours).

The Planning Commission had considerable discussion regarding the possible chicken ordinance. Discussion included the number of chickens allowed per residential lot; limiting chickens to only the R-1 One-Family and Two-Family Residential District; what would code enforcement look like; what should the setbacks be for the lot; materials and size of the coop; and the application fee.

Davis brought up the \$100 application fee and wondered if that should be increased to \$150. Kytonen explained Rum River would charge the city \$80 to complete the site inspection process and the city would keep \$20 for their time. Davis said if there are code enforcement issues, then that would be time spent by the city's code enforcement officer as well.

The Planning Commission also discussed code enforcement in detail. Such as if a person has too many chickens as allowed per ordinance, or they have a rooster, which is not allowed under the ordinance, what happens to these animals. And does animal control deal with these animals or does the city's code enforcement officer have to collect these animals.

Kytonen noted if this idea continues to move forward and once there is a draft ordinance in place, the Council could amend Title IX: General Regulations, Ordinance 275. This is the ordinance that regulates animals. The city would not need to hold a public hearing on the issue since the city would not be putting this under the land use code.

Following discussion, the Planning Commission decided to spend more researching the ordinance and bring the topic back to a future meeting for further discussion.

Adjourn

Being no further business before the Commission, Davis moved, seconded by Mankie, to adjourn the meeting at 5:30 p.m. The motion carried unanimously.

Loren Davis, Chair

Attest:

Rachel Kytonen, City Administrator



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Interviewing Planning Commission applicants

Meeting: January 23, 2023

Prepared by: Rachel Kytonen, City Administrator

Background

During the January 5, 2023, City Council meeting, the Council tabled action relating to Committee Appointments. This included tabling Planning Commission appointments.

Since the city received two applications to fill the vacant seat (previously held by Alan Taylor), the Council directed the Planning Commission to interview the applicants. You will find the two applications (Karen Knowles and Melinda LaQuier) within your packet. Chair Davis and I discussed the questions to ask the applicants. The applicants also received these questions in advance.

Following the interviews, the Planning Commission should make a recommendation on who they would like to serve on the Planning Commission. This recommendation will be brought before the City Council during its February 7 meeting for final consideration/approval. The person selected to fill the vacant seat will serve a 3-year term, expiring Dec. 31, 2025.

The Council has not yet appointed a Planning Commission non-voting, ex-officio member. Below is a copy of the city ordinance relating to the Planning Commission for your reference.

§ 30.15 COMPOSITION.

The Planning Commission shall be composed as follows.

(A) *Members.* The Planning Commission shall consist of five members selected from the city residents, and/or people who own property within the city limits and are approved by the City Council.

(B) *Ex-officio member.* Each year, the Mayor shall appoint one member of the City Council to serve as a non-voting, ex-officio member of the Planning Commission.

(C) *Advisors.* The City Attorney, City Engineer, City Zoning Administrator, and City Building Official shall be official advisors to the Planning Commission. The advisors shall attend Planning Commission meetings upon request.

(Ord. 119, passed 8-3-1987; Ord. 285, passed 1-7-2020)



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City of Braham Board Member Application

For consideration, please fill out the below information and submit all the information to:
City Administrator Rachel Kytonen, 201 Broadway Ave. S., Braham, MN 55006 or
administrator@braham.com, 320-396-3383

Name: Karen Knowles E-mail: [REDACTED]
Address: [REDACTED] Braham, MN 55006
Phone Number: [REDACTED]

Board Seat for which you are applying for, please circle one:

Planning Commission
 Economic Development Authority

For Consideration on the Board, you must circle at least one:

City of Braham Resident
 City of Braham Business Owner

Please fill in the following:

Education and/or Knowledge that will be useful to the Board:

I only have some college, no degree. I have lived and worked in Braham since 1986. We have raised 4 children in this community. I have been involved in various organizations, including Braham J C's, and Girl Scouts. I have served in various leadership positions at church, including president of the Primary - children ages 3-12, Young women org. ages 12-18, and the women's org. 18+, I have also served as counselor to the president in each of these organizations.
I worked at the Braham video store 1987-1988, the hardware store 1996-1997, also Braham Area Schools since 1994.
At the school I substitute for the secretaries, librarian, nurse, and para positions. I have a certificate as a para - professional.

Why are you interested in being on the Board?

I would like to serve on the board to have a positive influence on the community I live in.

What is your vision of Braham?

I would like to see Braham grow in a way that benefits the people who live and work here. I would also like to see Braham continue to be a safe, family friendly community.

Include any other pertinent information that might be taken into consideration. You may attach additional pages.



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For consideration, please fill out the below information and submit all the information to:
City Administrator Rachel Kytonen, 201 Broadway Ave. S., Braham, MN 55006 or
administrator@braham.com, 320-396-3383

Name: Melinda F. LaQuier E-mail: [REDACTED]
Address: [REDACTED] Braham MN, 55006
Phone Number: [REDACTED]

Board Seat for which you are applying for, please circle one:

Planning Commission
Economic Development Authority

For Consideration on the Board, you must circle at least one:

City of Braham Resident
City of Braham Business Owner

Please fill in the following:

Education and/or Knowledge that will be useful to the Board:

Associates of Liberal Arts, Associates of Science in Medical Lab Technician, and Cosmetology License

I have many years of experience and knowledge with regards to State standards, policies, and zoning codes. I have worked closely with the State to implement our state laws on safety and sanitation. I work well with others while enjoying also being a self-motivator. I utilize my resources, network, and enjoy finding the answer to problems. I can translate State zone codes and our extensive plans in an elegant but simplified manner. I have a keen eye for details. I'm not afraid to ask questions. I also attend and enjoy our public hearing.

Why are you interested in being on the Board?

As a graduate and returning resident, I'm highly invested in our community's future. My goal in life and personal mission statement is, how can I serve you? I find being part of the board creates opportunities to provide recommendations for our city to keep its small-town charm while bringing innovated ideas enhance our bonds to our community. I find myself a compassionate person and want the opportunity to share my energy with other like-minded people.

What is your vision of Braham?

My vision is to continue our strong roots in our small-town values and provide safety. I want to create a collective of plans that provide more than just fundamentals but building blocks for our future generations to enjoy. I want to be a part of a team that creates change and progression while keeping our small-town charm. My vision is to make lasting bonds that will inspire others

Include any other pertinent information that might be taken into consideration. You may attach additional pages.

Planning Commission Interview Questions:

- 1) What is the Planning Commissions role?

- 2) What is the purpose of a zoning code?

- 3) If you are asked to make a decision on a matter before you that does not meet city requirements, yet you are in favor of, will you be able to uphold the City's standards?

- 4) What is your knowledge on conditional/interim use permits, zoning, variances, and plats?

- 5) Do you have planning or planning commissioner experience?

- 6) Do you volunteer within the Braham Community?

- 7) Can you attend evening meetings at 5:00 pm?



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Discussion on possible chicken ordinance

Meeting: January 23, 2023

Prepared by: Rachel Kytonen, City Administrator

Background

During the August 3, 2022 City Council meeting and the August 23, 2022 Planning Commission meeting, the idea of allowing chickens within residential districts was discussed. There have been a few inquiries from city residents about wanting to have chickens for food purposes and many cities around Braham allow this.

The Council was in favor of utilizing an application process with a fee. The city would utilize Rum River Consultants as administrators of the program who would review the applications and site plans. To cover city costs, a fee of \$100 (or it was discussed this would be \$150) would be required with each application. This would be a one-time fee for the applicant unless the applicant moves. If the applicant moves, the coop and run/exercise yard would need to be removed from the property. If the applicant wishes to have chickens again in their new location, a new application will need to be filled out and the application fee would be required again.

The Council discussed requiring site plans with the application; allowing up to six chickens per residential lot; not requiring leg banding and not requiring written permission from adjacent property owners. However, if the property is a rental property, written permission from the property owner would need to be attached to the application.

Some common themes among ordinances include the requirement of coops with setback requirements; animal fighting is prohibited; no roosters; the sale of eggs is prohibited in residential districts; premises must be kept clean from filth, garbage and any substances that attract rodents; running at large is prohibited; slaughtering of chickens in public view is prohibited; runs or exercise yards attached to the coop are required; and dead chickens must be disposed of according to the Minnesota Department of Health (carcasses need to be disposed of as soon as possible after death, usually within 48 to 72 hours).

During the Planning Commission meeting on Aug. 23, the Commission had similar discussions as the Council. The Planning Commission members were directed to review the city ordinances that had been provided to them and discussion would continue at a future meeting.

Within this packet you will find a copy of the city of Stacy ordinance that regulates chickens. This ordinance had not been included with the Aug. 23 packet, but Chair Davis found this ordinance and

asked it to be shared during this meeting. I also attached the city of Mora application to give you an idea of what an application may look like.

Also, at the last Planning Commission meeting, questions were asked about enforcement of this ordinance. Please refer to the handout regarding 92.02 Enforcement. Randi Smith, who is our city's code enforcement officer, would treat this the same as any other code enforcement issue involving animals. If someone had a rooster, which is prohibited, the owner would have five days to take care of the issue. If the issue is not taken care of in five days, the owner may be found guilty of a misdemeanor.

Items to consider:

- What residential zoning districts does the city allow this in? (R-1) One-Family and Two-Family Residential District. There seemed to be a consensus that this would only be allowed in the R-1 Zoning District. A zoning map is attached for your reference.
- What setbacks will be required? Most ordinances only allow for coops in the side or rear yard. City setbacks for the R-1 residential zoning district is listed below. These setbacks can apply, or the city can dictate specific setbacks relating to chickens.

R-1: One-Family and Two-Family Residential District

Side yards. Two side yards required, each with a width of not less than eight feet each. Where a lot is located at the intersection of two or more streets, the width of the yard along the side street shall not be less than 30 feet.

Rear yard. A rear yard with a depth of not less than 25 feet.

If this idea continues to move forward and once there is a draft ordinance in place, the Council could amend Title IX: General Regulations, Ordinance 275. This is the ordinance that regulates animals. The city would not need to hold a public hearing on the issue since the city would not be putting this under the land use code.

City of Stacy - Requires \$50 chicken license fee

§ 92.19 DOMESTICATED CHICKENS.

(A) Except as hereby prohibited in the R-M Manufactured Home Park District, the keeping of domesticated chickens is permitted in all other residential property districts, subject to the following requirements:

- (1) Any person wishing to keep chickens in the city on a property shall first obtain a Certificate of Compliance from the city, and the certificate shall be renewed annually with the city with proof of premises liability insurance;
- (2) The principal use of the property shall be single-family residential, under the R-1 zoning district only;
- (3) The property shall contain no more than 1 occupied, single family structure. Chickens shall not be permitted on vacant properties;
- (4) The number of chickens per parcel shall be limited as follows:
 - (a) Less than 1 acre: maximum of 5 chickens; and
 - (b) One acre or more: maximum of 10 chickens;
- (5) No person shall keep a rooster;
- (6) All chickens shall be of the subspecies *Gallus domesticus* and tolerant of local climate conditions;
- (7) Chickens shall not be kept inside the principal structure;
- (8) No person shall slaughter chickens on-site;
- (9) Chicken coops and attached exercise pens shall be provided for all chickens;
- (10) Coops and pens shall be fully enclosed including overhead and constructed of durable materials;
- (11) The floor area of the coop shall be a minimum of 2 square feet in area per chicken;
- (12) The floor area of the attached pen shall be a minimum of 6 square feet in area per chicken;
- (13) Coops and pens shall meet all accessory structure setback requirements;
- (14) Coops and pens shall be located in rear yards only;
- (15) The total square footage of coop and attached pen combined shall not exceed the following accessory structure requirements on parcels sized as follows:
 - (a) Less than 1 acre: maximum of 50 square feet; and
 - (b) One acre or more: maximum of 100 square feet;
- (16) Chickens shall be kept in coops and/or pens at all times;
- (17) All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings;
- (18) All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on at least a weekly basis;
- (19) Disposal of dead chickens shall be done in a manner consistent with all applicable laws and regulations;
- (20) Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the city;
- (21) The city may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with the Certificate of Compliance and the City Code; and
- (22) Any person wishing to keep chickens pursuant to this section shall pay an initial Certificate of Compliance and Annual Inspection Fee in the amount set forth in the current city fee schedule.

(B) *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COOP. An enclosed structure where female chickens are kept, including nest boxes for egg-laying and perches on which hens can sleep.

PEN. A fully fenced in area attached to the coop in which the female chickens have exposure to outside elements.

(Ord. 2014-4-1, passed 1-13-2015; Am. Ord. 2014-4-1, passed 5-13-2014)

§ 92.99 PENALTY.

(A) *Separate offenses.* Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable under this section.

(B) *Misdemeanor*. Unless otherwise provided, violation of this chapter shall constitute a misdemeanor punishable as provided in § 10.99.

(C) *Petty misdemeanor*. Violations of §§92.02, 92.07, 92.13 and 92.14 are petty misdemeanors punishable as provided in § 10.99.



CITY OF MORA
 101 Lake Street South
 Mora, MN 55051-1588

Community Development Director
 Email: communtiydevelopment@cityofmora.com
 Phone 320-679-1511 | Fax 320-679-3862

APPLICATION FOR CHICKEN PERMIT

Site Address for Chickens _____

Applicant and Site Information

Name(s) _____ Phone _____

Address _____

Email _____

Single Family Dwelling

Yes No

Rental Property

Yes No

Zoning District _____

Note: Renters are required to provide written consent from the property owner.

Property Owner Information (if different from applicant)

Name(s) _____ Phone _____

Address _____

Coop and Run Information

Number and breed of chickens _____

Dimensions of chicken coop (length and width) _____

Dimensions of chicken run (length and width) _____

Is a fully enclosed / fenced exercise yard provided? Yes No

I hereby certify that the above information is correct and true.

Applicant's Signature _____ Date _____

FOR CITY USE ONLY

<p>Application reviewed and <input type="checkbox"/> approved <input type="checkbox"/> denied by the Community Development Director.</p> <p>Comments:</p> <div style="border: 1px solid black; height: 50px; width: 100%;"></div> <p>Signature _____</p> <p>Date _____</p>	<p style="text-align: right;">Application Fee \$50.00</p> <p style="text-align: right;">Chicken Permit Number _____</p> <p style="text-align: right;">Leg Band Number(s) Issued _____</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">_____</p>
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CITY OF MORA
SUPPLEMENT TO APPLICATION FOR CHICKEN PERMIT

Return this signed and dated supplement with the Application for Chicken Permit

Your application must include:

- The completed and signed Application for Chicken Permit form
- Permit fee of \$50
- Written consent from the property owner, if you're a renter
- Letters of support from all adjacent property owners
- A site plan of your property, including:
 - Property address
 - Property boundaries with dimensions
 - Location of all structures on the property – including the proposed coop, run and exercise yard – with dimensions from property boundaries
- A sketch or image of the proposed coop and run

Requirements for Keeping Chickens (§150.401)

- No more than three (3) chickens shall be housed or kept on any one (1) property and shall only be allowed on properties with single family dwellings.
- Roosters are prohibited and the keeping of any poultry besides chickens is prohibited.
- Chickens shall not be housed in a residential dwelling unit or an attached or detached garage, except for brooding purposes.
- Grains and feed must be stored in rodent and raccoon-proof containers inside of a structure.
- Leg banding of all chickens is required.
- Chicken fighting is prohibited.
- Outdoor butchering of chickens is prohibited.
- Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within forty-eight (48) hours to seventy-two (72) hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.
- The city's officer may inspect the premises to ensure compliance with city ordinances.
- Any person no longer keeping chickens must notify the city and remove the coop and run within thirty (30) days of the chickens being removed from the property.

Requirements for Coops and Runs (§150.401)

A coop is required to house the chickens. The coop must be constructed and maintained to meet the following minimum standards:

1. The coop shall be located in the side or rear yard.
2. The coop shall meet the setback requirements for utility/storage structures for the respective zoning district.
3. The coop shall provide a minimum of nine (9) square feet of interior floor space.
4. Construction shall be adequate to protect chickens from extreme temperatures and prevent access by rodents.

Mara

5. The coop must be maintained in a clean and sanitary condition, devoid of all rodents and vermin and free from objectionable odors. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odor detectible on another property.
6. The coop shall be fully-enclosed.

A fully-enclosed run or exercise yard is required.

Runs must be constructed and maintained to meet the following minimum standards:

1. The run shall be located in the side or rear yard and attached to the coop.
2. The run shall meet the setback requirements for utility/storage structures for the respective zoning district.
3. The size of the run shall be at least sixteen (16) square feet if access to a fenced exercise yard is available. The size of the run shall be at least thirty-two (32) square feet if access to an exercise yard is not available. If the coop is elevated two (2) feet so the birds can access the space beneath, that area may be counted as a portion of the minimum run footprint.
4. The run shall be fully-enclosed.

Running at Large Prohibited (§150.403)

- It shall be unlawful for the chicken(s) of any person who owns, harbors or keeps chickens, to run at large.
- Leg banding of all chickens is required and used to identify chicken owners.
- Any expenses incurred by the city in the enforcement of this section shall be the responsibility of the chicken owner. Expenses may include but are not limited to staff time, shelter, and feed.
- Any person who owns, harbors or keeps chickens shall be afforded one warning of running at large. A second occurrence of chicken(s) running at large will result in indefinite permit revocation by the Community Development Director.
- A person who owns, harbors or keeps chickens which runs at large shall be guilty of a misdemeanor.

The undersigned hereby applies for a chicken permit and acknowledges review of the provisions listed above; and, attests that the subject premises will be operated and maintained according to the requirements contained herein. The undersigned further agrees that the subject premises may be inspected by the city's officer as provided in City Code §150.401.

Applicant's Signature _____ Date _____

City of Braham

§ 92.02 ENFORCEMENT.

(A) *General.* The provisions of this chapter shall be enforced by an animal control officer who has a contract for the duties with the city.

(B) *Interference.* No person shall, in any manner, interfere with or hinder an animal control officer of his or her duties.

(C) *Right of entry.* For the purpose of discharging the duties imposed by this chapter, the animal control officer is empowered to enter upon private property.

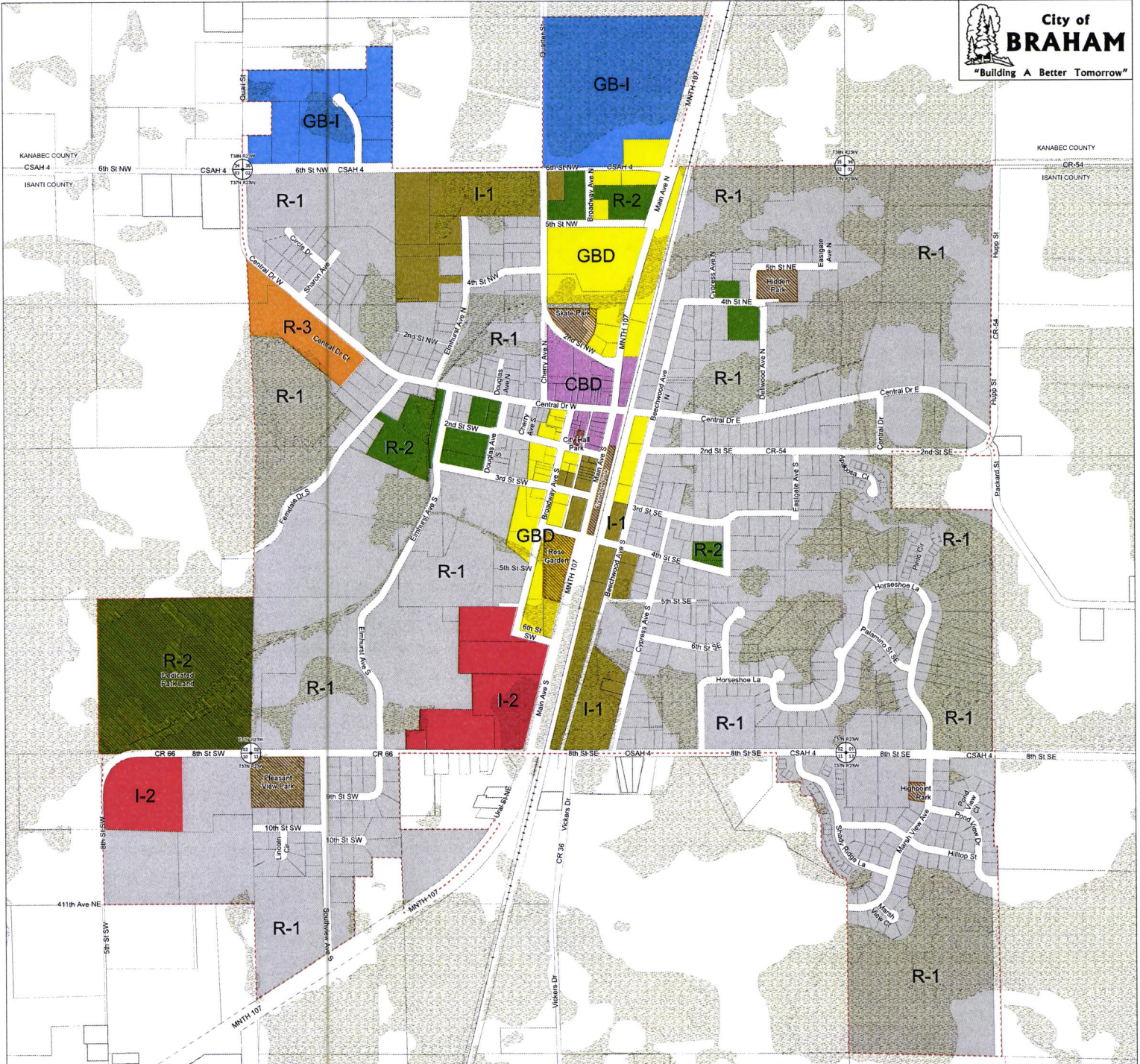
(D) *Certain animals declared nuisances.*

(1) No person shall keep, within the city limits, any animal which habitually barks or cries for extended or unreasonable periods of time, and any animal which damages plantings or structures, or deposits fecal matter on private property of others after the person owning or harboring the animal has been notified of the acts as herein provided, is hereby declared a nuisance.

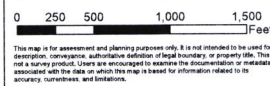
(2) Any person aggrieved by an animal nuisance may make a written complaint to the City Administrator's office stating the acts complained of, the name and address of the owner or the animal, and the name and address of the person making the complaint. The city shall then promptly notify the person owning or keeping the animal, and shall order the nuisance abated within five days. If the animal nuisance is not abated within that time, a charge may be made against the owner or keeper of the animal, and any person found to have violated the provisions of this section shall be guilty of a misdemeanor.

(E) *Certain animals not allowed to be kept within the city limits.* The keeping of non-domestic animals is not allowed within the city limits.

(Ord. 275, passed 12-1-2015) Penalty, see § 91.99



OFFICIAL ZONING DISTRICTS MAP OF BRAHAM
ADOPTION DATE: 10/09/2020
ORDINANCE NUMBER: 154.010



- Braham Corporate Limits
- GB-I General Business-Industrial District
- R-1 One or Two Family Residential District
- R-2 Multiple Family Residential District
- GBD General Business District
- CBD Central Business District
- I-1 Limited Industrial District
- I-2 General Industrial District
- R-3 Manufactured Home Park District
- Parcels
- Parks
- Wetlands (USFWS NWI)
- Railroad



This map is for assessment and planning purposes only. It is not intended to be used for description, correspondence, authoritative definition of legal boundary or property title. This is not a survey product. Users are encouraged to examine the documentation or metadata associated with the data on which this map is based for information related to its accuracy, completeness, and limitations.