

BRAINERD PLANNING COMMISSION

Wednesday, March 16, 2016

6:00 p.m.

City Hall Council Chambers

1. Call to Order
2. Approval/Amendment of Agenda
3. Approval of minutes of the regular meeting and workshop of February 17, 2016
4. NEW BUSINESS
 - a. Public Hearing – Request by Tim Haglin to Rezone 810 NW 7th Street (behind the VA Clinic) from an R-3 (Multiple Family) District to B-4 (General Commercial) District
 - b. Public Hearing – Zoning Text Amendment to Amend Zoning Ordinance Sections:
 - 515-02 – Definitions adding Brew Pub and Brewery/Taproom
 - 515-61 - B-2 (Neighborhood Business) District by Conditional Use Permit
 - 515-62 - B-3 (Central Business) District by Conditional Use Permit
 - 515-63 - B-4 (General Commercial) District as a Permitted Use
 - 515-64 - B-5 (Commercial Amusement) District by Conditional Use Permit
 - 515-65 - B-6 (Washington Street Commercial) District as a Permitted Use
 - 515-70 - I-1 (Light Industry) District as a Permitted Useto add brew pubs and breweries/taprooms as permitted uses or conditional uses.
 - c. Downtown Off-Street Parking Presentation – Discussion
 - d. Rear Yard Parking - Discussion
5. PUBLIC FORUM – Time allocated for citizens to bring matters not on the agenda to the attention of the Planning Commission – Time limits may be imposed
6. OLD BUSINESS
7. Commissioners' Questions/Comments
8. City Planner's Report
9. Adjourn

Any individual needing special accommodations please call 218/828-2309

PLANNING COMMISSION
Wednesday, February 17, 2016

City Planner Ostgarden called the meeting of the Brainerd Planning Commission to order at 6:00 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Antolak, Headley, Parks, Plantenberg, Pritschet, Straw, and Turner. No Commissioners were noted absent. Also present was City Planner Ostgarden and City Administrator Thoreen.

#2 Approval/Amendment of Agenda

Commissioner Plantenberg requested to add item b under new business, vape shop discussion.

MOTION AND SECONDED BY COMMISSIONERS PARKS AND STRAW, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 Approve minutes of the regular meeting and workshop of January 20, 2016

MOTION AND SECONDED BY COMMISSIONERS STRAW AND PARKS, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING AND WORKSHOP OF DECEMBER 16, 2015.

#4 NEW BUSINESS

- a. Public Hearing – Zoning Text Amendment to amend Section 61- B-2 (Neighborhood Business) District to ADD residential as a use permitted in the district and REMOVE liquor stores as a use permitted in the district**

City Planner Ostgarden stated he has included a letter that was sent to the owner of the liquor store on Washington Street in the B-2 district explaining these changes and what they can and can't do with the property if this change is approved. He noted he did not receive a response from the owners.

City Planner Ostgarden then reviewed the maps that he included in the packet showing where the B-2 Districts are located within the city and what uses are currently in these areas.

City Planner Ostgarden reviewed the draft B-2 language noting all of the additions and removals to add residential uses (one, two and multifamily dwellings) to the district and to remove liquor stores as a permitted use.

Commissioner Plantenberg questioned the twenty foot setback for the side yard (corner) since it may become an issue in some of the older neighborhoods.

City Planner Ostgarden stated historically when zoning is discussed, uses have always been separated and uses should not be comingled since potential for conflict exists so discussion should be held regarding why or why not the comingling of uses should occur as this is a big policy change.

The public hearing was opened at 6:28pm.

There was no public input.

The public hearing was closed at 6:29pm.

Commissioner Plantenberg stated she would like to leave the side yard setback at 15 feet instead of changing it to 20 feet.

Brief discussion was held regarding tap rooms and wineries and how those would be affected by these changes.

Discussion was held regarding the comingling of uses especially along South 6th Street and issues that could arise with new residential construction.

MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIES, TO APPROVE THE ZONING TEXT AMENDMENT TO AMEND SECTION 61 – B-2 (NEIGHBORHOOD BUSINESS) DISTRICT TO ADD RESIDENTIAL AS A USE PERMITTED IN THE DISTRICT AND REMOVE LIQUOR STORES AS A USE PERMITTED IN THE DISTRICT WITH THE ORIGINAL SIDE YARD (CORNER) SETBACKS OF FIFTEEN FEET.

Commissioner Pritschet stated he agrees with all of the changes since it will eliminate spot zoning that has occurred and will allow more vacant lots to be developed as commercial or residential. He stated he feels it is a better use of the space and it makes for better integrated neighborhoods.

Commissioner Turner stated there are areas of town where the uses are already mixed and this reduces the restrictions on residential uses that are currently in the B-2 Districts.

Commissioner Parks stated he also agrees it should be approved based on the reasons already stated such as spot zoning, (re)development, and reduced restriction on residential districts.

Commissioner Plantenberg stated she agrees that these uses should be comingled and reduces the time spent on rezoning and variances since many of these uses currently are comingled in areas around town.

Commissioner Straw stated he agrees since it will reduce the restrictions on current residential properties in B-2 Districts.

Commissioner Headley stated she also agrees since there are many areas where they currently are comingled and it makes better use of neighborhoods.

b. Vape Shops – discussion

Commissioner Plantenberg stated she feels there should be discussion about allowing minors in a vape shop as no one really knows how it effects people and we need to protect minors.

Commissioner Turner stated he thinks/hopes the State will step in regarding allowing minors in these shops. He stated there really aren't any set guidelines.

Discussion was held regarding what other cities are doing with restrictions and no restrictions.

Commissioner Plantenberg requested City Planner Ostgarden research what other cities are doing regarding vape shops and minors.

#5 PUBLIC FORUM – Time allocated for citizens to bring matters not on the agenda to the attention of the Planning Commission – Time limits may be imposed - NONE

#6 OLD BUSINESS

a. Zoning Ordinance Text Amendment – Brew Pubs, Micro Breweries and Taprooms/Tasting Rooms

City Planner Ostgarden stated he was contacted by someone who is interested in opening a brewery/tap room in a B-2 Zoning District. He noted discussion was held and a draft was created over a year ago regarding brew pubs and tap rooms, but nothing was ever brought to fruition.

City Planner Ostgarden stated breweries are currently allowed in industrial and mixed use districts but they are not allowed in the B-3 and B-2 Districts. He stated discussion should be held on what type of facilities and uses should be permitted in certain zoning districts.

City Planner Ostgarden reviewed the draft zoning language noting the definitions of brew pubs, micro-breweries, and taprooms/tasting rooms and what the language would look like within the district language.

Discussion was held regarding some areas of the language.

City Planner Ostgarden stated he has reviewed language from several cities/counties around Minnesota and noted they are all different but they all get around to the same thing in complying with the State Statute.

City Planner Ostgarden stated there are items that need to be discussed:

- What portion of the restaurant should be a portion of the brew pub floor?
- Requirements for small breweries such as site plans, outdoor music, limited hours, retail sales?
- Minimum parcel sizes for breweries?

Discussion was held regarding facilities and uses in the different districts and if they should be allowed by right or allowed by conditional use permit. Discussion was also held on the differences between brew pubs and breweries on and off sale.

The Commission agreed that brew pubs and brewery/taprooms should be allowed as follows:

- B-2 District by conditional use permit
- B-3 District by conditional use permit
- B-4 District by right
- B-5 District by conditional use permit
- B-6 District by right
- I-1 District by right

City Planner Ostgarden stated he will draft the language for each district and will send it to the City Attorney for review. He stated he would like to hold the public hearing in March, but if there are too many changes, it may need to come back before the Commission for review.

#7 Commissioners' Questions/Comments

None

#8 City Planner's Report

a. Planning Commission/City Council Meeting

City Planner Ostgarden stated he has been having discussion with the City Administrator about the need for the Planning Commission and City Council to get together to understand where the Council is coming from and where the Planning Commission is coming from and each one's roles. He stated there is a tentative date at the end of March.

b. Education Opportunities

City Planner Ostgarden stated there are opportunities for the Commission one being through the League of Minnesota Cities which offers some online training courses on the fundamental basics. He stated he is also working with the government training service to have some workshops in Brainerd this year.

City Planner Ostgarden state parking downtown has been an issue for a long time. He discussed the current parking situations such as the city parking lots and the leased lots. He stated the Personnel and Finance Committee has asked the Planning Commission for help in addressing the cities role in off-street parking downtown.

Commissioner Pritschet stated the Committee is asking if the city should have a role in providing parking and how far they should go in providing parking. He stated there were questions on who's utilizing it and what the business owners want. He stated they are looking at the impact of raising rates, returning the leased lot to BNSF and keeping it the same.

City Planner Ostgarden stated we do not require off-street parking downtown. He stated this is becoming more of a policy issue not a land use issue. He stated if the Commission wants to discuss land use and if the city should provide off-street parking they should, but he is concerned if the Commission gets involved in parking rates. He stated the Council would like them to look into what other cities are doing regarding municipal parking.

#9 Adjourn to Workshop in City Hall 2nd Floor Conference Room to discuss:

- a. Walkable Bikeable City Committee's Non-Motorized Transportation Plan
- b. Off-Street Parking Review Status

As there was no further business the meeting adjourned at 7:56 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

**Brainerd Planning Commission Workshop
February 17, 2016**

Chairman Angie Plantenberg called the workshop of the Brainerd Planning Commission to order at approximately 8:10 p.m. in the City Hall 2nd Floor Conference Room.

Present: Jack Antolak, Matt Straw, Staci Headley, Dale Parks, Dave Pritschet, and Bob Turner

Others Present: City Planner Mark Ostgarden

The City Planner reviewed the South 6th Street zoning issue. Information was presented about the proposal to amend the B-2 Zoning District to remove liquor stores and add residential uses as permitted uses. There was agreement, without much discussion, about removing liquor stores from the district. There is one liquor store in a B-2 District and that owner will be notified of the proposed change.

A discussion about the proposal to allow residential uses in the B-2 District followed. A review of all the current B-2 Districts occurred and a discussion was held about the significant change in city policy should residential and business uses be allowed in the same zoning district. Following the discussion and review of the issues, there was consensus that single family, duplexes and multi-family uses should be added as permitted uses in B-2 Districts.

Following the B-2 District review, the City Planner presented information about the Non-Motorized Transportation Plan being developed by the Walkable Bikeable City Committee. When a draft is complete, it will be provided to the Planning Commission for review and comment.

The meeting adjourned at approximately 8:45 p.m.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

STAFF REPORT TO THE PLANNING COMMISSION

March 9, 2016

APPLICANT/LOCATION: Tim Haglin, 810 NW 7th Street (north of the VA Clinic)

PROPOSED ZONING: B-4 (General Commercial)

AREA: 1.17 acres

CURRENT ZONING: R-3 (Multiple Family)

ADJACENT USES: North: Multi family
East: Wetland/Civic Center
South: VA Clinic
West: City of Baxter/Northland Arboretum

ADJACENT ZONING: North: R-3 (Multi Family)
East: B-4 (General Commercial)
South: B-4 (General Commercial)
West: City of Baxter

PETITION EVALUATION

A request has been received for a commercial day center at the former Montessori School site north of the VA Clinic. In 2010, the property was rezoned from a B-4 (General Commercial) District, a district that does not permit schools to an R-3 (Multi-Family Residential) District, a district that does permit schools. The school operated at the site until it moved to the former Whitter School in 201_.

Tim Haglin, the owner, has a party interested in purchasing the site to operate a commercial day care however, the current B-4 District does not permit commercial daycare. Mr. Haglin has requested the property be zoned back to the B-4 District that existed prior to 2010 to permit the day care center.

In compliance with Section 515.09 of the Brainerd Zoning Ordinance, the Planning Commission shall conduct a Public Hearing regarding this request. To assist the Planning Commission in evaluating the suitability of this requested change, following are guidelines and a staff review of issues associated with the application to consider in the review process.

1. **The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.**

The Future Land Use Map identifies the property as future General Commercial Land Use. The site is adjacent to a small multifamily parcel identified as future Medium to High Density Residential Land Use and is zoned R-3.

LAND USE GOAL #5: *Support development that enhances community character and identity.*

Support the redevelopment of vacant and abandoned sites within the urban core.

2. The proposed use's compatibility with present and future land uses of the area.

There are apartments to the north, the VA Clinic site to the south, and open space to the east. The proximity of the multi-family residential use to the B-4 District could, depending on the future uses, create some nuisance issues.

3. The proposed use's effect upon the area in which it is proposed.

Some uses such as a commercial day care generate increased traffic when picking up and dropping off children. The property does have access to NW 6th Street and NW 7th Street.

The site has 25 off-street parking spaces. The building is approximately 9,400 sf and at one space/200 sf of commercial area, about 47 spaces are required. To use the building for commercial purposes additional off-street parking spaces will be needed. Off-street parking for a use such as day care with more than 14 children is one space per teacher on the largest shift, plus one space per ten students/children based on maximum capacity of the facility.

4. Traffic generation of the proposed use in relation to capabilities of streets serving the property.

NW 7th Street is a local street which can accommodate the additional day-to-day traffic of the proposed use as well as the traffic generated by the multi-family dwellings to the north.

5. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

None of the uses allowed in the district will have a negative impact on public services and facilities nor will they overburden city services.

PLANNING DEPARTMENT COMMENTS

The current and future owner desires the property to be rezoned for their interest, however rezoning should not be based on a desired use. A rezoning should stand on its own merits and a decision on rezoning should be based on all of the land use issues for the area being considered. If a desired use doesn't materialize, the rezoned area should be suitable for all the other uses allowed in the zone.

The Purpose of the B-4 District as stated in The Zoning Ordinance is to "*allow more intensive commercial uses that require extensive highway access for customer contact*".

However, the B-4 District is used in parts of the city where extensive highway access does not exist.

Should rezoning to B-4 occur, because of the off-street parking requirements and the current supply of off-street parking, many uses could not be permitted unless additional parking is provided. The good news is there is an area to the east of the building that can provide additional parking.

The Future Land use map does identify the property as future General Commercial use, B-4 zoning did exist on the property until 2010 and there has not been development in the area that would make zoning the property back to B-4 more burdensome.

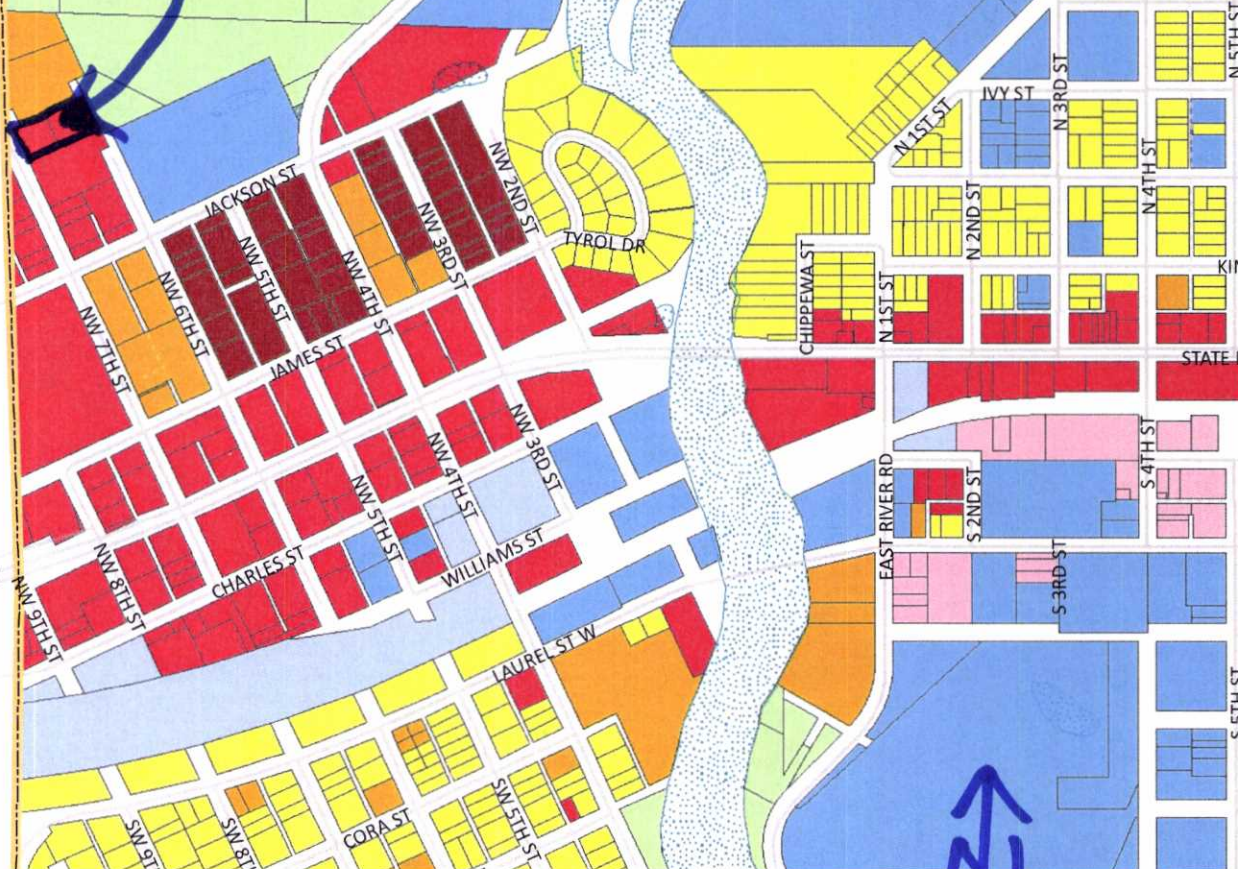
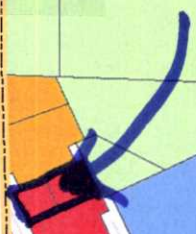
PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its March 16, 2016 meeting. The City Council can receive the Planning Commission recommendation and can consider an Ordinance First Reading on March 21, 2016 and can consider the Ordinance Second Reading April 4, 2016.

Respectfully submitted,


Mark Ostgarden AICP
City Planner





Legend

Parcels - ELU

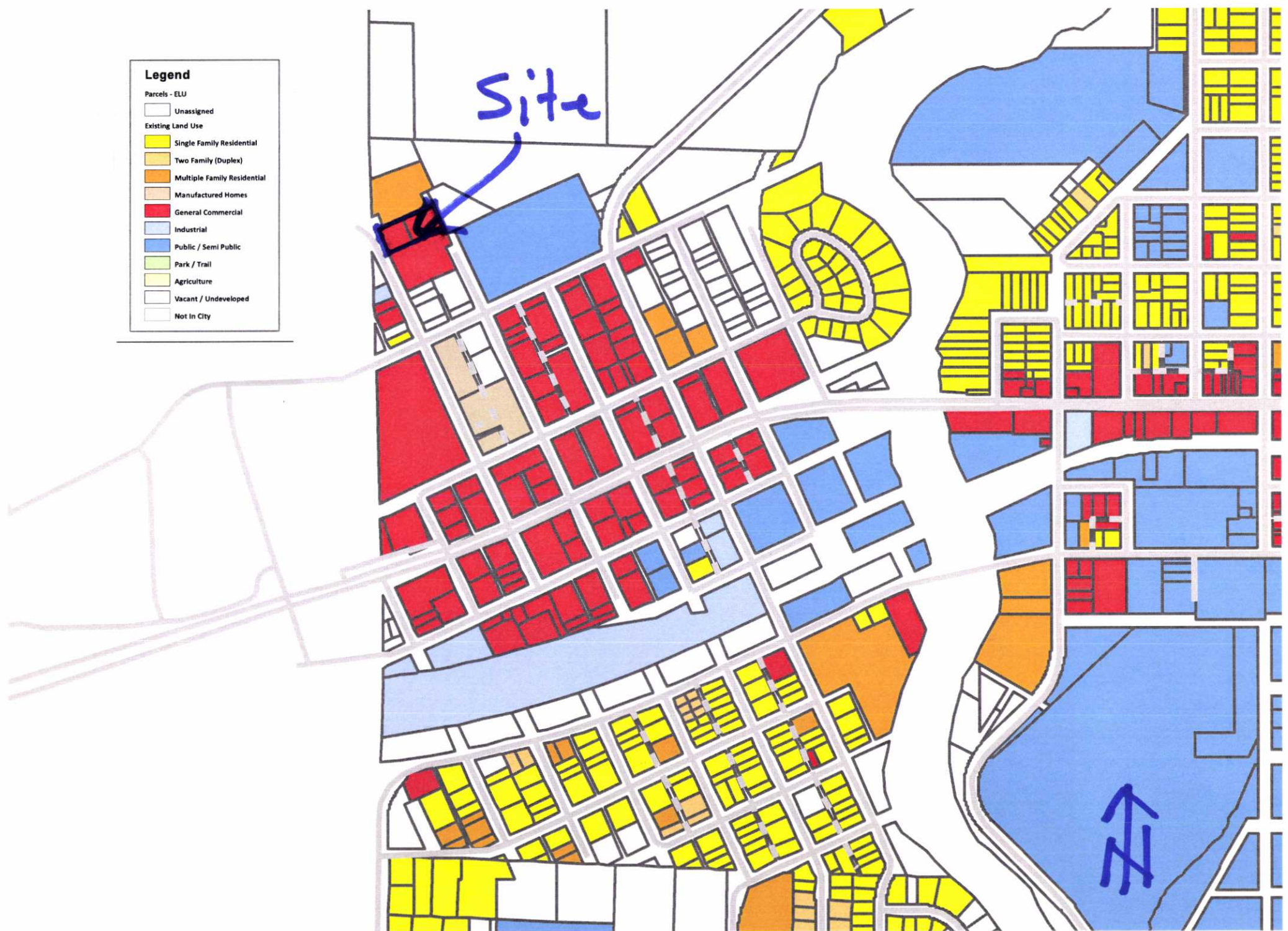
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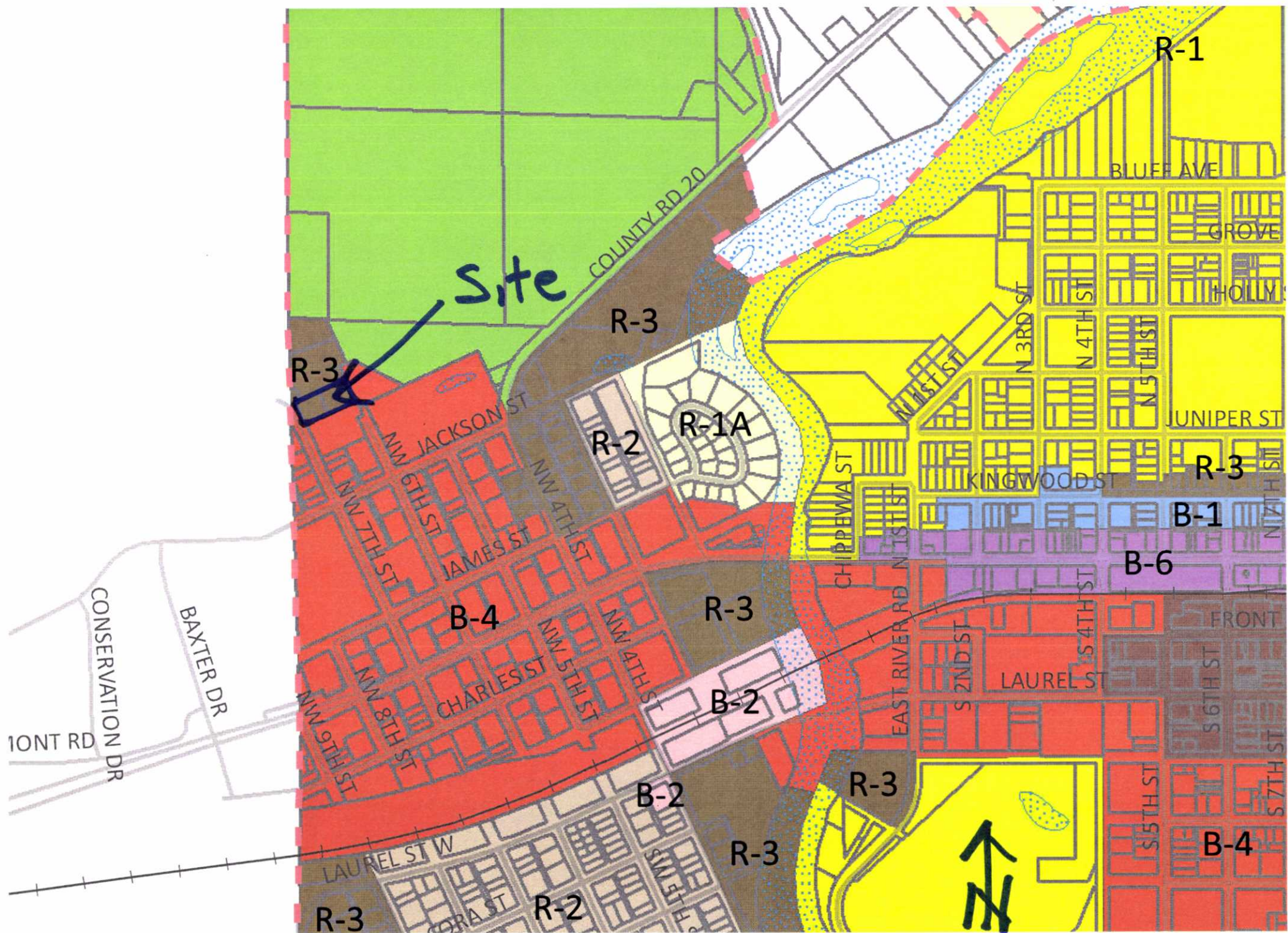
Existing Land Use

- Single Family Residential
- Two Family (Duplex)
- Multiple Family Residential
- Manufactured Homes
- General Commercial
- Industrial
- Public / Semi Public
- Park / Trail
- Agriculture
- Vacant / Undeveloped
- Not In City

Site

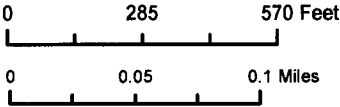
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Rezoning - 810 NW 7th St

APPRCL	TXNAME	TXADR1	TXADR2	TXADR3	PHYSADDR
0919800U003Z009	A & E PROPERTIES OF BRAINERD	16348 AHRENS HILL RD	BRAINERD MN 56401		709 7TH ST NW
091020020020009	BRAINERD AMATEUR HOCKEY FOUNDATION	C/O BRAD PERSON	PO BOX 472	BRAINERD, MN 56401	
091020010012889	CIRCLE PINES	THIES & TALLE MGMT INC	470 WEST 78TH ST #260	CHANHASSEN MN 55317	
0919800U0060009	DELESANTE, FRANK W	PO BOX 1031	BRAINERD, MN 56401		715 NW 7TH ST
0919800W000Z009	DELESANTE, FRANK W	PO BOX 1031	BRAINERD, MN 56401		
0919800U005Y009	DELESANTE, FRANK W	PO BOX 1031	BRAINERD, MN 56401		
0919800T009Z009	HAGLIN, TIMOTHY M & LADONNA A	13754 TWO MILE RD	BRAINERD MN 56401		
091020020010009	HAGLIN, TIMOTHY M & LADONNA A	13754 TWO MILE RD	BRAINERD MN 56401		
0919800T010Z009	HAGLIN, TIMOTHY M & LADONNA A	13754 TWO MILE RD	BRAINERD MN 56401		710 7TH ST NW
0910200090A0009	HAGLIN, TIMOTHY M & LADONNA A	13754 TWO MILE RD	BRAINERD MN 56401		
0919800T002Y009	HAGLIN, TIMOTHY M & LADONNA A	13754 TWO MILE RD	BRAINERD MN 56401		
0919800T008Z009	HAGLIN, TIMOTHY M & LADONNA A	13754 TWO MILE RD	BRAINERD MN 56401		
0919800T007Z009	LAH, LLC	13754 TWO MILE RD	BRAINERD, MN 56401		
09102001001Y009	NATURE CONSERVANCY A DIST OF COLUMBIA NO	1101 W RIVER PKWY SUITE 200	MINNEAPOLIS, MN 55415		
010054100A00009	PAUL BUNYAN ARBORETUM INC	PO BOX 375	BRAINERD MN 56401		14250 CONSERVATION DR
070042300A00009	STATE OF MINNESOTA DNR-	500 LAFAYETTE ROAD BOX 45	ST PAUL, MN 55155		
0919800V000Z009	TT OF BRAINERD LLC	13754 TWO MILE RD	BRAINERD, MN 56401		
0919800V0060009	TT OF BRAINERD LLC	13754 TWO MILE RD	BRAINERD, MN 56401		810 NW 7TH ST



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that JDB LLC, 20959 State Hwy 6, Deerwood MN 56444, has submitted a request to rezone the property at 810 NW 7th Street, Brainerd MN 56401 and the adjacent lot PID #0919800V000Z009, from R-3 (High Density Residential) District to B-4 (General Commercial) District.

Permitted uses in the R-3 District include:

Multiple family dwellings; Two family attached dwellings; Public recreation areas and related accessory buildings and structures; Residential care facilities serving six (6) or fewer persons; Essential services as regulated by Section 36 of this Ordinance.

Conditional Uses in the R-3 District include:

Public or semi-public recreational buildings and neighborhood or community centers, public and private educational institutions limited to elementary, junior high and senior high schools, and religious institutions such as churches, chapels, temples, and synagogues; Nursing homes and similar group housing, not including hospitals; Senior housing; Residential Planned Unit Developments, townhomes and quadraminiums as regulated by Section 11 of this Ordinance; Government and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community; Personal wireless service towers and antennas as regulated by Section 35 of this Ordinance; Places of Worship and related buildings; State Licensed Residential Care Facilities serving seven (7) to sixteen (16) persons; Public and private schools; Senior center.

Permitted uses in B-4 District include:

Government and public buildings, utilities and/or structures; financial institutions; hospitality businesses; liquor sales, on and off sale; office business-clinic; office business-general; personal services; recreational business-indoor; restaurants-sit down, take out or delivery; retail businesses contained within a principal building; business or trade school when conducted entirely within a building; places of worship and related buildings; theaters-except drive-in; cultural facilities; repair services; on-site service businesses; pawn shops; music, art, decorating, photography and dance studios; taxi or bus dispatch sites; adult uses as regulated by Section 33 of this Ordinance; essential services as regulated by Section 36 of this Ordinance; equipment rental (indoor).

Conditional Uses in B-4 District include:

Armories; automobile and truck repair-major and minor (including body shops); commercial car washes; hospitals; motor vehicle fuel sales; outdoor sales and/or rental lot; Planned Unit Development (PUD) as regulated by Section 11 of this Ordinance; outdoor dining facilities accessory to a restaurant; small engine and boat repair; animal hospital or clinic and kennels; light manufacturing; radio and television studios; outdoor storage as an accessory use; colleges and universities; auto dealership; commercial day care facilities as regulated by Section 29 of this Ordinance; Department of Human Services (DHS) licensed drug and alcohol treatment and recovery facilities and unlicensed drug and alcohol treatment and recovery facilities that are substantially the same in character as a DHS licensed program of longer duration but not to exceed eighteen(18) months.

The property is legally described as follows:

That part of the NW1/4 of SW1/4 desc as follows, commat the W quarter corner of said Sec 4, then S, assumed bearing 525.11 ft alg the W line of said Sec 4, the N 66 deg 37 min 50 sec E 35.26 ft to the point of beg, then N 66 deg 37 min 50 sec E 150 ft, then S 23 deg 22 min 10 sec E 150 ft then S 66 deg 37 min 50 sec W 150 ft, then N 23 deg 22 min 10 sec W 150 ft to the point of beg, also known as Lots 6, 7, and 8, Block V West Brainerd and the W ½ of the vacated N-S alley in said Block V

*adjacent and accruing to said lots. Subject to reservation, restrictions and easement of record, if any, West Brainerd
Section 4 Township 133 Range 28
P.I.N. #0919800V0060009*

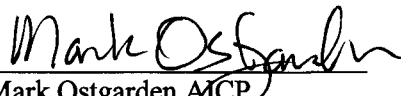
And

*Pt of NW1/4 of SW1/4 desc: comm at W ¼ cor of sd Sec 4 then S assm bear 525.11 ft alg W line of sd Sec 4 then N 66D 37'50"E 35.26 ft then cont N 66D 37'50"E 150 ft to POB then N 66D 37'50"E 150 ft then S 23D 22'10" E 150 ft then S 66D 37'50" W 150 ft then N 23D 22'10" W 150 ft to POB. TOG/W pt of Vacated Sixth St lying between E'ly ext of N & S lines of foregoing desc Lots 3, 4 & 5 Block V West Brd TOG/W an Esmnt, West Brainerd
Section 4 Township 133 Range 28
P.I.N. #0919800V0060009*

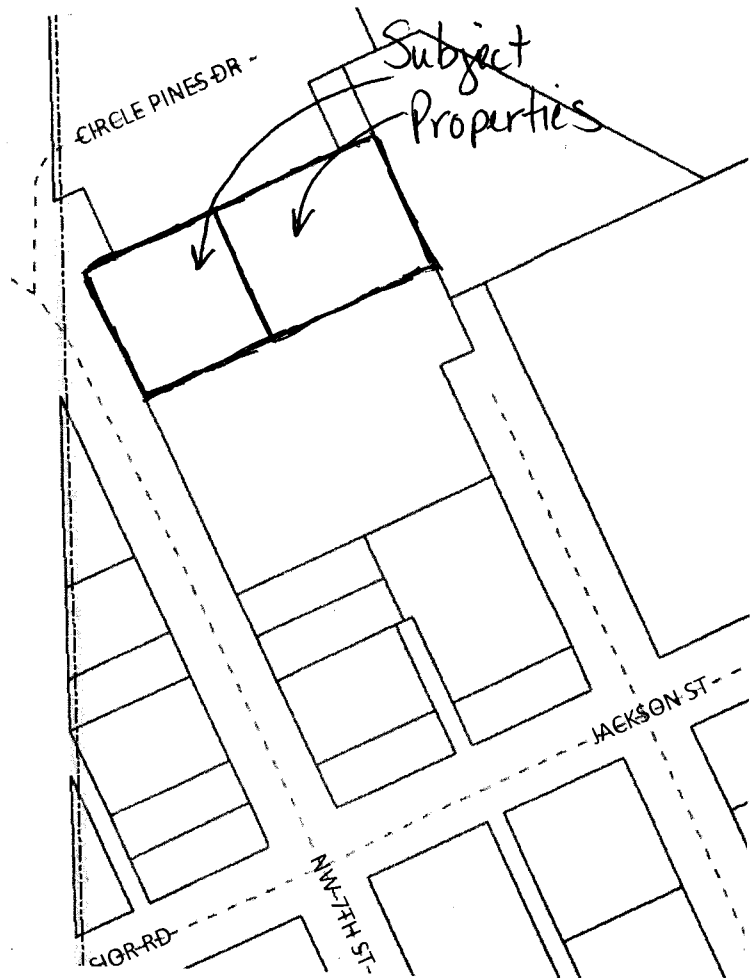
A Public Hearing will be conducted by Brainerd Planning Commission at 6:00 p.m. Wednesday, March 16, 2016 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider rezoning the property in accord with the City of Brainerd Zoning Ordinance.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 2nd day of March, 2016


Mark Ostgarden AICP
City Planner

Publication Date: March 4, 2016



**City Planning Department**

City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt #	<u>9852</u>
Check #	<u>5034</u>
Date Paid:	<u>3-1-16</u>

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 810 NW 7 ST. BRAINERD MN 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy) # 09198 00 V 0060009 + 0919800 006002009

Property Owner Name: TT of BRAINERD LLC

Street Address: 13754 TWO MILE RD City: BRAINERD State: MN Zip Code: 56401

Phone Number: 218-820-3237 Fax: 218-829-2059 E-mail: THC.THELEN.HEATING.COM

Applicant Name: (If different than Property Owner) JDB LLC

Street Address: 20959 STATE Hwy 6 City: DEERWOOD State: MN Zip Code: 56444

Phone Number: 507-254-8817 Fax: 218-534-3428 E-mail: JERRY & MAGNUM MACHINERY.COM

Description of Request: NEED IT ZONED BACK FOR A DAYCARE CENTER

Property Owner Signature

3-2-16

Date

JM MAGLIN

(Please print name)

Applicant Signature

3-1-16

Date

JERRY BOWMAN

(Please print name)

(OVER)

MEMO

TO: Planning Commission

CC: Mark Ostgarden, City Planner 

DATE: March 11, 2016

RE: Zoning Ordinance Text Amendments Permitting Brew Pubs and
Breweries/Taprooms

Attached is the Zoning Ordinance text amendment language that defines brew pubs and breweries/taprooms and allows them as permitted uses and conditional uses in the following zoning districts:

- 515-61 - B-2 (Neighborhood Business) District by Conditional Use Permit
- 515-62 - B-3 (Central Business) District by Conditional Use Permit
- 515-63 - B-4 (General Commercial) District as a Permitted Use
- 515-64 - B-5 (Commercial Amusement) District by Conditional Use Permit
- 515-65 - B-6 (Washington Street Commercial) District as a Permitted Use
- 515-70 - I-1 (Light Industry) District as a Permitted Use

I have had the City Attorney review the draft language and you will note that it has been simplified to only reference State Statute language and not include any of the specific Statute requirements in our Zoning Ordinance. There are so many requirements that to list all would be cumbersome and picking and choosing which ones to include in our Zoning Ordinance (and referring the reader to the Statute for the rest) does not seem the best method to ensure the Statute is followed. It makes more sense to refer the reader directly to the Statute for all requirements. The conditions that are included are unique for our community.

I will not review the Statute requires for allowing brew pubs and breweries/taprooms. If any Commissioners desire to learn more about them, they can be found at <https://www.revisor.mn.gov/> which opens a page called Minnesota Law. There is section called Minnesota Statutes with a search box called "Find by Number." Enter 340A in the box, click on the magnifying glass and you will directed to the Statute that as has all of the requirements.

It is suggested that the Commission have a discussion about what, if any, additional local requirements there should be to operate a brew pub or brewery/taproom.

For example Anoka specifies the following for breweries with taprooms:

1. The establishment must include a taproom that is open a minimum of 2 days or 8 hours per week.
2. The bottling process shall be manual or semi-automated, not fully automated.
3. A microbrewery located at street level shall provide at least 50% of the total floor space at the front
4. One-half of the building to be used for sales, tasting, or restaurant purposes.

The City of Medina allows brewing in several districts as an accessory use provided:

Said production does not exceed 50% of the floor area and provided such activities are accessory to on-site sales or consumption.

Several other cities have been contacted to determine whether there may be other minimum requirements about which the Planning Commission should be aware.

SECTION 2
RULES AND DEFINITIONS

Section:

515-2-1: Rules

515-2-2: Definitions

515-2-1: Rules. The language contained in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural the singular.
- B. The present tense includes the past and future tenses, and the future to the present.
- C. The word "shall" is mandatory, and the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter genders.
- E. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.
- F. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- G. In the event of conflicting provisions, the more restrictive provisions shall apply.
- H. For terminology not defined in this Section, the most current Merriam Webster's dictionary shall be used to define such terms.

515-2-2: Definitions. The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

Accessory Building, Structure or Use. A subordinate building, structure or use which is located on the same lot as the main building or use and which is reasonably necessary and incidental to the conduct of the primary use of such principal building or use.

Addition. A physical enlargement of an existing structure.

Adjacent. Having a common border.

Agricultural Building or Structure. Any building or structure, existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.

Agricultural Use. The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income, including but not limited to the following:

1. Field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
2. Livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink.
3. Livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.
4. Tree farms.

Agricultural land uses do not include slaughter houses or the processing of crops, produce, animals for public purchase or consumption as to constitute a commercial or industrial land use.

Alley. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Animals, Domestic. For purposes of this Ordinance, domestic animals shall be defined as house pets such as dogs, cats, traditional and typical animal pets, and birds (not including pigeons, chickens, geese, turkeys or other domestic fowl) which can be contained within a principal structure throughout the entire year, provided that the containment can be accomplished without special modification to the structure requiring a building permit from the City. In addition, it includes rabbits normally sheltered outside the home.

Animals, Farm. Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals traditionally and commonly accepted as farm animals in the State of Minnesota.

Antenna Related.

1. **Personal Wireless Service.** A device consisting of a metal, carbon, fiber, or other electromagnetically conducive rods or elements on a single supporting pole or other structure, and used for the transmission and reception of wireless communications including cellular, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services.
2. **Public or Commercial Radio and Television, Broadcast Transmitting.** A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio, or television programming and including the support structure thereof.

3. **Public Utility Microwave.** A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications, and including the support structure thereof.
4. **Radio and Television Receiving.** A wire, set of wires, metal or carbon fiber element(s) other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the support structure thereof.
5. **Satellite Dish.** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television receive only) and satellite microwave antennas and support structure thereof.
6. **Short-Wave Radio Transmitting and Receiving (Ham Radio).** A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave and citizen band radio communications, and including the supporting structure thereof.
7. **Secondary Use.** A use of land or of a building or a portion thereof which is subordinate to and does not constitute the primary use of the land or building.
8. **Structure, Public.** An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is owned or rented, and operated by a federal, state, or local government agency.
9. **Support Structure.** Any building or other structure other than a tower which can be used for location of antennas.
10. **Tower.** Any ground mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.
11. **Tower, Temporary Mobile.** Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, which is commonly referred to as Cellular on Wheels (COW).

Applicant. The person(s) whose name(s) are on an application as owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Ordinance are being considered or reviewed.

Assembly, Product. The taking of two or more parts or components and putting them together to make a final product or a product which will be combined with other components to create a final product.

Auto or Motor Vehicle Wrecking Yard. A lot or yard where one (1) or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also "Junk Yard".)

Awning. A roof like cover, often of fabric, plastic, metal or glass designed and intended for protection from weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning which projects over a door shall be counted as an awning.

Basement. Any area of a structure, including crawl spaces, having its floor or base sub grade (below ground level) on at least three sides, regardless of the depth of excavation below ground level.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Bluff. A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

1. Part or all of the feature is located in a shoreland area.
2. The slope rises at least twenty-five (25) feet above the ordinary high water level of the water body.
3. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater.
4. The slope must drain toward the water body.

Board of Zoning and Appeals. Brainerd City Council.

Boarding House (Rooming or Lodging House). A building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods, meals or lodgings are provided for three (3) or more persons, but not to exceed twenty (20) persons.

BREW PUB – A RESTAURANT AND BREWERY THAT BREWS LESS THAN 3,500 BARRELS OF BEER PER YEAR FOR SALES ON THE PREMISES PROVIDED THE BEER IS SOLD FOR CONSUMPTION ON THE PREMISES AND NOT SOLD TO OTHER BARS, RESTAURANTS OR WHOLESALERS, EXCEPT THAT AN ESTABLISHMENT LICENSED UNDER MINN STAT 304A.301, SUBD 6(D) MAY SELL “GROWLERS” OFF-SALE WITH APPROPRIATE CITY LICENSES.

Buffer Yard. A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.

Buildable Land, Contiguous. Land area occurring within the property lines of a parcel or lot excluding wetlands, water bodies, one hundred (100) year flood fringe, transmission utility easements, or rights-of-way.

Builder. Any person or entity to which a building permit is issued for the construction of a single family residence.

Building. Any structure having a roof which may provide shelter or enclosure of persons, animals, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Height. The vertical distance to be measured from the average grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on pitched or hip roof.

Building Line. A line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions.

Building Setback. The minimum horizontal distance between the building and a lot line, or the ordinary high water mark of a stream, lake or river.

Business. Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

Caliper Inch. The diameter of replacement trees measured at a height of one (1) foot above the ground level.

Canopy. A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Carport. An automobile shelter having two (2) or more sides open.

Cellar. A covered excavation, attached or unattached to the principal building, often used for storage or protection from dangerous windstorms.

City. City of Brainerd.

Club or Lodge. A not-for-profit association of persons, with members paying annual dues, and with use of the premises being restricted to members and their guests.

Commercial Use. The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services, including, but not limited to:

1. **Automobile Repair-Major.** General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.
2. **Automobile Repair-Minor.** An establishment providing goods or services related to automobiles such as car washes, repair businesses limited to minor engine repair, fluid changing, tire service and muffler repair and other uses of similar character, but not including uses defined as a major automobile business or automobile sales.
3. **Automobile Sales.** The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers or recreational vehicles including any major or minor automobile repair or service uses conducted as an accessory use.
4. **Automobile Service Station.** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.
5. **Hospitality Business.** An establishment offering transient lodging accommodations on a daily rate to the general public, leasable events, meeting or conference facilities and exhibition halls or other uses of similar character including hotels, motels, convention facilities, and hospices.
6. **Liquor Sales, Off-Sale.** Licensed sale of intoxicating beverages for consumption off site.
7. **Liquor Sales, On-Sale.** Licensed sale of intoxicating beverages for consumption at the premises where the beverage is purchased such as a bar or tavern.
8. **Motor Fuel Station.** A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and

services for automobiles, but not including automobile major repairs and rebuilding.

9. Office Business-Clinic. An establishment located within a building or portion of a building providing out-patient health services to patrons, including general medical clinics, mental health providers, chiropractor, dentists, orthodontia, oral surgeons, opticians, and other uses of similar character.
10. Office Business-General. An establishment located within a building or portion of a building for the conduct of business activities involving predominantly professional administrative or clerical service operations including attorneys, financial advisors, insurance, travel, real estate, and other uses of similar character.
11. Personal Service. Personal services shall include the following: barber shops, beauty salon, electrolysis, manicurist, tanning parlor, physical therapy, body art and therapeutic massage.
12. Recreational Business. Arcade, health club, gymnasium, bowling alley, billiard (pool) hall, dance hall, dance studio, skating rinks, theaters, indoor firearms ranges and sports arenas. Activities are contained within a building.
13. Restaurant. An establishment that serves food in individual servings for consumption on or off premises, including sit-down restaurants, take out, pick up, or delivery food sales, but not including drive-through facilities. Outdoor dining areas and drive-through facilities may or may not be allowed in each zoning district: they are not automatically allowed when a restaurant is an allowable use.
14. Retail Business. An establishment engaged in the display and sale of products produced off-site directly to consumers within a building or portion of a building excluding any exterior display and sales. Such uses may include grocery, clothing and book stores, etc. (Exception – sexually oriented uses).
15. Service Business, Off-Site. A company that provides useful labor, maintenance, repair and activities incidental to business production or distribution where the service is provided at the customer's location, including delivery services, catering services, plumbing and sewer services, and other uses of similar character.
16. Service Business, On-Site. An establishment that provides useful labor, maintenance, repair and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as banks (not including drive-through facilities), copy centers, laundromats, dry cleaners, funeral homes and mortuaries, appliance repair, tailor shops, and travel bureaus.

Cluster Development. The development pattern and technique whereby buildings or lots are arranged in closely related groups to make the most efficient use of the natural amenities of the land.

Common Open Space. Any open space including parks, nature areas, playgrounds, trails and recreational buildings and structures, which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.

Comprehensive Plan. A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the City of Brainerd and its environs. Said plan includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Conditional Use. A land use or development that may not be appropriate generally within a certain district but may be allowed in that district with appropriate restrictions, conditions or limitations as imposed by the City Council.

Conditional Use Permit. A permit issued by the City Council in accordance with the procedures specified within this Ordinance as a device to enable the City Council to assign conditions to a proposed use or development after consideration of the adjacent land uses and the special characteristics which the proposed use presents.

Condominium. A multiple family dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes sections 515A.1-101 et seq.

Condominium Association. The community association that administers and maintains the common property and common elements of a condominium.

Construction Area. Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or any other construction activity.

Cooperative. A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares of the total investment.

County. Crow Wing County, Minnesota.

Critical Root Zone (CRZ). An imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter, such as a twenty (20) inch diameter tree has a CRZ with a radius of twenty (20) feet.

Day Care Facility. A facility licensed by the State Department of Human Services, public or private, which for gain or otherwise regularly provides one or more persons, as defined by the State Human Services Licensing Act, with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers for children, day training and rehabilitation services for adults, day treatment programs, adult day care centers, and day services.

Deck. Horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal building or use of the site and at any point extending above grade.

Developer. Any person or entity other than a builder, as defined herein, who undertakes to improve a parcel of land, by platting, grading, installing utilities or construction or improving any building thereon.

Development. Individual lot, single family resident development, single-phase development, and two-phase development as those terms are defined herein.

Diameter. The length of a straight line measured through the trunk of a tree at fifty-four (54) inches above the ground.

Diameter Inch. The diameter, in inches, of a tree measured at diameter breast heights (four one-half [4½] feet from the uphill side of the existing ground level).

District. A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.

Drainage. The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.

Drainageway. Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.

Drip Line. The farthest distance away from the trunk that rain or dew will fall directly to the ground from the leaves or branches of the tree.

Drive-Through Facilities. Physical facilities that permit customers to receive services or obtain goods while remaining in their motor vehicles. Examples include, but are not limited to, bank, drug store, and restaurant drive-through facilities.

Driveway. A private roadway providing access for vehicles to a parking space, garage, dwelling or other buildings and structures.

Dwelling. A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, motels and boarding houses.

Dwelling, Accessory Apartment. One apartment dwelling unit located within an owner-occupied single family dwelling.

Dwelling, Efficiency Unit. A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

Dwelling, Manufactured Single Family. A manufactured single family dwelling is a structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling for one family, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contain therein. No manufactured dwelling shall be moved into the City of Brainerd that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes Chapter 327.31 Subdivision 3.

Dwelling, Multiple (Apartment). A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other, but sharing hallways and main entrances and exits.

Dwelling, Quadrominium. A single structure which contains four (4) separately owned dwelling units, all of which have individually separate entrances from the exterior of the structure.

Dwelling, Single Family Detached. A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Townhouse. A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Dwelling, Two-Family. A structure containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit. One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Easement. A grant by an owner of land for specific use by a person or persons other than the owner. An easement may be granted for the purpose of constructing and maintaining walkways, roadways, utilities, and other uses.

Elderly (Senior Citizen) Housing. A public agency owned or controlled or privately owned multiple dwelling building with occupancy limited to persons over fifty-five (55) years of age or older.

Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching creating, painting, drawing or any other way of bringing into being or establishing.

Essential Services. Overhead or underground electrical, gas, steam or water distribution systems structures or collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including utility towers, water towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith but not including buildings. Personal wireless service and commercial broadcasting antennas and towers shall not be considered an essential service.

Exterior Storage/Outside or Outdoor Storage/Storage Yards. An outside area where the storing of equipment or material and the storing or parking of vehicles, trailers, or semi trucks used in the everyday operation of the principal use. Outdoor sales lots are not outdoor storage but are distinct uses regulated by this ordinance.

Extraction Area. Any non-agricultural artificial excavation of earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth for the purpose of removing minerals or borrow of fill. This definition shall not include excavation made for the building of basements.

Façade, Building. The face of a building.

Family. Two (2) or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than four (4) persons not so related maintaining a common household and using common cooking and kitchen facilities.

Farm. Real property used for commercial agriculture or horticulture comprising at least twenty (20) contiguous acres and which may contain other contiguous or noncontiguous acreage, all of which is owned or leased and operated by a single family, family corporation, individual or corporation.

Farm, Limited (Hobby Farm). A limited farm is a food producing use primarily intended for the use of the residents and on parcels of from one (1) to twenty (20) contiguous acres in size. Limited farming uses may include the production of crops, such as fruits, vegetables, flowers, plants, shrubs and trees. Animals and domestic pets may be allowed subject to the provisions of this Ordinance.

Fence. Any partition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard.

Filling. The act of depositing any rock, soil, gravel, sand or other material on a site.

Flag. Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Flood. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Brainerd.

Floodplain. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Flood-Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

Floor Area. The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two (2) buildings. In particular, "floor area" shall include:

1. Basement space if at least one-half ($\frac{1}{2}$) of the basement story is above established curb level, or where the curb level has not been established, above the average level of the finished grade.
2. Elevator shafts and stairwells at each floor.
3. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half ($7\frac{1}{2}$) feet, except equipment open or enclosed, located on the roof, i.e., bulkheads, water tanks and cooling towers.
4. Attic floor space where the structural head-room exceeds seven and one-half ($7\frac{1}{2}$) feet.
5. Interior balconies and mezzanines.
6. Enclosed porches, but not terraces, breezeways, and screened porches.
7. Accessory uses, other than floor space devoted exclusively to accessory off-street parking or loading.

Floor Area Ratio. The numerical value obtained through dividing the gross floor area of a building by the net area of the lot or parcel of land on which such building is located.

Floor Plan, General. A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

Frontage. That boundary of a lot or parcel that abuts a private street or an existing or dedicated public street.

Garage, Private. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families residing upon the premises.

Gazebo. A freestanding accessory structure or pavilion from which views of surrounding scenery are commonly offered. Such structures are characterized by partly open construction, design symmetry, and the use of ornamental architectural features.

Grade (Adjacent Ground Elevation). Is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Grading Plan. Existing topography and proposed finished grades with a contour interval of no greater than two (2) feet clearly indicating the relationship of proposed changes to existing topography and remaining features.

Green Space. Open, undeveloped land with natural vegetation.

Hardship. The same as that term is defined in Minnesota Statutes, Chapter 462.

Home Business. Any lawful occupation or profession conducted within a dwelling unit by the owner and/or occupant, which is subordinate to the residential use of the dwelling.

Home Extended Businesses. Any lawful occupation or profession engaged within a dwelling unit, attached garage or detached accessory building by the owner and/or occupant.

Homeowners Association. A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

Hotel including Extended Stay Hotels. An establishment offering lodging accommodations including provisions for meals to the general public on a daily or weekly basis, leasable events space, meeting or conference facilities and exhibition halls or other uses of similar character. May also be referred to as motel or extended stay motel. A hotel becomes an extended stay hotel when a guest stays longer than 30 days.

Impervious Surface. An artificial or natural surface through which water, air or roots cannot penetrate.

Individual Lot Single Family Residence Development. The process where the construction of a new single family residence occurs on a single lot.

Individual Sewage Treatment System (ISTS) or Individual Sewage Disposal System. A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. Individual sewage treatment system includes holding tanks and privies (per Minnesota Rules 7080).

Interim Use. A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow said use.

Junk Yard. An open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto-wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

Kennel, Commercial. Any structure or premises on which more than three (3) dogs or cats, of one species, over six (6) months of age are kept, owned, boarded, groomed, sheltered, protected, bred, or offered for sale or any other merchandising.

Kennel, Private. Any structure or premises in which three (3) or less dogs, over six (6) months of age, are kept for private enjoyment and not for monetary gain. Every kennel shall be enclosed or fenced in such manner as to prevent the running at large or escape of animals confined therein.

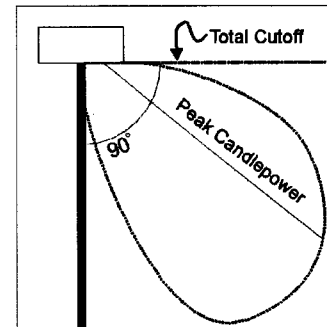
Land Reclamation. The process of the re-establishment of, acceptable topography (i.e., slopes), vegetative cover, soil stability, and the establishment of safe conditions appropriate to the subsequent use of the land.

Landscaping. To include, but not limited to plantings, trees, grass, ground cover (mulch and rock) and shrubs.

Lighting Related:

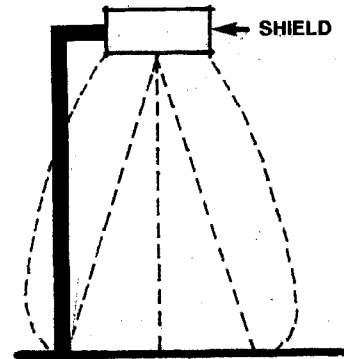
1. Cutoff. The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.

2. Cutoff Angle. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted (see Figure 1 at right).



3. Cutoff Type Luminaire. A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.
4. Flashing Light. A light source which is not constant in intensity or color at all times while in use.
5. Foot candle. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
6. Light Source. A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
7. Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
8. Outdoor Lighting. Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on freestanding poles.

9. **Outdoor Light Fixture.** Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights.
10. **Security Lighting.** Outdoor lighting fixtures installed exclusively for the protection of property and public safety.
11. **Shielding.** A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture (see Figure at right).



12. **Spillage.** Any reflection, glare or other artificial light that emits onto any adjoining property or right-of-way and is above a defined maximum illumination.

Lodging Room. A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) lodging room.

Lot. A parcel of land designated by metes and bounds, auditors plat, subdivision plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. Individual lots, with the same or similar uses which function as one use shall, along with any associated accessory uses, be considered one (1) lot for zoning purposes.

Lot of Record. Any lot which is one (1) unit of a recorded plat designated by auditors plat, subdivision plat, or other accepted means and separated from other parcels or portions of said description for the purpose of sale, lease or separation thereof that has been recorded in the office of the County Recorder prior to the effective date of this Ordinance. Also referred to as a "parcel."

Lot Area. The area of a lot in a horizontal plane bounded by the lot lines.

Lot, Corner. A lot situated at the junction of, and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot, Interior. A lot, other than corner lot, including through lots.

Lot Line. The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

Lot Line Front. That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the City.

Lot Line Rear. That boundary of a lot which is opposite of the front lot line. If the rear line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot Line Side. Any boundary of a lot which is not at the lot line or a rear lot line.

Lot Through. A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Ordinance.

Lot, Unit. Lots created from the subdivisions of a two-family dwelling or townhome having different minimum lot size requirements than the conventional base lots within the zoning district.

Lot Width. The maximum horizontal distance between the side lot lines of a lot measured at the front setback line.

Manufacturing, Light. The manufacturing or assembly of a product whether in its final version or not. All materials and products must be stored within the structure. Examples of the types of use are electronic assembly, dental laboratories, etc.

MICRO-BREWERY. A FACILITY FOR BREWING BEER THAT PRODUCES LESS THAN 3,500 BARRELS PER YEAR. IT MAY INCLUDE A TAP ROOM AND RETAIL SPACE TO SELL BEER TO PATRONS ON THE SITE.

Mini (Self) Storage. An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for the storage of household or commercial goods or personal belongings.

Mining. The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1,000) cubic yards or more and the removing thereof from the site. The only exclusion from this definition shall be removal of materials associated with

construction of a building, provided such removal is an approved item in the building permit.

Model Home. A home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.

Non-Conforming Building or Structure, Legal. A building or structure which legally exists at the time of the adoption of this Ordinance which does not comply with the regulations of this Ordinance or any amendments hereto governing the zoning district in which such building or structure is located.

Non-Conforming Use, Legal. A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Non-Profit and Not-For-Profit Organization. An organization not commercial motivated and whose income is not used for the gain of persons with an interest in the organization, as designated by the Internal Revenue Service. Funds received by a non-profit must be used only in support of its mission and operations.

Nuisance. Anything defined as a nuisance by Section 2010 of the City Code.

Nursing Home. A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statute, Section 144.50.

Off-Street Loading Space. A space accessible from the street, alley, or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials.

Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, water-course, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Official Zoning Map. The zoning map established by the City Council, in accordance with the Municipal Planning Act, (MSA 462), showing streets, highways and parks.

Open Sales Lot (Exterior Storage). Any land used or occupied for the purpose of buying and selling goods, materials, or merchandise and for the storing of same under the open sky prior to sale.

Open Space (Usable). Open areas, including parks, nature areas, playgrounds, and trails. This does not include holding ponds.

Open Space Recreational Uses. Recreational use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreation areas.

Ordinance. Brainerd Zoning Ordinance.

Ordinary High Water Level (OHWL). The boundary of public waters and wetlands as determined by the Minnesota Dept. of Natural Resources: an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Parcel. A contiguous tract or area of land established by plat, subdivision, or as otherwise permitted by law (metes and bounds), that has one legal description and parcel identification number recorded with the Crow Wing County Recorder's Office. Also referred to as a "lot" or "lot of record." Individual parcels, with the same or similar uses which function as one (1) use shall, along with any associated accessory uses, be considered one (1) parcel for zoning purposes.

Parking Lot. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking Space. A surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) automobile.

Party Wall. A common shared wall between two (2) separate structures, buildings, or dwelling units.

Pennant. See Banner.

Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Personal, Professional, and Recreational Vehicle Repair, Major. General repair, rebuilding or reconditioning engines, vehicles, trailers or similar; collision service, including body, frame or fender straightening or repair; overall painting or paint job; transmission repair; vehicle steam cleaning; and similar activity.

Personal, Professional, and Recreational Vehicle Repair, Minor. The replacement of any part or repair of any part which does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work and upholstering service; and similar activity. Above stated is applied to passenger vehicles and trucks not in excess of 7,000 pounds gross weight.

Place of Worship. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Planning Commission. The Planning Commission of Brainerd.

Planned Unit Development (PUD). An area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and/or one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of non-residential uses to residential uses as shall be specified.

Principal Building. A building or group of buildings which are permanently affixed to the land and which are built, used, designed or intended for the shelter or enclosure of the principal use on the property.

Principal Use. The primary or predominant use of any land and/or buildings and the main purpose for which the land and/or buildings exist.

Property Line. The legal boundaries of a parcel of property.

Property Owner. Any person, association or corporation having a freehold estate interest, leasehold interest extending for a term or having renewal options for a term in excess of one (1) year, a dominant easement interest, or an option to purchase any of same, but not including owners or interests held for security purposes only.

Public Land. Land owned or operated by municipal, school district, county, state or other governmental units.

Public Notices. Official notice posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

Public Waters. As defined in Minnesota Statutes Section 103G.005, Subdivision 15:

1. **Public Waters, General Development.** Those waters whose shores are generally characterized by medium density residential development with or without limited service-oriented commercial development.

2. **Public Waters, Natural Environment.** Generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.
3. **Public Waters, Recreational Development.** Generally medium sized lakes of varying depths and shapes with a variety of landform, soil and ground water situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year round residences and recreational-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.
4. **Public Waters, Tributary Rivers.** Segments consisting of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the river classes. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities.

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Reclamation-Land. The improvement of land by deposition of material to elevate the grade. Any parcel upon which four hundred (400) cubic yards or more of fill are deposited shall be considered as reclaimed land.

Recreation Equipment. Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty (20) feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, play houses exceeding twenty-five (25) square feet of floor area, or sheds utilized for storage of equipment.

Recreation, Public. Includes all uses that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

Recreational Vehicle. A vehicle designed and used for recreational purposes and enjoyment including, but not limited to, snowmobiles, motorized all terrain vehicles, boats, boat trailers, travel trailers, truck campers, camping trailers, and self-propelled motor homes. This definition does not include race cars or stock cars.

Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on

an average frequency in magnitude of the one hundred (100) year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Regulatory Flood Protection Elevation. The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

Residential Facility, State Licensed. Any facility, public or private, which for gain or otherwise regularly provides one (1) or more persons with a twenty-four (24) hour substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to: state institutions under the control of the Commissioner of Human Services, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, supportive living residences for functionally impaired adults, or schools for handicapped children.

Road. See "Street".

Setback. The minimum distance between a structure or sanitary facility and a road, highway or property line.

Sexually Oriented Activities Related Terms.

1. "Adult Establishment" means:

- a. Any business that devotes a substantial or significant portion of its inventory, stock in trade, or publicly displayed merchandise, or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of its gross revenues from, items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas; or
- b. Any business that engages in any adult use as defined in Subdivision 2 of this Section.

2. Adult Use. Any of the activities and businesses described below:

- a. "Adult Body Painting Studio" means an establishment or business that provides the service of applying paint, ink, or other substance, whether transparent or non-transparent, to the body of a patron when the person is nude.

- b. "Adult Bookstore" means an establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, movies, or motion picture film if a substantial or significant portion of its inventory, stock in trade, or publicly displayed merchandise consists of, or if a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) is devoted to, or if substantial or significant portion of its gross revenues is derived from items, merchandise, devices or materials that are distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
- c. "Adult Cabaret" means a business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on: (1) the depiction of nudity, Specified Sexual Activities or Specified Anatomical Areas; or (2) the presentation, display, or depiction of matter that seeks to evoke, arouse, or excite sexual or erotic feelings or desire.
- d. "Adult Companionship Establishment" means a business or establishment that provides the service of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- e. "Adult Conversation/Rap Parlor" means a business or establishment that provides the services of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- f. "Adult Health/Sport Club" means a health/sport club that is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- g. "Adult Hotel or Motel" means a hotel or motel that presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
- h. "Adult Massage Parlor/Health Club" means a massage parlor or health club that provides massage services distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- i. "Adult Mini-Motion Picture Theater" means a business or establishment with a capacity of less than 50 persons that as a prevailing practice presents on-premises viewing of movies, motion pictures, or other material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

- j. "Adult Modeling Studio" means a business or establishment that provides live models who, with the intent of providing sexual stimulation or sexual gratification, engage in Specified Sexual Activities or display Specified Anatomical Areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted.
- k. "Adult Motion Picture Arcade" means any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are used to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.
- l. "Adult Motion Picture Theater" means a motion picture theater with a capacity of 50 or more persons that as a prevailing practice presents material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by patrons.
- m. "Adult Novelty Business" means an establishment or business that devotes a substantial or significant portion of its inventory, stock in trade, or publicly displayed merchandise or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of its gross revenues from items, merchandise, or devices that are distinguished or characterized by an emphasis of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas, or items, merchandise or devices that simulate Specified Sexual Activities or Specified Anatomical Areas, or are designed for sexual stimulation.
- n. "Adult Sauna" means a sauna that excludes minors by reason of age, and that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, if the service provided by the sauna is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- o. "Adult Steam Room/Bathhouse Facility" means a building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, if the building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

3. "Nude" or "Specified Anatomical Areas" means:

- a. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola.
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
4. "Specified Sexual Activities" means:
- a. Actual or simulated: sexual intercourse; oral copulation; anal intercourse; oral-anal copulation; bestiality; direct physical stimulation of unclothed genitals; flagellation or torture in the context of a sexual relationship; the use of excretory functions in the context of a sexual relationship; anilingus; coprophagy; coprophilia; cunnilingus; fellatio; necrophilia; pedophilia; piquerism; or zooerastia;
 - b. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence;
 - c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
 - d. Fondling or touching of nude human genitals, pubic regions, buttocks, or female breasts;
 - e. Situations involving a person or persons, any of whom are nude, who are clad in undergarments or in sexually revealing costumes and engaged in the flagellation, torture, fettering, binding, or other physical restraint of any person;
 - f. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or
 - g. Human excretion, urination, menstruation, or vaginal or anal irrigation.
5. "Substantial or Significant Portion" means: twenty-five (25) percent or more.

Shopping Center. A group of commercial establishments built on a site which is planned and developed as an operating unit. Typically, the sharing of common space and services such as parking, maintenance and advertising exists.

Sign - Abandoned: Any sign and/or its supporting sign structure which remains without a message or whose display surface remains bland for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed abandoned. Signs which are present because of being legally established nonconforming signs or

signs which have required a Conditional Use Permit or a Variance also be subject to the definition of abandoned sign.

Sign – Awning Sign. A building sign or graphic printed on or in some fashion attached directly to the awning material.

Sign – Balloon Sign. A sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air which is greater than twenty-four (24) inches in diameter.

Sign – Banner Sign. A sign made of fabric or any non rigid material with no enclosing or supporting framework.

Sign – Bench Sign. Any sign located on the back of a courtesy bus bench placed on or adjacent to a public right-of-way.

Sign – Billboard. Any off-premise sign having an area of more than three hundred (300) square feet.

Sign - Building Sign. Any sign attached or supported by any building.

Sign - Cabinet Sign. Any sign that is not of channel or individually mounted letter construction.

Sign - Canopy Sign. Any sign that is a part of or attached to a canopy made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.

Sign - Changeable Copy Sign, Manual. A sign or portion thereof that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects not consisting of an illumination device and may be changed or rearranged manually or mechanically with characters, illustrations, letters or numbers that can be changed or rearranged without altering the face or surface of the sign structure.

Sign - Changeable Copy Sign, Electric. A sign or portion thereof that displays electronic, non-pictorial text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or objects. Electronic changeable copy signs do not include official signs.

Sign - Changeable Copy Sign, Graphic. A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations

of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

Sign - Commercial Speech Signage. A sign advertising a business, profession, commodity, commercial service or entertainment.

Sign - Electric Sign. A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic signs include projected images or messages with these characteristics onto buildings or other objects.

Sign - Flashing Sign. A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation or mode of lighting which resembles zooming, twinkling or sparkling.

Sign - Freestanding Sign. Any permanent sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Sign - Height of Sign. Shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Sign - Illuminated Sign. Any sign which contains an element designed to emanate artificial light internally or externally.

Sign - Legally Established Non-Conforming Sign. Any sign and its support structure lawfully erected prior to the effective date of this Ordinance which fails to conform to the requirement of this Ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this Ordinance and which does not comply with this Ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Sign - Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Sign - Marquee Sign. Any building sign painted, mounted, constructed or attached in any manner on a marquee.

Sign - Monument Sign. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which does not exceed eight (8) feet in height.

Sign - Multiple Tenant Sign. Any site which has more than one (1) tenant and each tenant has a separate ground level exterior public entrance.

Sign - Multi-Vision Sign. Any sign composed in whole or part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows, on a single sign structure, the display at any given time one of two or more images.

Sign - Non-Commercial Speech Sign. A sign displaying a dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, civic events and informational topics.

Sign - Official Sign. Signs of a public noncommercial nature including public notification signs, safety signs, traffic signs, direction to public facilities when erected by or on behalf of a public official or employee in the performance of official duty.

Sign - Off-premise Sign. A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where sign is located. For purpose of this sign Code, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

Sign - On-Premise Signs. Identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Sign - Pole Sign. See Pylon Sign.

Sign - Projecting Sign. Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface of such building or wall face.

Sign - Pylon Sign. Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Sign - Roof Sign. Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure.

Sign - Roof Sign, Integral. Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the room and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Sign - Rotating Sign. A sign or portion of a sign which in any physical part or in total turns about on an axis, rotates, revolves or is otherwise in motion, including without limitation a multi-vision sign.

Sign - Shimmering Sign. A sign which reflects an oscillating or distorted visual image.

Sign. Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Sign - Sign Area. The area within the marginal lines created by the sign face which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of the building, which is included in the smallest geometric figure which can be made to circumscribe the message, figure or symbol displayed thereon.

Sign - Sign Face. The surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign - Sign Structure. Any structure including the supports, uprights, bracing, and framework which supports or is capable of supporting any sign.

Sign - Suspended Sign. Any building sign that is suspended from the underside of a horizontal plan surface and is connected to this surface.

Sign - Temporary. A sign erected or placed on private property for a limited period of time including but not limited to signs affixed or attached to vehicles including trailers.

Sign - Total Site Signage. The maximum permitted combined area of all signs allowed on a specific property.

Sign - Video Display Sign. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that gives the illusion of motion, including, but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

Sign - Wall Sign. Any building sign attached parallel to but within two (2) feet of a wall painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building and which displays only one (1) sign surface.

Sign - Window Sign. Any building sign, pictures, symbol, or combination thereof designed to communicate information about an activity, business, commodity, event sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Significant Woodland. A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying five hundred (500) or more square feet of property, which are comprised of deciduous trees between four (4) inches and twelve (12) inches in diameter or coniferous trees between four (4) feet and twelve (12) feet in height.

Single-Phase Development. The process where improvement of the entire site occurs in one continuing process. Activities which can occur during single-phase development include initial site grading; installation of utilities; construction of public streets; construction and installation of utilities; construction of public streets; construction and grading of drainage ways; filling of any areas, grading of the pad area; utility hookups; construction of buildings, parking lots, driveways, storage areas, recreation areas, private streets, and any other activity within the construction area.

Site. Lot or combination of contiguous lots which are intended, designated and/or approved to function as an integrated unit.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening device; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Slope. The degree of deviation of a surface from the horizontal, usually, expressed in percent or degrees.

Slope, Steep. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports. Where specific information is not available, steep slopes are lands having average slopes over eighteen (18) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

Solar Related.

1. **Passive Solar Energy System.** A solar energy system that uses natural and architectural components to collect and store solar energy without using any external mechanical power.
2. **Solar Access Space.** That airspace above all lots within the Zoning District necessary to prevent any improvement, vegetation or tree located on said lots from casting a shadow upon any Solar Device located within said zone greater than the shadow cast by a hypothetical vertical wall ten (10) feet high located along the property lines of said lots between the hours of 9:30 a.m. and 2:30 p.m., Central Standard Time on December 21. This Ordinance shall not apply to any improvement or tree which casts a shadow upon a Solar Device at the time of the installation of said device, or to vegetation existing at the time of installation of said Solar Device.
3. **Solar Collector.** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply.
4. **Solar Energy.** Radiant energy (direct, diffuse, and reflected) received from the sun.
5. **Solar Energy System.** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). To qualify as a solar energy system, the system must be permanently located for not less than ninety (90) days in any calendar year beginning with the first calendar year after completion of construction.
6. **Solar Space.** The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.
7. **Solar Sky Space Easement.** A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar sky space of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar sky space must be described as the three-dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two (2) methods.
8. **Solar Structure.** A structure designed to utilize solar energy as an alternate for, or supplement to a conventional energy system.

Specialty Food Shops. An establishment specializing in selling one type or line of edible or drinkable products catering to the takeout client and not offering full service meals.

Examples include coffee, candy, ice cream, etc. Product manufactured on site such as candy or ice cream must be over the counter on site sales.

Sport Court. A facility that typically includes a paved playing surface for one or more sport activities such as, but not limited to, tennis, basketball, or volleyball.

Stable, Commercial. The business of boarding horses for fee for persons not residing on the premises and may include instruction, exhibition and sale of horses. This shall include the raising and breeding of horses.

Stoop. A small porch, platform, staircase at a house door with or without steps and with or without a roof.

Storage, Outdoor. Keeping of any personal property, commercial, or industrial property that is not enclosed in a building or screened so as not to be visible from adjoining properties or public right-of-way.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top most story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused above-floor space shall be considered as a story.

Story, First. The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

Street, Cul-de-Sac. A local street, one end of which is closed and consists of a circular turn around.

Street, Public. A public right-of-way which affords primary means of access to abutting property, and shall also include an avenue, highway, road, or way, or however otherwise designated.

Street, Private. A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public and is owned by one or more private parties.

Street, Collector. A street which serves or is designed to serve as a traffic- way for a neighborhood or as a feeder to a major street.

Street, Local. A street intended to serve primarily as an access to abutting properties.

Street, Minor Arterial. Streets which serve as transitions between principal arterials and local collector streets.

Street, Principal Arterial. A street which is the major interconnection within a community transportation system providing major access routes within the community and its environs.

Stringer. A line of string, rope, cording or an equivalent to which is attached a number of pennants.

Structure. Anything which is built, constructed or erected, an edifice or building of any kind, or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character.

Structure Alteration. Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

Structure, Principal. The main building on a parcel of land.

Substantial Improvement. Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value of a property either before the improvement is started or if the property has been damaged and is being restored, before the damage occurred.

Subdivision. The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long term lease hold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial or other use or any combination thereof, except those separations:

1. Where all the resulting parcels, tracts, lots, or interests will be ten (10) acres or larger in size and five hundred (500) feet in width for residential uses and ten (10) acres or larger in size for commercial and industrial uses.
2. Creating cemetery lots.
3. Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

Surface. A road, driveway, approach, parking lot which consists of gravel, crushed rock, lime rock, bituminous surface, concrete surface, or other similar material.

Swimming Pool. Any indoor or outdoor structure intended for swimming, wading or recreational bathing. The structure may be constructed, installed or located in-ground,

partially in-ground or above ground and may include permanent or storable swimming pools, hot tubs and spas.

TAPROOM/TASTING ROOM. A FACILITY ON THE PREMISES OF AND ACCESSORY TO A LICENSED BREWERY INTENDED FOR THE ON-SALE CONSUMPTION AND LIMITED OFF-SALE BEER PRODUCED BY THE BREWER AS AUTHORIZED BY MINNESOTA STATUTES SECTION 340A.301 SUBDIVISION 6B.

Temporary Structure. A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Toxic and Hazardous Wastes. Waste materials including, but not limited to: poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.

Tree. Any of the following type of trees, as each is defined herein:

1. **Coniferous Tree.** A woody plant which, at maturity, is at least twelve (12) feet or more in height, having foliage on the outermost portion of the branches year round.
2. **Deciduous Tree.** A woody plant which, at maturity, is at least fifteen (15) feet or more in height, having a defined crown, and which sheds leaves annually.
3. **Significant Tree.** A healthy tree measuring a minimum of six (6) inches in diameter for deciduous trees, or a minimum of twelve (12) feet in height for coniferous trees.
4. **Significant Tree Stand.** A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying five hundred (500) or more square feet of property, which are comprised of deciduous trees six (6) inches or larger in diameter or coniferous trees twelve (12) feet or higher in height.
5. **Specimen Tree.** A healthy hardwood tree measuring equal to or greater than thirty (30) inches in diameter and/or a coniferous tree measuring fifty (50) feet or greater in height.

Tree Certification. A certified inventory of trees on the site after work is complete listing all trees and their final disposition, which is signed by a licensed forester or landscape architect.

Tree Preservation Plan. A plan and inventory certified by a forester or landscape architect indicating all of the significant trees and their locations in the proposed

development or on the lot. The tree preservation plan shall include the size, species, tag numbers, and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.

Townhouse. A single family building attached by party walls to other single family buildings, and oriented so that all exits open to the outside.

Transient Merchant. Any person, firm or corporation, whether a resident of the City of Brainerd or not, who engages temporarily in the business of selling and delivering goods, wares or merchandise within the City of Brainerd, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle or trailer.

Transient Produce Merchant. Any person who engages in or transacts in any temporary and transient business within the City selling products of the farm or garden occupied and cultivated by that person; and, who for the purposes of carrying on such business, hires, leases, occupies, or uses, a building, structure, vacant lot, motor vehicle trailer, or railroad car, on a site other than the property on which the produce is grown and cultivated in a zoning district where it is allowed by this Ordinance.

Trucking Terminal. Land or buildings used primarily as a relay station for the transfer of freight from one vehicle to another or one party to another rather than permanent or long term storage. The terminal facility might include storage areas for trucks and buildings for truck maintenance and repair.

Two-Phase Development. The process where improvement of the entire site occurs in at least two distinct phases. Generally, the first phase includes initial site grading; installation of utilities; construction of public streets; construction, grading of drainage ways; and filling of any areas. The second phase generally includes grading of specific pad areas; utility hookups; construction of buildings, parking lots, driveways, storage areas, recreation areas, private streets; and any other activity within the specific construction zone.

Use. The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained.

Use, Permitted. A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.

Use, Principal. The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use" may be either permitted or conditional.

Variance. A modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for

the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation. A variance shall normally be limited to height, density and yard requirements.

Warehousing. The storage of materials or equipment within an enclosed building.

Waterbody or Watercourse. Any natural or man-made passageway on the surface of the earth so situated and having such a topographical nature that surface water stands or flows through it from other areas. The term includes ponding areas, drainage channels, swales, waterways, creeks, rivers, lakes, streams, wetland areas, and any other open surface water flow which is the result of storm water or ground water discharge. This term does not include man-made piping systems commonly referred to as storm sewers.

Wetland. Land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.

Wind Energy Conversion Systems (WECS). Any device such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of useable energy.

Wind Energy Conversion System, Small. A wind energy conversion system consists of a wind turbine and associated control or conversion electronics and is used primarily to reduce on-site consumption of utility power. Small wind energy conversion systems are an administrative accessory use in residential districts and shall be attached to an existing principal building. A small wind energy conversion system shall not exceed a rated capacity of 100 kWh.

Yard. A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted by this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

Yard, Front. A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning in which such lot is located.

Yard, Rear. The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

Yard, Side. The yard extending along the side lot line between the front yard and rear yards to a depth or width required by setback requirements for the zoning district in which such lot is located.

Zero Lot Line. The reduction of side yard setback requirements to zero, permitting the placement of a structure near or adjacent to the side yard lot line. With zero lot line no portion of the structure or accessory appurtenance shall project over the lot line.

Zoning Administrator. The duly appointed person charged with enforcement of this Ordinance.

Zoning Amendment. A change authorized by the City either in the allowed use within a district or in the boundaries of a district.

Zoning District. An area or areas within the limits of the City for which the regulations and requirements governing use are uniform as defined by this Ordinance.

SECTION 61
B-2, NEIGHBORHOOD BUSINESS DISTRICT

Section:

- 515-61-1: Purpose and Intent
- 515-61-2: Permitted Uses
- 515-61-3: Accessory Uses
- 515-61-4: Uses by Administrative Permit
- 515-61-5: Interim Uses
- 515-61-6: Conditional Uses
- 515-61-7: Lot Area and Setback Requirements
- 515-61-8: Building Height
- 515-61-9: Exterior Building Standards

515-61-1: Purpose and Intent. The purpose of the B-2 District is to provide for the establishment of integrated neighborhood centers for convenient, limited office and retail businesses that serve nearby residential neighborhoods.

515-61-2: Permitted Uses.

- A. Commercial establishments offering merchandise or services to the general public in return for compensation. Commercial buildings shall be limited to five thousand (5,000) square feet of floor area or less and include the following uses:
1. Retail establishments such as groceries, hardware, pharmacy, clothing and furniture stores, liquor stores (off-sale only), florists, pharmacies, books, cards and gifts.
 2. Personal services such as barber/beauty shop, nail salon, tanning salon, therapeutic massage and spas.
 3. Office Businesses-Clinic. Out-patient health services limited to general medical clinics, mental health providers, physical therapy, chiropractors, dentists, orthodontia, oral surgeons, and opticians.
 4. Repair services such as jewelry and radio and television/appliance repair shops, household items, electronics, shoe repair, upholstery and locksmith.
 5. Office Businesses-General. Professional administrative or clerical service operations limited to attorneys, financial advisors, insurance, travel and real estate.

6. On-site service businesses such as tailoring/alterations, banks, dry cleaners, self-service laundry and copy centers.
 7. Decorating and photography studios.
- B. Government and public buildings, utilities, and/or structures.
- C. Essential services as regulated by Section 36 of this Ordinance.

515-61-3: Accessory Uses.

- A. Off-street parking as regulated by Section 22 of this Ordinance.
- B. Off-street loading as regulated by Section 23 of this Ordinance.
- C. Signs as regulated by Section 37 of this Ordinance.
- D. Fences as regulated by Section 19 of this Ordinance.
- E. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.

515-61-4: Uses by Administrative Permit.

- A. Temporary/seasonal outdoor promotional events and sales provided that:
1. Such activity is targeted toward the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction and liquidation sales, and seasonal merchandise sales.
 2. The maximum term of the event shall not exceed fourteen (14) consecutive days, with a maximum of four (4) permits per calendar year for each use. Consecutive permits may be issued.
 3. No portion of the use shall take place within any public right-of-way or landscaped green strip.
 4. Parking and display areas associated with the use shall not distract or interfere with existing business operations or traffic circulation patterns.
 5. Display areas and parking spaces shall use those parking lot spaces that are in excess of the minimum required parking for the primary use of that property.

6. The site shall be kept in a neat and orderly manner and display of items shall be as compact as possible so as to not interfere with existing business, parking or driveway operations.
 7. Sales products, trailers, temporary stands, etc. shall be located on an asphalt or concrete surface as approved in the Administrative Permit.
 8. Temporary outdoor seasonal sales uses (with a valid Administrative Permit) may have one (1) on-site temporary sign not to exceed twenty-four (24) square feet in area and not more than six (6) feet in height.
 9. A daily clean up program shall be presented as part of the Administrative Permit application.
 10. Temporary sales displays shall not be located within a traffic visibility setback per Section 515-16-5.D of this Ordinance.
- B. Personal wireless service antennas as regulated by Section 35 of this Ordinance.

515-61-5: Interim Uses.

- A. None.

515-61-6: Conditional Uses.

- A. Private clubs and lodges provided that:
1. Side yards shall be thirty (30) feet.
 2. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
 3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.
 4. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.
- B. Restaurants without drive-up windows.
1. Side yards shall be thirty (30) feet.

2. Screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
3. Off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses.
4. Off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.

C. On-sale liquor establishments.

1. Side yards shall be thirty (30) feet.
2. Screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
3. Off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses.
4. Off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.

D. Places of worship and related buildings provided that:

1. Side yards shall be thirty (30) feet.
2. Screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
3. Off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses.

E. Commercial day care facilities as regulated by Section 29 of this Ordinance.

F. Non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar provided that:

1. The applicant submits a site plan in accord with Section 5 of this Ordinance that includes information demonstrating the location and type of all tables, refuse receptacles, and wait stations.

2. Access shall be provided only via the principal building.
3. The size of the area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
4. The area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
5. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.
6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the area by providing the following:
 - a. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
 - b. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
7. The area is surfaced with concrete, bituminous, decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.
8. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit application.
9. Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the area.
10. Closed lid refuse containers are to be provided.
11. So as to deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a barrier at a minimum of thirty-six (36) inches made of wood, vinyl, wrought iron, brick or natural stone, planters or other approved material shall be provided.

Barrier openings shall be spaced such that visibility is allowed but the passage of an alcoholic beverage through an opening to a person that is not within the non-enclosed area is prohibited.

12. The primary access and egress will be from the main premises or structure and no other access or egress will be allowed other than those required as emergency exits. The outdoor sale area will be defined or structurally constructed so as to prohibit the free passage of any person or substance beyond said area.
 13. Smoking in the area, if allowed by the business owner, is permitted provided the area is in compliance with the Minnesota Freedom to Breathe Act of 2007.
 14. The Building Official shall review the suitability of the area in light of the applicable fire, building, and life safety codes and the adequacy of the proposal to provide for the safety of persons on the premises.
 15. There shall be no amplified music allowed in the area except in the case of special event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.
 16. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.
- G. Planned Unit Development (including shopping centers) as regulated by Section 11 of this Ordinance.
- H. Motor vehicle fuel sales provided that:
1. Installation is in accordance with State and City standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
 2. A minimum lot area of forty thousand (40,000) square feet and minimum lot frontage of one hundred (100) feet.
 3. Architectural standards are compliant with the required commercial design construction standards of Section 515-17-3 of this Ordinance.
 4. A protective canopy structure may be located over the pump island(s) as an accessory structure. The canopy shall meet the following performance standards:
 - a. The edge of the canopy shall be twenty (20) feet or more from the front and/or side lot line, provided that adequate traffic visibility both on-site and off-site is maintained.

- b. The canopy shall not exceed eighteen (18) feet in height and must provide fourteen (14) feet of clearance to accommodate a semi-trailer truck passing underneath.
 - c. The canopy fascia shall not exceed three (3) feet in vertical height.
 - d. Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the bottom face of the canopy. Total canopy illumination may not exceed one hundred fifteen (115) foot candles below the canopy at ground level. The fascia of the canopy shall not be illuminated.
 - e. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.
 - f. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that:
 - 1) The canopy signs do not exceed more than twenty (20) percent of the canopy façade facing a public right-of-way.
 - 2) The canopy fascia shall not be illuminated except for permitted canopy signage.
 - g. Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.
5. Pump islands must comply with the following performance standards:
- a. Pump islands must be elevated six (6) inches above the traveled surface of the site.
 - b. All pump islands must be set at least thirty (30) feet back from any property line. Additionally, the setback between the pump islands curb face must be at least twenty-four (24) feet.
6. Landscaping and screening must comply with standards set forth in Section 20 of this Ordinance.
7. Lighting shall be in compliance with Section 18 of this Ordinance.
8. Circulation and Loading. The site design must accommodate adequate turning radius and vertical clearance for a semi-trailer truck. Designated loading areas must be exclusive of off-street parking stalls and drive aisles. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.

9. Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles. In front of the principal structure, the pedestrian sidewalk must be a minimum of five (5) feet wide and clear of any obstacle or impediment. The pedestrian sidewalk may be reduced to a minimum of three (3) feet wide and clear of any obstacle or impediment when segregated from parking or drive aisles by a physical barrier that prevents vehicles from overhanging the pedestrian sidewalk.
 10. Noise. Play of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in the Brainerd City Code.
- I. Funeral homes and mortuaries provided that:
1. Parking and stacking areas are provided subject to the provisions of Section 22 of this Ordinance.
 2. The site accesses a collector road.
- J. Specialty Food Shops with or without a drive-up window and/or with or without outdoor seating.
1. Coffee beans cannot be roasted on site.
 2. Side yard setbacks shall be thirty (30) feet.
 3. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
 4. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.
 5. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.
- K. **BREW PUB OFF-SALE. A BREWER WITH AN OFF-SALE MALT LIQUOR LICENSE SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:**
1. **NO OUTDOOR STORAGE.**

2. **NO ODORS FROM THE BREWERY FACILITY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. IF SUCH ODORS OCCUR, THE BREWERY FACILITY OPERATOR SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**
- L. BREW PUB ON-SALE. A BREWER WITH AN OFF-SALE MALT LIQUOR LICENSE SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:**
1. **NO OUTDOOR STORAGE.**
 2. **COMPLY WITH THE REQUIREMENTS OF 515-62-6B. FOR OUTDOOR SERVING.**
 3. **NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. IF SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**
 4. **ON-SITE SALE OF WINE OR SPIRITS IS PERMITTED IN ACCORD WITH MINNESOTA STATE STATUTES AND BRAINERD CITY CODE XII.**
- M. BREWERY WITH TAPROOM ON-SALE. A BREWER WITH AN ON-SALE BREWERY TAPROOM LICENSE FOR THE “ON-SALE” OF MALT LIQUOR PRODUCED ON THE LICENSED PREMISES SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:**
1. **NO OUTDOOR STORAGE.**
 2. **COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B. FOR OUTDOOR SERVING, IF APPLICABLE.**
 3. **NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**

N. BREWERY WITH TAPROOM OFF-SALE. A BREWER WITH AN OFF-SALE BREWERY TAPROOM LICENSE FOR THE “OFF SALE” OF MALT LIQUOR PRODUCED ON THE LICENSED PREMISES SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:

- 1. NO OUTDOOR STORAGE.**
- 2. A TAPROOM FOR MALT LIQUOR “OFF-SALE” PRODUCED ON-SITE SHALL REQUIRE AN “ON-SALE” TAPROOM ROOM LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO CITY CODE SECTION XII.**
- 3. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B. FOR OUTDOOR SERVING, IF APPLICABLE.**
- 4. NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**

515-61-7: Minimum Lot Area and Setback Requirements.

Lot Area	10,000 square feet
Lot Width	75 feet
Front Yard Setback	20 feet
Side Yard Setback, internal lot	5 feet
Side Yard Setback, corner lot	20 feet
Rear Yard Setback	10 feet
Setback from adjacent residential zoning	30 feet
Adjacent to alley	10 feet

515-61-8: Building Height. Not more than thirty-five (35) feet unless otherwise granted under a Conditional Use Permit.

515-61-9: Exterior Building Standards. Exterior building standards as regulated by Section 515-17-3 of this Ordinance.

SECTION 62
B-3, CENTRAL BUSINESS DISTRICT

Section:

- 515-62-1: Purpose and Intent
- 515-62-2: Permitted Uses
- 515-62-3: Accessory Uses
- 515-62-4: Uses by Administrative Permit
- 515-62-5: Interim Uses
- 515-62-6: Conditional Uses
- 515-62-7: Lot Area and Setback Requirements
- 515-62-8: Building Height
- 515-62-9: Exterior Building Standards
- 515-62-10: Residential Restriction

Restaurant

515-62-1: Purpose and Intent. The purpose of this district is to encourage the continuation of a viable, traditional downtown area by allowing retail, service, office and entertainment facilities and public and semi-public uses as well as the allowance of second-story dwelling units located above such uses.

515-62-2: Permitted Uses.

- A. Government and public buildings, utilities and/or structures.
- B. Financial institutions such as banks and credit unions.
- C. Hospitality businesses limited to hotels, motels, conference/convention/reception facilities. Extended stay hotels and motels provided that:
 - a. The City of Brainerd will be notified prior to becoming an extended stay facility.
 - b. Stays are limited to 90 consecutive days.
 - c. All guest rooms which have facilities for both storage and food preparation less than 300 square feet of floor area are limited to a maximum of two (2) persons per room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowed per each 75 square feet of floor area up to a maximum of four (4) persons.
 - d. Kitchen facilities including a stove and oven are provided.
 - e. Each hotel and motel shall maintain daily written records reflecting the renting, letting, or other provisions of any of its rooms including check in and check out dates of each person over 18 years of age that rents, lets or is otherwise provided a room or occupies a room on an overnight basis. Such records shall be made available to the City of Brainerd upon request

- D. Liquor sales, on and off sale.
- E. Office business – clinic such as general medical clinics, medical labs, mental health providers, chiropractors, dentists, orthodontia, oral surgeons, opticians, physical therapy and other out-patient treatment.
- F. Office business – general such as professional administrative or clerical service operations such as attorneys, financial advisors, insurance, travel and real estate.
- G. Personal services limited to barber shops, beauty salons, nail salons, tanning salons, therapeutic massage, spas, tattooing, tailoring/alterations, and schools/training centers for such uses.
- H. Recreational businesses - indoor.
- I. Restaurants – sit down, take out or delivery.
- J. Retail businesses contained within a principal building.
- K. Decorating and photography studios.
- L. Business, vocational, colleges, and universities located above first floor.
- M. Business when conducted entirely within a building.
- N. Theaters – except drive-in.
- O. Cultural facilities such as museums, art centers or art institutes.
- P. Repair services limited to jewelry and radio and television/small appliance repair shops, household items, electronics, shoe repair, upholstery or locksmith.
- Q. On-site service businesses limited to tailoring, dry cleaners, self-service laundry and copy centers.
- R. Music, art, decorating, photography and dance studios.
- S. Health clubs.
- T. Essential services as regulated by Section 36 of this Ordinance.
- U. Self-service Laundromat with dry cleaning pick up and drop off.

515-62-3: Accessory Uses.

- A. Uses incidental to the principal uses such as off-street parking as regulated by Section 17 of this Ordinance.

- B. Loading and unloading areas subject to the provisions of Section 23 of this Ordinance.
- C. Signs as regulated by Section 37 of this Ordinance.
- D. Fences as regulated by Section 19 of this Ordinance.
- E. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.

515-62-4: Uses by Administrative Permit.

- A. Temporary/seasonal outdoor promotional events and sales provided that:
 - 1. Such activity is targeted toward the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction and liquidation sales, and seasonal merchandise sales.
 - 2. The maximum term of the event shall not exceed fourteen (14) consecutive days, with a maximum of four (4) permits per calendar year for each use. Consecutive permits may be issued.
 - 3. Parking and display areas associated with the use shall not distract or interfere with existing business operations or traffic circulation patterns.
 - 4. The site shall be kept in a neat and orderly manner and display of items shall be as compact as possible so as to not interfere with existing business, parking or driveway operations.
 - 5. Sales products, trailers, temporary stands, etc. shall be located on an asphalt or concrete surface as approved in the Administrative Permit.
 - 6. Temporary outdoor seasonal sales uses (with a valid Administrative Permit) may have one (1) on-site temporary sign not to exceed twenty-four (24) square feet in area and not more than six (6) feet in height.
 - 7. A daily clean up program shall be presented as part of the Administrative Permit application.
- B. Personal wireless service antennas as regulated by Section 35 of this Ordinance.

515-62-5: Interim Uses.

- A. None.

515-62-6: Conditional Uses.

- A. Residential and non-residential uses within one (1) building provided that:
1. Residential and non-residential uses shall not be contained on the same floor and no residential use shall be located on the first floor.
 2. Residential and non-residential uses shall have separate entrances and exits.
- B. Outdoor dining facilities accessory to a restaurant provided that:
1. The applicant submits a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
 2. Access to the dining area to be provided only via the principal building if the dining area is full service restaurant, including table waiting service.
 3. The size of the dining area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
 4. The dining area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
 5. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.
 6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:
 - a. Outdoor dining area shall be segregated from through pedestrian circulation by means of temporary fencing, bollards, ropes, plantings, or other methods, and shall be subject to review and approval by the City Council.
 - b. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
 - c. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
 7. The dining area is surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.

8. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the administrative permit application.
 9. Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the outdoor dining area.
 10. Refuse containers are to be provided for self-service outdoor dining areas.
- C. Planned Unit Developments (PUDs) without first floor residential, as regulated by Section 11 of this Ordinance.
- D. Private clubs and lodges provided that:
1. Off-street parking and access is provided in compliance with Section 22 of this Ordinance.
 2. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.
- E. Places of worship above the first floor.
- F. Commercial day care facilities are regulated by Section 29 of this Ordinance.
- G. Parking structures provided that the first floor contains a business use.
- H. **BREW PUB OFF-SALE. A BREWER WITH AN OFF-SALE MALT LIQUOR LICENSE SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:**
1. **NO OUTDOOR STORAGE.**
 2. **NO ODORS FROM THE BREWERY FACILITY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. IF SUCH ODORS OCCUR, THE BREWERY FACILITY OPERATOR SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**

- I. BREW PUB ON-SALE. A BREWER WITH AN OFF-SALE MALT LIQUOR LICENSE SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:**
- 1. NO OUTDOOR STORAGE.**
 - 2. COMPLY WITH THE REQUIREMENTS OF 515-62-6B. FOR OUTDOOR SERVING.**
 - 3. NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. IF SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**
 - 4. ON-SITE SALE OF WINE OR SPIRITS IS PERMITTED IN ACCORD WITH MINNESOTA STATE STATUTES AND BRAINERD CITY CODE XII.**
- J. BREWERY WITH TAPROOM ON-SALE. A BREWER WITH AN ON-SALE BREWERY TAPROOM LICENSE FOR THE “ON-SALE” OF MALT LIQUOR PRODUCED ON THE LICENSED PREMISES SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:**
- 1. NO OUTDOOR STORAGE.**
 - 2. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B. FOR OUTDOOR SERVING, IF APPLICABLE.**
 - 3. NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**
- K. BREWERY WITH TAPROOM OFF-SALE. A BREWER WITH AN OFF-SALE BREWERY TAPROOM LICENSE FOR THE “OFF SALE” OF MALT LIQUOR PRODUCED ON THE LICENSED PREMISES SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:**
- 1. NO OUTDOOR STORAGE.**
 - 2. A TAPROOM FOR MALT LIQUOR “OFF-SALE” PRODUCED ON-SITE SHALL REQUIRE AN “ON-SALE” TAPROOM ROOM LICENSE FROM**

THE CITY OF BRAINERD, ACCORDING TO CITY CODE SECTION XII.

- 3. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B. FOR OUTDOOR SERVING, IF APPLICABLE.**
- 4. NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**

515-62-7: Lot Area and Setback Requirements. Minimum lot area, width, setback, and height requirements are not applicable. A thirty (30) foot setback shall be required for buildings located adjacent to residentially zoned property.

515-62-8: Building Height: Not more forty-five (45) feet unless otherwise granted under a Conditional Use Permit.

515-62-9: Exterior Building Standards. As regulated in Section 17 of this Ordinance.

515-62-10: Residential Restriction: First floor/street level residential uses are prohibited.

SECTION 63
B-4, GENERAL BUSINESS DISTRICT

Section:

- 515-63-1: Purpose and Intent
- 515-63-2: Permitted Uses
- 515-63-3: Accessory Uses
- 515-63-4: Uses by Administrative Permit
- 515-63-5: Interim Uses
- 515-63-6: Conditional Uses
- 515-63-7: Lot Area and Setback Requirements
- 515-63-8: Building Height
- 515-63-9: Exterior Building Standards

515-63-1: Purpose and Intent. The purpose of the General Business District is to allow more intensive commercial uses that require extensive highway access for customer contact.

515-63-2: Permitted Uses.

- A. Government and public buildings, utilities and/or structures.
- B. Financial institutions such as banks and credit unions.
- C. Hospitality businesses limited to hotels, motels, conference/convention/reception facilities. Extended stay hotels and motels provided that:
 - a. The City of Brainerd will be notified prior to becoming an extended stay facility.
 - b. Stays are limited to 90 consecutive days.
 - c. All guest rooms which have facilities for both storage and food preparation less than 300 square feet of floor area are limited to a maximum of two (2) persons per room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowed per each 75 square feet of floor area up to a maximum of four (4) persons.
 - d. Kitchen facilities including a stove and oven are provided.
 - e. Each hotel and motel shall maintain daily written records reflecting the renting, letting, or other provisions of any of its rooms including check in and check out dates of each person over 18 years of age that rents, lets or is otherwise provided a room or occupies a room on an overnight basis. Such records shall be made available to the City of Brainerd upon request
- C. Liquor sales, on and off sale.

- D. Office business – clinic such as general medical clinics, medical labs, mental health providers, chiropractors, dentists, orthodontia, oral surgeons, opticians, physical therapy and other out-patient treatment.
- E. Office business – general such as professional administrative or clerical service operations such as attorneys, financial advisors, insurance, travel and real estate.
- F. Personal services such as barber shops, beauty salons, nail salons, tanning salons, therapeutic massage and tattooing.
- G. Recreational businesses - indoor.
- H. Restaurants – sit down, take out or delivery (Drive-up window requirements are listed in Accessory Uses).
- I. Retail businesses contained within a principal building.
- J. Business or trade school when conducted entirely within a building.
- K. Places of worship and related buildings.
- L. Theaters – except drive-in.
- M. Cultural facilities such as museums, art centers, or art institute.
- N. Repair services limited to jewelry and radio and television/household appliance repair shops.
- O. On-site service businesses limited to tailoring/alterations, dry cleaners, self-service laundry and copy centers.
- P. Pawn shops.
- Q. Music, art, decorating, photography and dance studios.
- R. Taxi or bus dispatch sites.
- S. Adult Uses as regulated by Section 33 of this Ordinance.
- T. Essential services as regulated by Section 36 of this Ordinance.
- U. Equipment rental (indoor).
- V. Testing labs for water and soil, rocks/minerals and air quality.

W. BREW PUB OFF-SALE. A BREWER WITH AN OFF-SALE MALT LIQUOR LICENSE SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:

- 1. NO OUTDOOR STORAGE.**
- 2. NO ODORS FROM THE BREWERY FACILITY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. IF SUCH ODORS OCCUR, THE BREWERY FACILITY OPERATOR SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**

X. BREW PUB ON-SALE. A BREWER WITH AN OFF-SALE MALT LIQUOR LICENSE SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:

- 1. NO OUTDOOR STORAGE.**
- 2. COMPLY WITH THE REQUIREMENTS OF 515-62-6B. FOR OUTDOOR SERVING.**
- 3. NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. IF SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**
- 4. ON-SITE SALE OF WINE OR SPIRITS IS PERMITTED IN ACCORD WITH MINNESOTA STATE STATUTES AND BRAINERD CITY CODE XII.**

Y. BREWERY WITH TAPROOM ON-SALE. A BREWER WITH AN ON-SALE BREWERY TAPROOM LICENSE FOR THE “ON-SALE” OF MALT LIQUOR PRODUCED ON THE LICENSED PREMISES SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:

- 1. NO OUTDOOR STORAGE.**
- 2. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B. FOR OUTDOOR SERVING, IF APPLICABLE.**

3. **NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**

Z. BREWERY WITH TAPROOM OFF-SALE. A BREWER WITH AN OFF-SALE BREWERY TAPROOM LICENSE FOR THE “OFF SALE” OF MALT LIQUOR PRODUCED ON THE LICENSED PREMISES SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:

1. **NO OUTDOOR STORAGE.**
2. **A TAPROOM FOR MALT LIQUOR “OFF-SALE” PRODUCED ON-SITE SHALL REQUIRE AN “ON-SALE” TAPROOM ROOM LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO CITY CODE SECTION XII.**
3. **COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B. FOR OUTDOOR SERVING, IF APPLICABLE.**
4. **NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS**

515-63-3: Accessory Uses.

- A. **Uses incidental to the principal uses such as off-street parking as regulated by Section 17 of this Ordinance.**
- B. **Loading and unloading areas subject to the provisions of Section 23 of this Ordinance.**
- C. **Signs as regulated by Section 37 of this Ordinance.**
- D. **Fences as regulated by Section 19 of this Ordinance.**
- E. **Commercial accessory buildings shall not exceed thirty (30) percent of the gross floor space of the principal building.**
- F. **Drive-up service facilities provided that:**

1. Not less than one hundred twenty (120) feet of segregated automobile stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to sixty (60) feet per lane.
 2. The stacking lanes shall be setback three (3) feet from all property lines and its access must be designed to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space.
 3. No part of the public street, alley or boulevard may be used for stacking of automobiles.
 4. The stacking lane, order board intercom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.
 5. The drive-up window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights-of-way.
 6. A lighting and photometric plan will be required that illustrates the drive-up service lane lighting and shall comply with Section 18 of this Ordinance.
- G. Outside services, sales, and equipment rental accessory to the principal use and limited in area to fifteen (15) percent of the gross floor area of the principal building or fifteen (15) percent of the tenant bay if it is a multiple tenant building. Outside service, sales and rental area must be located on private property and shall not intrude on the public sidewalk or boulevard.
- H. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.

515-63-4: Uses by Administrative Permit.

- A. Temporary outdoor promotional events and sales are targeted toward the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction and liquidation sales.

Such events are permitted with a maximum term of the event shall not exceed fourteen (14) consecutive days, with a maximum of four (4) permits per calendar year for each use. Consecutive permits may be issued.

- B. Seasonal Non-Agricultural Merchandise Sales include fruit/vegetables, Christmas trees; plants and ancillary products in which less than one half of the product retailed is initially planted and raised therein.
1. "Short Term" sales is considered less than 90 consecutive days in a calendar year per location.
 2. "Long Term" sales is considered more than 90 days and less than 270 consecutive days in a calendar year per location.
 3. Permit Required. No person shall utilize a seasonal non-agricultural merchandise sales structure for retail purposes unless a permit therefore shall first be secured from the City of Brainerd.
- C. General Requirements. The following general requirements apply to all temporary outdoor promotional events and sales events and to seasonal non-agricultural merchandise sales locations:
1. No portion of the use shall take place within any public right-of-way or landscaped green strip.
 2. Parking and display areas associated with the use shall not distract or interfere with existing business operations or traffic circulation patterns.
 3. Display areas and parking spaces shall use those parking lot spaces that are in excess of the minimum required parking for the primary use of that property.
 4. The site shall be kept in a neat and orderly manner and display of items shall be as compact as possible so as to not interfere with existing business, parking or driveway operations.
 5. Sales products, trailers, temporary stands, etc. shall be located on an asphalt, Class IV or concrete surface as approved in the Administrative Permit.
 6. Temporary outdoor sales uses (with a valid Administrative Permit) may have one (1) on-site temporary sign not to exceed twenty-four (24) square feet in area and not more than six (6) feet in height.
 7. A daily cleanup program shall be presented as part of the Administrative Permit application.
- D. Personal wireless service antennas as regulated by Section 35 of this Ordinance.

515-63-5: Interim Uses.

- A. None.

515-63-6: Conditional Uses.

A. Armories provided that:

1. Side yards shall be thirty (30) feet.
2. Screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
3. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.

B. Automobile and truck repair - major and minor (including body shops) provided that:

1. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a storm water drainage system and is subject to the approval of the City Engineer.
2. All painting shall be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulated matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.
3. The emission of odor by a use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota regulations APC, as amended.
4. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.
5. All outside storage shall be prohibited except for customer automobiles and trucks awaiting repair.

C. Commercial car washes (drive-up, mechanical and self-service) provided that:

1. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.
2. Stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the City Engineer.

3. The site shall be landscaped and screened in compliance with Section 20 of this Ordinance.
4. Parking or car stacking space shall be screened from view of abutting residential districts in compliance with Section 22 of this Ordinance.
5. The entire area other than occupied by the building or plantings shall be surfaced with concrete or bituminous, subject to the approval of the City Engineer.
6. The entire area shall have a drainage system which is subject to the approval of the City.
7. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 18 of this Ordinance.
8. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.
9. Provisions are made to control and reduce noise.

D. Hospitals provided that:

1. Side yards are double the minimum requirements established for this district and are screened in compliance with Section 20 of this Ordinance.
2. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
3. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.

E. Motor vehicle fuel sales provided that:

1. Installation is in accordance with State and City standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
2. A minimum lot area of forty thousand (40,000) square feet and minimum lot frontage of one hundred (100) feet.
3. Architectural standards are compliant with the required commercial design construction standards of Section 17 of this Ordinance.

4. A protective canopy structure may be located over the pump island(s) as an accessory structure. The canopy shall meet the following performance standards:
 - a. The edge of the canopy shall be twenty (20) feet or more from the front and/or side lot line, provided that adequate traffic visibility both on-site and off-site is maintained.
 - b. The canopy shall not exceed eighteen (18) feet in height and must provide fourteen (14) feet of clearance to accommodate a semi-trailer truck passing underneath.
 - c. The canopy fascia shall not exceed three (3) feet in vertical height.
 - d. Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the bottom face of the canopy. Total canopy illumination may not exceed one hundred fifteen (115) foot candles below the canopy at ground level. The fascia of the canopy shall not be illuminated.
 - e. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.
 - f. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that:
 - 1) The canopy signs do not exceed more than twenty (20) percent of the canopy façade facing a public right-of-way.
 - 2) The canopy fascia shall not be illuminated except for permitted canopy signage.
 - g. Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.
5. Pump islands must comply with the following performance standards:
 - a. Pump islands must be elevated six (6) inches above the traveled surface of the site.
 - b. All pump islands must be set at least thirty (30) feet back from any property line. Additionally, the setback between the pump islands curb face must be at least twenty-four (24) feet.
6. Landscaping must comply with standards set forth in Section 20 of this Ordinance.

7. Lighting shall be in compliance with Section 18 of this Ordinance.
 8. Circulation and Loading. The site design must accommodate adequate turning radius and vertical clearance for a semi-trailer truck. Designated loading areas must be exclusive of off-street parking stalls and drive aisles. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.
 9. Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles. In front of the principal structure, the pedestrian sidewalk must be a minimum of five (5) feet wide and clear of any obstacle or impediment. The pedestrian sidewalk may be reduced to a minimum of three (3) feet wide and clear of any obstacle or impediment when segregated from parking or drive aisles by a physical barrier that prevents vehicles from overhanging the pedestrian sidewalk.
 10. Noise. Play of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in the Brainerd City Code.
- F. Non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar provided that:
1. The applicant submits a site plan in accord with Section 5 of this Ordinance that includes information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
 2. Access shall be provided only via the principal building.
 3. The size of the area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
 4. The area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
 5. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.
 6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the area by providing the following:
 - a. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.

- b. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
- 7. The area is surfaced with concrete, bituminous, decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.
- 8. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit application.
- 9. Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the area.
- 10. Closed lid refuse containers are to be provided.
- 11. So as to deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a barrier at a minimum of thirty-six (36) inches made of wood, vinyl, wrought iron, brick or natural stone, planters or other approved material shall be provided.

Barrier Openings shall be spaced such that visibility is allowed but the passage of an alcoholic beverage through an opening to a person that is not within the non-enclosed area is prohibited.

- 12. The primary access and egress will be from the main premises or structure and no other access or egress will be allowed other than those required as emergency exits. The outdoor sale area will be defined or structurally constructed so as to prohibit the free passage of any person or substance beyond said area.
- 13. Smoking in the area, if allowed by the business owner, is permitted provided the area is in compliance with the Minnesota Freedom to Breathe Act of 2007.
- 14. The Building Official shall review the suitability of the area in light of the applicable fire, building, and life safety codes and the adequacy of the proposal to provide for the safety of persons on the premises.
- 15. There shall be no amplified live music allowed in the area except in the case of special event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.

16. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.
- G. Planned Unit Development (PUD) (including shopping centers) as regulated by Section 11 of this Ordinance.
- H. Outdoor dining facilities accessory to a restaurant provided that:
1. The applicant must submit a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
 2. Access to the dining area to be provided only via the principal building if the dining area is full service restaurant, including table waiting service.
 3. The size of the dining area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
 4. The dining area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
 5. All lighting be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.
 6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:
 - a. Outdoor dining area shall be segregated from through pedestrian circulation by means of temporary fencing, bollards, ropes, plantings, or other methods, and shall be subject to review and approval by the City Council.
 - b. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
 - c. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
 7. The dining area is surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.

8. A minimum width of thirty-six (36) inches shall be provided within aisles of the outdoor dining area.
 9. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this Section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the Administrative Permit application.
 10. Additional off-street parking shall be required pursuant to the requirements set forth in Section 22 based on the additional seating area provided by the outdoor dining area.
 11. Refuse containers are provided for self-service outdoor dining areas. Such containers shall be placed in a manner which does not disrupt pedestrian circulation, and shall be designed to prevent spillage and blowing litter.
- I. Small engine and boat repair provided that:
1. The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with Section 18 of this Ordinance.
 2. The site shall be landscaped and screened in accordance with Section 20 of this Ordinance.
 3. Vehicular access points shall create a minimum of conflict with through traffic movement shall be subject to the approval of the City Engineer.
 4. Provisions are made to control and reduce noise.
 5. No outside storage, repair or sales except in compliance with Section 23 of this Ordinance.
- J. Animal hospital or clinic and kennels provided that:
1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
 2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
 3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:

- a. The number of animals boarded shall not exceed twenty (20).
- b. An indoor or outdoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel.
- c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty (60) and seventy-five (75) degrees Fahrenheit.
- d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
- e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.
- f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
- g. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

K. Light manufacturing.

L. Radio and television studios.

M. Outdoor storage as an accessory use provided that:

- 1. The area is fenced and screened from view of the neighboring properties and public right-of-way in compliance with Section 20 of this Ordinance.
- 2. Storage area is paved with asphalt, bituminous or concrete or surfaced with crushed rock.

N. Colleges and universities provided that:

- 1. Side yards shall be thirty (30) feet.
- 2. Screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
- 3. Off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with

Section 22 of this Ordinance and that such parking is screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.

4. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.

O. Auto dealership provided that:

1. Outdoor sales area shall be set at least five (5) feet back from all property lines, and at least fifteen (15) feet back from any street surface.
2. Outdoor sales shall be physically defined on the site by surfacing, curbing, landscaping, or a fence barrier.
3. The boulevard portion of the street right-of-way shall not be used for parking, or storage or display of sale items.
4. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section 20 of this Ordinance.
5. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 18 of this Ordinance.
6. All display/sales/storage areas shall be paved.
7. Required parking shall be segregated from the sales display. The use shall not take up parking space as required for conformity to this Ordinance.

P. Commercial day care facilities are regulated by Section 29 of this Ordinance.

Q. Department of Human Services (DHS) licensed Drug and Alcohol Treatment and Recovery Facilities and Unlicensed Drug and Alcohol Treatment and Recovery Facilities that are substantially the same in character as a DHS licensed program of longer duration but not to exceed eighteen (18) months.

515-63-7: Lot Area and Setbacks Requirements.

Lot Area	20,000 square feet
Lot Width	100 feet
Front Yard Setback	30 feet
Side Yard Setback, internal lot	20 feet
Side Yard Setback, corner lot	30 feet
Rear Yard Setback	20 feet

Setback from adjacent residential zoning	30 feet
Adjacent to the alley	10 feet

515-63-8: Building Height. Not more than forty-five (45) feet unless otherwise granted under a Conditional Use Permit.

515-63-9: Exterior Building Standards. As regulated by Section 17 of this Ordinance.

SECTION 64
B-5, COMMERCIAL AMUSEMENT DISTRICT

Section:

- 515-64-1: Purpose and Intent
- 515-64-2: Permitted Uses
- 515-64-3: Accessory Uses
- 515-64-4: Interim Uses
- 515-64-5: Conditional Uses
- 515-64-6: Lot Area and Setback Requirements
- 515-64-7: Building Height
- 515-64-8: Exterior Building Standards

515-64-1: Purpose and Intent. The purpose of the Commercial Amusement District is to provide locations for outdoor recreation and entertainment uses which have a regional draw in a district which is isolated from residential uses and other sensitive uses. It is the intent of the B-5 District to protect existing natural features, to preserve open space and to sensitively integrate development with the existing natural landscape.

515-64-2: Permitted Uses.

- A. Public parks and playgrounds.
- B. Recreational businesses – indoor.
- C. Private and public swimming pools and water parks.
- D. Theaters.
- E. Restaurants and on-sale liquor establishments.
- F. Hospitality businesses limited to hotels, motels, conference/convention/reception facilities. Extended stay hotels and motels provided that:
 - a. The City of Brainerd will be notified prior to becoming an extended stay facility.
 - b. Stays are limited to 90 consecutive days.
 - c. All guest rooms which have facilities for both storage and food preparation less than 300 square feet of floor area are limited to a maximum of two (2) persons per room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowed per each 75 square feet of floor area up to a maximum of four (4) persons.
 - d. Kitchen facilities including a stove and oven are provided.

- e. Each hotel and motel shall maintain daily written records reflecting the renting, letting, or other provisions of any of its rooms including check in and check out dates of each person over 18 years of age that rents, lets or is otherwise provided a room or occupies a room on an overnight basis. Such records shall be made available to the City of Brainerd upon request
- G. Health clubs.
- H. Essential services as regulated by Section 36 of this Ordinance.

515-64-3: Accessory Uses.

- A. Off-street parking as regulated by Section 22 of this Ordinance.
- B. Signs as regulated by Section 37 of this Ordinance.
- C. Fences as regulated by Section 19 of this Ordinance.
- D. Drive-up service facilities provided that:
 - 1. Not less than one hundred twenty (120) feet of segregated automobile stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to sixty (60) feet per lane.
 - 2. The stacking lane and its access must be designed to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space.
 - 3. No part of the public street or boulevard may be used for stacking of automobiles.
 - 4. The stacking lane, order board intercom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.
 - 5. The drive-up window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights-of-way.
 - 6. A lighting and photometric plan will be required that illustrates the drive-up service lane lighting and shall comply with Section 18 of this Ordinance.

515-64-4: Interim Uses.

- A. Farms, farmsteads and farming.
- B. Aggregate mining of more than fifty (50) cubic yards not related to an approved subdivision or site plan, provided that:
 - 1. The use will be in compliance with Section 30 of this Ordinance and all related provisions of the City Code.
 - 2. The Interim Use Permit shall terminate at a date determined by the City Council to be adequate to allow for completion of the operation based upon:
 - a. The quantity of material to be removed and the plan of operation.
 - b. Compatibility of present and future land uses.
 - c. Compliance with the requirements of the Zoning Ordinance, Comprehensive Plan and conditions specific to the Interim Use Permit approval.

515-64-5: Conditional Uses.

- A. Commercial recreational businesses with keeping of animals limited to commercial riding stables, rodeo facilities, zoos and zoological facilities provided that:
 - 1. All buildings and areas containing animals are at least three hundred (300) feet from a residentially zoned property.
 - 2. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
 - 3. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.
- B. Auto racing tracks and go-cart tracks provided that:
 - 1. A noise assessment is submitted, subject to the review and approval of City staff.
 - 2. Flammable liquid storage on site is subject to the review and approval of the City Engineer and the Fire Marshal.
 - 3. Hours of operation shall be limited to between 7:00 a.m. and 12:00 a.m.
- C. Outdoor entertainment venues provided that:

1. A noise assessment is submitted subject to the review and approval of City staff.
2. The facility shall not be lighted or used after 12:00 a.m.

D. Amusement parks provided that:

1. The site accesses a major collector road.
2. Where applicable, all State of Minnesota Codes, Rules and Regulations shall apply. Verification that State Requirements are met shall accompany the application for a Conditional Use Permit.
3. All structural and support parts shall not be located closer than three hundred (300) feet residential zoning district.
4. The site must be surrounded by a six (6) foot high security fence with a locked gate when the facility is not in use.
5. All amusement ride structures shall be designed to fall entirely within the boundaries of the site should structural failure occur.

E. Public and private golf courses, golf driving ranges or miniature golf courses and related accessory buildings and uses, provided that:

1. All structures, greens, and fairways shall be set back at least one hundred (100) feet from any property line.
2. No outside loudspeaker systems shall be utilized.

F. Sports stadiums and related accessory buildings and uses provided that:

1. The site accesses a major collector road.
2. A noise assessment including details on the public address system shall be subject to the review and approval of the City staff.
3. Traffic exit strategy shall be provided subject to the review and approval of City staff, Fire Marshal and Chief of Police.
4. Outdoor concession locations shall be designated on the submitted site plan.
5. A refuse containment and collection plan is submitted.
6. Site buffering shall be provided in accordance with Section 20 of this Ordinance.

7. The stadium shall be surrounded by a security fence and a locked gate when not in use.

G. Drive-in movie theater provided that:

1. Traffic exit strategy shall be provided subject to the review and approval of City staff, Fire Marshal and Chief of Police.
2. A minimum fifty (50) foot planted buffer plus all required setbacks shall be established around the perimeter of the entire site.

H. Campgrounds provided that:

1. Campsites shall be utilized by recreational vehicles and by tents (normally associated with outdoor camping), but not by manufactured housing.
2. The maximum density shall not exceed one campsite per two thousand (2,000) square feet.
3. A minimum fifty (50) foot planted buffer plus all required setbacks shall be established around the perimeter of the entire development. Buffer areas shall be continuous except for approved access and utility easements.

I. Non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar provided that:

1. The applicant submits a site plan in accord with Section 5 of this ordinance that includes information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
2. Access shall be provided only via the principal building.
3. The size of the area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
4. The area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
5. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.
6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the area by providing the following:
 - a. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked

motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.

- b. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
7. The area is surfaced with concrete, bituminous, decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.
8. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit application.
9. Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the area.
10. Closed lid refuse containers are to be provided.
11. So as to deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a barrier at a minimum of thirty-six (36) inches made of wood, vinyl, wrought iron, brick or natural stone, planter or other approved material shall be provided.

Barrier openings shall be spaced such that visibility is allowed but the passage of an alcoholic beverage through an opening to a person that is not within the non-enclosed area is prohibited.
12. The primary access and egress will be from the main premises or structure and no other access or egress will be allowed other than those required as emergency exits. The outdoor sale area will be defined or structurally constructed so as to prohibit the free passage of any person or substance beyond said area.
13. Smoking in the area, if allowed by the business owner, is permitted provided the area is in compliance with the Minnesota Freedom to Breathe Act of 2007.
14. The Building Official shall review the suitability of the area in light of the applicable fire, building, and life safety codes and the adequacy of the proposal to provide for the safety of persons on the premises.
15. There shall be no amplified live music allowed in the area except in the case of special event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.

16. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.

J. BREW PUB OFF-SALE. A BREWER WITH AN OFF-SALE MALT LIQUOR LICENSE SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:

1. NO OUTDOOR STORAGE.
2. NO ODORS FROM THE BREWERY FACILITY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. IF SUCH ODORS OCCUR, THE BREWERY FACILITY OPERATOR SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.

K. BREW PUB ON-SALE. A BREWER WITH AN OFF-SALE MALT LIQUOR LICENSE SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:

1. NO OUTDOOR STORAGE.
2. COMPLY WITH THE REQUIREMENTS OF 515-62-6B. FOR OUTDOOR SERVING.
3. NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. IF SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.
4. ON-SITE SALE OF WINE OR SPIRITS IS PERMITTED IN ACCORD WITH MINNESOTA STATE STATUTES AND BRAINERD CITY CODE XII.

L. BREWERY WITH TAPROOM ON-SALE. A BREWER WITH AN ON-SALE BREWERY TAPROOM LICENSE FOR THE "ON-SALE" OF MALT LIQUOR PRODUCED ON THE LICENSED PREMISES SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:

1. NO OUTDOOR STORAGE.

2. **COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B. FOR OUTDOOR SERVING, IF APPLICABLE.**
3. **NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**

M. BREWERY WITH TAPROOM OFF-SALE. A BREWER WITH AN OFF-SALE BREWERY TAPROOM LICENSE FOR THE “OFF SALE” OF MALT LIQUOR PRODUCED ON THE LICENSED PREMISES SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:

1. **NO OUTDOOR STORAGE.**
2. **A TAPROOM FOR MALT LIQUOR “OFF-SALE” PRODUCED ON-SITE SHALL REQUIRE AN “ON-SALE” TAPROOM ROOM LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO CITY CODE SECTION XII.**
3. **COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B. FOR OUTDOOR SERVING, IF APPLICABLE.**
4. **NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS**

515-64-6: Lot Area and Setback Requirements.

	<u>Permitted Uses</u>	<u>Conditional Uses</u>
Lot Area	40,000 square feet	10 acres
Lot Width	100 feet	300 feet
Front Yard Setback	50 feet	50 feet
Side Yard Setback, internal lot	25 feet	25 feet
Side Yard Setback, corner lot	50 feet	50 feet
Rear Yard Setback	50 feet	50 feet

515-64-7: Building Height. Not more than sixty (60) feet unless otherwise granted under a Conditional Use Permit.

515-64-8: Exterior Building Standards. Exterior building standards as regulated by Section 17 of this Ordinance.

SECTION 65
B-6, WASHINGTON STREET COMMERCIAL DISTRICT

Section:

- 515-65-1: Purpose and Intent
- 515-65-2: Permitted Uses
- 515-65-3: Accessory Uses
- 515-65-4: Uses by Administrative Permit
- 515-65-5: Interim Uses
- 515-65-6: Conditional Uses
- 515-65-7: Minimum Lot Area Requirements
- 515-65-8: Minimum Yards and Setbacks
- 515-65-9: Maximum Lot Coverage
- 515-65-10: Maximum Building Height
- 515-65-11: Building Design and Construction
- 515-65-12: Off-Street Parking and Loading

515-65-1: Purpose and Intent. The purpose and intent of the district is to provide zoning regulation flexibility to permit development consistent with land use patterns along the Washington Street corridor from the Mississippi River to Gillis Street. The purpose of the District is also to ensure compatibility between land uses and transportation and to minimize negative effects of development on the Washington Street corridor.

515-65-2: Permitted Uses.

- A. Decorating and photography studios.
- B. Financial institutions.
- C. Liquor sales, on and off sale.
- D. Offices.
- E. Pawn shops.
- F. Personal services limited to barber shops, beauty salons, nail salons, tanning salons, therapeutic massage and tattooing.
- G. Recreation businesses – indoor.
- H. Restaurants – sit down, takeout and delivery.
- I. Retail businesses within a principal building.

- J. Repair services limited to jewelry, radio and electronics, televisions and household appliances.
- K. On-site service businesses such as tailoring, dry cleaning, self-service laundry and copy centers.
- L. Music, art and dance studios.
- M. Adult uses.
- N. Essential services as regulated by Section 36 of this Ordinance.
- O. Personal, Professional, and Recreational Vehicle Repair, Minor.
- P. **BREW PUB OFF-SALE. A BREWER WITH AN OFF-SALE MALT LIQUOR LICENSE SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:**
 - 1. **NO OUTDOOR STORAGE.**
 - 2. **NO ODORS FROM THE BREWERY FACILITY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. IF SUCH ODORS OCCUR, THE BREWERY FACILITY OPERATOR SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**
- Q. **BREW PUB ON-SALE. A BREWER WITH AN OFF-SALE MALT LIQUOR LICENSE SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:**
 - 1. **NO OUTDOOR STORAGE.**
 - 2. **COMPLY WITH THE REQUIREMENTS OF 515-62-6B. FOR OUTDOOR SERVING.**
 - 3. **NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. IF SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**

4. **ON-SITE SALE OF WINE OR SPIRITS IS PERMITTED IN ACCORD WITH MINNESOTA STATE STATUTES AND BRAINERD CITY CODE XII.**

R. BREWERY WITH TAPROOM ON-SALE. A BREWER WITH AN ON-SALE BREWERY TAPROOM LICENSE FOR THE “ON-SALE” OF MALT LIQUOR PRODUCED ON THE LICENSED PREMISES SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:

1. **NO OUTDOOR STORAGE.**
2. **COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B. FOR OUTDOOR SERVING, IF APPLICABLE.**
3. **NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**

S. BREWERY WITH TAPROOM OFF-SALE. A BREWER WITH AN OFF-SALE BREWERY TAPROOM LICENSE FOR THE “OFF SALE” OF MALT LIQUOR PRODUCED ON THE LICENSED PREMISES SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:

1. **NO OUTDOOR STORAGE.**
2. **A TAPROOM FOR MALT LIQUOR “OFF-SALE” PRODUCED ON-SITE SHALL REQUIRE AN “ON-SALE” TAPROOM ROOM LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO CITY CODE SECTION XII.**
3. **COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B. FOR OUTDOOR SERVING, IF APPLICABLE.**
4. **NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS**

515-65-3: Accessory Uses.

- A. Accessory uses customarily incidental to permitted uses.**

- B. Loading and unloading areas as regulated by Section 23 of this Ordinance.
- C. Signs.
- D. Fences.
- E. Drive-up service facilities provided that:
 - 1. Not less than one hundred twenty (120) feet of segregated automobile stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to sixty (60) feet per lane.
 - 2. The stacking lane and its access must be designed to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space.
 - 3. No part of the public street or boulevard may be used for stacking of automobiles.
 - 4. The stacking lane, order board intercom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.
 - 5. The drive-up window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights-of-way.
 - 6. A lighting and photometric plan will be required that illustrates the drive-up service lane lighting and shall comply with Section 18 of this Ordinance.
- F. Radio and television receiving antennas, satellite dishes, TV Receiver Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.
- G. Car wash accessory to motor vehicle sales.
- H. Outside services, sales, and equipment rental accessory to the principal use and limited in area to fifteen (15) percent of the gross floor area of the principal building or fifteen (15) percent of the tenant bay if it is a multiple tenant building. Outside service, sales and rental area must be located on private property and shall not intrude on the public sidewalk or boulevard.

515-65-4: Uses by Administrative Permit.

A. Temporary/seasonal outdoor sales and promotional events provided that:

1. Such activity is targeted toward the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction and liquidation sales, and seasonal merchandise sales.
2. The maximum term of the event shall not exceed fourteen (14) consecutive days, with a maximum of four (4) permits per calendar year for each use. Consecutive permits may be issued.
3. No portion of the use shall take place within any public right-of-way or landscaped green strip.
4. Parking and display areas associated with the use shall not distract or interfere with existing business operations or traffic circulation patterns.
5. Display areas and parking spaces shall use those parking lot spaces that are in excess of the minimum required parking for the primary use of that property.
6. The site shall be kept in a neat and orderly manner and display of items shall be as compact as possible so as to not interfere with existing business, parking or driveway operations.
7. Sales products, trailers, temporary stands, etc. shall be located on an asphalt or concrete surface as approved in the Administrative Permit.
8. Temporary outdoor seasonal sales uses (with a valid Administrative Permit) may have one (1) on-site temporary sign not to exceed twenty-four (24) square feet in area and not more than six (6) feet in height.
9. A daily cleanup program shall be presented as part of the Administrative Permit application.

B. Personal wireless service antennas as regulated by Section 35 of this Ordinance.

515-65-5: Interim Uses.

- A. None.

515-65-6: Conditional Uses.

- A. Motor vehicle fuel sales provided that:

1. Installation is in accordance with State and City standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
2. A minimum lot area of forty thousand (40,000) square feet and minimum lot frontage of one hundred (100) feet.
3. Architectural standards are compliant with the required commercial design construction standards of Section 515-17-3 of this Ordinance.
4. A protective canopy structure may be located over the pump island(s) as an accessory structure. The canopy shall meet the following performance standards:
 - a. The edge of the canopy shall be twenty (20) feet or more from the front and/or side lot line, provided that adequate traffic visibility both on-site and off-site is maintained.
 - b. The canopy shall not exceed eighteen (18) feet in height and must provide fourteen (14) feet of clearance to accommodate a semi-trailer truck passing underneath.
 - c. The canopy fascia shall not exceed three (3) feet in vertical height.
 - d. Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the bottom face of the canopy. Total canopy illumination may not exceed one hundred fifteen (115) foot candles below the canopy at ground level. The fascia of the canopy shall not be illuminated.
 - e. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.
 - f. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that:
 - 1) The canopy signs do not exceed more than twenty (20) percent of the canopy façade facing a public right-of-way.
 - 2) The canopy fascia shall not be illuminated except for permitted canopy signage.
 - g. Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.

5. Pump islands must comply with the following performance standards:
 - a. Pump islands must be elevated six (6) inches above the traveled surface of the site.
 - b. All pump islands must be set at least thirty (30) feet back from any property line. Additionally, the setback between the pump islands curb face must be at least twenty-four (24) feet.
 6. Landscaping must comply with standards set forth in Section 20 of this Ordinance.
 7. Lighting shall be in compliance with Section 18 of this Ordinance.
 8. Circulation and Loading. The site design must accommodate adequate turning radius and vertical clearance for a semi-trailer truck. Designated loading areas must be exclusive of off-street parking stalls and drive aisles. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.
 9. Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles. In front of the principal structure, the pedestrian sidewalk must be a minimum of five (5) feet wide and clear of any obstacle or impediment. The pedestrian sidewalk may be reduced to a minimum of three (3) feet wide and clear of any obstacle or impediment when segregated from parking or drive aisles by a physical barrier that prevents vehicles from overhanging the pedestrian sidewalk.
 10. Noise. Play of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in the Brainerd City Code.
- B. Planned Unit Development (PUD) (including shopping centers) as regulated by Section 11 of this Ordinance.
- C. Non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar provided that:
1. The applicant submits a site plan in accord with Section 5 of this ordinance that includes information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
 2. Access shall be provided only via the principal building.
 3. The size of the area is restricted to thirty (30) percent of the total customer floor area within the principal structure.

4. The area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
5. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.
6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the area by providing the following:
 - a. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
 - b. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
7. The area is surfaced with concrete, bituminous, decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.
8. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit application.
9. Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the area.
10. Closed lid refuse containers are to be provided.
11. So as to deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a barrier at a minimum of thirty-six (36) inches made of wood, vinyl, wrought iron, brick or natural stone, planter or other approved material shall be provided.

Barrier openings shall be spaced such that visibility is allowed but the passage of an alcoholic beverage through an opening to a person that is not within the non-enclosed area is prohibited.
12. The primary access and egress will be from the main premises or structure and no other access or egress will be allowed other than those required as emergency exits. The outdoor sale area will be defined or structurally constructed so as to prohibit the free passage of any person or substance beyond said area.

13. Smoking in the area, if allowed by the business owner, is permitted provided the area is in compliance with the Minnesota Freedom to Breathe Act of 2007.
14. The Building Official shall review the suitability of the area in light of the applicable fire, building, and life safety codes and the adequacy of the proposal to provide for the safety of persons on the premises.
15. There shall be no amplified live music allowed in the area except in the case of special event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.
16. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.

D. Small engine and boat repair provided that:

1. The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with Section 18 of this Ordinance.
2. The site shall be landscaped and screened in accordance with Section 20 of this Ordinance.
3. Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.
4. Provisions are made to control and reduce noise.
5. No outside storage, repair or sales.

E. Animal hospital or clinic and kennels provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:
 - a. The number of animals boarded shall not exceed twenty (20).
 - b. An indoor or outdoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel.

- c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty (60) and seventy-five (75) degrees Fahrenheit.
- d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
- e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.
- f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
- g. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

F. Radio and television studios.

G. Automobile dealerships provided that:

- 1. Outdoor sales area shall be set at least five (5) feet back from all property lines, and at least fifteen (15) feet back from any street surface.
- 2. Outdoor sales shall be physically defined on the site by surfacing, curbing, landscaping, or a fence barrier.
- 3. The boulevard portion of the street right-of-way shall not be used for parking, or storage or display of sale items.
- 4. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section 20 of this Ordinance.
- 5. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 18 of this Ordinance.
- 6. All display/sales/storage areas shall be paved.
- 7. Required parking shall be segregated from the sales display. The use shall not take up parking space as required for conformity to this Ordinance.

- H. Commercial day care facilities regulated by Section 29 of this Ordinance.
- I. Car wash.
- J. Personal, Professional, and Recreational Vehicle Repair, Major.

515-65-7: Minimum Lot Area Requirements.

- A. None.

515-65-8: Minimum Yards and Setbacks.

A. Front Yard Setback:

- 1. Buildings: None.
- 2. Parking: Ten (10) feet adjacent to a street or alley. None adjacent to railroad right-of-way.

B. Side Yard Setback:

- 1. Buildings: None.
- 2. Parking: Five (5) feet.

C. Rear Yard Setback:

- 1. Buildings: Ten (10) feet adjacent to an alley. None adjacent to railroad right-of-way.
- 2. Parking: Ten (10) feet adjacent to a street or alley. None adjacent to railroad right-of-way.

515-65-9: Maximum Lot Coverage.

- A. None.

515-65-10: Maximum Building Height. Not more than three (3) stories or thirty-five (35) feet unless otherwise granted under a Conditional Use Permit.

515-65-11: Building Design and Construction. All buildings and structures in the overlay district shall comply with the design requirements of Section 515-17-3 (commercial requirements) of this Ordinance.

515-65-12: Off-Street Parking and Loading. Required off-street parking stalls and loading spaces shall conform to Section 22 and Section 23 of this Ordinance.

SECTION 70
I-1, LIGHT INDUSTRY DISTRICT

Section:

- 515-70-1: Purpose and Intent
- 515-70-2: Permitted Uses
- 515-70-3: Accessory Uses
- 515-70-4: Interim Uses
- 515-70-5: Conditional Uses
- 515-70-6: Uses by Administrative Permit
- 515-70-7: Lot Area and Setback Requirements
- 515-70-8: Building Height
- 515-70-9: Building Requirements

515-70-1: Purpose and Intent. To provide for the establishment of warehousing and light industrial development, particularly in the form of industrial parks. The overall character of the I-1 District is intended to have low impact character. Industrial uses allowed in this district shall be limited to those which can compatibly exist adjacent to both lower intensity business uses and high intensity manufacturing uses but which require isolation from residential uses. This district may also incorporate general office and commercial uses.

515-70-2: Permitted Uses.

- A. Conducting a process, fabrication, wholesale operation, manufacturing or providing a service, including any of the following or similar uses meeting the performance standards applicable to the I-1 District, provided that all development uses in the I-1 District are conducted wholly within a building:
 - 1. Machine shops.
 - 2. Paper products from previously processed paper.
 - 3. Electronics assembly and testing.
 - 4. Commercial printing and publishing establishments.
 - 5. Laundry, dry cleaning or dying plants.
 - 6. Food/beverage processing.
 - 7. Cosmetics/toiletries
 - 8. Drugs and pharmaceuticals.
 - 9. Beverage bottling.
 - 10. Recycling center.
 - 11. Woodworking.
 - 12. Retail sales operated by non-profit organizations to benefit said non-profit organizations by selling items primarily related to the building industry.

- B. Radio and television studios.
- C. Research laboratories.
- D. Warehousing and wholesaling.
- E. Guard/Reserve facilities.
- F. Automobile body shop and transmission repair subject to the following conditions:
 - 1. All outdoor storage of vehicles shall be screened by at least a six (6) foot fence, but not in excess of eight and one-half (8½) feet in height, and shall be ninety (90) percent opaque fence.
 - 2. Any vehicle parked or stored on the property for longer than twenty-four (24) hours shall be kept in the screened yard.
- G. Government and public utility buildings and structures.
- H. Office business – general such as professional administrative or clerical service operations such as attorneys, financial advisors, insurance, travel and real estate.
- I. Contractor offices.
- J. Essential services as regulated by Section 36 of this Ordinance.
- K. Retail sales operated by non-profit organizations to benefit said non-profit organizations by selling items primarily related to the building industry.
- L. Electrical/Plumbing/Heating/Air Conditioning products and parts.
- M. Metal Sales such as steel and other raw materials.
- N. Construction equipment sales and repair.
- O. Truck and semi tractor/trailer sales and repair.
- P. Sale of parts and sale and repair of tires for construction equipment and semi tractor trailers.
- Q. Sales and distribution of propane, acetylene, helium, CO2 and similar tanks.
- R. Commercial sales incidental to the manufacture, processing or wholesaling of products manufactured on, processed on or wholesaled from the premises. The sales area shall be segregated from the principal use of the building.

- S. All commercial uses permitted in B-1, B-2, B-3, B-4, and B-6 zoning districts are permitted when the commercial use has access on an arterial or collector road.
- T. Fitness and Recreation Centers as described by the 2012 Version of the North American Industrial Classification System (NAICS) Code 713940
- U. **BREW PUB OFF-SALE. A BREWER WITH AN OFF-SALE MALT LIQUOR LICENSE SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:**
 - 1. **NO OUTDOOR STORAGE.**
 - 2. **NO ODORS FROM THE BREWERY FACILITY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. IF SUCH ODORS OCCUR, THE BREWERY FACILITY OPERATOR SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**
- V. **BREW PUB ON-SALE. A BREWER WITH AN OFF-SALE MALT LIQUOR LICENSE SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:**
 - 1. **NO OUTDOOR STORAGE.**
 - 2. **COMPLY WITH THE REQUIREMENTS OF 515-62-6B. FOR OUTDOOR SERVING.**
 - 3. **NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. IF SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**
 - 4. **ON-SITE SALE OF WINE OR SPIRITS IS PERMITTED IN ACCORD WITH MINNESOTA STATE STATUTES AND BRAINERD CITY CODE XII.**
- X. **BREWERY WITH TAPROOM ON-SALE. A BREWER WITH AN ON-SALE BREWERY TAPROOM LICENSE FOR THE "ON-SALE" OF MALT LIQUOR PRODUCED ON THE LICENSED PREMISES SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:**
 - 1. **NO OUTDOOR STORAGE.**

2. **COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B. FOR OUTDOOR SERVING, IF APPLICABLE.**
3. **NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS.**

Y. BREWERY WITH TAPROOM OFF-SALE. A BREWER WITH AN OFF-SALE BREWERY TAPROOM LICENSE FOR THE "OFF SALE" OF MALT LIQUOR PRODUCED ON THE LICENSED PREMISES SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES, 340A. AND THE FOLLOWING:

1. **NO OUTDOOR STORAGE.**
2. **A TAPROOM FOR MALT LIQUOR "OFF-SALE" PRODUCED ON-SITE SHALL REQUIRE AN "ON-SALE" TAPROOM ROOM LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO CITY CODE SECTION XII.**
3. **COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B. FOR OUTDOOR SERVING, IF APPLICABLE.**
4. **NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE. WHEN SUCH ODORS OCCUR, THE BREWERY SHALL TAKE APPROPRIATE MEASURES TO REDUCE OR MITIGATE ANY ODORS GENERATED FROM THE OPERATION AND BE IN COMPLIANCE WITH ANY APPLICABLE MINNESOTA POLLUTION CONTROL STANDARDS**

515-70-3: Accessory Uses.

- A. **Off-street parking as regulated in Section 22 of this Ordinance.**
- B. **Off-street loading as regulated in Section 23 of this Ordinance.**
- C. **Signs as regulated in Section 37 of this Ordinance.**
- D. **Residence for night watchman or other security personnel.**
- E. **Commercial or business buildings not to exceed thirty (30) percent of the gross floor space of the principal building and shall be of the same material and design as the principal use.**

- F. Fences as regulated in Section 19 of this Ordinance.
- G. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.
- H. Outdoor storage accessory to a principal use provided that:
 - 1. The storage area is landscaped and screened from view of neighboring uses, residential zoning districts, and public rights-of-way per Section 20 of this Ordinance.
 - 2. Storage area is fenced in a manner approved by the City.
 - 3. Storage area is paved or surfaced to control dust and erosion.
 - 4. All lighting shall be in compliance with Section 18 of this Ordinance.
 - 5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance and not in front yards.
 - 6. The property shall not abut property zoned for residential, rural, or business use, including land in a neighboring township or city. "Abutting" includes across a street. "Abutting" does not include properties that touch only corner to corner.
 - 7. The storage area shall not abut a school or a public park.
 - 8. The ratio of storage area to building footprint shall not exceed three and one-half to one (3.5:1).
 - 9. Storage shall not include material considered hazardous under Federal or State Environmental Law.

515-70-4: Interim Uses.

- A. Outdoor storage as a principal use provided that:
 - 1. All storage is screened from view of neighboring uses and public rights-of-way via a fence or green belt planting strip or combination thereof in compliance with Section 20 of this Ordinance.
 - 2. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.

3. All lighting will be in compliance with Section 18 of this Ordinance.
 4. The storage area is fenced and secured as regulated by Section 19 of this Ordinance.
 5. The storage area is paved or surfaced to control dust and erosion.
 6. All parking, loading and truck staging activities shall occur on site. On-street parking and loading associated with the use is prohibited.
 7. Noises emanating from the use are in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations MPC 7030.
- B. Billboard signs as regulated by Section 37 of this Ordinance.
- C. Decommissioning, the significant removal of machinery (defined as a system of related elements that operate in a definable manner) from service within a site, or the demolition of existing buildings, pavement, structures or facilities, and/or site remediation for the purposes of leaving a property barren, vacant or abandoned for an unspecified amount of time. A site plan shall be submitted and is subject to Section 10 of this Ordinance.

515-70-5: Conditional Uses.

- A. Outdoor sales lot, provided that all outdoor storage be screened by a fence or compact evergreen hedge at least fifty (50) percent opaque at least six (6) feet high at time of planting.
- B. Bulk liquid storage provided that:
1. All applicable Minnesota Pollution Control Agency requirements are satisfactorily met.
 2. A drainage system subject to the approval of the City Engineer shall be installed.
 3. Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with Section 20 of this Ordinance.
 4. Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to approval of the City Engineer.
 5. All storage tanks shall be located in the rear yard not less than twenty-five (25) feet from any property boundary lines and setback one hundred fifty (150) feet from any adjoining residential zoning district. No tanks shall be permitted in the front yard or side yard abutting public rights-of-way.

6. Storage tanks shall be surrounded by twenty-five (25) feet of open area. Storage of any kind is prohibited in said open area, except equipment incidental to the storage tank. Approved parking must be set back ten (10) feet from any storage tank.
 7. Storage tanks shall be set back from existing structures, as outlined in the Fire Code, based on tank size.
 8. All bulk storage plans and processes shall be subject to review and approval of the Fire Department.
 9. Storage tanks shall not interfere with site circulation, including but not limited to, parking, driveway, curb cuts, and loading areas.
 10. A wire weave/chain link security fence shall be required around all storage tanks. The location of said fence shall be as per the Uniform Fire Code.
 11. Storage sites shall be accessible by service and emergency vehicles.
 12. All filling valves of the storage tanks shall be enclosed and have locking devices.
 13. A warning sign shall be required for every tank and shall be placed in a conspicuous location, directly on the tank indicating a supplier's name, address, phone number, that highly flammable and dangerous material is stored therein, and that no smoking requirements must be observed or a sufficient warning to that effect. Said signage may not exceed four (4) square feet.
 14. Provisions are made to control and minimize noise, air and water pollution.
- C. Planned Unit Developments (PUD) as regulated by Section 11 of this Ordinance.
- D. Placement and operation of outdoor wood burning furnaces subject to the following conditions:
1. Outdoor wood burning furnaces shall be located at least twenty-five (25) feet from all property lines.
 2. The outdoor wood burning furnace shall be located on a property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance for combustible materials.
 3. The outdoor wood burning furnace shall be located at least one hundred (100) feet from any building that is not served by an outdoor wood burning furnace.

4. The chimney height of any new outdoor wood burning furnace shall extend at least two (2) feet above the peak of any building not served by an outdoor wood burning furnace within three hundred (300) feet.

E. Animal hospital, clinic, kennels and shelters provided that:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
3. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty (60) and seventy-five (75) degrees Fahrenheit.
4. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
5. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.
6. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
7. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

F. Trade/specialty schools.

G. Mini self storage facilities provided that:

1. At least twenty-five (25) percent of the site is open green space and landscaped in accordance with a plan approved by the City Council.
2. No buildings shall be located closer than twenty-five (25) feet to each other to allow for parking, loading, driveway, and fire lanes.
3. No single building shall be greater than one hundred fifty (150) feet in length.
4. All structures are to be within two hundred (200) feet of a fire hydrant.

5. All driveways and parking areas are to be hard (blacktop or concrete) surfaced and adequate turning radius for fire truck maneuverability is to be maintained throughout the site. Designated snow storage space is to be provided to insure adequate and safe access during winter months.
 6. Any structures having exposure to an adjacent residential use or public right-of-way, park, or similar public use areas shall be of vinyl, brick, natural stone, wood, or stucco facing material.
 7. No retailing, wholesaling, manufacturing, repair, or other such activity other than storage is to occur within the self storage, mini warehousing facility.
- H. Non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar provided that:
1. The applicant submits a site plan in accord with Section 5 of this ordinance that includes information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
 2. Access shall be provided only via the principal building.
 3. The size of the area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
 4. The area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
 5. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.
 6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the area by providing the following:
 - a. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
 - b. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
 7. The area is surfaced with concrete, bituminous, decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.
 8. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached

to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit application.

9. Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the area.
10. Closed lid refuse containers are to be provided.
11. So as to deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a barrier at a minimum of thirty-six (36) inches made of wood, vinyl, wrought iron, brick or natural stone, planter or other approved material shall be provided.

Barrier openings shall be spaced such that visibility is allowed but the passage of an alcoholic beverage through an opening to a person that is not within the non-enclosed area is prohibited.

12. The primary access and egress will be from the main premises or structure and no other access or egress will be allowed other than those required as emergency exits. The outdoor sale area will be defined or structurally constructed so as to prohibit the free passage of any person or substance beyond said area.
13. Smoking in the area, if allowed by the business owner, is permitted provided the area is in compliance with the Minnesota Freedom to Breathe Act of 2007.
14. The Building Official shall review the suitability of the area in light of the applicable fire, building, and life safety codes and the adequacy of the proposal to provide for the safety of persons on the premises.
15. There shall be no amplified live music allowed in the area except in the case of special event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.
16. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.

515-70-6: Uses by Administrative Permit.

- A. Personal wireless service antennas as regulated by Section 35 of this Ordinance.
- B. Telecommunication towers as regulated by Section 35 of this Ordinance.
- C. Temporary mobile towers as regulated by Section 35 of this Ordinance.

515-70-7: Lot Area and Setback Requirements.

Lot Area	24,000 square feet
Lot Width	100 feet
Front Yard Setback	40 feet
Side Yard Setback, internal lot	10 feet
Side Yard Setback, corner lot	20 feet
Setback from adjacent residential zoning	100 feet
Rear Yard Setback	30 feet

515-70-8: Building Height. No more than thirty (30) feet, however, building heights in excess of the prescribed standard may be permitted through a Conditional Use Permit, provided that:

1. The site is capable of accommodating any increased intensity of use.
2. Any increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
3. Public utilities and services are adequate.
4. The front and side yard setbacks shall be increased one (1) foot for every foot of height in excess of thirty (30) feet.

515-70-9: Building Requirements.

- A. Minimum Floor Area: Industrial and/or commercial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a Conditional Use Permit.
- B. Exterior building elevations shall be as regulated in Section 17 of this Ordinance.

MEMO

TO: Planning Commission

CC: Mark Ostgarden, City Planner 

DATE: March 9, 2016

RE: Residential Rear Yard Parking

Attached is a photo of a rear yard adjacent to an alley at a single family residence that has five vehicles in the rear yard. The complaint we received was nine cars were parked in the rear yard. Several vehicles do not have up to date license tabs so a correction notice was sent to the property owner. Should the owner get proper tabs on the vehicles there is no further corrective action we can take at this property.

Rear yard parking is permitted on any surface, grass and dirt included. Also, we do not specify the maximum number of vehicles allowed on a property at any time.

I am bringing this situation to the Planning Commission's attention to see if it desires to have a discussion about the appropriateness of this kind of situation and whether it is a negative impact on a neighborhood.



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Going Small
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About the cover: This is not our typical photo showing some of the beauty throughout Minnesota. This photo is from the 17th Century Canal Ring in Amsterdam, a historic and modern testament to city planning. Editor **Jonathan Maze** visited the city in February, and came home with this month's cover photo and several others.



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Submissions: We welcome articles, letters to the editor, photos, calendar items, project profiles, planners on the move items, and other news. Send all submissions via e-mail to: apamnnewsletter@gmail.com.

Otto and Peggy Schmid are the Chapter administrators.

They can be reached at:

mnapa@buffleheadweb.net

9288 Beverly Drive,

Breezy Point, MN 56472.

Phone 888-882-5369

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The State of the Minnesota Chapter of the APA



From the Desk of the President

The APA-MN Chapter Board welcomed several new District Directors in 2016! We are excited to cordially welcome Erin Perdu, AICP, and Patrick Boylan, AICP as our newest Metro District Directors, and Lew Overhaug as Southeast District Director! Also, welcome to Chloe McGuire Birgl, our newest Student Representative. Thank you for running, and we greatly appreciate the new faces on the board!

The board recently completed our retreat and the following work tasks topped the list of priorities for 2016:

1. Increase membership by focusing on student and young professional engagement. A constant priority of our organization, we feel like we can always be better at outreach to our schools and students, and our young professionals. We plan to engage directly with students from St. Cloud State University as part of the conference, rejuvenate our young professionals group, and continue to plan relevant and fun networking activities.
2. Revamp Communications. We have been tasked to re-evaluate how we communicate with members and continue to use new technologies and methods to constantly be engaging our membership.
3. Rejuvenate Mid-Day Forums (Brown Bags). These educational events are convenient and easy to get a quick case study or training opportunity. The board is re-prioritizing these events for 2016.

Believe it or not, it's time to think about 2017 elections already. We will open nominations for the executive board positions (President, Vice President, Secretary, and Treasurer) on April 1st, so consider upping your contribution to our chapter by running for an executive position. If you have questions about what it takes or entails, please feel free to contact me. I have greatly enjoyed my tenure and would highly recommend contributing in a leadership position. Also, don't forget to submit a session for the Fall Conference (www.plannersconference.com). The deadline is March 18th, and they promise to allow no extensions this year!

NE Sector Learning Event: Tour of Pier B Resort, Duluth



Twenty members of APA-Minnesota's NE Sector took part in a tour of the new Pier B Resort located along Duluth's waterfront on Friday, February 5th. Representatives from the development team gave a tour of the 140-room hotel building, which will include twenty boat slips with direct access to St. Louis Bay and Lake Superior. The complex development project involved the participation of many public and private entities to address site issues and the reconstruction of a portion of the seawall. The hotel will open in the spring of 2016.



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Minnesota Design Team a Source for Community Engagement

The City of Dayton hosted a visit by the Minnesota Design Team (MDT) in October 2015. For those of you who are not familiar with MDT, it's an all-volunteer organization that was created to assist in community planning. The MDT assists communities in visioning, planning and design based on input and participation by the community.

The Minnesota Design Team has three main objectives:

- To create an awareness of the role of design in the development of communities.
- To help with preservation of a community's identity by constructing a sustainable vision using existing assets.
- To demonstrate a commitment to community participation and grassroots initiatives.

Dayton's MDT visit started with a group of dedicated citizens with a singular goal of securing a visit. This group worked together for a year preceding the visit finding 18 host families, booking facilities, advertising and promoting the event, fundraising, compiling research for team members and hands on support to the team during the weekend long event. Promotion of the event was our largest task knowing that to be successful we needed resident's participation. We did this through the use of a new logo (thanks to JLG Architects) to brand the event. This logo was plastered over the city's website, project Facebook page, nextdoor.org, local newspaper, posters and direct mail postcards to all residents. This Dayton by Design logo will continue to be used as we enter into our 2040 Comprehensive Plan update.

The visit was a great success with over 150 residents participating in the Friday night community supper and conversation and 80+ returning for the unveiling of ideas, concepts and plans on Saturday.

The greatest benefit of the visit was the community engagement led by this dedicated group of volunteers who came to Dayton to help us understand and better articulate our vision for Dayton's future without any perceived ideas, opinions or baggage about Dayton. The work of MDT is dependent on the info they learn during Friday's community presentations and commu-

DAYTON by design

nity conversation. During the conversation the team asked five questions and used the responses to create new concepts, plans and visions for Dayton:

- Name your favorite place in Dayton?
- What 3 new services/amenities would you use in Dayton?
- What do you hope Dayton will look like in 20 years?
- Knowing that Dayton is growing, how do you want it to grow?
- Describe or name a place that could serve as a good model for Dayton?

Saturday morning the MDT members got to work locking themselves inside the same elementary school for 10 straight hours to dream up simple messages, bold ideas and breath-taking drawings and sketches. The MDT presented to the community and afterwards all 18 team members were available for questions. It was





a night worth celebrating; and celebrate we did.

Twenty boards were designed and created based on Friday nights input and voting results. These boards provided insight and education on how Dayton is growing, choices for how to grow and ramifications of these different choices. Boards presented ideas on how to maintain and preserve the rural landscape alternatives on how to protect

Other boards presented *concepts* for redevelopment areas such as Balsam Lane and the Historic Village. The community desires access to the rivers so concepts illustrated numerous ways to open up the view of the rivers, with improved access and use of the river by canoe. Plans for improvements to Cloquet Overlook may result in some of the first implementation steps for improved views and access to the river. A concept plan for Stephens

Farm is taking shape with trails, prairie landscape and an amphitheater to serve as a central gathering spot for Dayton. All of these ideas are concepts that reflect the ideas and visions shared by Dayton residents. While they are conceptual they illustrate what Dayton residents care about.

As the City Planner I believe the MDT visit benefitted Dayton the most through the fresh ideas the team articulated based on community input. They also effectively communicated messages and provided education to the community with new voices. While some of the information was not new, having an outside perspective, and expertise of these professionals, helped reinforce important considerations for the future of Dayton.

The visit also brought renewed energy and focus on the importance of planning that will be extremely useful as we enter into our next comprehensive plan update. Dayton has a long list of engaged citizens wanting to stay involved to start implementing some of the ideas- starting with the low hanging fruit.

I would highly encourage your participation in a Minnesota design team visit. The experience is both exciting and challenging. To learn more visit <http://www.aia-mn.org/get-involved/committees/minnesota-design-team/>

Tina Goodroad, AICP
Planning and Development Director,
City of Dayton



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Bill Could Bring Temporary Health Care Dwellings to Your City

[Rep. Roz Peterson](#) (R-Lakeville) has introduced a bill that would require cities to allow “temporary family health care dwellings” as a permitted accessory use.



[HR 2497](#) prohibits cities from requiring a conditional use permit or an interim use permit for temporary family health care dwellings. This was one of the bills the House pre-introduced on Jan. 29 ([see related article](#)).

The main motivation behind the bill is to provide transitional housing for seniors. For example, if a family wanted to keep a close eye on grandma while she recuperates from surgery, they could have grandma stay in a temporary family health care dwelling in the yard or driveway.

Bill specifics

The bill requires a permit from cities before installing a temporary family health care dwelling. The introduced bill provides specific permit and renewal amounts of \$100 and \$50, respectively (but the bill authors say these amounts may change). The introduced bill also provides that the initial permit would be for one year and the renewed permit would also be for one year (but the bill authors were willing to shorten both time frames to address city concerns of permanency).

The bill provides that the temporary family health care dwelling can be no bigger than 300 square

feet and cannot have a permanent foundation. There can be only one occupant per temporary family health care dwelling and only one temporary family health care dwelling per lot. The bill also requires that temporary family health care dwellings must comply with all setback requirements.

The temporary family health care dwelling can only be on the property of a “caregiver” who is (1) a relative of the mentally or physically impaired person, and (2) providing care for the mentally or physically impaired person.

League of Minnesota Cities expresses initial concerns

League staff have been working with the bill authors and have expressed initial concerns. A letter outlining the League’s concerns was sent to the founder of [Next Door Housing](#), an organization that is working with Rep. Peterson on the bill.

[View letter to the bill authors \(pdf\)](#)

We need your help: Contact League staff member Irene Kao at ikao@lmc.org or (651) 281-1260 to let us know your reactions to this bill and how this bill might impact your city. The League will continue to work with the bill authors and can provide input based on what we are hearing from cities.

More information

For a more in-depth understanding of permitted uses or accessory uses, see the League’s information memo, [Zoning Guide for Cities \(pdf\)](#).

Carolyn's Corner: Going Small, Are You Ready?

In recent months, there has been a lot of press about one of the recent trends in housing called tiny housing. Much of the interest in this topic is generated by the reality TV show *Tiny House Nation* where the renovation experts travel across America, showing off renovation and/or construction of small spaces. Tiny housing is being marketed to folks touting the following benefits:

The potential for financial freedom by significantly reducing mortgages;

The opportunity for a simpler, sustainable lifestyle – in part, simply because you can't fit as many belongings into a tiny house;

A means to achieve energy efficiency, thus reducing one's environmental footprint; and

A way to downsize.

What is a tiny house? While definitions vary, a tiny home is generally 100 to 400 square feet in area. The tiny homes are manufactured off site, often designed on trailers, and are referred to as park model recreational vehicles. If they are not on a trailer, they are referred to as industrialized modular buildings (by State Building Code). Tiny homes are considered a dwelling unit under the State Building Code and, as such, are required to meet the 2015 Minnesota Resi-

The 2015 Minnesota Residential Code defines a dwelling as a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. By definition, a tiny house is a dwelling unit and regulated by this code. The code includes requirements for light, ventilation, heating, minimum room sizes, ceiling heights, sanitation, toilet, bath and shower spaces, emergency escape and rescue openings, means of egress, smoke alarms and carbon monoxide alarms.

Tiny Home Fact Sheet
Minnesota Department of Labor and Industry

dential (Building) Code.

(Insert photo #1 from web site of Tiny Green Cabins)

Issues of tiny housing for planners

One of the most common issues facing planners in regulating tiny houses is that their ordinance does not allow habitation of accessory structures. To address this, ordinances need to be amended to allow accessory dwelling units (ADU) as a permitted or conditional/interim permitted use. Another common issue is that

many residential zoning provisions require a minimum dwelling size that would well exceed the size of a tiny house. In addition, there are often minimum property maintenance standards as well as State Building Code standards that are more restrictive than what the tiny homes could provide. For example, the State Building Code requires that every dwelling unit must have at least one habitable





room of 120 square feet. Note, however, tiny homes of 80 square feet are being marketed. Many ordinances also require an additional on-site parking space.

Typical ordinance standards for tiny homes require that they are mounted on a permanent foundation and connected to utilities (sewer, water and electricity) as a basis for allowing long-term occupancy. In some cases, with concerns similar to those for recreational vehicles or manufactured housing, tie-downs (tornado or hurricane straps) are required to protect against “blowovers” and other wind-related damage to the occupants and to neighboring property owners. In addition, the tiny home must be consistent with character, materials, etc. of adjacent housing. (See picture 2 – Would that design be accepted in your community?)

(Insert photo #2 from web site of Tiny Green Cabins) Meeting all of the state or federal standards for tiny homes certainly has the potential for driving up the costs of such housing. In a quick check on the internet, tiny homes run from \$19,000 for a 64 square foot home up to as much as \$150,000 for a home of 320 square feet. Many sites offer a home for a base price with things like toilets, headers, windows, lofts, and other accessories as additional costs. The implied benefit, however, is that tiny homes provide permanent housing whereas recreational vehicles – likely available at a lower cost – are intended as temporary housing.

Getting ready

Given all the variables, it would be worth your time to be proactive and have a discussion with your planning commission and council/board about this type of housing **before** you get a request so you have ample time for a thorough discussion.

And then there is this

A bill is being proposed this legislative session (HF 2497) that would require communities to allow ‘temporary family health care dwellings’ as a permitted accessory use. A temporary health care dwelling means ‘a mobile residential dwelling that provides an environment facili-

tating a caregiver’s provision of care for a mentally or physically impaired person’ who is a relative of the caregiver. As proposed, temporary health care dwellings must be:

- assembled off-site;
- limited to one occupant who is physically or mentally impaired;
- no more than 300 square feet in size;
- not be placed on a permanent foundation;
- be universally designed and meet state-recognized accessibility standards;
- be connected to water, sewer and electric utilities that are serving the principal dwelling on the lot;
- have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;
- have a minimum insulation rating of R-15;
- be able to be installed, removed and transported by a vehicle’; and
- have a measured height from ground level to interior floor that does not exceed fifteen (15) inches.

This legislation, in essence, allows tiny homes for health care. Do you have any thoughts on this proposed legislation? If so, please provide them to your area legislators or to members of the MnAPA legislative committee.

Water Resilient Cities Conference

First there was Toledo, now there is Flint.

Many of us have recognized the value of water for our cities for a long time, but the recent water crises in these communities make the point again: without access to clean and safe water, modern cities cannot function and people cannot lead healthy and prosperous lives. Water connects directly to our health, our economies and our infrastructure. With climate change, all of our communities are more vulnerable and will need new practices that include more collaborative, creative ways of governing our water.

I am writing to you remind you about our conference that the Levin College of Urban Affairs is hosting this coming **April 21-22, 2016** focused on [water, climate change and resilience in the Great Lakes basin](#).

I would also appreciate if you help us spread the word about this conference with water and city enthusiasts in your network. (We found that our previous messages may have made it to your spam/junk box.) Please find a **flyer** attached to this message that you can use to inform your members and colleagues about the conference. We appreciate your assistance.

Our framework is water resilience, and we convene this conference to create an opportunity for conversations across professional and academic organizations, and among those working in:

- Drinking water
- Waste water
- Storm water
- Water technology industries
- Governance of urban water resources

- City sustainability and water
- Water equity issues

Environmental and land-use planning

We have lined up some exciting speakers who are nationally known. Registration and a call for presentations on best practices and relevant research are on our website. Early bird registration will close soon, so please act now. We invite you to come and share your best practices and talk about better ways to address threats and opportunities. Please visit the [conference website](#) for more information.

We are also very excited to be hosting a **USEPA workshop on water and climate readiness modeling** on the two days preceding the conference. You can find a link to information about the workshop on the conference web site too.

Be sure to check out the videos [This is Cleveland](#), which features info about downtown Cleveland and a Cleveland Anthem. Come for the conference and stay for the weekend to explore Cleveland. If you haven't been here for a while, you are in for a treat.

If you have any questions, please contact me, Dr. Wendy Kellogg, at [water resilient cities](#) the conference email.



2016 Upper Midwest Conference

The Minnesota Chapter of the American Planning Association (APA MN) is pleased to announce the 2016 Upper Midwest Regional Planners Conference, hosted by [APA Minnesota](#) in **St. Cloud, MN**. The conference will take place on **September 28-30, 2016, at the River's Edge Convention Center**.

CONFERENCE THEME: The 2016 Conference Theme is ***Bridging the Gaps: Building Our Future Together***. As we all know, Minnesota consistently ranks near the top when it comes to economy, education, health, and livability. Yet these outcomes and opportunities vary greatly depending on who you are and where you live. Our state and our region face some of the deepest and most persistent disparities at all levels, spanning race, income, employment, physical ability, age, gender, internet access, transportation, health, geography, education, environmental justice, housing, and food access. These inequitable gaps increasingly hinder the ability of people in certain communities to live up to their full potential. We hope to do better for all people in the Upper Midwest.

In practice of this year's theme of bridging gaps we are working to increase the diversity of those in attendance. We welcome our interdisciplinary partners in the field - architects, developers, elected officials, engineers, public health and community advocates - especially people working for change in communities most affected by disparities. We extend a special invitation to the planners of the future - planning students and young professionals. As this year's Upper Midwest Conference, we also invite our neighbors from Iowa and Wisconsin to join us to share how they are working for equity in their communities.

The program committee is seeking a broad range of sessions covering a diversity of presentation types and planning topics. The firm deadline for the proposals to be submitted will be **March 18, 2016, with no extensions**. **We encourage all presenters to include the theme of the conference in their sessions and in their titles. Presentations that clearly address how the theme will be discussed during the session will be given preference.**

Go to the website at www.plannersconference.com for more information and for the RFP forms. If you have any questions about the forms, please contact: Raya Esmaeili at raya.esmaeili@metc.state.mn.us or Michael Palermo at mpalermo@srfconsulting.com for General Sessions and Speed Sessions. Contact Scott Mareck at smareck@wsbeng.com or Angie Stenson at stenson@stcloudapo.org for Mobile Tours.

2016 APA-MN Planning Awards

The Annual APA-Minnesota Chapter Planning Awards offer a great opportunity to recognize outstanding projects and people that have contributed to the planning profession. The 2016 Conference Awards Committee is excited to introduce a new award category this year – **Bridging the Gap: Advancing Equity in Planning**.

The award coordinates with this year's Conference theme and will recognize projects that have utilized deliberate strategies to advance equity and fairness in a neighborhood or community. Examples could address: accessible design, workforce development, affordable housing, access to transportation and/or employment opportunities, enhanced generational and cultural agility in the field of planning, etc. We'll also again recognize projects in the following categories:

- Innovation in Planning
- Excellence in Community Engagement
- Partnerships in Planning
- Success Stories in Implementation
- Planning in Context
- Outstanding Student Project
- Gunnar Isberg Scholarship Award

Start thinking about your entries and watch for the Awards Submittal Application in mid-March.

MPCA Accepting Environmental Assistance Grant Applications

The Minnesota Pollution Control Agency (MPCA) is issuing four Requests for Grant Application (RFGA) to solicit projects for the Fiscal Years (FY) 2016-17 Environmental Assistance (EA) Grant Program.

Applications for financial assistance will be accepted starting February 16, 2016, for projects in the following four (4) Environmental Assistance Grant Rounds:

A. Burn Barrel Reduction (applications due date: March 15, 2016)

B. Greater Minnesota Recycling Collection (applications due date: April 13, 2016)

C. Volatile Organic Compounds (VOCs) (applications due date: May 11, 2016)

D. Open Category Grants (applications due date: April 13, 2016)

Category 1. Communities Adapting to Climate Change and Extreme Weather

Category 2. City Sustainability Planning

Category 3. Green Chemistry and Engineering Principles in Curricula

Category 4. Reduce/Reuse/Repair

Category 5. Choosing Safer Products

Category 6. Source Separated Organics Composting Access and Training

Category 7. Electric Vehicle Charging in Minnesota

Category 8. Recycling Market Development

The deadline for application submittal for each of the four FY2016-17 EA Grant Rounds is no later than 2:00 p.m. Central Time on the due date.

Approximately \$3 million is available for FY2016-17 EA grant awards to encourage outcome-oriented, economically-driven approaches to pollution prevention, waste reduction, toxicity reduction and resource conservation. Eligible applicants, grant award amounts and minimum matching fund requirements will vary by preferred projects. Each of the four FY 2016-17 EA Grant RFGA provides detailed information on requirements and the process by which applicants may apply for a grant. Each RFGA is available on the MPCA's EA Grants Program webpage at <https://www.pca.state.mn.us/about-mpca/environmental-assistance-grants>. The webpage also provides downloadable application forms and links to applicable statutes and rules.

Each EA Grant Round is a competitive application process. Grant offers and awards are contingent on available funding, MPCA approval of final workplans and budgets, and the execution of Grant Agreements. Eligible applicants/applications will be evaluated and ranked by MPCA review teams to determine the projects that best meet the environmental outcomes outlined in the RFGA.

This notice is issued under authority provided in Minnesota Statutes § 115A.0716, subd. 1 and Minnesota Rules Parts 9210.0800 to 9210.0855. Applications must be electronically submitted by the applicable deadlines to grants-loans.pca@state.mn.us.

If you experience difficulty in accessing the MPCA webpage or in electronically submitting your application, please contact the MPCA at grants-loans.pca@state.mn.us (with subject line: "EA Question") prior to the submittal deadline.



Climate Smart Cities Request for Proposals

Request for proposals from Minnesota municipalities. [Application](#) deadline: March 31, 2016

Opportunity: Accelerate your community's pathway to a cleaner and more efficient energy footprint by partnering with an award-winning climate-smart community in Germany that wants to go even farther by learning with and from you.

The University of Minnesota and the German state of North Rhine-Westphalia (NRW) invite you to apply to a unique three-year program. Eligible are municipalities of any size from anywhere in Minnesota. There is space for three to four communities. Those selected will travel to Germany to tour sites that model integrated solutions, learn with their Minnesota cohort and German experts, and work with their community twin to accelerate their community's pathway to a cleaner and more efficient energy footprint. The selected communities will share their progress and insights at conferences and community events in Minnesota. They will also have the benefit of working with their NRW twin community while a delegation of NRW municipalities and leaders visits Minnesota each fall.

Who should apply?

Municipalities anywhere in Minnesota and of any size with any of the following characteristics:

- You are planning to invest in renewable energy and energy efficiency measures
- You are facing a real energy related infrastructure need and need to develop comprehensive solutions that improve your city's entire system
- You are trying to fix a water contamination problem and see an energy dimension in that issue
- You have developed a clean energy or GHG emissions reduction plan for your community and want to implement projects
- You are a member of the Green Step Cities program and want to accelerate your community's transition to a cleaner energy footprint
- You want to explore energy solutions together with your area's farms

The program includes sustained interaction with the internationally acclaimed climate-smart community Saerbeck (Germany), a poster child for continuously pushing the envelope on integrated solutions. [Watch Saerbeck's community approach.](#)

[Download the full RFP \(PDF\)](#) for detailed rationale, elements and expectations.

[Apply today!](#)

Upcoming Events and Webinars

Volunteer for a Minnesota Design Team Visit

MDT Cambridge Visit

March 31-April 3

How does a community transition from a nineteenth-century farming community to a twenty-first century city? That is the question that Cambridge has asked the Minnesota Design Team to help answer as they start working on a comprehensive plan. Cambridge is located at the intersection of two major highways (*State Routes 65 and 95*) and has a population of over 8,000.

Sign up today to participate on the Cambridge visit at <https://docs.google.com/forms/d/1Vub6mI5c8TEkdAzFH1gGWxvnPMqhTn8VdSqOCIukMuM/viewform>

MDT Eyota Visit

April 14-16

Ever visited Eyota, Minnesota? Located only 15 minutes east of Rochester on Highway 14, it is the only

city named Eyota in the United States! It evolved as a train-town along the Winona and St. Peter Railroad. Today there is tremendous growth projected for Eyota by the city of Rochester and Olmsted County. Eyota has funding available for projects and has a motivated leadership that sees the value in bringing the community together to chart their future long-range plan.

Sign up to participate on the Eyota visit at <https://docs.google.com/forms/d/1I79iaFIXbZ5OroMFTeEUNgUUX-139XyRUoNA0cLVdVU/viewform>

Learn more about Minnesota Design Team at <http://www.aia-mn.org/get-involved/committees/minnesota-design-team/mdt-volunteers/>

Upcoming Events (cont.)

Survey: Proposed 2016 APA MN Legislative Policy Platform

The APA MN Legislative and Law Committee has developed a [draft legislative policy platform](#) for the chapter based on input received at the 2015 state conference in Bemidji. The purpose of the platform is to guide committee and chapter advocacy for good planning principles in Minnesota.

The draft platform includes five planks:

Sustainable Transportation - *Sustainable multimodal transportation enhancing access and mobility*

Livable Communities and Housing - *Livable communities made up of affordable and inclusive neighborhoods.*

Comprehensive and Statewide Planning - *Fundamental planning principles which incorporate intergovernmental cooperation, effective planning tools, and excellence in citizen involvement.*

Integrated Resource Planning - *Integrated renewable energy, local foods, and resilient planning practices which support Minnesota's interdependent resources.*

Community Health - *Integrating public health into planning for equitable, sustainable and resilient communities.*

APA MN plans to focus on one or two of these topics during the coming legislative session. We would like to encourage members to consider which topics are most important for the chapter to focus on by prioritizing the policy planks in this [survey](#). The survey also provides an opportunity for feedback on every statement in the platform. This will help the Legislative and Law Committee determine the level of support within the chapter for each element of the platform before final approval from the chapter board.

Thank you for taking the time to review the platform and to take this survey. The survey will be open through **Friday, March 11**.

Assessing Affordable Housing Need Webinar

The Pennsylvania Chapter of the APA is sponsoring a free webinar entitled Assessing Affordable Housing Need: A Practical Toolkit on Friday, April 1, 2016 12:00 PM - 1:30 PM CDT.

Maintaining a variety of affordable housing types is a critical component of long-range community viability. This session will equip planners and public leaders with strategies for determining the type and volume of housing that is most needed, by whom and where, within the context of shifting demographics. The presenters will review affordable housing needs assessments they conducted in Colorado Springs, CO, the State of Washington and Westmoreland County, PA, and explain the approaches that were most successful in translating measured housing needs into community goals with targeted, practical action steps.

Chapter Elections

Nominations for officers for the Minnesota Chapter of APA will open on April 1, 2016. Give some thought to running for one of the offices--President, Vice-President, Secretary, and Treasurer. The strength of the chapter comes from those members who are willing to provide volunteer time and leadership. Watch the website and email for information on April 1, 2016.

Minneapolis Community Connections Conference

Registration is [now open](#) for the 2016 Community Connections Conference

Saturday, April 2

8 a.m. - 3 p.m.

Minneapolis Convention Center

Upcoming Events (Cont.)

The conference theme – Big Ideas: Your Minneapolis – invites you to join neighbors, community members, non-profit organizations, business leaders, and members of Minneapolis’ design community, developers and City and elected officials to think BIG about the future of Minneapolis.

The conference features three tracks:

Your City: The Community Connections Conference will be the kick-off for Minneapolis 2040, a three-year planning process for the City’s Comprehensive Plan. Minneapolis 2040 will be the City’s twenty-year vision to direct the logical and coordinated physical development of the city into the future. Learn about the Comprehensive Plan process and participate in discussions on the big ideas for the direction of the city on such topics as growth, equity, resiliency, economic competitiveness, and civic technology.

Your Neighborhood: The current neighborhood structure of the Community Participation Program is set to end in the year 2020. This is an opportunity for neighborhood organization staff, board members and residents to help plan a vision for the future of neighborhoods and their role in community beyond the year 2020.

Your Voice: Community engagement plays a crucial role in shaping City policy. This track will focus on how residents can engage with City leaders, learn how to serve on City boards and commissions and engage our cultural communities.

The conference is FREE and lunch will be provided.

Visit the [conference webpage](#) for more information.

Want to share your BIG IDEA at the Community Connections Conference? Submit your interactive exhibitor proposal by March 2nd

The 2016 Community Connections Conference Planning Committee is seeking proposals for interactive exhibits from community and neighborhood organizations, planning agencies and firms and organizations involved in community planning or engagement in the fields of sustainability, transportation, placemaking, planning or engagement, and more!

Proposals will be chosen by the conference planning

committee based on their applicability to the conference theme and level of interactive nature. Space in the Village Square is limited to 50 exhibitors. There will be no charge for selected exhibitors.

Deadline: Proposals are due by Wednesday, March 2nd.

Full proposal criteria can be found by downloading the Call for Interactive Exhibitor form. Proposals must be submitted electronically at the following link: <https://www.surveymonkey.com/r/GMDWJG6>.

Planning and Preparing Ecological Risk Assessment

In this 2-day course, attendees will learn and review both the technical and regulatory approaches to completing ecological risk assessments. Participants will come away with an understanding of the planning and preparation process for the completion of an ERA, including data development needs, selection of end-points, and the development of lines of evidence.

During the course, attendees will examine the development of ERAs in both aquatic and terrestrial settings, and will receive a broad overview of the ecological risk assessment (ERA) process as it is used in evaluating potential environmental risks and liabilities associated with hazardous waste sites. Emphasis will be placed on providing a hands-on understanding of ecological risk assessment using the basic ERA paradigm as outlined in USEPA’s Ecological Risk Assessment Guidance for Superfund (ERAGS). Case studies and active engagement with the attendees will be used to reinforce the points presented in lecture. The course will take place May 19-20 in St. Louis Park.

[Read More](#)

New Play About a Planner Coming to Town

If/Then is about starting over and the courage to fully explore life and the consequences of decisions.

Elizabeth has moved back to New York, nearing 40, she wants to start afresh and reboot her career as an urban planner. One day, following a peculiar experi-

Upcoming Events (Cont.)

ence in the park, she finds her future splitting into two: Liz and Beth. Liz seeks out new experiences and soon finds love with the dashing army doctor Josh. But what happens when everything isn't quite happy ever after? Beth takes a different approach, and the chaos of life affects her all at once, but then, how can we regret truly living?

Opening night is March 8, 2016. See more at: <http://www.minneapolis-theater.com/theaters/orpheum-theater/if-then.php>

Central Social District Webinar

The Wisconsin Chapter of the APA is hosting a free webinar entitled [The Central Social District - the Key to Tomorrow's Successful Downtowns](#) on Friday, March 4, 2016 12:00 PM - 1:30 PM CST.

For decades, the terms Central Business District, CBD and downtown were used almost interchangeably because, functionally, downtowns were dominated by retail stores, office based businesses, professionals and government agencies, along with some hotels and maybe entertainment venues. Today, in downtowns large and small, the CBD functions are being rivaled or even surpassed by their Central Social District (CSD) functions. That includes housing, restaurants and watering holes, and vibrant entertainment niches that include not only venues for formal entertainments such as cinemas, theaters, museums and concert halls, but also lively parks, plazas, and other gathering areas.

Your downtown's competitive advantage is therefore changing in important ways. Looking beyond the draw of specialty retail and entertainment, innovative downtown leaders and community planners are seizing on the opportunity to re-brand and fully embrace the downtown as the "heart of the community" where people come to gather, celebrate, meet friends, and make new ones. Art venues, libraries, and a myriad of informal entertainment venues are seen as increasingly important components of downtown revitalization because they improve quality of life and create more vibrant experiences for downtown visitors. But how do they fit into the overall fabric of a downtown, both econom-

ically and physically? What other downtown assets can be leveraged and tied into these types of interventions?

This webinar will explain how the concept of the central social district (CSD) can be used as a planning tool to integrate new approaches into downtown in a smart, strategic way. Presenters will discuss downtown business niches and how they can be grown using the CSD concept. Case studies from two communities will illustrate how the CSD concept supports (and in fact drives) downtown economic development. Participants will also learn about innovative ways to help fund this next wave of downtown investment.

New Cottage Industry Webinar

The Small Town and Rural Planning Division is sponsoring a free webinar entitled [The New "Cottage" Industry: Housing, Lodging, and the Sharing Economy](#) on Friday, March 18, 2016 12:00 PM - 1:30 PM CDT.

The new Sharing Economy has enabled the availability of private short-term rental properties like never before. Web-based clearinghouses for short-term rentals, such as VRBO and AirBnB, have changed the economic and regulatory landscape of short-term rental markets. These changes are felt in municipalities of all sizes. While some communities experience strains on the availability of long-term rental housing, others value the short-term rentals as a supplement to traditional lodging options.

This session will explore the relationship of the short-term rental sector of the sharing economy to land use and tax regulation and social and economic factors in resort and destination communities.

Social Hour with Students

Join students for a social hour at Town Hall Brewing in Minneapolis on Thursday, March 10 at 5:30 pm. Students in the Urban and Regional Planning and Urban Studies program will attend the social hour following a career event. We would love to meet alumni and local planning professionals!

Appetizers will be provided. [RSVPs](#) are encouraged.

Upcoming Events (Cont.)

We hope to see you there.

Tools for Equitable Development and Environmental Justice Webinar

Planning and the Black Community Division of the APA is sponsoring a free webinar entitled [New Data Tools for Supporting Analysis of Equitable Development and Environmental Justice](#) on Friday, March 11, 2016 12:00 PM - 1:30 PM CST.

Understanding the challenges and opportunities communities face—economic, social, and environmental—is a prerequisite for making investments that achieve their goals. To respond to this need, environmental justice stakeholders have begun developing analytical tools that can give communities rich and accessible information for supporting local goals for environmen-

tal protection and equitable development in cities and regions.

This webinar will cover two of these tools – EPA’s EJSCREEN, an environmental justice screening and mapping tool, and the National Equity Atlas a comprehensive data resource to track, measure, and make the case for inclusive growth developed by PolicyLink and the Program for Environmental and Regional Equity. The presentations will explain what these tools are, how they have been used in real world scenarios to advance equity in local and regional development practices, followed by questions and answers.

Job Opportunities and RFPs

Job Title: Planner

Hiring Agency: City of Minnetonka

Web Link: <http://www.eminnetonka.com>

Deadline: Feb. 29, 2016 at 8 am

Salary Range: \$27.70 - \$30.78 per hour

Job Description

The Planner is responsible for responding to public inquiries and land use complaints; enforcing the zoning ordinance; reviewing building and sign permits; preparing written staff reports; making oral presentations to the planning commission; monitoring and providing project management for land use applications; research projects; and GIS work. The Planner reports to the Assistant City Planner.

Application Instructions

For more information and to apply go to <http://www.eminnetonka.com>.

Job Title: Senior Planner / Principal Planner

Hiring Agency: Olmsted County

Web Link: <https://www.co.olmsted.mn.us/Pages/default.aspx>

Deadline: February 29, 2016 at 11:59PM CDT

Salary Range: \$25.26 - \$42.04 per hour

Job Description

2 positions available. Candidates may be considered at either the Senior Planner or Principal Planner level based on experience requirements.

Senior Planner

(Starting Salary Range \$25.26 - \$40.05)

Graduation from an accredited college with a Bachelor's Degree in Planning or related field and three (3) years of experience at the Planner level.

-OR-

A combination of education and experience equivalent to seven (7) years of increasingly responsible professional experience.

Principal Planner



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www.betterenergy.org

Contact: Brian Ross
bross@gpisd.net
612.767.7296

Job Opportunities and RFPs (cont.)

(Starting Salary Range \$26.52 - \$42.04 Hourly)

Graduation from an accredited college with a Bachelor's Degree in Planning or related field and four (4) years of increasingly responsible professional experience.

-OR-

A Combination of education and experience equivalent to eight (8) years of increasingly responsible experience in a similar position as listed in the examples of work.

Desirable Qualifications: Advanced degree in Planning, Urban Design, Architecture, or closely related, and 10 years of increasingly responsible experience including public sector experience

Individuals required to use County vehicles and equipment must have a valid driver's license and be free of any major traffic violations for the last three (3) years. Under general supervision of either the Supervisor of Development Review Services or Planning and Analysis Division, analyze complex city or county development proposals, coordinate and represent Department response through written and verbal reports, serves as a liaison of the Department, conducts complex planning studies and performs professional planning work addressing such matters as transportation, land use, and environmental protection; performs related duties as required; includes application of technical and professional expertise with a high degree of professionalism.

Application Instructions

For a full job description and to apply, visit the Olmsted County website at <https://www.co.olmsted.mn.us/Pages/default.aspx>

Job Title: Riverfront Drive Corridor Study

Hiring Agency: Mankato/North Mankato Area Planning Organization

Web Link: <https://www.mankatomn.gov/city-services-a-z/city-services-a-m/mankato-north-mankato-area-planning-organization-mapo>

Deadline: March 1, 2016

Salary Range: NA

Job Description

The Mankato/North Mankato Area Planning Organization (MAPO) is seeking proposals from qualified firms to perform a Corridor Study for Riverfront Drive in

Mankato, MN. The firm selected must have experience and expertise in corridor studies, planning, public involvement, level of service analysis, development impact review and a clear understanding of the MPO planning process and federal and state requirements.

Application Instructions

Email Paul Vogel at pvogel@mankatomn.gov for a copy of the request or visit MAPO's website. Proposals are due Friday, March 1, 2016 by 4:30 p.m. to MAPO, 10 Civic Center Plaza, Mankato, MN 56001.

Job Title: Director of Planning and Development

Hiring Agency: City of Shakopee, MN

Web Link: <http://www.shakopeemn.gov>

Deadline: March 10, 2016

Salary Range: \$104,577 - \$130,722 DOQ

Job Description

The City of Shakopee, MN, (pop. 39,167), one of the state's fastest growing communities, seeks an energetic professional with development expertise to be its Director of Planning and Development. Responsible for directing the City's planning, economic development and building inspections functions; supporting the Planning Commission, the Board of Adjustments and Appeals, and the Economic Development Authority; and managing a \$2 million budget and 11-member staff. Reports to the City Administrator and serves on the City's management team. Bachelor's degree in urban planning, economic development, business administration, public administration or a related field and seven years of increasingly responsible and diverse state or local government experience required. Must have supervisory experience and demonstrate success in conceptualizing and bringing development and redevelopment projects to fruition. Master's degree in a related field and a combination of public and private sector experience are strongly desired. Must have strong communication, interpersonal and customer service skills. Salary range: \$104,577 - \$130,722 DOQ; comprehensive benefits package available.

Application Instructions

Submit cover letter and resume online at <https://>

Job Opportunities and RFPs (cont.)

waters-company.recruitmenthome.com/. This position is open until filled; however, interested applicants are strongly encouraged to apply no later than March 10, 2016. For more information please contact Sharon Klumpp at atsklumpp@waters-company.com or by calling 651.223.3053. EOE.

Job Title: Planning/Landscape Intern

Hiring Agency: City of Blaine

Web Link: <http://www.ci.blaine.mn.us>

Deadline: March 11, 2016

Salary Range: \$15.00 per hour

Job Description

SALARY \$15.00/hour, no benefits.

Up to 24 hours per week, Monday - Friday (specific work days to be set upon discussion of the successful candidate and supervisor), 8:00 a.m. - 4:30 p.m. Hours may vary as needed.

Position is anticipated to start in May and will run until November.

POSITION SUMMARY

Under general supervision and direction of the Associate Planner, the Planning/Landscape Intern responds to the public regarding all current planning matters, performs site plan reviews, prepares drafts of planning cases for presentation to Planning Commission, and assists in related planning activities. The Planning/Landscape Intern also will provide technical assistance to contractors, City staff, and residents regarding landscaping requirements and relevant City regulations. This position participates in the landscaping escrow program and other duties as assigned.

Duties and Responsibilities

Provides support as a contact with the public on all current planning matters:

- Responds to requests from the public for planning information.
- Assists as resource planner at the Planning Department's counter on a daily basis.
- Provides relevant information to public on zoning inquiries, platting requirements, and on each of the various planning procedures.
- Identifies and furnishes copies of relevant City

ordinances to the public.

Assists with review of assigned site plans:

- Reviews site plans for conformity with applicable City ordinances.
- Recommends alternatives to improve proposed designs.
- Prepares drafts of written ARC comments.
- Meets with applicant to resolve comments.
- Coordinates review of site plan with other concerned and involved parties.
- Establishes and monitors escrow funds.

Assists in the preparation of planning case reports:

- Reviews all assigned planning applications and applicable City ordinances and regulations.
- Prepares concise and thorough staff reports on planning items.
- Develops all related necessary graphics and exhibits.
- Coordinates comments of other departments, i.e., Engineering and Parks.
- Presents staff reports at Planning Commission meetings.
- Prepares requests for City Council action including required resolutions, exhibits, and forms.
- Provides follow-up to City Council action, including drafting plat development agreements and monitoring projects until completion.

Assists in related planning activities:

- Maintains necessary planning files and records.
- Provides assistance and input in the site design for proposed special projects.
- Assists in updating the Comprehensive Plan and zoning maps.

Assists in Economic Development activities:

- Updating information for economic development web page.
- Completing research for economic development projects.
- Working with the GIS Department for presenta-

Job Opportunities and RFPs (cont.)

tion materials.

Follows procedures of the landscape escrow policy including inspecting, monitoring, procuring and releasing financial guarantees and educating builders and homeowners in correct horticultural practices.

Maintains accurate records and correspondence to effectively manage the landscape escrow program.

Assists in monitoring the installation of landscape materials and other required site improvements on construction sites.

Assists Forester and other City Staff on landscape or forestry related projects.

Other Duties and Responsibilities

Performs other related planning, landscaping or forestry related duties as assigned.

Keeps immediate supervisors promptly informed of developments in areas of accountability to foster well-coordinated program efforts.

Minimum Requirements

Three (3) years of completed course work toward a Bachelor degree in Planning, Local and Urban Affairs or related field. Experience in the field is desired but not required.

Educational exposure to urban planning or site design principals.

Valid driver's license.

Application Instructions

Application materials can be obtained at the Human Resources Office at Blaine City Hall, 10801 Town Square Drive, Blaine, MN 55449, (763) 717-2679, or www.ci.blaine.mn.us. Applications must be received by 4:30 PM, Friday, March 11, 2016.

Job Title: Planner

Hiring Agency: City of Sun Prairie, WI

Web Link: <http://www.cityofsunprairie.com/>

Deadline: March 16, 2016

Salary Range: \$52,627 - \$54,732

Job Description

The City of Sun Prairie, WI is seeking an experienced planner to fill a vacancy in its three-member Planning team. This position involves a broad range of responsibilities, with an emphasis on development review activities. Sun Prairie (pop. 32,000+) is the second largest city within the Madison, WI region, with a strong local economy and robust growth in both the housing and commercial retail sectors. As a member of a relatively small planning team, the Planner position offers an opportunity for the successful candidate to build skills in a wide variety of areas, including long range planning, development reviews, TIF proposals, infill/redevelopment projects, urban design exercises, GIS analysis and mapping, and zoning inspections/compliance. The ideal applicant will have strong written and verbal communication skills, the ability to interact positively with the public and fellow staff members, experience with GIS, and a proven ability to manage multiple projects simultaneously. A Bachelor's Degree in Urban Planning or related field with 3 years of experience, or an equivalent combination of training/experience is desired. Starting salary \$52,627 - \$54,732 depending on qualifications.

Application Instructions

Complete online application www.cityofsunprairie.com. Call (608) 825-1192 with questions. Open until filled, but applications are encouraged on or before March 16, 2016. EOE

Job Title: Community Development Director

Hiring Agency: City of Waseca

Web Link: <http://www.ci.waseca.mn.us>

Deadline: March 18, 2016

Salary Range: \$60,000 - \$75,000

Job Description

The City of Waseca, MN is seeking an experienced planning professional to lead its Community Development Department. Waseca Minnesota, population 9,737, is a full service community located in Waseca County, approximately 75 miles south of the Twin Cities and off of Highway 14 between the regional cen-

Job Opportunities and RFPs (cont.)

ters of Mankato and Rochester. Candidates must possess a bachelor's degree in Urban Planning or related field and at least two (2) years of professional planning experience. A master's degree and four (4) years professional planning experience, and experience in heritage preservation and code enforcement are a plus. Visit www.ci.waseca.mn.us for a complete job description and supplemental questions.

Application Instructions

Go to www.ci.waseca.mn.us and go to the City of Waseca Job Application link at the bottom of the page.

Job Title: Healthy Comprehensive Plan Coordinator - Contract Position

Hiring Agency: Terra Soma, LLC

Web Link: <http://mnfoodcharter.com/job-opportunities/>

Deadline: March 18, 2016

Salary Range: \$52,500

Job Description

Local community planning is increasingly recognized as tool to strategically identify and implement initiatives to increase healthy food access to healthy food and physical activity, while advancing health equity. The Minnesota Food Charter and other state and local initiatives have identified opportunities to work with local planning efforts to increase access to healthy food and physical activity.

This 30 hour/week contract position will work to serve as a liaison between elected/appointed officials and health advocates and a point of resource and guidance in including health and equity language in local plans and planning processes, with a focus on the 13 county Twin Cities metropolitan area.

Application Instructions

Please send cover letter, resume, three references, and a writing sample electronically to Margaret Adamek at madamek@terrasoma.com with "Healthy Comp Plan Coordinator Application" in the subject line.

Job Title: Transportation Planning Intern

Hiring Agency: Stonebrooke Engineering

Web Link: <http://www.stonebrookeengineering.com>

Deadline: March 31, 2016

Salary Range: Neg.

Job Description

The Transportation Planning Intern will provide support for the completion of short- and long-term planning, funding or transportation studies for city, state and federal clients. Projects may include site impact analysis, facility capacity analysis, travel demand modeling, planning and evaluation of ITS deployments and testing, corridor studies, transportation alternatives analyses including multimodal assessments, inter-change justification reports, socioeconomic evaluations, environmental impact screening, and policy analysis. Assigned tasks will be completed under the general supervision of Project Managers and more experienced planners and engineers.

Essential Duties and Responsibilities:

Participates in the execution of project tasks such as site impact analyses, facility capacity analyses, travel demand modeling, planning and evaluation of ITS deployments and tests, transportation plans and corridor studies, transportation alternatives analyses, economic evaluation and policy analyses.

Participates in focus groups with client stakeholders to identify priorities for projects under contract.

Evaluates alternative improvements using a variety of evaluation methods including capacity analysis, network demand modeling, economic evaluation, statistical modeling and GIS analysis.

Conducts statistical analysis used in the identification and solution of transportation planning issues.

Under the direction of Project Managers and other team members as assigned, participates in tasks and schedules with other non-exempt project team members.

Writes objective summary analyses for reports which are used in the completion of project assignments.

Assists in the preparation of detailed project cost estimates.

Completes field observation, inspection and data collection duties as directed by senior staff.

Uses GIS to map data and create, evaluate and exhibit project features, and study area issues.

Application Instructions

How to Apply / Contact If you feel that you possess the

Job Opportunities and RFPs (cont.)

qualities that drive our services, please send a resume to: Human Resources Stonebrooke Engineering 12279 Nicollet Avenue Burnsville, MN 55337 Or email your resume to human.resources@stonebrookeengineering.com.

Job Title: Planner

Hiring Agency: Hoisington Koegler Group
Web Link: <http://www.hkgi.com>
Deadline: Open Until Filled
Salary Range: DOQ

Job Description

The Opportunity: Hoisington Koegler Group is looking to expand our team of planners and landscape architects. HKGi's sole focus on planning, landscape architecture and urban design allows staff to have access to a broad range of work, exposure to all aspects of projects, significant task responsibilities and to contribute to the successful completion of award winning, leading edge projects. The firm's culture emphasizes collaboration, creativity and openness to new ideas. Located in the Downtown Minneapolis Warehouse District, HKGi has convenient access to transit and is bike friendly.

The Position: HKGi is seeking a creative, energetic planner with 3 to 5 years of experience. Candidates should possess strong written (technical and creative), graphic and verbal communication skills including experience preparing technical and general planning related reports. Applicants should have a working knowledge of software programs including ArcGIS, Microsoft Office Suite, and the Adobe Creative Suite. Advanced knowledge in GIS, spreadsheets, database development, experience working with community engagement and public process is desired. The candidate will contribute to a large variety of project types including general community planning, stakeholder engagement, comprehensive planning, zoning ordinances, redevelopment planning/studies, grant writing, park system planning, corridor studies, and other related projects. The position interacts regularly with project managers and principals on key planning and landscape architecture projects. The position initially will involve project management for smaller scale projects with the opportunity to grow into a larger project management assignments over time.

Qualifications: Required qualifications include a four-year degree or master's degree in community planning or related field and a minimum of 3 years of experience. Desired additional qualifications include AICP certification and direct experience preparing land use application staff reports for planning agencies and facilitating creative approaches to community involvement.

Application Instructions

In PDF format, please submit the following: cover letter, resume, references, and writing/graphic design samples via email to jobs@hkgi.com.

Job Title: Assistant Planner

Hiring Agency: Greater Bemidji Area Joint Planning Board
Web Link: <http://www.ipbgba.org/>
Deadline: NA
Salary Range: \$38,000 to 42,000 plus benefit package

Job Description

GENERAL PURPOSE

The Assistant Planner performs a variety of administrative, technical and professional work in coordinating and enforcing the Greater Bemidji Area Joint Planning Board (GBAJPB) planning and zoning programs.

SUPERVISION RECEIVED

Works under the direct supervision of the Planning Administrator.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Assists in the development, implementation and enforcement of the GBAJPB Zoning and Subdivision Ordinance.

Assists with the development and implementation of growth management, land use, economic or other plans necessary to meet the GBAJPB requirements. Assists in the evaluation of land use and development proposals for conformity to applicable State or Federal laws, established plans and related GBAJPB ordinances, and makes recommendations as appropriate; evaluates environmental issues and recommends mitigation measures to reduce adverse impacts of development.

Reviews permit applications and development proposals within the scope of assigned authority and re-

Job Opportunities and RFPs (cont.)

sponsibility and makes recommendations or issues permits as appropriate.

Ensures the maintenance of accurate and complete records of department activities and files relating to licenses, permits, maps, blueprints, overlays, and sketches pertinent to planning and development programs and projects.

Attends GBAJPB and Planning Commission and other public meetings as necessary.

Serves as liaison to various public governmental or other groups as assigned.

MINIMUM QUALIFICATIONS

Bachelor's degree plus 2 years of experience or a Master's degree plus 1 year experience.

Necessary Knowledge, skills and abilities –

Strong written and oral and listening communication skills

Thorough knowledge of accepted planning processes and programs

Working knowledge of personal computers including GIS

Grant writing experience is a plus

Common sense

Special Requirements

Valid MN driver's license

Certification as a designer and inspector of SSTS IAW MN Rules Chapter 7080 or the ability to obtain same within one year of hiring

Application Instructions

Interested applicants may send cover letter and resume to tomayana.rice@jpbgba.org.

Job Title: Assistant Planner

Hiring Agency: Hometown Planning

Web Link: <http://www.hometownplanning.com/>

Deadline: December 18, 2015 or until filled

Salary Range: \$18-20/hour or higher depending on experience

Job Description

Hometown Planning, a private company providing contract land use planning and zoning administration services throughout Central Minnesota, is accepting applications for a full-time Assistant Planner (minimum 32-40 hours/week). Responsibilities in-

clude assisting in the development of comprehensive plans and ordinance updates, reviewing permit applications, preparing monthly staff reports for Planning Commission and other meetings, responding to public inquiries, assisting in ordinance enforcement, conducting site inspections and other duties as assigned. Some work may be conducted remotely, upon approval. A complete job description can be found at www.hometownplanning.com.

Qualifications: Bachelor's degree or significant coursework in community planning, urban studies, public administration, geography or related field and demonstrated oral and written communication skills. Preferred candidates will have a Master's degree/coursework and/or AICP certification.

Application Instructions

Please send resume/job history and cover letter explaining interest and qualifications to: Hometown Planning, 324 Broadway Street, Suite 101, Alexandria, MN 56308. Interviews will begin after December 18 and continue until filled.

Job Title: Planner-Land Use and Natural Resources

Hiring Agency: Winona County, Minnesota

Web Link: <http://www.co.winona.mn.us/page/2833/subcat/410>

Deadline: Open Until Filled

Salary Range: \$21.68 per hour w/benefits

Job Description

Provide outreach & educational activities, conservationist activities under the Clean Water Partnership Grant; administration of MPCA Feedlot Program & on-site sewage treatment & MPCA Septic rules. Applications & class description avail. at Personnel Dept., Winona Co. Gov't Center, 177 Main St., Winona, MN 55987 (507/457-6352) and also on our website at www.co.winona.mn.us (Personnel Dept./Career Opportunities).

Application Instructions

Applications accepted in Personnel Dept. until position is filled. Individuals who previously applied must re-submit application. EOE. Visit our website: www.co.winona.mn.us.

Job Opportunities and RFPs (cont.)

Job Title: Senior Planner/Project Manager

Hiring Agency: Stantec Consulting

Web Link: <https://jobs-stantec.icims.com/jobs/21465/senior-planner-project-manager/job?mode=view>

Deadline: NA

Salary Range: Negotiable

Job Description

Come join us as a Senior Planner! We will put you to work immediately on an exciting and diverse set of projects. We are growing and this is a great time to join Stantec. The Senior Planner will work closely with Stantec's Planners and Landscape Architects on a diverse array of planning projects. We are looking for someone with strong client relationships who can help grow our business both in this region and nationally.

Qualifications:

10-15 years of relevant work experience in planning, market research or land development.

Bachelors Degree in Planning, Urban Studies, Geography, Landscape Architecture, or related field required.

Masters Degree in Urban and Regional Planning, Urban Studies, Geography, Landscape Architecture, or related field preferred, but not required.

AICP certified.

Licensed Real Estate Salesperson or Broker (MN) preferred, but not required.

Familiarity with U.S. Census or other demographic data.

Proficiency in Microsoft Office software, including Word, Excel, and PowerPoint.

Familiarity with ArcGIS.

Familiarity with Adobe software including InDesign, Illustrator, and Photoshop.

Application Instructions

To apply directly to the position please click the link below:

<https://jobs-stantec.icims.com/jobs/21465/senior-planner-project-manager/job?mode=view>



Leadership Directory

Breanne Rothstein, AICP President
WSB and Associates
701 Xenia Ave S, Suite 300
Golden Valley MN 55416
Phone: 763-231-4863
E-mail: brothstein@wsbeng.com
Cell: 612-423-5476

Tim Gladhill Vice President
City of Ramsey
7550 Sunwood Drive NW
Ramsey MN 55303-5137
Phone: 763-238-7946
E-mail: t_gladhill@hotmail.com

Tina Goodroad, AICP Secretary
City of Dayton
122260 S. Diamond Lake Road
Dayton, MN 55327
Phone: 763-421-0384
Email: tgoodroad@cityofdaytonmn.com

Adam Fulton, AICP
Treasurer & Conference Comm. Advisor
Planning/Community Development Manager
City of Duluth
Phone: 218-730-5325
E-mail: afulton@duluthmn.gov

Therese Haffner
Central District Director
City of Becker
Planner
12060 Sherburne Ave
PO Box 250
Becker Mn 55308
Phone: 763-200-4245
E-mail: thaffner@ci.becker.mn.us

Erin Perdu, AICP
Metro District Director,
Senior Planner
WSB & Associates
701 Xenia Ave. S., Suite 300
Minneapolis MN 55416
Phone: 763-287-8316
E-mail: eperdu@wsbeng.com

Patrick Boylan, AICP
Metro District Director
Metro Council
Local Planning Assistance
Phone: 651-602-1438
E-mail: patrick.boylan@metc.state.mn.us

Suzanne Rhees, AICP
Metro District Director
Parks and Trails Division DNR
500 Lafayette Road
St. Paul MN 55155-4052
Phone: 651-259-5677
E-mail: Suzanne.rhees@state.mn.us

Wayne Hurley, AICP
Northwest District Director
West Central Initiative
Planning Director
PO Box 318, Fergus Falls MN 56538-0318
Phone: 218-739-2239 Fax: 218-739-5381
E-Mail: wayne@wcif.org

Bradley Chapulis
Southwest Director
Director of Community and Economic Development
City of Worthington
303 Ninth Street
Worthington MN 56187
Phone 507-372-8640
bchapulis@ci.worthington.mn.us

James Gittemeier, AICP Northeast District Director
Arrowhead Regional Development Commission
Senior Planner
221 W First Street
Duluth MN 55802
Phone: 218-529-7556 Fax: 218-529-7592
E-mail: jgittemeier@ardc.org

Lew Overhaug
Southeast District Director
Winona County
177 Main Street
Winona MN 55987
Phone: 507-457-6336
E-mail: loverhaug@co.winona.mn.us

Darin Newman
Student Director
500 Lafayette Road
St. Paul MN 55155
Phone: 715-613-3052
Email: darin.newman@state.mn.us

Chloe McGuire Birgl
Student Representative, ex-officio
512 20th Ave S, # 1
Minneapolis MN 55454
Phone: 319-573-5448
Email: mcgui372@umn.edu

Paul Mogush, AICP
Legislative and Law Committee Co-chair, ex-officio
Principal City Planner
City of Minneapolis
105 Fifth Ave S., Suite 200
Minneapolis, MN 55401
Office: 612-673-2074
E-mail: Paul.Mogush@minneapolismn.gov

Andrew Mack, AICP
Law and Legislative Committee Co-Chair, ex-officio
Cell: 218-766-8993
E-mail: andrewmack@hotmail.com

Melissa Poehlman
Awards Committee Chair, ex-officio
City Planner
City of Richfield
Phone: 612-861-9766
E-mail: mpoehlman@cityofrichfield.org

Carissa Schively Slotterback, PhD, AICP
Faculty Liaison, ex-officio
Hubert H. Humphrey School
U of Minnesota
Rm. 130, HHH Ctr.
301 19th Avenue S
Minneapolis MN 55455
Phone: 612-625-0610 Fax: 612-625-3513
E-mail: cschively@umn.edu

Sam O'Connell, AICP
Minnesota Design Team Liaison, ex-officio
Public Involvement Manager
Southwest Light Rail Project Office
6465 Wayzata Blvd, Suite 500
St. Louis Park MN 55426
Phone: 612-373-3815
E-mail: sam.oconnell@metrotransit.org

Jonathan Maze and Haila Maze, AICP
Planning Minnesota Co-Editors, ex-officio
1395 Kari Ln
New Brighton MN 55112
Phone: Haila, 651-434-5743
Jonathan, 651-493-3724
E-mail: haila.maze@minneapolismn.gov
E-mail: apamnnewsletter@gmail.com

Joe Janish
Conference Co-chair 2016, ex-officio
Benton County
Phone: 320-968-5069
E-mail: joe.janish@co.benton.mn.us

Eric Weiss
Conference Co-chair, 2016, ex-officio
Blue Cross Blue Shield of Minnesota
1750 Yankee Doodle Road, S 113
Eagan MN 55112
Phone: 612-978-6978
E-mail: eric.weiss@bluecrossmn.com

Rita Trapp, AICP, LEED AP Professional
Development Officer, ex-officio
US Green Building Council, ex-officio
HKGi
123 N Third St, Suite 100
Minneapolis MN 55401
Phone: 612-252-7135
E-mail: rita@hkgi.com

Jane Kansier, AICP
Professional Development Officer, ex-officio
Minnesota Valley Transit Authority
Senior Project Manager
Phone: 952-230-1256
Cell: 612-483-4788
E-mail: jkansier@mvta.com

Elise Durbin
Professional Development Officer, ex-officio
Hennepin County
Phone: 612-348-4191 Cell: 612-306-7803
E-mail: elise.durbin@hennepin.us

Bob Worthington, AICP
Planners Emeriti Liaison, ex-officio
5940 Bren Circle
Minnetonka MN 55343
Phone: 952-933-8689
E-mail: bobworthing@comcast.net

Thomas Jensen, AICP
Legislative Education Coordinator, ex-officio
98-D South Drive
Circle Pines MN 55014
Phone: 763-780-4839
E-mail: thomashjensen@aol.com

Mandy Landkamer MACPZA Liaison, ex-officio
Nicollet County
Phone: 320-523-3768
Fax: 320-523-3843
E-mail: mlandkamer@nicollet.mn.us

Eric Schmid
Web Designer, ex officio
Bufflehead Web Design
3345 Pilgrim Lane
Plymouth MN 55411
Phone: 612-605-1520
E-mail: eric@buffleheadweb.net

Ben Carlisle, AICP, LEED AP
Region IV Representative, AICP Commission
Carlisle/Wartman Associates
Phone: 734-662-2200
Email: BCarlisle@cwaplan.com

Chapter Contact Information:
Otto and Peggy Schmid
Chapter Administrators
9288 Beverly Drive
Breezy Point, MN 56472
Phone: 888 882-5369
Email: mnapa@buffleheadweb.net



Pee-cycling

How one institute intends to implement nationwide urine diversion.

For a couple of months in 2012, a Vermont town collected a very unusual recyclable: human urine.

In addition to plowing 60 inches of snow every year, Brattleboro's eight public works employees maintain roads, fire hydrants, water meters, and water delivery and sewer collection systems for 12,000 people in a 32-square-mile service area. They also operate a 1.3 mgd wastewater treatment plant.

Waste as a renewable resource

That's why they were collecting and storing urine that residents dropped off: They were helping a local nonprofit that promotes human waste as a renewable resource.

Founded in 2011, the Rich Earth Institute is the nation's first community-scale "urine diversion" program. Similar to separating aluminum, glass, and paper from landfill-bound trash, urine is diverted from the wastewater stream.

Urine contains nitrogen, phosphorus, and potassium: elements essential to plant growth. The institute uses reverse osmosis to harvest and turn these nutrients into highly concentrated fertilizer that local farmers apply to hay fields. Theoretically, the 45 billion gallons of urine the U.S. produces annually could become 9 billion pounds of fertilizer.

Sewer utilities, especially small operations with strict nutrient discharge limits, would spend less on treatment facilities. Homeowners with septic systems would also see their costs go down.

Icky, icky!

Overcoming the "ick factor" is the biggest obstacle to nationwide deployment.

"Just like recycling in the 1990s, urine diversion is seen as a fringe thing," says Abraham Noe-Hays, one of the institute's two founders. "But it can be done, and there are markets for it."

Brattleboro residents have contributed 12,000 gallons of urine so far.

Five have replaced their toilets with urine diversion toilets. Two of the most popular brands, the Wostman Eco-Flush and the Dubbletten, are manufactured in Sweden. The toilets send urine down a tube into a 300-gallon polyethylene tank in the basement. The institute sends a truck to pump the urine out when it's full.

Including the plumbing, two toilets cost about \$4,700 to



Best Septic Services of Westminster, Vt., has collaborated with the Rich Earth Institute since 2012. The company hauls the institute's urine-based fertilizer to farms and rents urine-diverting portable toilets for public events. Rich Earth Institute

buy and install. Operating them over 20 years cost roughly \$1,600. Instead of spending \$200 to \$300 per pound to remove nitrogen from wastewater, the process costs \$32 per pound.

Other residents collect their urine in portable 5-gallon urinals that cost \$10. The plastic jug comes with an odor-blocking funnel and, for an additional \$2, a cloth "pee-cozy" to hide what's inside. Then they drop off their donation at the institute's Urine Depot.

The institute's collection rate has increased by 5,000 gallons every year, which makes Noe-Hays very optimistic about the future.

"The current market resides on the coasts, but I believe that communities across the country will come to their senses once they see the benefits," he says. **PW**

Visit bit.do/pwpeecycling for more photos from the Rich Earth Institute.

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Vacant Walmart Sites Create Giant Big-Box Stumbling Blocks for Local Governments

**By Michael Grass,
Executive Editor**

As the global retail giant shuttered 154 U.S. stores, some communities are facing huge economic redevelopment hurdles. But there are some outside-the-box ideas for filling these hard-to-fill footprints.

By Michael Grass | February 07, 2016 11:59 AM ET

Walmart delivered a major corporate announcement last month: 154 stores around the United States, including all of its Walmart Express concept stores, would be shuttered. In some communities where Walmart can play a make-or-break role in a local economy, the news has been devastating.

The Washington Post recently examined the geography of the the Walmart closures around the nation and featured a particularly poverty-stricken part of Appalachia: McDowell County in southern West Virginia.

In McDowell County, there are immediate and longer-term impacts of Walmart's closure for local officials to address.

First, there's increased economic hardship facing the 140 local employees whose jobs were cut at Walmart.

"That's a lot of jobs for even the county to absorb," Kimball's mayor, Eddie Patrick, told *The Post*.

Another immediate impact: Walmart contributed 90,000 pounds of food last year to a local food pantry, Five Loaves and Two Fish, donations that will be difficult to replace.

It had been a tough 24 hours. The day before, they found out their local Walmart, the only major store within 20 miles, was going to close, costing the community 140 jobs.

Despite the uncertainty, Hazel Cooper, 56, was at the food pantry at 11:00 last night, the first in line. She was chased away by Welch police officers, but came right back.

She slept in her car, bundled up under layers of clothing, only turning on the car to warm their feet in the middle of the night.

“Most people don’t have the gas to let their car run all night,” Cooper said. “People will do that to put food on the table.”

Beyond those immediate impacts on local unemployment, poverty and hunger, McDowell County officials also have to think of ways to generate new economic development at the site of the Walmart.

Shuttered Big Box stores can have significant impacts on local tax revenue, depending where you are. In Fairfield, Alabama, a struggling steel town near Birmingham that saw major layoffs in 2015, the departure of Walmart will hurt municipal finances. The mayor estimates that Walmart was responsible for 33 to 40 percent of Fairfield’s total sales tax receipts, according to WBRC-TV.

What’s the current thinking for how McDowell County might be able to revitalize its now-vacant Walmart location?

According to *The Post*’s report:

At the moment, the county commission is trying to persuade Walmart to donate its old building, which might be used for multiple tenants. Asked if that might be in the cards, Walmart — which has a whole website for disposing of its excess realty — gave no concrete answers.

Figuring out how to repurpose a Big Box site can be a huge challenge. And that’s assuming the local government wants to play an active role in courting a new tenant.

In September 2014, the *Star Tribune* in Minneapolis examined what some Twin Cities area municipalities were doing to help reel in new tenants for empty Big Box stores. Local officials can’t simply snap their fingers and summon a new business to their jurisdiction.

“There is a misunderstanding on the part of the general public on what role the city plays in filling big, empty buildings,” Barry Stock, the city administrator in Savage, Minnesota, told the *Star Tribune*.

“Market forces are what drives business locations. It’s location, location, location.”

Some local governments take a more active role in finding a new tenant because a vacant site can drag down the rest of the community.

“Nobody wants to look at a vacant big-box store,” Joe Hogeboom, a community development director in Columbia Heights, told the *Star Tribune* in its 2014 report. “It’s a community pride thing, especially when the economy is doing well.”

Beyond traditional economic development efforts like helping attract new retail tenants for Big Box stores, other communities provide have provided interesting case studies of some non-traditional approaches to give vacant Big Box stores a new life.



(McAllen Public Library)

When a Walmart location closed its doors in McAllen a few years ago, the city purchased the site and converted it into an award-winning new public library with 123,000 square feet of space, making it the largest single-level library in the United States.



(McAllen Public Library)

In Wisconsin Rapids, Wisconsin, a former 120,000 square foot Walmart location was turned into a senior center.

Julia Christensen’s book “Big Box Reuse” (2008, MIT Press) provides a roadmap how Big Box stores can be adapted and reused. A former K-Mart location in Lebanon, Missouri, was transformed into a Route 66 Museum, public library and cafe, for instance.

But not all reuses don't end up working out for the long haul.

One of the locations featured in Christensen's book was in Austin, Minnesota, a city near the Iowa border. Hormel Foods' Spam Museum had moved into a vacant K-Mart location. But in 2014, the Spam Museum closed its doors there.

Civic leaders in Austin urged Hormel to move its museum downtown to a location in the heart of Main Street, to help draw visitors to the city's commercial core. The Spam Museum is supposed to reopen in the new spot this year.

Unfortunately, figuring out a reuse strategy can be extremely difficult for local governments, especially those with limited economic development assets.

So in the meantime, in many small communities where Walmart is pulling out, life has been upended and locals are angry and disappointed. That includes the small city of Waskom, Texas, located near the Louisiana border.

"They built that building instead of using a vacant building already built in town even though they were here short term. Now they closed it. So it's another vacant building, and they leave us with no food, and no opportunity to buy food except for outside of Waskom," explained Collins.

There was a long-standing grocery store called Hall's Superstore, but it was forced to close after losing business to the Walmart. Now three quarters of it is a fitness center, and the other quarter is a convenience store.

"We had them. At least we had a grocery store. Now we don't," said Charlotte Kellie.

Michael Grass is Executive Editor of *Government Executive's Route Fifty*.