

BRAINERD PLANNING COMMISSION

Wednesday, September 19, 2018
6:00 p.m.
City Hall Council Chambers

1. Call To Order
2. Approval/Amendment Of Agenda
3. Approval Of Minutes
Regular Meeting Held August 15, 2018

Documents:

[2018-08-15 DRAFT.PDF](#)

4. New Business
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

- 6.a. Review Revised Thrifty White Parking Lot Landscape Plan

Documents:

[MEMO - THRIFTY WHITE 9-19-18 PLANNING COMMISSION LANDSCAPE PLAN REVIEW .PDF](#)

- 6.b. Review Draft Changes To Zoning Ordinance Section 57-2; R-3 High Density Residential District

- Permitted Uses to Permit Single Family Dwellings

Documents:

[MEMO - SINGLE FAMILY USES ALLOWED IN R-3 \(HIGH DENSITY RESIDENTIAL\) DISTRICTS .PDF](#)

7. Commissioners' Questions/Comments
8. City Planner's Report
9. Adjourn

Any individual needing special accommodations, or that desires more information about the above items, please call 218-828-2309

PLANNING COMMISSION
Wednesday, August 15, 2018

#1 Call to Order

Planning Commission Chair Headley 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 Headley, Gorham, and Antolak; and Council Liaison Lambert. Noted absent were Commissioners Burslie, Marohn, and Wussow. Also present was City Planner Ostgarden, Administrative Specialist Bestul and Planning Department Intern Jared Boom.

#2 Approval of Agenda

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND GORHAM, DULY CARRIED, TO APPROVE THE AGENDA.

#3 Approval of Minutes of the Regular Meeting held on July 18, 2018

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND LAMBERT, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JULY 18, 2018.

#4 New Business

A. Public Hearing – Rezoning Request to Rezone Property at 15770 Dellwood Drive, Brainerd from a B-1 (Residential Office) District to an I-1 (Light Industry) District

City Planner Ostgarden explained the petitioner, Shannon Tibbetts, 16693 Carlson Lake Road, Brainerd has applied to rezone his property at 15770 Dellwood Drive to construct a self-storage facility. The property is located on Dellwood Drive, which is a unique area of the city as it is part of the joint city limits of Brainerd and Baxter for approximately ½ mile south of Wise Road. In 2015, it was rezoned to a B-1 district as the previous owner had plans for development. City Planner Ostgarden reviewed a zoning map of the area showing it is primarily undeveloped and wetland. The City of Baxter anticipates the future land use map as regional commercial. It is also an area where there is currently no city sewer or water, which makes it an ideal location for this type of business. If the rezoning is granted, there will be the potential for other possible businesses such as warehouses, light office, auto shops, bulk liquid storage or an outdoor sales lot by Conditional Use Permit. City Planner Ostgarden reviewed the findings of fact and the comprehensive plan goals and strategies. A mini-storage facility is a Conditional Use in the I-1 Light Industry District.

Commissioner Gorham inquired what the equivalent zoning term is for the City of Brainerd to the City of Baxter's term of Regional Commercial. City Planner Ostgarden stated the B-4 General Commercial zoning district is comparable.

Commissioner Gorham asked if the City of Baxter has made any inquiries to the rezoning. City Planner Ostgarden stated the Community Development Director in Baxter had phoned him, but he was unable to reach him back prior to the meeting tonight.

The Chair opened the public hearing at 6:13 p.m.

The Chair recognized Mr. Shannon Tibbetts, the applicant for the rezoning explained the desire to construct a self-storage business. The need for self-storage facilities is high in our area, and this property would be an ideal location.

The Chair closed the public hearing at 6:16 p.m.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND ANTOLAK, DULY CARRIED, TO RECOMMEND APPROVAL TO REZONE PROPERTY AT 15770 DELLWOOD DRIVE FROM A B-1 (RESIDENTIAL OFFICE) DISTRICT TO AN I-1 (LIGHT INDUSTRY) DISTRICT BASED ON THE FINDINGS OF FACT AND ADDING THE SIZE OF THE BUILDING WOULD NOT EXCEED 20,000 SQUARE FEET.

1. The site is proposed for self-storage units at the property, which is not permitted in B-1 Districts.
2. The property is 2.5 acres and vacant. In a 40-acre area to the north and east, there are two single family dwellings along Dellwood Drive and one dwelling located off Wise Road.
3. The property was rezoned to a B-1 (Residential Office) District in 2015. Development did not occur after the rezoning.
4. The property does not have city sewer or water and the nearest sewer and water is on Beaver Dam Road, which is almost 1 mile to the east. The proposed use will have no need for sewer and water.
5. The Institute of Traffic Engineers estimate that between .17 and .23 vehicle trips per day for each 1,000 sq. ft. of storage space can be expected. A 32,000 sq. ft. facility can be expected to have less than 6 trips per day on average. A typical single-family dwelling would generate 9-10 trips per day.

Dellwood Drive was improved in 2016 and at minimum can be considered a collector street. Its capacity will not be affected by a self-storage facility.

6. The following Comprehensive Plan Goals and Strategies support the rezoning:

Goal: *PLAN FOR THE ORDERLY, EFFICIENT AND FISCALLY RESPONSIBLE GROWTH OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN BRAINERD.*

Strategies

1. Locate and design industrial and commercial developments to provide good access and road service, while avoiding the routing of traffic through residential neighborhoods.
2. Require new commercial and industrial developments to have access to adequately sized and designed public roads.
7. There will be no negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

8. The structure will not exceed 20,000 square feet in size.

B. Review Draft Changes to Zoning Ordinance Section 57-2 R-3 High Density Residential District Permitted Uses – To Permit Single-Family Dwellings

City Planner Ostgarden indicated that many different things need to be considered when making amendments to a zoning ordinance. With the absence of several commissioners, it is suggested that this topic be addressed at a later date.

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND ANTOLAK, DULY CARRIED, TO POSTPONE THE TOPIC TO A FUTURE PLANNING COMMISSION MEETING.

#5 Presentations

A. Intern Program Activities – Planning Department Intern Jared Booms

City Planner Ostgarden welcomed Jared Booms to talk about his experience as the Planning Department Intern this summer.

Mr. Booms indicated he is studying Natural Resources Planning at Stevens Point Wisconsin. He is very grateful for the opportunity to be an intern for the City of Brainerd to learn first hand the aspects of city planning. Mr. Boom has been involved in many projects in the City and explained his involvement in the following activities:

- Farmers Market
- LUCA 2020 Census Update
- Climate Change Adaption Plan
- Event Planning
- Communications with other cities on ordinance topics
- Created a downtown map of businesses
- Steering Committee meetings for the Comprehensive Plan
- Toured the hydro dam, wastewater treatment plant and a ride-along with the Police Department

Commissioner Gorham thanked Mr. Booms for all his hard work and dedication to the downtown projects.

The Commission thanked Mr. Booms for the presentation.

#6 Public Forum

The Chair opened the public forum at 6:46 p.m.

No one came forward.

The Chair closed the public forum at 6:46 p.m.

#7 Old Business

None

#8 Commissioners' Questions/Comments

None

#9 City Planner's Report

None

#10 Adjourn

The Chair adjourned at 6:47 p.m.

Respectfully submitted,

City Planner

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner

DATE: September 14, 2018

RE: Thrifty White Revised Landscape Plan Review

When the Thrifty White parking lot Conditional Use Permit was approved in May 2018, an approval condition required that *“the landscape plan be brought back for alternate review at a subsequent meeting before the landscaping is finalized.”*

Thrifty White has submitted the attached revised plan with changes and notes that identify the type of landscape plants and the quantities of landscaping material. These are intended to buffer the parking lot from the residential uses across Kingwood Street and the residential uses to the east. Notes have been added to describe why the chosen material will provide the needed buffer. For comparison purposes, a copy of the original plan has also been attached.

The Planning Department has provided photos that depict the chosen material along with a narrative of the plants. It proved difficult to locate photos of the chosen plant material illustrating its use in a buffering situation.

Thrifty White representatives will be at the September meeting to discuss the plan.

Following are plant size minimum installation sizes:

All landscaping incorporated in said plan shall conform to the following standards and criteria:

1. All plants must at least equal the following minimum size:

	<u>Potted/Bare Root or Balled or Burlapped</u>
Shade Trees*	2 inch diameter
Ornamental Trees (Flowering Crab, Hawthorn, etc.)	1½ inch diameter
Evergreen Trees	4 – 5 feet high
Tall Shrubs and Hedge Material (Evergreen or Deciduous)	3 – 4 feet high
Low Deciduous Shrubs:	24 – 30 inches
Evergreen	24 – 30 inches
Spreading Evergreens	18 – 24 inches

* Type and mode are dependent upon time of planting season, availability, and site conditions (soils, climate, ground water, man-made irrigation, grading, etc.

Revised Plan Submitted 9/12/18

The shrubs (Maney Juniper (MJ), Andorra Compact Juniper (ACJ), and Little Devil Ninebark (LDN)) along the sidewalk sides tolerate salt better than some of the other plants, this is why we chose them. We did the zig zag pattern so that as they grow larger they fill in better without crowding too much.

KINGWOOD STREET

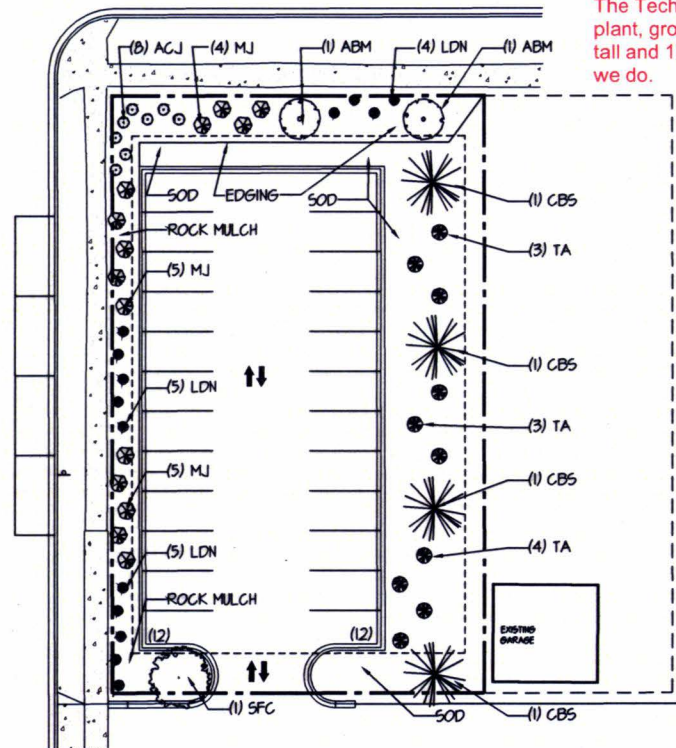
The Techny Arborvitae (TA) is considered a medium growing plant, growing 1 to 2 feet per year. They can grow up to 30+ feet tall and 15 feet wide, that is why we have them spaced the way we do.

Maney Juniper (MJ) can grow to approximately 4 feet to 5 feet tall and 5 feet to 6 feet wide.

Little Devil Ninebark (LDN) can grow to approximately 4 feet tall and 5 feet to 3 feet wide.

Andorra Compact Juniper (ACJ) can grow to approximately 1 foot to 2 feet tall and 4 feet to 5 feet

2ND STREET



ALLEY

ALLEY

Revised Plan Submitted 7/12/18

PLANT LIST					
KEY	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
		PERENNIALS / GRASSES			
BE	12	Black Eyed Susan	Rudbeckia Fulgida	#1	POT
		SHRUBS			
MJ	34	Maney Juniper	Juniperus chinensis 'Maney'	24 - 30 inches	
LDN	24	Little Devil Ninebark	Physocarpus Opulifolius 'Donna May'	24 - 30 inches	
TA	10	Techny Arborvitae	Thuja occidentalis 'Techny'	3 - 4 feet high	
ACJ	16	Andorra Compact Juniper	Juniperus horizontalis 'Plumosa Compacta'	18 - 24 inches	
		TREES			
SFC	1	Spring Snow Flowering Crab	Malus 'Spring Snow'	1.5"	
CBS	4	Colorado Blue Spruce	Picea pungens 'Glauca'	4 - 5 feet high	
ABM	2	Autumn Blaze Maple	Acer x Freemanii 'Jeffersred'	1" BB	

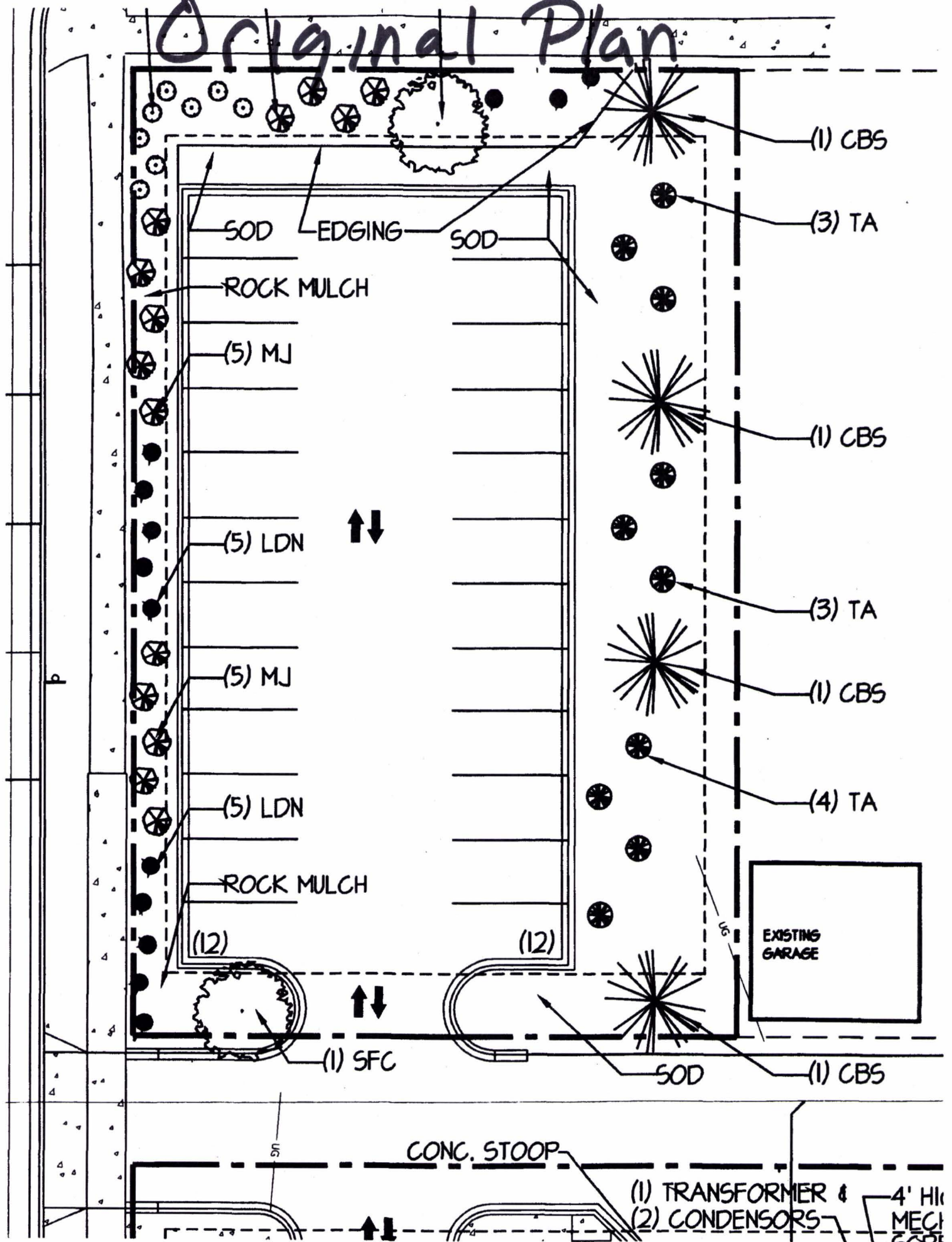
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9:

Original Plan

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KEY	QTY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
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MJ	34	Maney Juniper	Juniperus chinensis 'Maney'	24 - 30 inches	
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TA	10	Techny Arborvitae	Thuja occidentalis 'Techny'	3 - 4 feet high	
ACJ	16	Andorra Compact Juniper	Juniperus horizontalis 'Plumosa Compacta'	18 - 24 inches	
		TREES			
SFC	2	Spring Snow Flowering Crab	Malus 'Spring Snow'	1.5"	
CBS	4	Colorado Blue Spruce	Picea pungens 'Glauca'	4 - 5 feet high	

Original Plan



Techny Arborvitae

Height: 15 feet

Spread: 12 feet

Sunlight: ☉ ☾

Hardiness Zone: 2a

Other Names: Eastern Arborvitae, American Arborvitae



Ornamental Features:

Techny White Cedar has dark green foliage. The scale-like leaves remain dark green through the winter. Neither the flowers nor the fruit are ornamentally significant. The shaggy indian red bark is not particularly outstanding.

Landscape Attributes:

Techny White Cedar is a dense multi-stemmed evergreen shrub with a distinctive and refined pyramidal form. Its relatively fine texture sets it apart from other landscape plants with less refined foliage.

This is a relatively low maintenance shrub. When pruning is necessary, it is recommended to only trim back the new growth of the current season, other than to remove any dieback. It has no significant negative characteristics.

Techny White Cedar is recommended for the following landscape applications;

- General Garden Use
- Mass Planting
- Hedges/Screening
- Vertical Accent

Plant Characteristics:

Techny White Cedar will grow to be about 15 feet tall at maturity, with a spread of 12 feet. It tends to fill out right to the ground and therefore doesn't necessarily require facer plants in front and is suitable for planting under power lines. It grows at a slow rate, and under ideal conditions can be expected to live for approximately 30 years.

This shrub does best in full sun to partial shade. It prefers to grow in average to moist conditions and shouldn't be allowed to dry out. It is not particular as to soil type or ph. It is somewhat tolerant of urban pollution and will benefit from being planted in a relatively sheltered location. Consider applying a thick mulch around the root zone in winter to protect it in exposed locations or colder zones.

This is a selection of a native North American species.

Maney Juniper

Height: 5 feet

Spread: 6 feet

Sunlight: ☉

Hardiness Zone: 3b

Description:

A large, spreading evergreen shrub with a distinctive upright arching habit of growth; sharp blue-green needle-like foliage and abundant showy powdery-blue berries add interest; makes an attractive tall groundcover; needs full sun.



Ornamental Features

Maney Juniper has attractive powder blue foliage. The scale-like leaves are highly ornamental and remain powder blue throughout the winter. It produces powder blue berries from late spring to late winter. The flowers are not ornamentally significant.

Landscape Attributes

Maney Juniper is a multi-stemmed evergreen shrub with an upright spreading habit of growth. It lends an extremely fine and delicate texture to the landscape composition which can make it a great accent feature on this basis alone.

This is a high maintenance shrub that will require regular care and upkeep and is best pruned in late winter once the threat of extreme cold has passed. Deer don't particularly care for this plant and will usually leave it alone in favor of tastier treats. It has no significant negative characteristics.

Maney Juniper is recommended for the following landscape applications;

- Mass Planting
- General Garden Use
- Groundcover

Planting & Growing

Maney Juniper will grow to be about 5 feet tall at maturity, with a spread of 6 feet. It tends to fill out right to the ground and therefore doesn't necessarily require facer plants in front and is suitable for planting under power lines.

It grows at a slow rate, and under ideal conditions can be expected to live for approximately 30 years. This shrub should only be grown in full sunlight. It is very adaptable to both dry and moist growing conditions but will not tolerate any standing water. It is not particular as to soil type or pH. It is highly tolerant of urban pollution and will even thrive in inner city environments.

This is a selected variety of a species not originally from North America

Little Devil Ninebark

Height: 4 feet

Spread: 4 feet

Sunlight: ☉ ☐

Hardiness Zone: 3a

Other Names: Eastern Ninebark, Donna May Ninebark

Description:

A compact upright shrub with burgundy leaves; features small pinkish-white spirea-like flowers followed by subtle reddish fruit, and interesting peeling papery bark; extremely tough and durable, good for massing or general garden use.



Ornamental Features

Little Devil Ninebark features showy clusters of white flowers with shell pink overtones at the ends of the branches in early summer. It has burgundy foliage throughout the season. The small serrated lobed leaves turn purple in fall. It produces red capsules from early to mid-fall. The peeling tan bark adds an interesting dimension to the landscape.

Landscape Attributes

Little Devil Ninebark is a dense multi-stemmed deciduous shrub with an upright spreading habit of growth. Its relatively fine texture sets it apart from other landscape plants with less refined foliage.

This shrub will require occasional maintenance and upkeep and can be pruned at any time. It has no significant negative characteristics.

Little Devil Ninebark is recommended for the following landscape applications;

- Accent
- Mass Planting
- Hedges/Screening
- General Garden Use

Planting & Growing

Little Devil Ninebark will grow to be about 4 feet tall at maturity, with a spread of 4 feet. It has a low canopy. It grows at a medium rate, and under ideal conditions can be expected to live for approximately 30 years.

This shrub does best in full sun to partial shade. It is very adaptable to both dry and moist locations and should do just fine under average home landscape conditions. It is not particular as to soil type or ph. It is highly tolerant of urban pollution and will even thrive in inner city environments.

This is a selection of a native North American species.

Compact Andorra Juniper

Height: 20 inches

Spread: 5 feet

Sunlight:  

Hardiness Zone: 3a

Other Names: Youngstown Juniper

Description:

An incredibly beautiful groundcover evergreen for general landscape use, featuring blue-green foliage which takes on a purplish tinge in winter, attractively arching low branching habit, wide spreading; extremely adaptable and hardy; a fine groundcover



Ornamental Features

Andorra Juniper has attractive grayish green foliage. The scale-like leaves are highly ornamental and turn plum purple in fall. Neither the flowers nor the fruit are ornamentally significant.

Landscape Attributes

Andorra Juniper is a multi-stemmed evergreen shrub with a ground-hugging habit of growth. It lends an extremely fine and delicate texture to the landscape composition which should be used to full effect.

This is a high maintenance shrub that will require regular care and upkeep and is best pruned in late winter once the threat of extreme cold has passed. Deer don't particularly care for this plant and will usually leave it alone in favor of tastier treats. It has no significant negative characteristics.

Andorra Juniper is recommended for the following landscape applications;

- Mass Planting
- General Garden Use
- Groundcover
- Planting & Growing
-

Andorra Juniper will grow to be about 20 inches tall at maturity, with a spread of 5 feet. It tends to fill out right to the ground and therefore doesn't necessarily require facer plants in front. It grows at a slow rate, and under ideal conditions can be expected to live for approximately 30 years.

This shrub does best in full sun to partial shade. It is very adaptable to both dry and moist growing conditions but will not tolerate any standing water. It is not particular as to soil type or ph. It is highly tolerant of urban pollution and will even thrive in inner city environments.

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner

DATE: September 6, 2018

RE: Single Family Dwellings Permitted in R-3 (High Density Residential) Districts

At its July 2018 meeting, the Planning Commission requested that single family dwellings be considered as a permitted use in R-3 Districts. The Planning Department was asked to draft Zoning Ordinance language for consideration at the August 2018 meeting. Several members were not in attendance at that meeting, therefore discussion was postponed until the September meeting.

Initially, it might seem like a routine change to allow single family dwellings in R-3 Districts. However, to add the use requires the consideration of adding and/or amending several sections of the district language. Following is a list of sections to consider amending to permit single family dwellings in R-3 Districts:

- 57-1 Purpose and Intent. Modify the section to remove “...*multi family structures*.”
- 57-2 Permitted Uses. Add single family dwellings as a permitted use.
- 57-3 Accessory Uses. Housekeeping amendments.
- 57-4 Interim Uses. Several Interim Uses are permitted in R-1 and R-2 as Conditional Uses. Small houses between 500 sq. ft. and 700 sq. ft. on nonconforming lots are permitted in in R-1 and R-2 districts. Add these uses to the R-3 District.
- 57-7 Minimum Setbacks and Setback Requirements. Add standards for single family uses.
- 57-8 Building Height. Add single family dwelling building height.
- 67-9 Building Performance Standards. Add separate minimum standards for multifamily units and 1 and 2 family dwellings.
- 57-11 Design Standards. Include standards for 1 and 2 family dwellings.

- 17-8 Accessory Buildings Uses and Equipment. Include Single family dwelling accessory building maximum allowable area.

SECTION 57
R-3, HIGH DENSITY RESIDENTIAL DISTRICT

Section:	
515-57-1:	Purpose and Intent
515-57-2:	Permitted Uses
515-57-3:	Accessory Uses
515-57-4:	Interim Uses
515-57-5:	Conditional Uses
515-57-6:	Uses by Administrative Permit
515-57-7:	Lot Area and Setback Requirements
515-57-8:	Lot Coverage and Building Height
515-57-9:	Building Performance Standards
515-57-10:	Lot Coverage

These are the changes to the R-3 District to permit single family dwellings as a permitted use. A change is needed to Section 17 to add single family dwellings to the accessory dwelling size limitations.

515-57-1: Purpose and Intent. The purpose of the High Density Residential District is to provide for areas of high density residential housing ~~in multiple family structures~~ including senior housing.

515-57-2: Permitted Uses.

- A. Multiple family dwellings.
- B. Two family attached dwellings.
- C. **SINGLE FAMILY DETACHED DWELLINGS.**
- D. Public recreation areas and related accessory buildings and structures.
- E. Residential care facilities serving six (6) or fewer persons.
- F. Essential services as regulated by Section 36 of this Ordinance.

515-57-3: Accessory Uses.

- A. Accessory buildings including garages, tool sheds and similar buildings for the storage of domestic **TOOLS, SUPPLIES AND** equipment ~~and supplies~~ and non-commercial recreational equipment as regulated by Section 17 ~~and 24~~ of this Ordinance.
- B. Fences as regulated by Section 19 of this Ordinance.

- C. Storage of recreational vehicles and equipment as regulated by Section 24 of this Ordinance.
- D. Private recreational facilities operated for the enjoyment of the on-site residents and their occasional guests.
- E. Noncommercial greenhouses as regulated by Section 17 of this ordinance.
- F. Rental offices.
- G. Garages and off-street parking for private residential use subject to provisions of Section 17 of this Ordinance.
- H. Solar energy systems and structures.
- I. Home Businesses as regulated by Section 26 of this Ordinance.
- ~~J. Tool houses and sheds and other such buildings for the storage of domestic tools, supplies and equipment subject to the provisions of Section 17 of this Ordinance.~~
- K. Private recreational facilities for the enjoyment of the residents of the principal structure and their occasional guests.
- L. In home day care serving fourteen (14) or fewer persons in a single family detached dwelling.
- M. 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.
- N. NONCOMMERCIAL GREENHOUSES FORM 1 AND 2 FAMILY DWELLINGS AS REGULATED BY SECTION 17 OF THIS ORDINANCE.**

515-57-4: Interim Uses.

~~A. None~~

- A. HOME EXTENDED BUSINESSES AS REGULATED BY SECTION 26 OF THIS ORDINANCE.**
- B. TEMPORARY BUILDINGS ASSOCIATED WITH A PUBLIC OR PRIVATE PRINCIPAL SCHOOL BUILDING AND USED FOR CLASSROOMS.**

C. SHORT TERM RENTALS IN ONE AND TWO FAMILY DWELLINGS PROVIDED THAT:

1. THE MINIMUM RENTAL PERIOD SHALL NOT BE MORE THAN 28 CONSECUTIVE NIGHTS.
2. THE PERMIT HOLDER (OWNER) OF A SHORT TERM RENTAL MUST APPLY FOR AND RECEIVE AN INTERIM USE PERMIT. OWNER OCCUPIED DWELLINGS THAT ARE ALSO SHORT TERM RENTALS DO NOT REQUIRE AN INTERIM USE PERMIT.
3. THE APPLICATION FOR AN INTERIM USE PERMIT SHALL INCLUDE:
 - A. ALL INFORMATION REQUIRED FOR A CONDITIONAL USE PERMIT.
 - B. FLOOR PLAN OF THE STRUCTURE, INCLUDING THE NUMBER OF BEDROOMS WITH DIMENSIONS AND ALL OTHER SLEEPING ACCOMMODATIONS.
 - C. A TO-SCALE SITE PLAN WHICH SHOWS LOCATIONS AND DIMENSIONS OF PROPERTY LINES, THE DWELLING UNIT INTENDED FOR LICENSING, ACCESSORY STRUCTURES, PARKING AREAS AND SHORELAND RECREATIONAL FACILITIES.
 - D. A PLAN FOR GARBAGE DISPOSAL BY THE PERMIT HOLDER.
 - E. A PET POLICY.
4. THE PERMIT HOLDER SHALL POST EMERGENCY CONTACT INFORMATION (POLICE, FIRE, HOSPITAL) AND SHOW RENTERS THE LOCATION OF FIRE EXTINGUISHERS IN THE SHORT TERM RENTAL UNIT.
5. A PERMIT HOLDER MUST PROVIDE THE NAME, ADDRESS, AND PHONE NUMBER FOR THE MANAGING AGENT OR LOCAL CONTACT TO ALL PROPERTY OWNERS WITHIN 100' OF THE PROPERTY BOUNDARY. THE PERMIT HOLDER SHALL NOTIFY ALL PROPERTY OWNERS WITHIN 100' OF THE PROPERTY BOUNDARY WITHIN 10 DAYS OF A CHANGE IN THE MANAGING AGENT OR LOCAL CONTACT'S CONTACT INFORMATION.
6. A PERMIT HOLDER MUST DISCLOSE IN WRITING TO THEIR RENTERS THE FOLLOWING INFORMATION:
 - A. THE MANAGING AGENT OR LOCAL CONTACT'S NAME, ADDRESS, AND PHONE NUMBER.

- B. THE MAXIMUM NUMBER OF GUESTS ALLOWED AT THE PROPERTY.
 - C. THE MAXIMUM NUMBER OF VEHICLES, RECREATIONAL VEHICLES AND TRAILERS ALLOWED AT THE PROPERTY AND WHERE THEY ARE TO BE PARKED.
 - D. PROPERTY RULES RELATED TO USE OF EXTERIOR FEATURES OF THE PROPERTY, SUCH AS DECKS, PATIOS, GRILLS, POOLS, HOT TUBS, SAUNAS, RECREATIONAL FIRES AND OTHER OUTDOOR RECREATIONAL FACILITIES.
 - E. APPLICABLE SECTIONS OF CITY ORDINANCES GOVERNING NOISE, PARKS, PARKING AND PETS.
- 7. THE OCCUPANCY OF A SHORT TERM RENTAL SHALL BE LIMITED TO NOT MORE THAN 2 PEOPLE PER BEDROOM.
 - 8. ROOMS USED FOR SLEEPING SHALL BE PROVIDED WITH EGRESS WINDOWS AND SMOKE DETECTORS IN LOCATIONS THAT COMPLY WITH THE MINNESOTA STATE BUILDING CODE OR THE REQUIREMENTS OF THE BUILDING DEPARTMENT, WHICHEVER IS STRICTER.
 - 9. THE SHORT TERM RENTAL SHALL BE CONNECTED TO CITY SEWER AND WATER.
 - 10. A SHORT TERM RENTAL SHALL HAVE A FULL BATHROOM (SINK, TOILET AND TUB OR SHOWER).
 - 11. ADDITIONAL OCCUPANCY BY USE OF RECREATIONAL VEHICLES, TENTS, ACCESSORY STRUCTURES OR FISH HOUSES IS NOT PERMITTED.
 - 12. THE PERMIT HOLDER SHALL PROVIDE A PHYSICAL VISUAL DEMARCATION OF THE PROPERTY LINES.
 - 13. THE PERMIT HOLDER SHALL KEEP A REPORT, DETAILING USE OF THE SHORT TERM RENTAL BY RECORDING THE FULL NAME, ADDRESS, PHONE NUMBER AND VEHICLE LICENSE NUMBER OF GUESTS USING THE RENTAL. A COPY OF THE REPORT SHALL BE PROVIDED TO THE PLANNING DEPARTMENT UPON REQUEST.
 - 14. A SHORT TERM RENTAL SHALL BE A LICENSED RENTAL UNIT BY THE CITY AND SHALL MEET THE REQUIREMENTS OF ALL STATUTES, RULES, REGULATIONS, AND ORDINANCES INCLUDING, BUT NOT LIMITED TO THE CITY OF BRAINERD'S RENTAL HOUSING MAINTENANCE CODE.

EACH UNIT SHALL BE INSPECTED ANNUALLY BY THE RENTAL HOUSING INSPECTOR AND THE FIRE MARSHALL.

15. THE PLANNING COMMISSION MAY IMPOSE CONDITIONS THAT WILL REDUCE THE IMPACTS OF THE PROPOSED USE ON NEIGHBORING PROPERTIES, PUBLIC SERVICES, NEARBY WATER BODIES, PUBLIC SAFETY AND SAFETY OF RENTERS. SAID CONDITIONS MAY INCLUDE BUT NOT BE LIMITED TO – FENCING OR VEGETATIVE SCREENING, NATIVE BUFFER ALONG THE SHORELINE, NOISE STANDARDS, DURATION OF PERMIT, RESTRICTIONS AS TO THE DOCKING OF WATERCRAFT, AND NUMBER OF RENTERS.

16. A PERMIT HOLDER MUST POST THEIR PERMIT NUMBER ON ALL PRINT, POSTER OR WEB ADVERTISEMENTS.

17. A PERMIT HOLDER MUST APPLY FOR AND BE GRANTED STATE AND LOCAL SALES TAX NUMBERS, INCLUDING HOTEL AND MOTEL USE SALES TAX.

18. IN ADDITION TO AN INTERIM USE PERMIT, SHORT TERM RENTALS RENTED FOR LESS THAN 7 DAYS ARE CONSIDERED A HOTEL AND ARE REQUIRED TO HAVE A MINNESOTA DEPARTMENT OF HEALTH LICENSE.

19. ALL SHORT TERM RENTALS, OPERATING PRIOR TO THE EFFECTIVE DATE OF THESE STANDARDS, SHALL BE IN COMPLIANCE WITH THIS SECTION BY SEPTEMBER 1ST, 2017.

515-57-5: Conditional Uses.

- A. 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 provided that:
1. Side yards shall be double that required for the district.
 2. Screening from abutting residential uses in accordance with Section 20 of this Ordinance.
 3. Off-street parking and access must be provided on the site or on lots directly abutting or across the street from the principal use subject to the provisions of Section 22 of this Ordinance.
 4. Off-street loading and service entrances subject to Section 23 of this Ordinance.

- B. Nursing homes and similar group housing, not including hospitals, provided that:
1. Side yards are double the minimum requirements established for the district.
 2. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic that will be generated from the site.
 3. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.
 4. Off-street parking is provided in compliance with Section 22 of this Ordinance.
 5. Off-street loading areas are provided in compliance with Section 23 of this Ordinance.
- C. Senior housing provided that:
1. Not more than twenty (20) percent of the occupants may be persons fifty-five (55) years of age or younger.
 2. To continue to qualify for the senior housing classification, the owner or agency shall annually file with the City Clerk and/or the Zoning Administrator a certified copy of a monthly resume of occupants, listing the number of tenants by age and clearly identifying all occupants age fifty-five (55) or under.
 3. Off-street parking in compliance with Section 22 of this Ordinance.
 4. Off-street loading space in compliance with Section 23 of this Ordinance.
 5. Parking areas shall be screened and landscaped from view of surrounding and abutting residential districts in compliance with Section 20 of this Ordinance.
 6. Elevator service shall be provided to each floor of the building.
 7. Usable open space shall be at a minimum of twenty (20) percent of gross lot area.
- D. Residential Planned Unit Developments: townhomes and quadraminiums as regulated by Section 11 of this Ordinance.
- E. Government and public regulated utility buildings and structures necessary for the health, safety and general welfare of the community provided that when abutting a residential use in a residential use district, the property is screened and landscaped in accordance with Section 20 of this Ordinance.
- F. Personal wireless service towers and antennas as regulated by Section 35 of this Ordinance.

G. Places of Worship and related buildings 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.

H. State Licensed Residential Care Facilities serving seven (7) to sixteen (16) persons provided that:

1. The facility is licensed by the State and the operator of the facility provides documentation of compliance with all applicable Federal, State and County regulations.
2. The entrance of the facility is located within four hundred (400) feet of a public transit route and transit stop, pedestrian access is available, or the operators provide a transportation/access plan which is found acceptable by the City Council.

I. Public and private schools provided that:

1. The site accesses a major collector.
2. The site is landscaped in accordance with Section 20 of this Ordinance.
3. Off-street parking is provided in accordance with Section 22 of this Ordinance.
4. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.
5. Emergency vehicle access is provided to and within the site.

J. Senior center provided that:

1. Off-street parking is provided in accordance with Section 22 of this Ordinance.

2. Off-street loading is provided in accordance with Section 23 of this Ordinance.
3. The site is landscaped as regulated by Section 20 of this Ordinance.
4. The entrance to the senior center is located within four hundred (400) feet of a public transit route and transit stop, pedestrian access is available, or the operators provide a transportation/access plan which is found to be acceptable by the City Council.

K. BOARDING HOUSES PROVIDED THAT:

1. ADEQUATE OFF-STREET PARKING AND ACCESS IS PROVIDED.
2. LANDSCAPING AND SCREENING IS PROVIDED IN ACCORDANCE WITH SECTION 20 OF THIS ORDINANCE.

L. BED AND BREAKFAST SUBJECT TO PROVISIONS OF SECTION 31 OF THIS ORDINANCE.

M. DWELLINGS GREATER THAN FIVE HUNDRED (500) SQUARE FEET AND LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET ON NONCONFORMING LOTS LOCATED IN THE CITY PRIOR TO 1989.

515-57-6: Uses by Administrative Permit.

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

515-57-7: Minimum Lot Area and Setback Requirements.

- A. Lot Area Per Unit for lots created after June 15, 2009:

1. SINGLE FAMILY: Seven Thousand (7,000) square feet
2. Two Family: Three thousand (3,000) square feet
3. Multiple Family: Two thousand (2,000) square feet
4. Multiple Family (senior): One thousand one hundred (1,100) square feet

A lot of record existing prior to June 15, 2009 is not required to meet minimum lot area requirements.

- B. Principal Building Setbacks:

1. SINGLE FAMILY AND TWO FAMILY:

A.	FRONT YARD:	TWENTY-FIVE (25) FEET
B.	SIDE YARD:	FIVE (5) FEET
C.	SIDE YARD (CORNER):	FIFTEEN (15) FEET
D.	REAR YARD:	TWENTY-FIVE (25) FEET

2. Multiple family:

- a. Front Yard: Thirty (30) feet
- b. Side Yard: Fifteen (15) feet
- c. Side Yard (corner): Twenty (20) feet
- d. Rear Yard: Twenty-five (25) feet

C. Accessory building and structure setbacks:

1. **SINGLE FAMILY AND** Two Family:

- a. Front Yard: Thirty (30) feet
- b. Side Yard: Three (3) feet
- c. Rear Yard: Three (3) feet

2. Multiple Family and Multiple Family (senior):

- a. Front Yard: Thirty (30) feet
- b. Side Yard: Fifteen (15) feet
- c. Side Yard (corner): Twenty (20) feet
- d. Rear Yard: Fifteen (15) feet

Lots created after June 15, 2009 require four thousand five hundred (4,500) square feet per unit up to two units and three thousand (3,000) square feet per unit for more than two units up to four units.

B. Lot Width Per Unit:

- 1. Single Family: Fifty (50) feet
- 2. Two-Family: Twenty-five (25) feet
- 3. Multiple Family: One hundred (100) feet

C. Principal Building Setbacks:

1. Single Family and Two Family:

- a. Front Yard: Twenty-five (25) feet
- b. Side Yard: Five (5) feet
- c. Side Yard (corner): Fifteen (15) feet
- d. Rear Yard: Twenty-five (25) feet

D. Accessory Building and Structure Setbacks:

1. Single Family and Two Family:

- a. Front Yard: Twenty-five (25) feet
- b. Side Yard: Three (3) feet
- c. Rear Yard: Three (3) feet

515-57-8: Building Height.

- A. **SINGLE FAMILY AND** two family dwellings shall not exceed thirty-five (35) feet in height. Multi family dwellings, permitted non-residential uses and conditional uses taller than thirty-five (35) feet shall require a Conditional Use Permit.
- B. Accessory building and structure height shall be governed by Section 17 of this Ordinance.

515-57-9: Building Performance Standards.

A. Minimum Floor Area per **MULTI FAMILY** Dwelling Unit:

- 1. Efficiency: Four hundred (400) square feet.
- 2. One bedroom: Five hundred (500) square feet.
- 3. Two bedroom: Six hundred fifty (650) square feet.
- 4. For each additional bedroom after two, six hundred fifty (650) square feet plus one hundred (100) square feet per bedroom in excess of two.

B. MINIMUM FLOOR AREA PER DWELLING UNIT (CONFORMING LOTS):

- 1. **SINGLE FAMILY: SEVEN HUNDRED FIFTY (750) SQUARE FEET**
- 2. **TWO-FAMILY: SEVEN HUNDRED FIFTY (750) SQUARE FEET**

**C. MINIMUM WIDTH/LENGTH PER DWELLING UNIT (NONCONFORMING LOTS):
NONE**

D. SINGLE FAMILY DWELLINGS GREATER THAN FIVE HUNDRED (500) SQUARE FEET AND LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET AND TWO-FAMILY DWELLINGS GREATER THAN FIVE HUNDRED (500) SQUARE FEET AND LESS THAN SIX HUNDRED FIFTY (650) SQUARE FEET ARE PERMITTED TO BE LESS THAN TWENTY-TWO (22) FEET WIDE.

E. MINIMUM WIDTH/LENGTH FOR A DWELLING LESS THAN SEVEN HUNDRED FIFTY (750) SQUARE FEET ON NONCONFORMING LOTS: EIGHTEEN (18) FEET.

515-57-10: Lot Coverage.

- A. Residential Uses. Impervious surface lot coverage shall not exceed sixty (60) percent of the total lot area.
- B. Non-Residential Uses. Impervious surface lot coverage shall not exceed fifty (50) percent of the total lot area unless otherwise allowed by a grading and drainage plan approved by the City Engineer.

515-57-11: DESIGN REQUIREMENTS.

ALL DWELLINGS SHALL ADHERE TO THE FOLLOWING DESIGN REQUIREMENTS. WHILE CREATIVITY AND VARIATION IN ARCHITECTURAL DESIGN IS ENCOURAGED, THE PURPOSE OF THESE REQUIREMENTS IS TO ENSURE COMPATIBILITY OF INFILL DEVELOPMENT WITH THE CHARACTER OF NEARBY EXISTING RESIDENTIAL STRUCTURES.

DWELLINGS SHALL MEET THE FOLLOWING DESIGN CRITERIA, AS DEFINED BY THE PREDOMINANT CHARACTER OF THE EXISTING RESIDENTIAL BLOCK FRONT. THE BLOCK FRONT SHALL CONSIST OF ALL RESIDENTIAL PROPERTIES ALONG BOTH SIDES OF THE PUBLIC OR PRIVATE RIGHT-OF-WAY ON WHICH THE DEVELOPMENT FRONTS. THE BLOCK FRONT SHALL BE MEASURED FROM INTERSECTION TO INTERSECTION, TO THE ROAD END, OR TWO HUNDRED (200) FEET IN EITHER DIRECTION FROM THE DEVELOPMENT SITE, WHICHEVER IS NEAREST.

1. BUILDING ORIENTATION ON LOTS SHALL MATCH THE PREDOMINANT ORIENTATION OF OTHER BUILDINGS ALONG THE BLOCK FRONT.
2. ACCESS AND LOCATION OF OFF-STREET PARKING ON LOTS SHALL BE SIMILAR TO THE PREDOMINANT CHARACTER OF EXISTING DEVELOPMENT ALONG THE BLOCK FRONT. PRIMARY VEHICULAR ACCESS SHALL BE THROUGH REAR ALLEYS WHERE SUCH REAR OF PROPOSED STRUCTURES, INsofar AS THIS IS CONSISTENT WITH THE PREDOMINANT CHARACTER OF THE BLOCK FRONT.
3. ROOFS ON PROPOSED RESIDENTIAL STRUCTURES SHALL BE SIMILAR IN SLOPE AND STYLE TO EXISTING DEVELOPMENT AND SHALL INCORPORATE ANY OR ALL OF THE FOLLOWING FEATURES, INsofar AS SUCH FEATURES ARE COMPATIBLE WITH EXISTING DEVELOPMENT ON THE BLOCK FRONT:
 - A. DORMERS;
 - B. GABLED OR HIPPED ROOFS;
 - C. PITCHED ROOFS;
 - D. PARAPETS OR CORNICES.

4. UNLESS IT IS THE PREDOMINANT EXISTING STYLE ON THE BLOCK FRONT, FLAT ROOFS SHALL NOT BE ALLOWED.
5. HORIZONTAL FACADES LONGER THAN TWENTY-FIVE (25) FEET SHALL BE TREATED TO REDUCE BUILDINGS MASS AND VISUAL BULK USING AT LEAST ONE OF THE FOLLOWING TECHNIQUES:
 - A. BAYS OR RECESSES (MINIMUM DEPTH OF EIGHTEEN (18) INCHES);
 - B. WINDOW PATTERNS;
 - C. CONTRASTING MATERIALS OR COLORS;
 - D. UPPER STORY SETBACKS;
 - E. BALCONIES.

THE APPLICANT SHALL DEMONSTRATE THAT THE SELECTED TECHNIQUES ARE EITHER CURRENTLY PRESENT ON THE BLOCK FRONT OR ARE NOT SUBSTANTIALLY INCOMPATIBLE WITH EXISTING DEVELOPMENT.