

BRAINERD PLANNING COMMISSION WORKSHOP

Wednesday, February 5, 2020
6:00 p.m.
Brainerd Fire Department Training Room
23 Laurel St

1. Call to Order
2. Approval/Change of Agenda
3. Discussion – Mini-Storage as Conditional Use in B-4 Districts
4. Discussion – Comprehensive Plan Implementation
5. Discussion – Zoning Code Update
6. Adjourn

Any individual needing special accommodations or that desires more information about the above items, please call 218/828-2307.

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: January 31, 2020

RE: Workshop Discussion Item: Mini-Storage as Conditional Use in B-4 Districts

The City of Brainerd and Crow Wing County are conducting a major infrastructure improvement to NW 4th St. this summer. In preparation for this project, the City has been working with various property owners along the project area to acquire the necessary right-of-way easements. One such necessary acquisition is to fully acquire a small parcel at the intersection of NW 4th St and Jackson St. (PID 41040506).

The City made an offer to acquire the parcel, and the property owners made a counteroffer, which included allowing the construction of mini-storage units on property between NW 4th St and NW 2nd St to the east and west and between James St and Jackson St to the north and south. This property is currently zoned R-3 High Density Residential. Currently, mini-storage units are only allowed as a conditional use in I-1 Light Industrial Districts. The City Council responded to the counteroffer by stating that they support such a development, but that the property owners will need work with staff and go through the property procedure to do so, starting with the Planning Commission.

At this time, staff recommends the following action:

- 1) Amend Section 515-63: B-4 General Business District of the Code of Ordinances to allow mini-storage units as a conditional use.
- 2) Following such an amendment, the property owners would submit a rezoning request to have their properties rezoned for R-3 to B-4 and apply for a Conditional Use Permit to operate their desired mini-storage units.

The purpose of this item is to discuss this proposal in preparation for consideration of a possible text amendment by the Planning Commission during their regular meeting on February 19.



City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: February 5, 2020

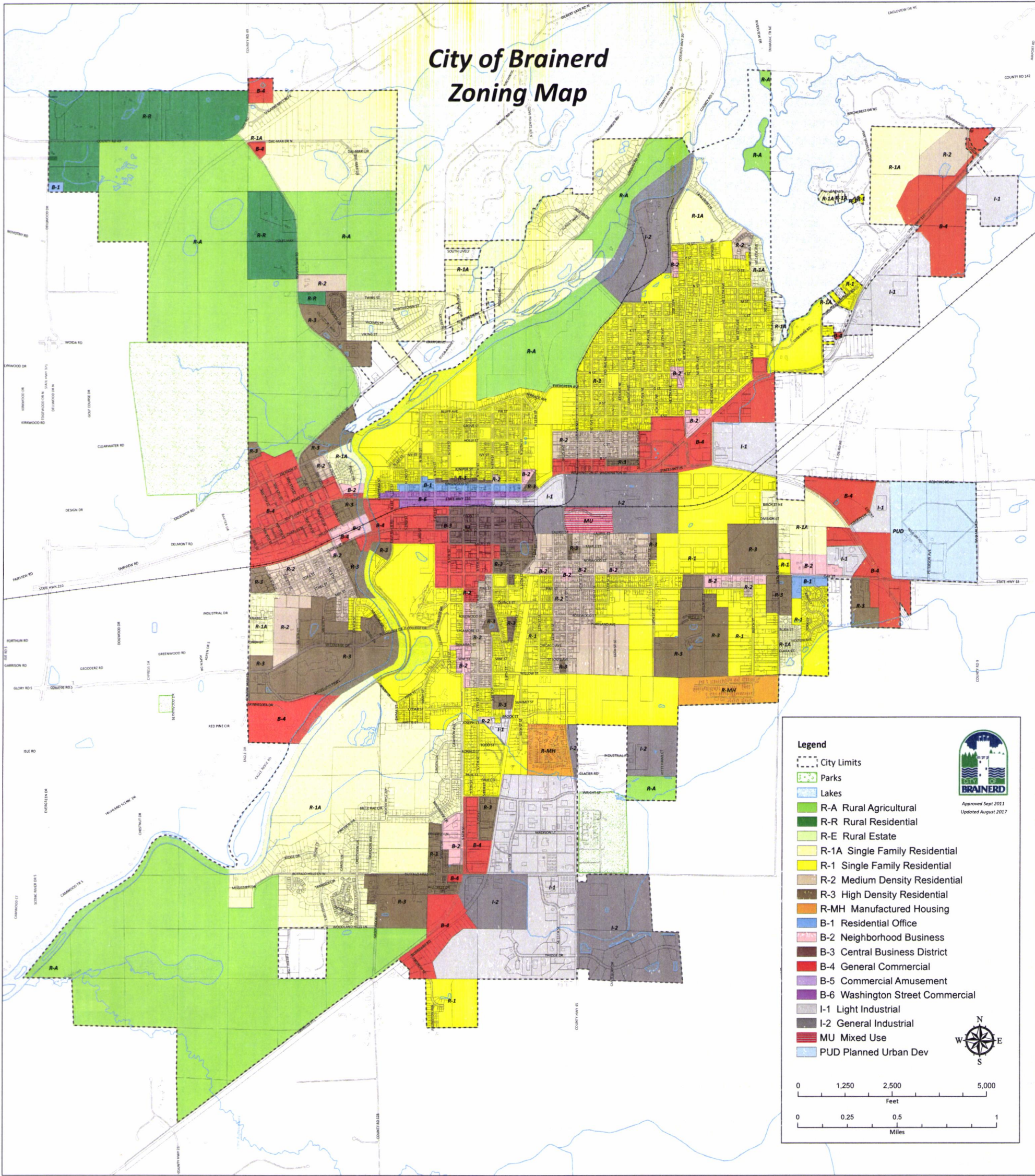
RE: Recommended Text for Mini-Storage as Conditional Use in B-4 Districts

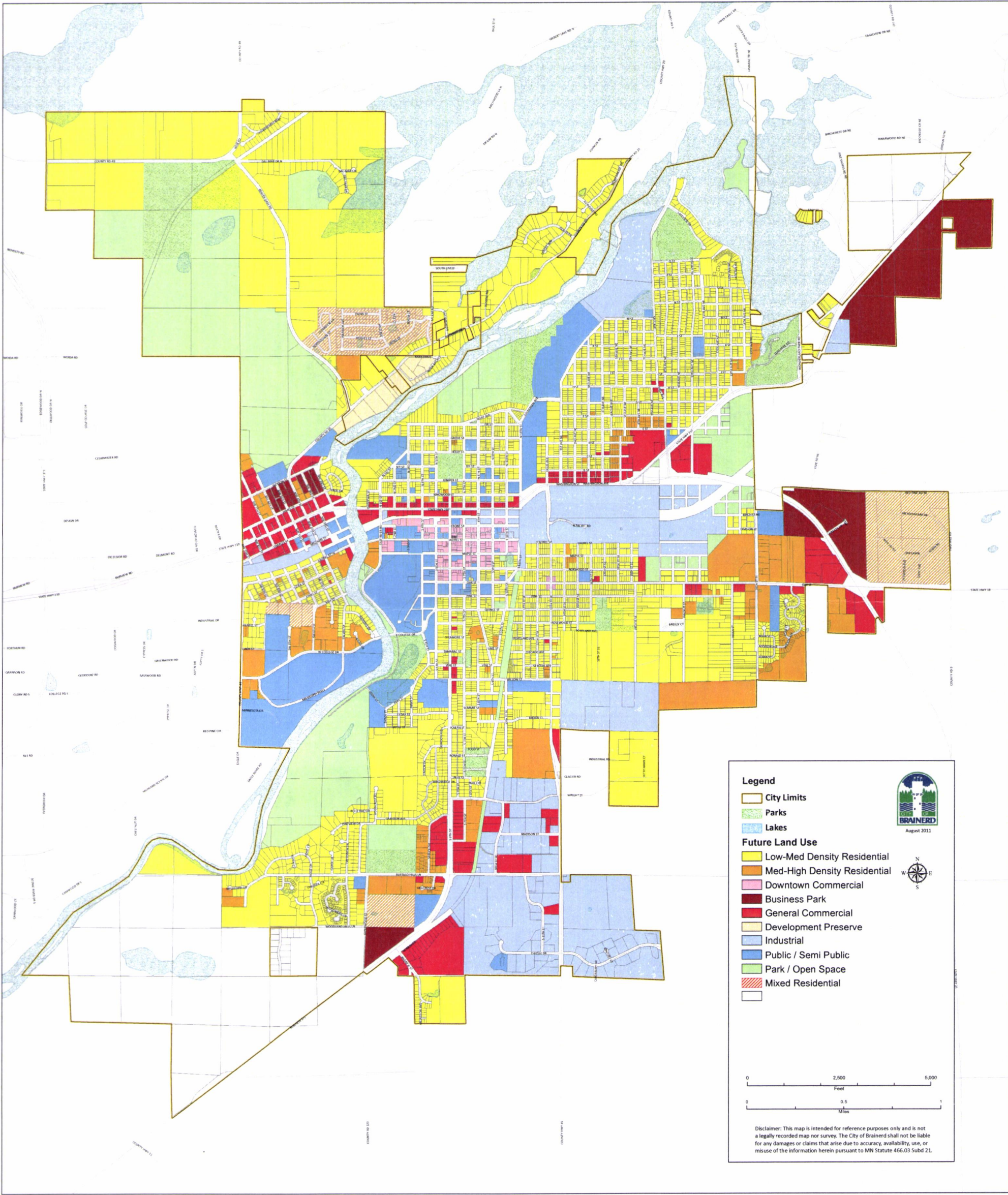
Mini-storage facilities are currently only allowed as a conditional use within I-1 (Light Industrial) Districts. With the consideration of amending Section 515-63: B-4 General Commercial District to allow mini-storage facilities as a conditional use, staff submits the following criteria for consideration by the Planning Commission.

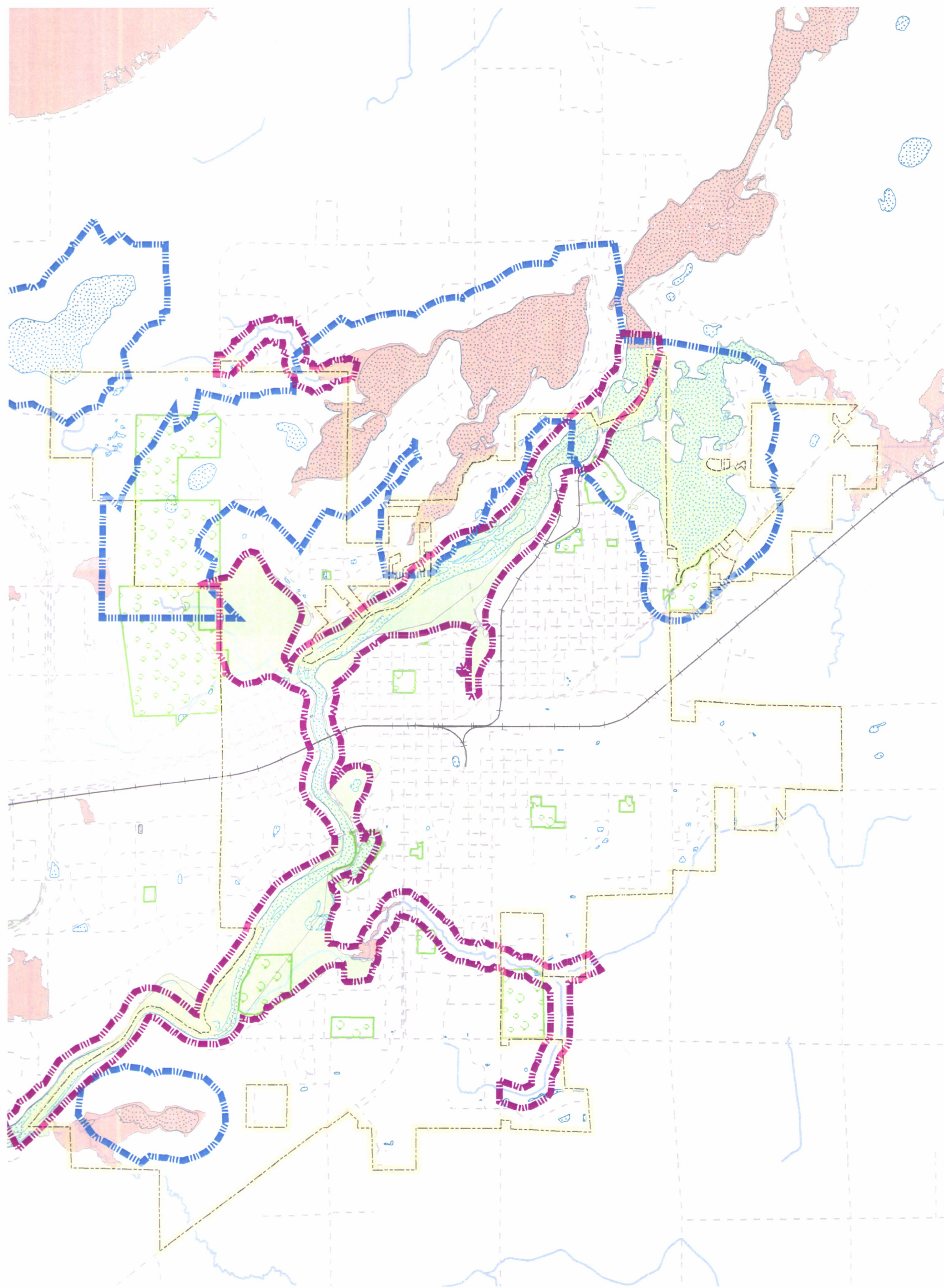
Section 515-63-6.S Mini self-storage facilities provided that:

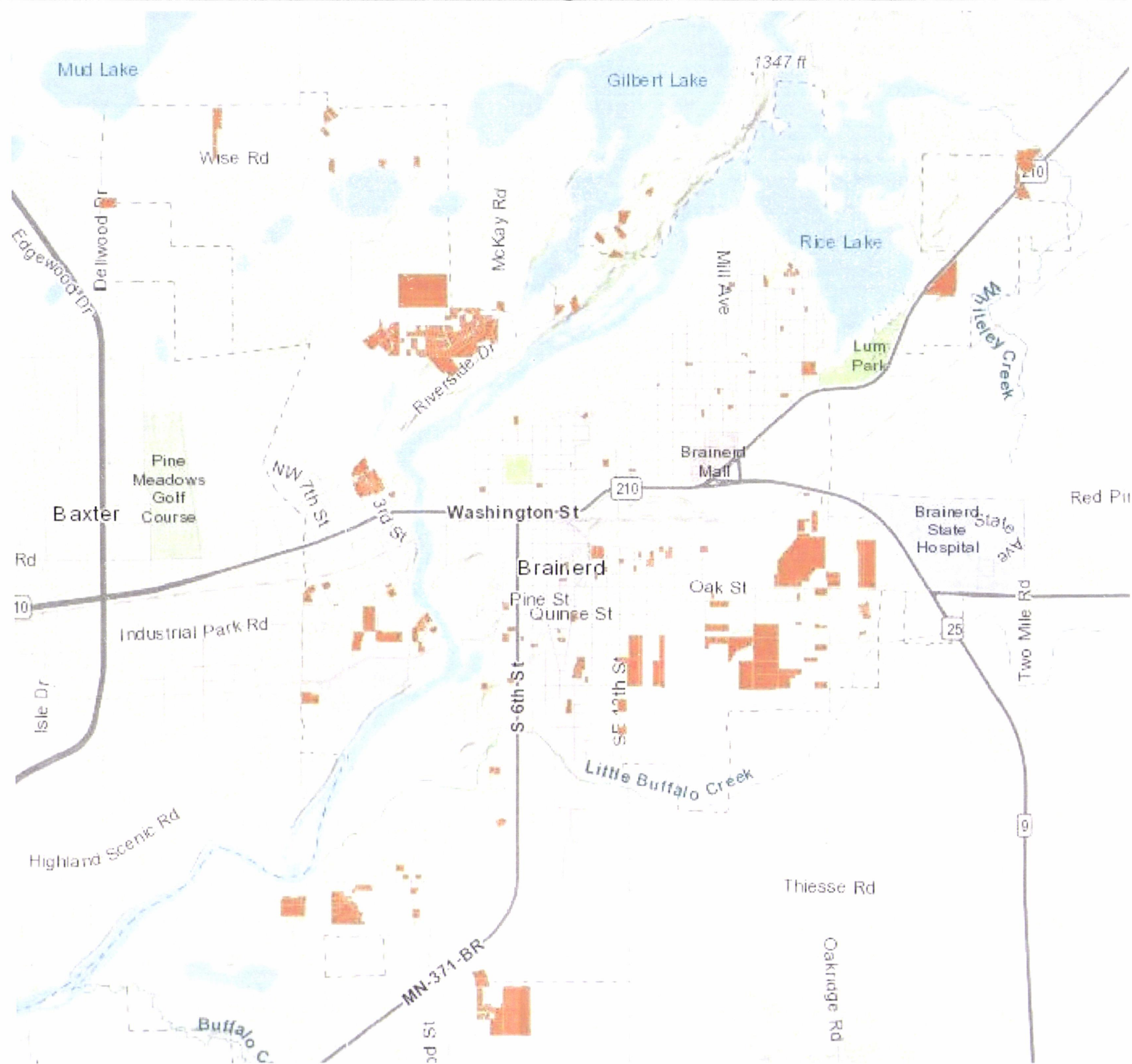
1. At least twenty-five (25) percent of the site is open green space and landscaped in accordance with a plan approved by the City Council.
2. No buildings shall be located closer than twenty-five (25) feet to each other to allow for parking, loading, driveway, and fire lanes.
3. No single building shall 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 have a bituminous or concrete surface 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. All structures shall comply with the building standards outlined in Section 17 of this ordinance.
7. No retailing, wholesaling, manufacturing, repair, or other such activity other than storage is to occur within the self-storage, mini warehousing facility.
8. No outdoor storage or long-term parking is permitted, and all storage facilities shall be fully enclosed.
9. Outdoor lighting for any structures adjacent to a residential use shall meet the criteria for B-1 and B-2 Districts as outlined in Section 18 of this ordinance.

City of Brainerd Zoning Map









Mini-Storage Conditional Use

Discussion thoughts:



- 1 Tax and economic value to the city [Economic Development, Goal 1, Policy 3]
 - 1.1 Not the highest and best use for generating city tax revenue
 - 1.2 Residential use is highest direct revenue generating zoning class
 - 1.2.1 Additional secondary revenue generated through taxable spending by residents for goods and services at shops, restaurants, gas stations, etc
 - 1.3 This proposal would take high value residential property out of availability and replace with passive storage use that does not contribute equally to our local economy
 - 1.3.1 Estimated \$100K to nearly \$1.0M in lost tax revenue potential per decade depending on residential development type and extent
- 2 Availability of suitably zoned land elsewhere in the city
 - 2.1 Are we lacking appropriately zoned land elsewhere in the city?
 - 2.1.1 If not, why isn't it being built up with self-storage facilities?
 - 2.1.2 Numerous undeveloped I-1 lots in the Industrial Park area
- 3 Trends in residential housing demand
 - 3.1 Crow Wing County HRA report projects increased new housing demand in the city over the next decade, both for owned and rental properties
 - 3.1.1 How are we positioned to meet that demand?
 - 3.1.2 Giving up residential zoned land effectively exacerbates the anticipated demand
 - 3.2 Why would you work hard to attract new businesses to Brainerd and ignore the opportunity to also compete for their workers? [Economic Development, Goal 3, Policy 2]
 - 3.2.1 New businesses will bring skilled workers and managers that we want to attract to the city, not have them live in Baxter or rural Crow Wing County
 - 3.2.2 We want to compete for the workers as well as the businesses in order to be a healthy and thriving city
- 4 Housing availability and affordability
 - 4.1 Need for adequate supply of quality affordable housing [Housing, Goal 1, Policies 2 & 5]

4.2 Government regulations are perceived to be the most significant driver working against housing affordability and new start-ups

4.2.1 This conditional use request would work against housing affordability by reducing available residential zoned land in the city and thereby driving up cost (supply and demand response – see Priced Out study of Metro-area market and the Crow Wing County Housing study, pg 97)

4.3 Relatively low cost to develop these blocks = affordable, entry-level housing

4.3.1 Proximity of parcel to existing infrastructure

4.3.1.1 No need to build roads and lay water and sewer (WAC and SAC costs)

4.3.1.1.1 Sewer and water is in place and does not need to be extended to accommodate residential use

4.3.1.2 Proximity of this land to town and shopping strongly reinforces walkable, bikeable community policies of the Comp Plan that are not as practical for development on the periphery of the city (e.g., Beaver Dam Road and Wise Road) [Land Use, Goal 2, Policy 5]

5 Future residential development opportunities in the city

5.1 There is not another appropriately zoned residential block of undeveloped land sitting on top of existing infrastructure anywhere else in the city – RARE!!!!

5.2 While our zoning map shows great areas of future residential development, those opportunities are limited by the amount of dry upland suitable for building and extensive infrastructure costs for road/water/sewer

5.2.1 Much of existing large block R-A and R-R districts that could be rezoned to smaller lots have extensive wetland coverage (i.e., not developable)

5.2.2 Large blocks of R-1, R-2 and R-3 in the city are either wetland or athletic fields for schools or the college

6 Connections to the Comprehensive Plan

6.1 Land Use

6.1.1 Goal 1, Policy 1, ii, iii, iv, vii, Policy 2

6.1.2 Goal 2, Policy 2, 5

6.1.3 Goal 3, Policy 3, 5

6.2 Community Character

6.3 Housing

6.3.1 Goal 1, Policy 1, 2, 5

6.3.2 Goal 2, Policy 5, 6

6.4 Mobility

6.5 Economic Development

6.5.1 Goal 1, Policy 1, 3, 4

6.5.2 Goal 2, Policy 3

6.5.3 Goal 3, Policy 2

6.6 Parks & Recreation

6.7 Facilities & Infrastructure

6.8 Public Safety

6.9 Natural Resources

6.9.1 Goal 1, Policy 4

7 Assist developer with ways to successfully improve property consistent with existing zoning use

7.1 Property is appropriately zoned

7.2 Help with funding or provide in-kind technical guidance

7.3 Connect developer to other resources and potential development partners

Comparative Tax Value of Selected Brainerd Properties

NOTE: Residential properties include a mix of Homestead and Non-Homestead

Zoning Class	Physical Address	Acres	2019 Tax		Notes
			Assessment	Value per Acre	
I-1	Industrial Park Rd	4.800	\$25,894	\$5,395	Self-storage units
I-1	Industrial Park Rd	2.800	\$14,288	\$5,103	Self-storage units
R-3	622 4th St NW	0.320	\$5,052	\$15,788	Multi-level apartments
R-3	510 4 th St NW	0.650	\$8,286	\$12,748	Multi-level efficiency apartments
R-3	601 4 th St NW	0.334	\$3,704	\$11,090	Multi-level apartments
R-3	605 4th St NW	0.161	\$4,802	\$29,826	Multi-level apartments
R-3	James St	0.480	\$3,242	\$6,754	Single-level efficiency apartments
R-1A	426 Tyrol Dr	0.184	\$1,726	\$9,380	Mid-century housing stock
R-1A	428 Tyrol Dr	0.184	\$1,832	\$9,957	Mid-century housing stock
R-1A	430 Tyrol Dr	0.209	\$1,806	\$8,641	Mid-century housing stock
R-1A	432 Tyrol Dr	0.417	\$1,536	\$3,683	Mid-century housing stock
R-1A	433 Tyrol Dr	0.219	\$1,904	\$8,694	Mid-century housing stock
R-1A	437 Tyrol Dr	0.228	\$1,640	\$7,193	Mid-century housing stock
R-1A	441 Tyrol Dr	0.211	\$1,574	\$7,460	Mid-century housing stock
R-1A	445 Tyrol Dr	0.203	\$2,626	\$12,936	Mid-century housing stock
R-1A	449 Tyrol Dr	0.176	\$2,152	\$12,227	Mid-century housing stock
R-1A	455 Tyrol Dr	0.226	\$1,900	\$8,407	Mid-century housing stock
R-1A	458 Tyrol Dr	0.337	\$1,746	\$5,181	Mid-century housing stock
R-1A	460 Tyrol Dr	0.667	\$2,018	\$3,025	Mid-century housing stock
R-1A	461 Tyrol Dr	0.152	\$1,830	\$12,039	Mid-century housing stock
R-1A	462 Tyrol Dr	0.452	\$2,158	\$4,774	Mid-century housing stock
R-1A	465 Tyrol Dr	0.163	\$1,838	\$11,276	Mid-century housing stock
R-1A	466 Tyrol Dr	0.239	\$1,698	\$7,105	Mid-century housing stock
R-1A	468 Tyrol Dr	0.245	\$2,068	\$8,441	Mid-century housing stock
R-1A	469 Tyrol Dr	0.209	\$2,054	\$9,828	Mid-century housing stock
R-1A	470 Tyrol Dr	0.228	\$1,672	\$7,333	Mid-century housing stock
R-1A	471 Tyrol Dr	0.203	\$1,798	\$8,857	Mid-century housing stock
R-1	1504 Oak St	0.161	\$718	\$4,460	Early-century housing stock; busy thoroughfare
R-1	1508 Oak St	0.161	\$1,100	\$6,832	Early-century housing stock; busy thoroughfare
R-1	1516 Oak St	0.241	\$2,120	\$8,797	Early-century housing stock; busy thoroughfare
R-1	1518 Oak St	0.201	\$1,692	\$8,418	Early-century housing stock; busy thoroughfare
R-1	602 16 th St	0.201	\$2,250	\$11,194	Early-century housing stock; busy thoroughfare
R-1	1503 Pine St	0.161	\$962	\$5,975	Early-century housing stock; side street
R-1	1505 Pine St	0.161	\$1,096	\$6,807	Early-century housing stock; side street
R-1	1507 Pine St	0.161	\$862	\$5,354	Early-century housing stock; side street
R-1	1509 Pine St	0.161	\$1,100	\$6,832	Early-century housing stock; side street
R-1	1519 Pine St	0.161	\$984	\$6,112	Early-century housing stock; side street
R-1	1521 Pine St	0.161	\$1,972	\$12,248	Early-century housing stock; side street

Analysis of lost tax revenue under various build-out scenarios

Type of Use	Mean Per Acre Tax Value	Average Tax Value (Build Out)			Annual Lost Revenue			Lost Revenue Over 10 Years		
		East Block (4.19 Acres)	West Block (2.70 Acres)	Combined (6.89 Acres)	East Block (4.19 Acres)	West Block (2.70 Acres)	Combined (6.89 Acres)	East Block (4.19 Acres)	West Block (2.70 Acres)	Combined (6.89 Acres)
Self-storage units	\$5,249	\$21,992	\$14,172	\$36,164	\$0	\$0	\$0	\$0	\$0	\$0
Single-level efficiency apartments	\$6,754	\$28,300	\$18,236	\$46,536	-\$6,308	-\$4,065	-\$10,373	-\$63,078	-\$40,647	-\$103,725
Early-century housing stock; side street	\$7,222	\$30,258	\$19,498	\$49,756	-\$8,266	-\$5,327	-\$13,593	-\$82,661	-\$53,266	-\$135,927
Early-century housing stock; busy thoroughfare	\$7,940	\$33,269	\$21,438	\$54,707	-\$11,277	-\$7,267	-\$18,544	-\$112,769	-\$72,668	-\$185,437
Mid-century housing stock	\$8,322	\$34,869	\$22,469	\$57,338	-\$12,877	-\$8,298	-\$21,174	-\$128,768	-\$82,977	-\$211,744
Multi-level efficiency apartments	\$12,748	\$53,413	\$34,419	\$87,832	-\$31,421	-\$20,247	-\$51,668	-\$314,207	-\$202,472	-\$516,679
Multi-level apartments	\$18,901	\$79,196	\$51,033	\$130,229	-\$57,204	-\$36,862	-\$94,065	-\$572,036	-\$368,615	-\$940,651

Across the country, there is much talk about housing

HERE ARE SOME OF THE LATEST QUOTES ON THE STATE OF THE INDUSTRY

THE HOUSING BEAT

We cannot repeal the laws of supply and demand in housing. But we can help repeal the regulations behind America's high housing costs. These onerous land-use restrictions are **key to fighting segregation** in today's cities."

MICHAEL HENDRIX
MANHATTAN INSTITUTE

Driving **skyrocketing costs** are burdensome local zoning and land-use restrictions, environmental regulations, and permitting requirements. Our affordability problem will not be solved until local governments **lower barriers** that make it more expensive to build new affordable housing."

MARK CALABRIA
FEDERAL HOUSING FINANCE AGENCY

What local governments need to learn is to do when population and prices rise is to do the opposite of their instinct and **lower barriers** to the market."

ROGER VALDEZ
FORBES CONTRIBUTOR

A severe and enduring shortage of inventory, **particularly at entry-level price points**, does continue to impede many would-be buyers' aspirations and is somewhat worrisome."

MATTHEW SPEAKMAN
ZILLOW

In the long run, the key to making housing more affordable is to **build more homes**."

WASHINGTON POST EDITORIAL BOARD

The developer is the only person who is advocating on behalf of future residents, as the process is designed for them to be voiceless. If we desire solutions to climate change, housing affordability, multi-modal connectivity, good schools, and vibrant retail ... it is **imperative** that we keep this view in mind: that the needs of future residents are equal to the current ones."

DANIEL HERRIGES
THORNCROFT

First of all, government needs to decide **at all levels**, is an adequate housing supply and a free-flowing supply of new housing a net benefit to society or not?"

PETER GILGAN
MATTHEW HOMES

City of Brainerd
Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: January 31, 2020

RE: Workshop Discussion Item: Comprehensive Plan Implementation

The purpose of this discussion is for the Planning Commission to work through their goals and objectives for implementing the Comprehensive Plan. Ashley Kaisershot will be present to help the Planning Commission work through developing goals and benchmarks.

INFORMATION MEMO

Land Use Variances

Learn about variances as a way cities may allow an exception to part of their zoning ordinance. Review who may grant a variance and how to follow and document the required legal standard of “practical difficulties” (before 2011 called “undue hardship”). Links to a model ordinance and forms for use with this law.

RELEVANT LINKS:

Minn. Stat. § 462.357, subd. 6.

Minn. Stat. § 462.357, subd. 6.

Minn. Stat. § 462.357, subd. 6.

I. What is a variance

A variance is a way that a city may allow an exception to part of a zoning ordinance. It is a permitted departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits). A variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

Sometimes a landowner will seek a variance to allow a particular use of their property that would otherwise not be permissible under the zoning ordinance. Such variances are often termed “use variances” as opposed to “area variances” from dimensional standards. Use variances are not generally allowed in Minnesota—state law prohibits a city from permitting by variance any use that is not permitted under the ordinance for the zoning district where the property is located.

II. Granting a variance

Minnesota law provides that requests for variances are heard by a body called the board of adjustment and appeals; in many smaller communities, the planning commission or even the city council may serve that function. A variance decision is generally appealable to the city council.

A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner “practical difficulties.” For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted. Also, variances are only permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

III. Legal standards

When considering a variance application, a city exercises so-called “quasi-judicial” authority. This means that the city’s role is limited to applying the legal standard of practical difficulties to the facts presented by the application. The city acts like a judge in evaluating the facts against the legal standard. If the applicant meets the standard, then the variance may be granted. In contrast, when the city writes the rules in zoning ordinance, the city is exercising “legislative” authority and has much broader discretion.

A. Practical difficulties

“Practical difficulties” is a legal standard set forth in law that cities must apply when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied.

1. Reasonableness

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

2. Uniqueness

The second factor is that the landowner’s problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

RELEVANT LINKS:

2011 Minn. Laws, ch. 19,
amending Minn. Stat. §
462.357, subd. 6.

*Krummenacher v. City of
Minnetonka*, 783 N.W.2d 721
(Minn. June 24, 2010).

Minn. Stat. § 462.357, subd.
6.
Minn. Stat. § 394.27, subd. 7.

See Section I, *What is a
variance*.

See Section IV-A, *Harmony
with other land use controls*.

3. Essential character

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor, consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

B. Undue hardship

“Undue hardship” was the name of the three-factor test prior to a May 2011 change of law. After a long and contentious session working to restore city variance authority, the final version of HF 52 supported by the League and allies was passed unanimously by the Legislature. On May 5, Gov. Dayton signed the new law. It was effective on May 6, the day following the governor’s approval. Presumably it applies to pending applications, as the general rule is that cities are to apply the law at the time of the decision, rather than at the time of application.

The 2011 law restores municipal variance authority in response to a Minnesota Supreme Court case, *Krummenacher v. City of Minnetonka*. It also provides consistent statutory language between city land use planning statutes and county variance authority, and clarifies that conditions may be imposed on granting of variances if those conditions are directly related to, and bear a rough proportionality to, the impact created by the variance.

In *Krummenacher*, the Minnesota Supreme Court narrowly interpreted the statutory definition of “undue hardship” and held that the “reasonable use” prong of the “undue hardship” test is not whether the proposed use is reasonable, but rather whether there is a reasonable use in the absence of the variance. The new law changes that factor back to the “reasonable manner” understanding that had been used by some lower courts prior to the *Krummenacher* ruling.

The 2011 law renamed the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retained the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. Also included is a sentence new to city variance authority that was already in the county statutes.

RELEVANT LINKS:

Issuance of Variances, LMC Model Ordinance.

Variance Application, LMC Model Form.
Adopting Findings of Fact, LMC Model Resolution.

Minn. Stat. § 462.357, subd. 6.

See LMC information memo, *Taking the Mystery out of Findings of Fact*.

Minn. Stat. § 462.357, subd. 6.

C. City ordinances

Some cities may have ordinance provisions that codified the old statutory language, or that have their own set of standards. For those cities, the question may be whether you have to first amend your zoning code before processing variances under the new standard. A credible argument can be made that the statutory language pre-empts inconsistent local ordinance provisions. Under a pre-emption theory, cities could apply the new law immediately without necessarily amending their ordinance first. In any regard, it would be best practice for cities to revisit their ordinance provisions and consider adopting language that mirrors the new statute.

The models linked at the left reflect the 2011 variance legislation. While they may contain provisions that could serve as models in drafting your own documents, your city attorney would need to review prior to council action to tailor to your city's needs. Your city may have different ordinance requirements that need to be accommodated.

IV. Other considerations

A. Harmony with other land use controls

The 2011 law also provides that: "Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan." This is in addition to the three-factor practical difficulties test. So a city evaluating a variance application should make findings as to:

- Is the variance in *harmony with* the purposes and intent of the ordinance?
- Is the variance *consistent with the comprehensive plan*?
- Does the proposal put property to use in a *reasonable manner*?
- Are there *unique circumstances* to the property not created by the landowner?
- Will the variance, if granted, alter the *essential character* of the locality?

B. Economic factors

Sometimes landowners insist that they deserve a variance because they have already incurred substantial costs or argue they will not receive expected revenue without the variance. State statute specifically notes that economic considerations alone cannot create practical difficulties. Rather, practical difficulties exist only when the three statutory factors are met.

C. Neighborhood opinion

Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While city officials may feel their decision should reflect the overall will of the residents, the task in considering a variance request is limited to evaluating how the variance application meets the statutory practical difficulties factors. Residents can often provide important facts that may help the city in addressing these factors, but unsubstantiated opinions and reactions to a request do not form a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, the decision could be overturned by a court.

D. Conditions

A city may impose a condition when it grants a variance so long as the condition is directly related and bears a rough proportionality to the impact created by the variance. For instance, if a variance is granted to exceed an otherwise applicable height limit, any conditions attached should presumably relate to mitigating the effect of excess height.

V. Variance procedural issues

A. Public hearings

Minnesota statute does not clearly require a public hearing before a variance is granted or denied, but many practitioners and attorneys agree that the best practice is to hold public hearings on all variance requests. A public hearing allows the city to establish a record and elicit facts to help determine if the application meets the practical difficulties factors.

B. Past practices

While past practice may be instructive, it cannot replace the need for analysis of all three of the practical difficulties factors for each and every variance request. In evaluating a variance request, cities are not generally bound by decisions made for prior variance requests. If a city finds that it is issuing many variances to a particular zoning standard, the city should consider the possibility of amending the ordinance to change the standard.

RELEVANT LINKS:

Minn. Stat. § 15.99.

Minn. Stat. § 15.99, subd. 2.

See LMC information memo,
*Taking the Mystery out of
Findings of Fact.*

Minn. Stat. § 15.99, subd. 2.

Jed Burkett
LMCIT Land Use Attorney
jburkett@lmc.org
651.281.1247

C. Time limit

A written request for a variance is subject to Minnesota's 60-day rule and must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is deemed an approval.

D. Documentation

Whatever the decision, a city should create a record that will support it. In the case of a variance denial, the 60-day rule requires that the reasons for the denial be put in writing. Even when the variance is approved, the city should consider a written statement explaining the decision. The written statement should explain the variance decision, address each of the three practical difficulties factors and list the relevant facts and conclusions as to each factor.

If a variance is denied, the 60-day rule requires a written statement of the reasons for denial be provided to the applicant within the statutory time period. While meeting minutes may document the reasons for denial, usually a separate written statement will need to be provided to the applicant in order to meet the statutory deadline. A separate written statement is advisable even for a variance approval, although meeting minutes could serve as adequate documentation, provided they include detail about the decision factors and not just a record indicating an approval motion passed.

VI. Variances once granted

A variance once issued is a property right that "runs with the land" so it attaches to and benefits the land and is not limited to a particular landowner. A variance is typically filed with the county recorder. Even if the property is sold to another person, the variance applies.

VII. Further assistance

If you have questions about how your city should approach variances under this statute, you should discuss it with your city attorney. You may also contact League staff.

City of Brainerd
Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: January 31, 2020

RE: Workshop Discussion Item: Zoning Code Update

This is an open discussion opportunity for the Planning Commission to discuss each member's goals for an update of the Zoning Code including areas of most importance, how they would like to see the update process progress, what educational opportunities they would like to include in the process, etc.

Per request of the Planning Commission, attached are the Zoning Matrix and Zoning Matrix Use Categories that were worked through by the Planning Commission subcommittee in 2019.

B - Zoning Ordinance Use Matrix

A “C” appearing in the table for any use means that the use will be permitted in the zoning district by a “Conditional Use Permit”. By “I” appearing in the table for any use means that the use will be permitted an “Interim Use Permit”. A “P” means that the use is permitted in the zoning district subject to the general provisions of the Zoning Ordinance, and “NP” means the use is not permitted in the zoning district. For uses not included on this list, application shall be made to the Board of Adjustment for interpretation.

B-1: Residential-Office District

B-2: Neighborhood Business District

B-3: Central Business District

B-4: General Business District

B-5: Commercial Amusement District

B-6: Washington Street Commercial District

USE	B-1	B-2	B-3	B-4	B-5	B-6
Accessory Building	P ¹	NP	NP	NP	NP	NP
Adult Uses	NP	NP	NP	P	NP	P
Agricultural Building	NP	NP	NP	NP	NP	NP
Agricultural Sales	NP	NP	NP	NP	NP	NP
Agricultural Uses	NP	NP	NP	NP	NP	NP
Amusement Park	NP	NP	NP	NP	C	NP
Animal Hospital or clinic and kennels	NP	NP	NP	C	NP	C
Antenna ²	P	P	P	P	NP	P
Armories	NP	NP	NP	C	NP	NP
Art Centers, museums	NP	NP	P	P	NP	NP
Automobile Dealership	NP	NP	NP	C	NP	C
Automobile & Truck Repair-including auto body shops	NP	NP	NP	C	NP	NP
Auto Racing Tracks	NP	NP	NP	NP	C	NP
Bed & Breakfasts	C	NP	NP	NP	NP	NP
Boarding Schools	NP	NP	NP	C	NP	NP
Brew Pub, Off-Sale	NP	C	C	C	C	C
Brew Pub, On-Sale	NP	C	C	C	C	C
Brewery Taproom, Off-Sale	NP	C	C	C	C	C
Brewery Taproom, On-Sale	NP	C	C	C	C	C
Business Conducted entirely within a building	NP	NP	P	NP	NP	NP
Business, vocational, colleges and universities located above first floor	NP	NP	P	NP	NP	NP
Business or trade school entirely within a building	NP	NP	NP	P	NP	NP
Campground	NP	NP	NP	NP	C	NP

¹ These are garages, private garages and sheds

² All antennas are accessory uses and require a permit

B - Zoning Ordinance Use Matrix

USE	B-1	B-2	B-3	B-4	B-5	B-6
Car Wash	NP	NP	NP	NP	NP	C
Car Wash as Accessory Use to Motor Vehicle Sales	NP	NP	NP	NP	NP	P
Cemeteries	NP	NP	NP	NP	NP	NP
Colleges and universities	NP	NP	NP	C	NP	NP
Commercial animal kennels	NP	NP	NP	NP	NP	NP
Commercial Car Wash	NP	NP	NP	C	NP	NP
Commercial Accessory Buildings	NP	NP	NP	P ³	NP	NP
Commercial recreational businesses	NP	NP	NP	NP	C ⁴	NP
Commercial Day Care Facility	NP	C	C	C	NP	C
Crematoriums	NP	NP	NP	P	NP	P
DHS (Dept of Human Services) licensed Drug & Alcohol Treatment Facilities	NP	NP	NP	C	NP	NP
Drive In Movie Theater	NP	NP	NP	NP	C	NP
Drive Up Service Facilities	NP	NP	NP	P ³	P ³	P ³
Equipment rental - indoor	NP	NP	NP	P	NP	NP
Essential Services	P	P	P	P	P	P
Farms, farmsteads and farming	NP	NP	NP	NP	I	NP
Fences ³	P	P	P	P	P	P
Financial Institutions	NP	NP	P	P	NP	P
Funeral Homes, Mortuaries	C	C	NP	P	NP	P
Golf Courses	NP	NP	NP	NP	C	NP
Government and public buildings, utilities and/or structure	P	P	P	P	NP	NP
Health Clubs	NP	NP	P	NP	P	NP
Home Businesses	P ³	NP	NP	NP	NP	NP
Hospitality Business	NP	NP	P	P	P	NP
Hospitals	NP	NP	NP	C	NP	NP
In home day care ³	P	NP	NP	NP	NP	NP

³ Are accessory uses

⁴ Commercial riding stables, rodeo facilities, zoos and biological facilities

B - Zoning Ordinance Use Matrix

USE	B-1	B-2	B-3	B-4	B-5	B-6
Light Manufacturing	NP	NP	NP	C	NP	NP
Liquor Sales, Off-Sale	NP	NP	P	P	NP	P
Liquor Sales, On-Sale	NP	C	P	P	P	P
Loading and unloading areas ³	NP	NP	P	P	NP	P
Microdistilleries & Cocktail Rooms	NP	C	P	P	P	P
Mining & Extraction	NP	NP	NP	NP	I	NP
Motor Fuel Sales	NP	C	NP	C	NP	C
Multifamily Dwelling	NP	P	NP	NP	NP	NP
Noncommercial Greenhouses ³	P	P	NP	NP	NP	NP
Non-Enclosed Areas for dining and/or serving alcohol when accessory to a restaurant or bar	NP	C	C	C	C	C
Nursing Home	NP	NP	NP	NP	NP	NP
Office Business-Clinic & General	P	P	P	P	NP	NP
Offices	NP	NP	NP	NP	NP	P
Off-Street Parking ³	P	P	P	P	P	NP
Off-Street Loading ³	P	P	NP	NP	NP	NP
On-site service businesses ⁵	NP	P	P	P	NP	P
Outdoor dining	NP	C	C	C	C	C
Outdoor Entertainment Venues	NP	NP	NP	NP	C	NP
Outdoor Storage	NP	NP	NP	C ³	NP	NP
Outside Services, sales, and equipment rental ⁶	NP	NP	NP	P ³	NP	P ³
Parking Lots	C ⁷	NP	NP	NP	NP	NP
Parking Structures	NP	NP	C ⁸	NP	NP	NP
Pawn Shops	NP	NP	NP	P	NP	P

³ Are accessory uses

⁵ Limited to tailoring/alterations, dry cleaners, self-service laundry and copy centers

⁶ Is an accessory to the principal use and limited in up to 15ft of the gross floor area of the principal building or 15% of the tenant bay if it is a multiple tenant building. Must be located on private property and shall not intrude on the public sidewalk or boulevard.

⁷ The parking lot shall be adjacent to or across an alley from an allowed B-6 district use. Parking lot shall be no wider than the boundary line of the primary parcel on which the associated B-6 use is located. Overnight parking will be limited to vehicles owned and operated by the business associated with the B-6 site. Alley improvements desired by the adjacent property owner shall be approved by the City of Brainerd and improved at the requesting party's expense.

⁸ First Floor contains a Business Use

B - Zoning Ordinance Use Matrix

USE	B-1	B-2	B-3	B-4	B-5	B-6
Personal, professional and recreational vehicle repair-major	NP	NP	NP	NP	NP	C
Personal, professional and recreational vehicle repair - minor	NP	NP	NP	NP	NP	P
Personal Services ⁹	NP	P	P	P	NP	P
Personal Wireless Service Antennas ¹⁴	P	P	P	P	NP	P
Place of Worship	C	C	C	P	NP	NP
Planned Unit Development	C	C ¹⁰	C ¹²	C ¹⁰	NP	C ¹⁰
Private Clubs	NP	C	C	NP	NP	NP
Public buildings	NP	NP	NP	NP	NP	NP
Public Parks & Playgrounds	NP	NP	NP	NP	P	NP
Public & Private Schools	NP	NP	NP	NP	NP	NP
Radio and television studios	NP	NP	NP	C	NP	C
Recreational business-indoor	NP	NP	P	P	P	P
Rental Offices	NP	NP	NP	NP	NP	NP
Repair Services	NP	P	P	P	NP	P
Residential and non-residential uses	NP	NP	C	NP	NP	NP
Restaurants-sit down, take out or delivery	NP	NP	P	P	NP	P
Restaurants and on-sale liquor establishments	NP	NP	NP	NP	P	NP
Restaurants without drive up window	NP	C	NP	NP	NP	NP
Retail businesses ¹⁵	NP	NP	P	P	NP	P
Retail establishments ¹³	NP	P	NP	NP	NP	NP
Seasonal non-agricultural merchandise sales	NP	NP	NP	P ¹⁴	NP	NP

³ Are accessory uses

⁹ Such as barber shops, beauty salons, nail salons, tanning salons, therapeutic massage & tattooing

¹⁰ Includes shopping centers

¹² Without first floor residential

¹³ Such as groceries, hardware, pharmacy, clothing furniture, liquor stores (off-sale only) florists, books, cards and gifts.

¹⁴ Requires a permit

¹⁵ Contained in a principal building

B - Zoning Ordinance Use Matrix

USE	B-1	B-2	B-3	B-4	B-5	B-6
Self Service Laundromat with dry cleaning pick up & drop off service	NP	NP	P	NP	NP	NP
Service business off site	NP	NP	NP	NP	NP	NP
Signs	P ³	P ³	P ³	P ³	P ³	P ³
Single family dwelling	P	P	NP	NP	NP	NP
Small engine and boat repair	NP	NP	NP	C	NP	C
Specialty Food Shops	NP	C	NP	NP	NP	NP
Sports Stadium	NP	NP	NP	NP	C	NP
State Licensed Treatment Facility	NP	NP	NP	C	NP	NP
Studios ¹⁶	C	P	P	P	NP	P
Swimming Pool & water parks	NP	NP	NP	NP	P	NP
Taxi or bus dispatch sites	NP	NP	NP	P	NP	NP
Temporary/seasonal outdoor events and sales ¹⁴	NP	P	P	P	NP	P
Testing labs for water and soil, rocks/minerals and air quality	NP	NP	NP	P	NP	NP
Theaters	NP	NP	NP	NP	P	NP
Theaters - except drive ins	NP	NP	P	P	NP	NP
Two family dwellings	NP	P	NP	NP	NP	NP
Wind Energy Conversion Systems ¹¹	C	C	C	C	C	NP

³ Are accessory uses

¹¹ Wind Energy Conversion Systems may be allowed as an accessory, conditional use, provided the property upon which the system is to be located is zoned R-A, B-1, B-2, B-3, B-4, B-5, I-1 or I-2 (Section 34 of the Zoning Ordinance)

¹⁴ Requires a permit

¹⁶ These are art, decorating, dance, music and photography studios

R - Zoning Ordinance Use Matrix

A “C” appearing in the table for any use means that the use will be permitted in the zoning district by a “Conditional Use Permit”. By “I” appearing in the table for any use means that the use will be permitted an “Interim Use Permit”. A “P” means that the use is permitted in the zoning district subject to the general provisions of the Zoning Ordinance, and “NP” means the use is not permitted in the zoning district. For uses not included on this list, application shall be made to the Board of Adjustment for interpretation.

R-A: Rural Agricultural District

R-E: Single Family Estate Residential District

R-1: Single Family Residential

R-3: High Density Residential

R-R: Rural Residential District

R-1A: Single Family Residential

R-2: Medium Density Residential

R-MH: Manufactured Housing District

USE	R-A	R-R	R-E	R-1	R-1A	R-2	R-3	R-MH
Accessory Building ^{1&3}	P	P	P	P	P	P	P	P
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP
Agricultural Building	P	P	NP	NP	NP	NP	NP	NP
Agricultural Uses	P	P	NP	NP	NP	NP	NP	NP
Antenna ²	P	P	P	P	P	P	P	NP
Auto Repair	NP	NP	NP	NP	NP	NP	NP	NP
Auto Sales	NP	NP	NP	NP	NP	NP	NP	NP
Bed & Breakfasts	NP	C	C	C	C	C	C	NP
Boarding or renting of rooms to not more than two individuals per dwelling	P ³	P ³	P ³	NP	NP	NP	NP	NP
Boarding Houses	NP	NP	NP	NP	NP	C	C	NP
Cemeteries	C	C	C	NP	C	NP	NP	NP
Commercial animal kennels	I	NP	NP	NP	NP	NP	NP	NP
Commercial riding stables	C	NP	NP	NP	NP	NP	NP	NP
Commercial Day Care Facility	NP	NP	NP	NP	NP	NP	P	NP

¹ These are garages, private garages and tool sheds

² All antennas are accessory uses and need a permit

³ Are accessory uses

R - Zoning Ordinance Use Matrix

USE	R-A	R-R	R-E	R-1	R-1A	R-2	R-3	R-MH
Community Laundry Facilities	NP	NP	NP	NP	NP	NP	NP	P ³
Essential Services	P	P	P	P	P	P	P	NP
Fences	P ³	P ³	P ³	P ³	P ³	P ³	P ³	NP
Forest and Game management areas	P	P	P	NP	NP	NP	NP	NP
Funeral Homes	NP	NP	NP	NP	NP	NP	NP	NP
Governmental and public regulated utility buildings	C	C	C	C	C	C	C	NP
Home Businesses ³	P	P	P	P	P	P	P	P
Home Extended Businesses	I	I	I	I	I	NP	I	NP
Hospitals	NP	NP	NP	C	C	C	NP	NP
In home day care serving 14 or fewer persons in a single family dwelling ³	P	P	P	P	P	P	P	NP
Mining & Extraction	I	NP	NP	NP	NP	NP	NP	NP
Multiple Family Dwellings	NP	NP	NP	NP	NP	P ⁴	P	NP
Nursing Home ⁵	NP	NP	NP	NP	NP	C	C	NP
Nurseries, greenhouses for growing only	P	NP	NP	NP	NP	NP	NP	NP
Noncommercial Greenhouses ³	NP	P	P	P	P	P	P	P
Non-profit and not-for profit offices in Brainerd Independent School District, not used for classroom education	NP	NP	NP	C	C	C	NP	NP
Open off-street parking space	NP	P ³	P ³	P ³	P ³	NP	NP	P ^{3&6}
Off-street parking for private residential use	NP	NP	NP	NP	NP	P	P ³	NP

³ Are accessory uses

⁴ One multiple family per building per lot or parcel containing 4 or less units

⁵ Includes nursing homes, senior homes and senior centers

R - Zoning Ordinance Use Matrix

USE	R-A	R-R	R-E	R-1	R-1A	R-2	R-3	R-MH
Off-premise surface parking lots and parking ramps	NP	NP	NP	C	NP	NP	NP	NP
Place of Worship	C	C	C	C	C	C	C	NP
Planned Unit Development	NP	C	C	C	C	C ⁷	C ⁷	NP
Private recreational facilities	P ³	P ³	P ³	P ³	P ³	P ³	P ³	NP
Public Buildings on Public Land	NP	NP	NP	NP	C	NP	NP	NP
Public & Private Schools	NP	C	C	C	C	C	C	NP
Public recreation areas and related accessory buildings and structures	P	P	P	P	P	P	P	P
Public or semi-public recreation buildings and neighborhood or community centers ⁸	NP	NP	NP	NP	NP	NP	C	NP
Regional pipelines power transmission lines and relay towers	NP	NP	C	NP	NP	NP	NP	NP
Rental Offices	NP	NP	NP	NP	NP	P ³	P ³	NP
Residential care facilities serving 6 or fewer persons	P ³	P	P	P	P	P	P	NP
Short Term Rentals	NP	NP	NP	I	I	I	I	NP
Single family detached dwelling	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P	P ¹¹
Single family dwellings-(Greater than 500 sf. Less than 750 sf.)	NP	NP	NP	NP	NP	C	NP	NP
Solar ³	P	P	P	P	P	P	P	NP

³ Are accessory uses

⁶ R-MH regulates parking spaces and car ports

⁷ This includes Residential Townhome Planned Developments

⁸ This also includes public and private educational institutions limited to elementary, junior high and senior high school; religious institutions such as churches, chapels, temples and synagogues.

⁹ Residential facilities serving 6 or fewer persons in single family detached dwelling

¹¹ Only manufactured homes

R - Zoning Ordinance Use Matrix

USE	R-A	R-R	R-E	R-1	R-1A	R-2	R-3	R-MH
State Licensed residential serving 7 to 16 persons	NP	NP	NP	NP	NP	C	C	NP
Storage of recreational vehicles and equipment ³	P	P	P	P	P	P	P	P
Studios	NP	NP	NP	NP	NP	NP	NP	NP
Swimming Pool	NP	NP	NP	NP	NP	NP	NP	P ^{3&10}
Temporary buildings associated with a public or private principal school building and used for classrooms	NP	NP	NP	I	I	NP	I	NP
Temporary roadside sales of agricultural products produces on site ³	P	P	NP	NP	NP	NP	NP	NP
Two-family attached dwellings	NP	NP	NP	NP	NP	NP	P	NP
Two-family dwellings - Greater than 500 sf. and less than 750 s.f.	NP	NP	NP	NP	NP	C	NP	NP
Wind Energy Conversion Systems ¹²	C	C	C	C	C	C	C	NP

³ Are accessory uses

¹⁰ Common swimming pool, sport courts and similar recreational facilities for the use of residents of the park and their occasional guests

¹² Wind Energy Conversion Systems may be allowed as an accessory, conditional use, provided the property upon which the system is to be located is zoned R-A, B-1, B-2, B-3, B-4, B-5, I-1 or I-2 (Section 34 of the Zoning Ordinance)

Other (zones) Zoning Ordinance Use Matrix

A “C” appearing in the table for any use means that the use will be permitted in the zoning district by a “Conditional Use Permit”. By “I” appearing in the table for any use means that the use will be permitted an “Interim Use Permit”. A “P” means that the use is permitted in the zoning district subject to the general provisions of the Zoning Ordinance, and “NP” means the use is not permitted in the zoning district. For uses not included on this list, application shall be made to the Board of Adjustment for interpretation.

I-1: Light Industry District

I-2: General Industry District

MU: Mixed Use District

FW: Floodway District

FF: Flood Fringe District

USE	I-1	I-2	MU	FW	FF
Accessory Buildings and structures	NP	P ³	NP	NP	NP
Adult Uses	NP	P	NP	NP	NP
Agricultural Building	NP	NP	NP	NP	NP
Agricultural Uses	NP	NP	NP	P	P
Animal Hospital or clinic and kennels or shelters	C	NP	C	NP	NP
All accessory uses allowed in B-4, B-5 and I-1	NP	NP	P	NP	NP
All commercial uses permitted in B-1, B-2, B-3, B-4 and B-6	P	P	P	NP	NP
All uses allowed permitted uses and conditional uses in B-4, B-5, and I-1	NP	NP	P	NP	NP
Antenna ²	P	P	P	NP	NP
Automobile body shop	P	P	P	NP	NP
Auto wrecking or salvage yard, junk yard, used auto parts and similar uses	NP	C	NP	NP	NP
Beverage Bottling	P	P	P	NP	NP
Billboard signs	I	NP	NP	NP	NP
Brew Pub, Off-Sale	P	NP	NP	NP	NP
Brew Pub, On-Sale	P	NP	NP	NP	NP
Brewery Taproom, Off-Sale	P	NP	NP	NP	NP
Brewery Taproom, On-Sale	P	NP	NP	NP	NP
Brewery tasting rooms and product sales provided these do not occupy more than 10% of the site	NP	P ³	NP	NP	NP

² Are accessory uses and require a permit

³ Are accessory uses

Other (zones) Zoning Ordinance Use Matrix

USE	I-1	I-2	MU	FW	FF
Bulk Liquid Storage	C	NP	NP	NP	NP
Coal, tar, concrete or asphalt processing or distillation and acid manufacturing	NP	C	NP	NP	NP
Commercial printing and publishing establishments	P	P	P	NP	NP
Commercial sales incidental to the manufacture, processing or wholesaling of products manufactured on, processed on or wholesaled from the premises	P	P	P	NP	NP
Commercial stockyards and slaughtering of animals	NP	C	NP	NP	NP
Construction equipment sales and repair	P	P	P	NP	NP
Contractor Offices	P	P	P	NP	NP
Cosmetics/toiletries	P	P	P	NP	NP
Crude Oil, gasoline, liquid fertilizer or other liquid storage	NP	C	NP	NP	NP
Decommissioning the significant removal of machinery	I	I	I	NP	NP
Drugs and pharmaceuticals	P	P	P	NP	NP
Electronics assembly and testing	P	P	P	NP	NP
Electronics/Plumbing/Heating/Air Conditioning products and parts	P	P	P	NP	NP
Essential Services	P	P	P	NP	NP
Extraction of sand, gravel, and other materials	NP	NP	NP	C	C
Fences	P ³	P ³	P ³	P ³	P ³
Fitness and recreation centers	P	P	P	NP	NP
Food/beverage processing	P	P	P	NP	NP

³ Are accessory uses

Other (zones) Zoning Ordinance Use Matrix

USE	I-1	I-2	MU	FW	FF
Government and public utility buildings and structures	P	P	P	NP	NP
Guard/Reserve facilities	P	P	P	NP	NP
Industrial and commercial uses such as parking areas, loading areas and airport landing strips	NP	NP	NP	P	P
Kilns, forges or other heat processes fired by means other than electricity	NP	C	C	NP	NP
Laundry, dry cleaning or dyeing plants	P	P	P	NP	NP
Machine Shops	P	P	P	NP	NP
Major auto and truck repair	NP	P	C	NP	NP
Manufacturing compounding assembly, packaging and treatment or storage ¹⁶	NP	P	C	NP	NP
Marinas, boat rentals, docks, piers, wharves, and water control structures	NP	NP	NP	C	C
Metal Sales	P	P	P	NP	NP
Microdistilleries & Cocktail Rooms	P	P	P	NP	NP
Mini self storage facilities	C	NP	NP	NP	NP
Non-Enclosed Areas for dining and/or serving alcohol when accessory to a restaurant or bar	C	NP	NP	NP	NP
Nonresidential structures; Commercial; manufacturing and industrial structures	NP	NP	NP	NP	C
Office Business-Clinic & General	P	P	P	NP	NP
Off-Street Loading ³	P	P	P	NP	NP
Off-Street Parking ³	P	P	P	NP	NP

³ Are accessory uses

¹⁶ Of brewing; cement; stone cutting; glass wet or dry mill working; metal polishing and plating; vinegar works; rubber products; plastics; meat packing; flour; feed and grain milling; vegetable canning and processing; lime; gypsum and plaster of paris and similar uses

Other (zones) Zoning Ordinance Use Matrix

USE	I-1	I-2	MU	FW	FF
Other uses similar in nature	NP	NP	NP	C	C
Outdoor dining accessory to restaurant	C	NP	NP	NP	NP
Outdoor Sales Lot	C	NP	C	NP	NP
Outside Services, sales, and rental	NP	C	C	NP	NP
Outdoor Storage	I & P ³	NP	C	NP	NP
Paper products	P	P	P	NP	NP
Personal Wireless Service Antennas ²	P	P	P	NP	NP
Placement and operation of outdoor wood burning furnaces	C	C	C	NP	NP
Placement of fill	NP	NP	NP	C	C
Planned Unit Development	C	NP	NP	NP	NP
Private and public recreational uses	NP	NP	NP	P	P
Radio and television studios	P	P	P	NP	NP
Railroads, streets, bridges, utility transmissions line and pipelines	NP	NP	NP	C	C
Recycling Center	P	C	C	NP	NP
Refuse/garbage collection, recycling and incineration or reduction of waste materials	NP	C	NP	C	C
Research Laboratories	P	P	P	NP	NP
Residences for Security Personnel	P ³	NP	NP	NP	NP
Residential uses such as lawns, gardens, parking areas and play areas	NP	NP	NP	P	P
Retail sales operated by non-profit organizations	P	P	P	NP	NP
Sales and distribution of propane	P	P	P	NP	NP
Sale of parts and sale and repair of tires	P	P	P	NP	NP

² Are accessory uses and require a permit

³ Are accessory uses

Other (zones) Zoning Ordinance Use Matrix

USE	I-1	I-2	MU	FW	FF
Service facilities such as electrical and heating equipment shall be installed at or above the regulatory flood protection elevation ³	NP	NP	NP	NP	P ³
Signs	P ³	P ³	P ³	P ³	P ³
Storage, utilization or manufacture of materials which could decompose by detonation	NP	C	NP	NP	NP
Storage Yards for equipment, machinery or materials	NP	NP	NP	C	C
Structures accessory to park and recreational uses	NP	NP	NP	C	C
Structures shall be firmly anchored to prevent floatation ³	NP	NP	NP	NP	P
Structures shall have low flood damage potential ³	NP	NP	NP	NP	P
Structures shall not be designated for human habitation ³	NP	NP	NP	NP	P
Structural works for flood control such as levees, dikes and flood walls	NP	NP	NP	C	C
Telecommunications towers ¹⁴	P	P	P	NP	NP
Temporary mobile towers ¹⁴	P	P	P	NP	NP
Tire Vulcanizing	NP	P	C	NP	NP
Trade/Specialty Schools	C	NP	NP	NP	NP
Truck and semi tractor/trailer sales and repair	P	P	P	NP	NP
Trucking Terminals	NP	C	NP	NP	NP
Warehousing and distribution facilities	NP	P	NP	NP	NP

³ Are accessory uses

¹⁴ Requires a permit

Other (zones) Zoning Ordinance Use Matrix

USE	I-1	I-2	MU	FW	FF
Warehousing and wholesaling	P	P	P	NP	NP
Wholesale businesses	NP	P	NP	NP	NP
Wind Energy Conversion Systems ¹¹	C	C	C	NP	NP
Woodworking	P	P	P	NP	NP

¹¹ Wind Energy Conservation Systems may be allowed as an accessory, conditional use provided the property upon which the system is to be located is zoned R-A, B-1, B-2, B-3, B-4, B-5, I-1 or I-2 (Section 34 of the Zoning Ordinance)

Zoning Use Matrix: Use Categories

Accessory Use

- Examples
 - Garages
 - Storage Sheds

Walls, Fences, Barriers

- To Be Discussed

Agriculture

- Examples:
 - Farms
 - Farm Equipment Sales
 - Farm Feed Sales

Adult Uses

- Examples:
 - Adult Specialty Shops
 - Strip Clubs
 - Night Clubs

Public & Civic Use

- Examples:
 - Armory
 - Schools
 - Art Centers
 - Municipal Buildings

Parks, Recreation, and Open Space

- Examples;
 - Public Parks
 - Cemeteries
 - Monuments

Residential Uses

- To Be Discussed

Essential Services

- Examples:
 - Lift Stations
 - Power Boxes

Commercial Use (small)

- Examples:
 - Barber Shop
 - Insurance Office

Commercial Use (medium)

- Examples:
 - Coffee Shop
 - Sub Shop
 - Specialty Boutique

Commercial Use (large)

- Examples:
 - Movie Theatre
 - Box Stores

*Criteria to determine commercial use category

- Lot Size
- Building Size
- Parking Needs
- Signage Needs
- Hours of Operation
- Number of Employees at peak shift
- Outdoor Storage
- Loading/Unloading

Commercial Recreation

- Examples:
 - YMCA
 - Planet Fitness
 - Bounce House
 - Go Cart
 - Mini Golf

Transitional Use

- Examples:
 - Rumbly Hall to Knotty Pine Bakery

Residential Categories

Neighborhood Residential

Suburban Residential

Rural Residential



BRAINERD LAKES

Chamber of Commerce

EXPLOREBRAINERDLAKES.COM

January 31, 2020

Dear Members of the Brainerd City Council,

On behalf of our business members in Brainerd, we would like to submit our written comments on the latest version of the outdoor lighting ordinance that will be considered at your February 3rd meeting. First of all, thank you for taking no action on the original proposal to revise the ordinance in September 2019. If passed, we believe the arbitrary 13-foot height limitation coupled with a conditional use permit process would have proved costly to businesses and obstructive to economic development.

In addition, we sincerely thank the Planning Commission for making significant improvements to the current ordinance language that is before you. We appreciate their willingness to propose different standards by commercial zone as well as implement a streamlined permitting process.

As we understand it, the goal of the ordinance is to reduce light pollution, especially in residential neighborhoods. This goal would be primarily accomplished by the proposed requirement of a fully shielded light fixture, which focuses light downward. Our businesses are not opposed to this.

However, they do remain concerned about the proposed pole heights, which remain arbitrarily short. We have questioned these heights on several occasions—most notably the insistence on 13 feet—and have not received an explanation as to their origin. As you recall, semi-truck trailers are 13.5 feet tall.

If the Council believes that height limits are necessary, we would propose a modest relaxation of standards for the first two categories referenced in the ordinance, specifically:

- **In B1 and B2 zones, adopt a 15-foot maximum height standard instead of 13 feet** while retaining the proposed flexibility up to 20 feet.
- **In B3, B4, B5 and B6 districts, adopt a 20-foot maximum height standard instead of 15 feet** while retaining the proposed flexibility up to 25 feet.

While the Brainerd Lakes Chamber, Brainerd Public Utilities, the Brainerd School District and other businesses have attended several meetings and shared valid concerns about the ordinance, to our knowledge there have been no other organizations or citizens who have spoken in favor of it. With that in mind and in the spirit of partnership, we respectfully urge you to consider these recommendations.

Sincerely,

Matt Kilian, President
Brainerd Lakes Chamber of Commerce



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