

BRAINERD PLANNING COMMISSION
Workshop

Wednesday, June 23, 2021
6:30 p.m.
Fire Department Training Room
23 Laurel St.

1. Call To Order
2. Roll Call
3. Approval/Amendment Of Agenda
4. Annotated Outline Draft

Documents:

[ANNOTATED OUTLINE DRAFT - JUNE 23, 2021.PDF](#)

5. Adjourn



City of Brainerd
DRAFT Annotated Outline
Zoning Code
June 23, 2021



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Part 1: PURPOSE OF ANNOTATED OUTLINE

The purpose of this annotated outline is to propose a revised format and organization to the City of Brainerd's Zoning Code. As presented, the proposed format will transition the City's current, traditional Zoning Code to a character-based organization of the zoning districts, focusing on creating a simplified and synthesized format that is user-friendly.

The updated Zoning Code will:

- Consolidate and synthesize the City's existing Zoning Districts into new character-based Zoning Districts.
- Reduce repetition and redundancy by incorporating physical and site standards into the revised zoning districts.
- Update and revise zoning districts to support and be consistent with the City's Future Land Use Plan.
- Reorganize the code structure so that administrative sections, including master glossary, are placed after zoning and development standards are established.

Portions of the following chapters, specifically those standards related to dimensional standards, that address the City's Overlay Districts will be incorporated into the updated Zoning Code. The following ordinances/code sections include:

- Section 500 – Subdivision Ordinance
- Section 530 - Shoreland Ordinance

References

This Zoning Ordinance update process has included surveys, workshops and meetings. The materials, outcomes and recommendations for these activities serves as the basis for this annotated outline. An inventory of memos and/or activities to do is provided:

Memos and Documents

- October 22, 2020 - Issue Identification Questionnaire – City Staff and Planning Commission
- December 9, 2020 – Draft Visioning Memo “High Risers”
- April 16, 2021 – Recommendations to incorporate in the Annotated Outline

Meetings and Workshops

- October 21, 2020 – Planning Commission
- December 16, 2020 – Planning Commission
- February 3, 2021 – Work Session
- April 28, 2021 – Work Session
- March – April, 2021 – Technical Advisory Group
- May 19, 2021 – Planning Commission



Part 2 - ORGANIZATION

The updated Zoning Coode will be organized to 1) better align the intent and purpose of the individual zoning districts and related development standards; 2) to improve readability and useability; and 3) will move general administrative sections, rules and definitions further back in the code document format.

The proposed code is based on the characteristics of existing development patterns that are consistent with the City's vision for the future. The areas in the city's commercial areas and neighborhoods that represent the desired development pattern will provide the foundation to the updated zoning districts. The identified characteristics are the fundamental elements that determine how the code will be written and how development standards will be defined for each new district. In that sense, the code parameters and regulations are not new but rather extracted from the local conditions of traditional and contemporary neighborhoods, sub-areas, commercial corridors and downtown blocks. What's new is old.

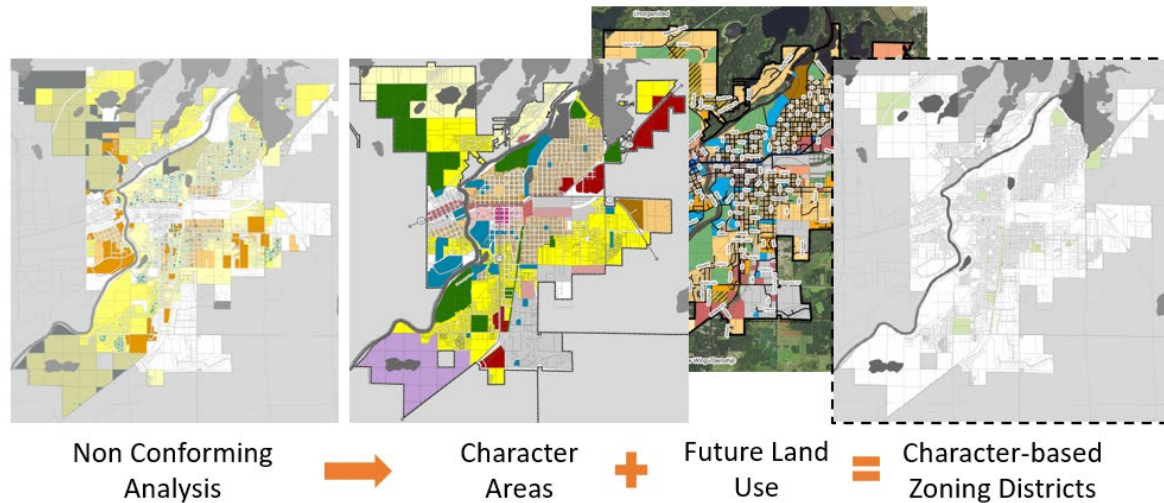
This approach values the established character of neighborhoods such as North Brainerd, Northeast Brainerd and the Oak Street area as well as the urban formed, walkable streets and blocks of downtown. Likewise commercial corridors and contemporary neighborhoods have unique conditions of site and building arrangement that will be used as a foundation from which the revised district standards are prepared. The objective of the revised code is to ensure new development or redevelopment is consistent with the City's goals and aspirations while balancing the standards with the market's expectations.

Specifically, the revised zoning code will be reorganized to:

- Clarify the rules and regulations of the current code. The current code is vague in certain sections (e.g. Section 17 – General Building, Use, and Design Provisions) and then overly specific in others, creating conflict. The revised code will correct these inconsistencies and will make it easier to follow by introducing clear standards.
- Synthesize the administration, process and procedures sections to make navigation of the process easier to follow and understand from the perspective of the applicant and/or developer.
- Reduce and/or remove the legalese to help create a more usable code.
- Present standards using tabular, graphic or diagrammatic forms to eliminate and reduce confusion regarding definitions and standards.
- Clearly define conditional, permitted and unpermitted uses for each district and the uses will be updated to align with the intent and purpose of each district.

Further, the revised Zoning Code will be consistent with the adopted 2035 Comprehensive Plan and Future Land Use Plan. The updated zoning code will be organized using character-based zoning districts that are informed by the Comprehensive Plan and Future Land Use Plan. The process to derive the revised zoning districts is demonstrated below.

Figure X. Character-Based Zoning District Process





Part 3 – CHARACTER AREAS

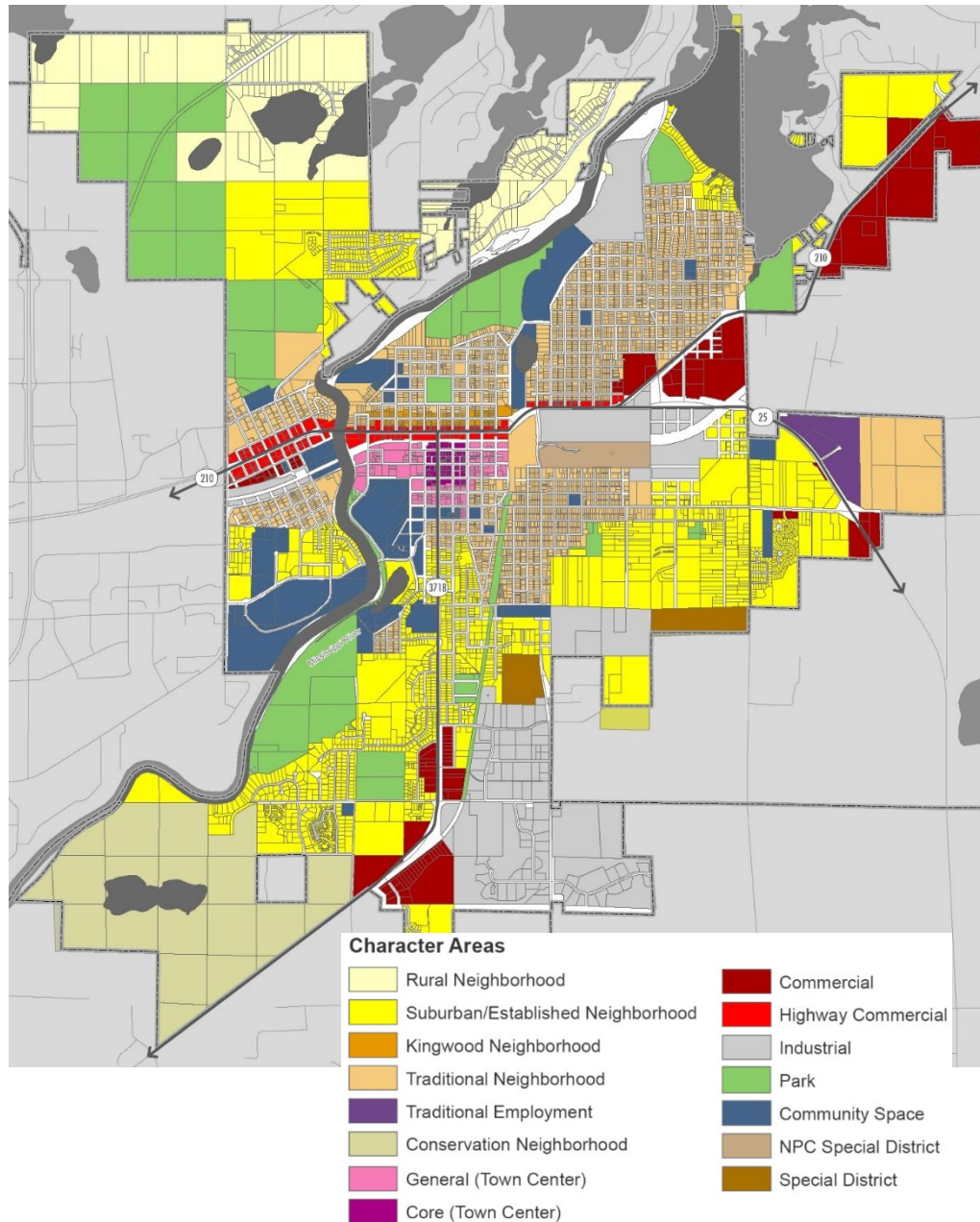
The purpose of the Character Area analysis is to provide the basis for the updated Zoning District standards. Therefore, to appropriately define the Zoning Districts a character-based analysis must be performed first. As denoted on Figure X Character-Based Zoning District Process performing an existing conditions analysis of the physical and development characteristics of Brainerd today included issue identification, non-conforming analysis and physical observation to establish and define the geographic Character Areas (Figure X). The defined Character Areas serve as a way to organize the existing or the desired development pattern as defined within the Comprehensive Plan. The Character Areas inform the revised Zoning District definitions and standards that are summarized in Part 5 and Part 6 of this Annotated Outline. As reference Table X Character Areas and Corresponding Zoning Districts identifies which existing and proposed zoning districts are contained within the defined Character Area.

Table X– Character Areas and Corresponding Zoning Districts

Character Areas	Correlated Existing Zoning Districts	Proposed Zoning Districts (Introduced in Part 5 and Part 6)
Rural	Rural AG (R-A)	Rural Living
Suburban/Established	Rural Residential/SF Estate	Contemporary Neighborhood, Garden Living
Traditional Neighborhood	Single Family (R-1)	Traditional Neighborhood 1, 2
Suburban/Established	Single Family (R-1A)	Contemporary Neighborhood
Traditional Neighborhood	Medium Density (R-2)	Traditional Neighborhood 1, 2
Traditional Neighborhood	High Density (R-3)	Traditional Neighborhood 2, 3
Special	Manufactured Housing	MH/to be determined
Traditional Neighborhood	Residential Office (B-1)	Traditional Neighborhood 1, 2, 3
Traditional Neighborhood	Neighborhood Business (B-2)	Traditional Neighborhood 2, 3
Core (Town Center)	Central Business District (B-3)	Town Center
General (Town Center)	General Business District (B-4)	Town Core
tbd	Commercial Amusement (B-5)	TBD
Highway Commercial	Washington St (B-6)	Commercial Corridor
Industrial	Light Industrial (I-1)	Industrial
Industrial	General Industrial (I-2)	Industrial
NPC Special District	Mixed-Use	TBD

*TBD = to be determined

Figure X. Character Areas



The following definitions and descriptions of key Character Areas are provided. Generally, the purpose of the character area definitions is to help refine and define the dimensional, physical and use standards of the revised Zoning Districts.

CHARACTER AREA: Rural Neighborhood

The Rural Neighborhood Character Area is comprised of existing zoning districts for Agriculture, Rural Residential and Single-Family Estate uses that require large or very large lots for residential use. The character of these areas are defined by large lots with trees, wetlands, hobby farms and other small agricultural uses. Many of the lots/parcels within this Character Area today are non-conforming with current standards, so the intent is to ‘right-size’ lots to reduce or eliminate the nonconformities in the revised Zoning District. The revised zoning districts will be oriented to character areas that support “rural” and “garden living” residential uses on lots of ½ acres or greater, with the larger lots served by individual well and septic sewer systems.



Rural Living > 5 acres



Garden Living 20,000 SF to 5 Acres

Characteristics Typical of Rural Neighborhoods:

- Single family structures and accessory buildings
- Small hobby farms or other small agricultural uses are present
- Large lots with green space, mowed area and vegetation
- Properties greater than 2-acres have private well and septic
- Homes are setback from street frontage, often buffered with landscaping

CHARACTER AREA: Suburban/Established Neighborhoods

Beyond the traditional residential areas are neighborhoods that have been developed beginning in the 1960's and have progressed to today; suburban patterns that are more auto-centric with an emphasis on one-level living, larger yards/setbacks and cul-de-sac streets define the character of the Suburban/Established Neighborhoods.



Characteristics Typical of Suburban/Established Neighborhoods:

- Conventional single-use zoning
- Front loaded, typical
- Auto-oriented pattern
- Minimal pedestrian network
- Larger yards and private green spaces

CHARACTER AREA: Traditional Neighborhoods

The Traditional Neighborhood Character Areas are compact, pedestrian-oriented urban neighborhoods today and are intended to foster and support this development pattern in the future. The corresponding revised zoning districts will encourage a compatible mix of commercial and residential uses within buildings, sites and blocks; new development that relates to and reinforces the public realm of streets/parks/corridors, and additional choices in housing. Example Traditional Neighborhood Character Areas include:

- North Brainerd (including Kingwood Street)
- Northeast Brainerd
- Oak Street Neighborhood



Characteristics Typical of Traditional Neighborhoods:

- Single Family Detached
- Main entrance fronts street
- Vehicle access in rear (most alley-loaded)
- Typical porch/stoop at entry
- 2-2 ½ Stories
- Minimum 20' front yard setback
- Pitched roofs
- Common gable or dormer to face street

The Oak Street neighborhood contains an established traditional development pattern and neighborhood scale mix of uses.

CHARACTER AREA: Town Center – Core & General

The Character Area described as the Town Center can be broken into two character areas: the Core, and the Center. The Core of the Town Center is characterized by a viable, traditional downtown area that allows retail, service, office, entertainment/restaurants and public and semi-public uses. The broader Town Center includes those uses found in the core, but is more flexible offering a range of uses including attached single family and multi-family residential. The existing character today is defined, but this character area is heavily defined by the aspirations and vision of the City described in the Comprehensive Plan. The intent is to not only maintain and support the existing patterns, but to enhance, grow and build on the character of this area to create a vibrant Town Center.



Characteristics Typical of Town Center (Core and General):

- Mixed-use buildings
- Dominant 2-story development pattern in Core, with range within the General Town Center
- Reduced setbacks from side-yards and rear-yards
- Clearly defined public realm space
- Walkable
- Main entrances front street

CHARACTER AREA: Commercial and Highway Commercial

A number of major thoroughfares and state highways are zoned for commercial uses that support drive-up and drive-thru development as well as larger in-line and large-format commercial/retail uses. These areas include Washington St W and NE.

Characteristics Typical of Commercial and Highway Commercial:

- Auto-oriented uses, many include drive-throughs
- Visibility to major roadways for signage is important and buildings are sited to maximize visibility
- Pedestrian environment along major highways and roadways is not friendly – the main objective is moving cars through.

CHARACTER AREA: Conservation Neighborhood

This area is currently undeveloped and is generally comprised of open space, natural resources and some agricultural uses. This area is identified as one of the City’s potential growth areas in the Comprehensive Plan and on the Future Land Use Plan. The extensive network of natural resources and open spaces should inform any future development and will be used to create an innovative development pattern not currently present in the City.



Characteristics Typical of Conservation Neighborhoods:

- Connected network of open spaces, green ways and natural areas
- Development is organized to protect and preserve highest quality natural areas.
- Developments consider “complete neighborhoods” with prominent parks, trails and open space

CHARACTER AREA: Industrial

Brainerd contains light and general industrial uses in discrete geographic locations throughout the city. It is anticipated that the character of the existing industrial areas will remain as-is and the development patterns will continue.

Characteristics Typical of Industrial:

- Large tracts of land dominate, with significant impervious surface area
- Access is generally priority for users and locations must be accessible to region
- Architecture and architectural detail is minimal



Part 4 – PROPOSED ZONING CODE OUTLINE

The revised Zoning Code outline with notations is proposed:

I. Title

This section will include the materials related to the legal authority, purposes, and applicability of the Zoning Code. In addition, it will describe the relationship between the Zoning Code and other City, State, and Federal regulations, as well as private restrictive covenants. It will include the effective date and reference the non-conforming section as it applies to the transition.

II. Zoning Districts

This section establishes the Zoning Districts and their purposes. As described in Section 3, the revised character-based Zoning Districts are intended to better align with the desired development pattern of an area. New character-based zoning is focused on the form of the development patterns rather than the use-based standards contained in the current zoning code. The revised character-based Zoning Districts are primarily defined as the base zoning district and every parcel will be zoned with a designation. Depending on the physical location or development pattern, land may also be subject to an Overlay zoning district or Special Zoning District. The following draft character-based Zoning Districts are established:

Table X– Proposed Revised Zoning Districts

Proposed Base Zoning District	Abbreviated
Rural Living District	RL
Garden Living District	GL
Contemporary Neighborhood District	CN
Traditional Neighborhood District (TN1, TN2, TN3)	TN 1, TN2, TN3
Town Center (Center)	TC 1
Town Core (Core)	TC 2
Commercial Corridor (CC)	CC
Commercial General (CG)	CG
Industrial (I-1, I-2)	I 1, I 2
Overlay Districts	
Shoreland Overlay (SO)	SO
Floodplain Overlay (FO)	FO
Mississippi River Critical Corridor Area Overlay (MRCCA)	MRCCA
Planned Unit Development	PUD



III. General Building, Use & Design Provisions

This section is intended to combine and incorporate portions of Section 15-37, and will incorporate new character-based standards that support the intent and purpose of each district. This section is new, but most of its content exists spread intermittently throughout the existing Code. The various regulations sprinkled throughout the current code will be organized by topic, and where prudent may remain as standalone sections (e.g. Signs may remain an independent section). This section will also identify whether the standard applies during subdivision, development/land use application review, or both. The following existing code sections will serve as the foundation for this section:

- Section 15 – Non-Conforming Lots, Buildings, Structures
- Section 16 – Lot and Yard Provisions
- Section 17 – General Building, Use, and Design Provisions
- Section 18 – Outdoor Lighting
- Section 19 – Fences
- Section 20 – Landscaping, Green Space and Screening
- Section 22 – Parking
- Section 23 – Off-street Loading
- Section 24 – Outdoor Storage
- Section 37 – Signs

Further refinement of permitted, conditionally permitted and unpermitted uses will be contained within this section. If applicable, use-specific regulations will be contained within this section. The following existing code sections will serve as the foundation for this section:

- Section 26 – Home Businesses and Home Extended Businesses
- Section 27 – Model Homes
- Section 29- Commercial Day Care Facilities
- Section 30 – Mining and Extraction
- Section 31 – Bed and Breakfasts
- Section 33 – Adult Establishments
- Section 34 – Wind Energy Conversion Systems (WECS)
- Section 35 – Antennas and Towers
- Section 36 – Essential Services

IV. Rules, Definitions & Administration

This section will consolidate, synthesize and simplify the information contained in the current Brainerd code which currently separates each process/procedure as independent sections. The contents of the current code are cumbersome and repetitive making it difficult to understand. This section is intentionally placed sequentially after the Zoning Districts and General Building, Use and Design Standards sections to reduce repetition and confusion. The purpose of this section is to be accurate, clear and concise to improve the land use review process.

The code will include a new summary table related to land development and redevelopment that will indicate what review procedure is applicable, who has decision-making authority and the applicable code section reference where development standards are contained. A sample excerpt of a table is provided for reference:

Table X. Sample Table Excerpt

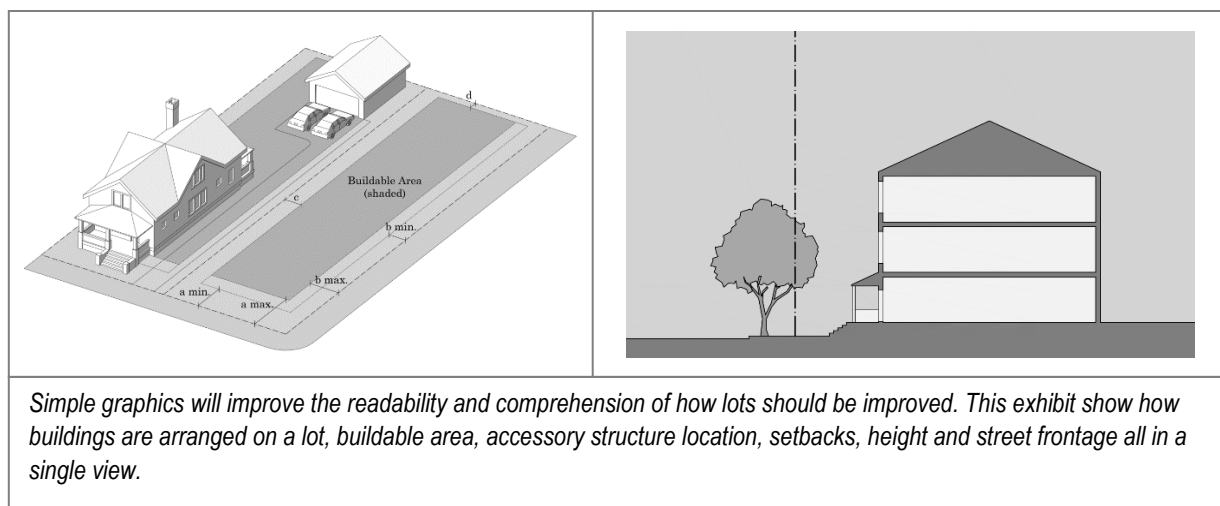
Land Use Approval Review Procedures								
Procedure	Code Reference	Public Hearing	15.99	462.358 (plat)	Review Decision Making Body			
Development Permits					Staff	Park Commission	Planning Commission	City Council
Conditional Use	XXX	X	X		X		X	X
Variance	XXX	X	X		X		X	X
Etc....								

V. Definitions

The final UDC Chapter will collect and consolidate all definitions found in Chapters 1, 2, and 3 of the Development Code into one section. For clarity, the definitions will be organized by three interpretation categories: Rules of Interpretation and Word Construction, Rules of Measurement, and Definitions.

Part 5 – DISTRICT RECOMMENDATIONS

This section addresses the proposed general changes to existing residential, commercial, and mixed-use zoning districts. Generally, the Industrial and Overlay districts are not proposed to change significantly. Each proposed district will be organized to focus on primary form-based requirements addressing building frontage, building type and related physical standards in a graphic format similar to the example below.



Coding with Form-based Elements

The new code is intended to emphasize the arrangement of urban form that reinforces traditional character such as walkable blocks, multi-modal streets, mix of uses and a highly connected public realm. This is a departure from the more common Euclidean-based zoning that originated in the 1930's with the purpose of separating uses often as a means to ensure residential uses were the least impacted by industrial, manufacturing and utility uses. For Brainerd this means understanding the unique physical qualities of the built environment and translating them into time-tested building and development forms (i.e., street/block patterns, building types, building/street frontages, architectural details/dimensions, landscape/streetscape, materials/construction methods and density/use). This approach places a greater importance on the identification and arrangement of successful form-based elements and less importance on the strict regulation of use. To varying degrees, this methodology/approach will be incorporated into the revised zoning districts to reinforce and support the character-based analysis presented in Section 3 of this annotated outline.



Form-based elements can include:

- Height & Building Type
- Transparency (% of glazing on the façade)
- Materials & Color
- Building Frontage (e.g., shopfront [shown] or common entry or stoop)
- Public Realm (sidewalk width/materials, landscape, related amenities)

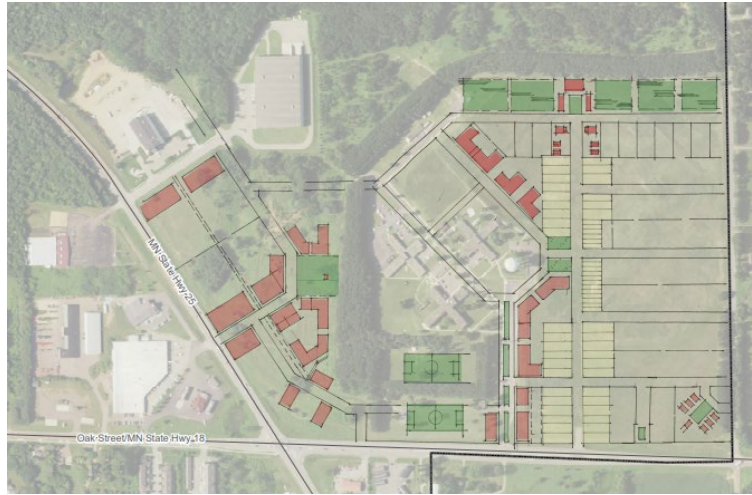
Residential Districts

Corresponding Proposed Zoning: Rural Living, Garden Living, Contemporary Neighborhood, Traditional Neighborhood-1 (Discussion)

For the residential districts the recommended approach is to consolidate all uses into a single use table that will be much easier and simpler to read and interpret; also, in most districts, relocating the dimensional and performance criteria into a similar, single table for ease of reference and readability. The residential districts are proposed to be re-organized according to traditional, contemporary or large lot development that corresponds to the common characteristics and conditions of those areas.

Suggested Typical residential district outline

1. Purpose/intent
2. Permitted uses (separate consolidated use table)
3. Accessory uses (separate use table)
4. Interim uses (separate use table)
5. Conditional uses (separate use table)
6. Uses by administrative review
7. Lot standards (separate consolidated table)
8. Performance standards (separate table)
9. Building form standards (incorporates design requirements from R-1, R-2 and R-3)

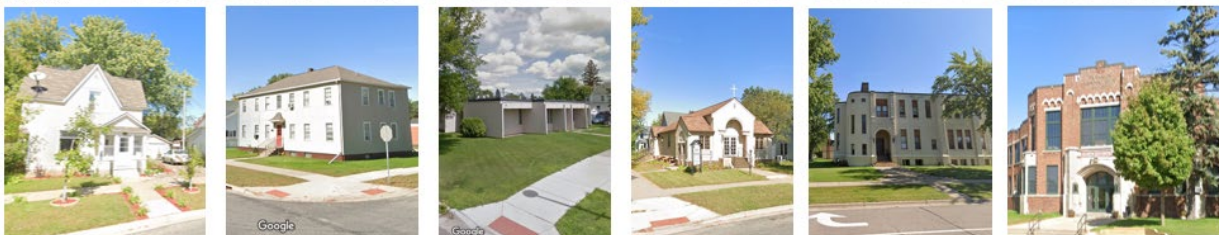


A Traditional Neighborhood district could regulate new green-field development such as the area around the MN Dept of Human Services campus.

Traditional Neighborhood Districts (Mixed-Use)

Corresponding Proposed Zoning: Traditional Neighborhood 2, Traditional Neighborhood 3
(Potential Traditional Neighborhood 1?)

Kingwood Street and the area north/northwest of James Street (between 2nd and 7th St NW) are evolving mixed-use traditional neighborhood areas that will benefit from revised zoning regulations that support/encourage a compatible mix of residential and non-residential uses in a more walkable pattern.



Kingwood Street is different and has a greater variety of building types, uses, entries (fronting Kingwood and N/S streets), setbacks/yards, parking, adaptive reuse, etc. (approx. 9 different building types) include conditions that are residential in character but accommodate business and commercial uses similar to those permitted in the existing B-1 and B-2 zoning districts.

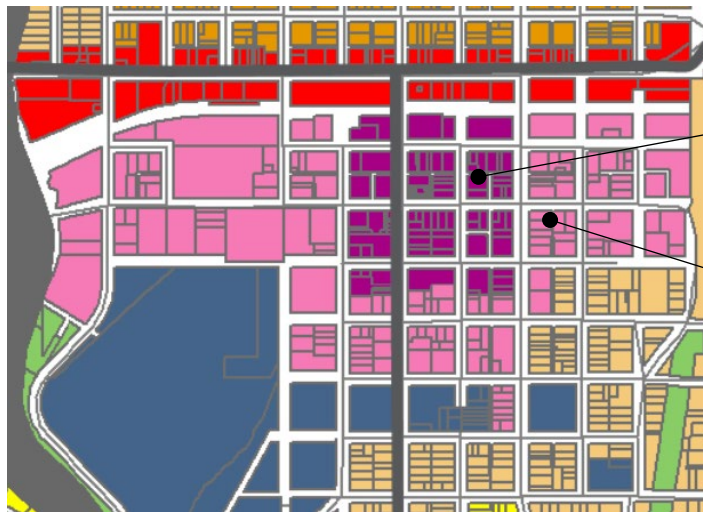
James Street is a traditional neighborhood mixed-use district and using a Traditional Neighborhood zoning will further support the Mixed Commercial Residential guiding through reinforcing the walkable pattern with residential-scaled commercial buildings that transition to more intense uses at and along Washington Street.



Downtown Area

Corresponding Proposed Zoning: TC 1 and TC 2

The downtown area includes a wide range of uses, building types and development patterns including the well defined Laurel Street, to the Crow Wing Government Center, to the rail corridor and a variety of residential uses. The Character area analysis suggests a larger general ‘town center’ that encompasses the more compact ‘town core’. The Core lends itself to a pure form-based code; the Center should have more flexibility to support change and growth including a broader choice of housing options by-right.



Core (purple) : Front, S 5th St, Maple & S 8th St

Center (pink): MS River, Front Street, S 10th St & Oak St

Conditions in the ‘Center’ areas include more surface parking lots and a wider range of uses including some light industrial businesses.



Highway and General Commercial

Corresponding Proposed Zoning: CC and CG

Washington Street (Hwy 210/371B) is a major thoroughfare and commercial corridor in Brainerd containing remnants of older urban commercial buildings, more recent drive thru restaurants, in-line retail spaces and large format stores. The Future Land Use category 'Gateway District' includes much of the highway commercial in Brainerd and calls for a higher standard with design elements, aesthetics, walkability and identity. The current B-6 zoning district that corresponds to Washington Street allows a broad range of uses many which are auto-oriented as is common for this corridor. A revised Commercial Corridor district will reinforce these uses and also address some of the aesthetic and walkability issues as noted by the future land use plan.



Highway commercial areas front both sides of Washington Street; revised district standards will address how new investments and redevelopment can reinforce more walkable connections into the neighborhoods and improve on the site and visual quality of the corridor.



Recent new development on Washington is based on the auto-oriented standards of the current code (image left); drive thru restaurants and other uses can be allowed and reinforce a walkable pattern (image right).

Industrial, Environmental and Other Areas

Corresponding Proposed Zoning: I1, I2

It is anticipated that the industrial districts will remain essentially as well as the environmental districts. Transient Food Unit Overlay has been recently updated and the one Mixed Use District (which applies specifically to the Northern Pacific Center site) will remain though with a possible title change.



Part 7 – COMPARISON TABLE OF PROPOSED SECTIONS AND CURRENT CODE

The following table provides a high-level summary of the Sections contained within this Annotated Outline. The purpose of this table is to identify and “map” the current Code sections to the new code organization. A subsequent table will be prepared to identify sections proposed for either removal, or for relocation to other parts of the City Code.

Table____. *Proposed Code Comparison with Existing Code Sections*

Section	Subsection	Proposed Code

TO BE COMPLETED AS
PART OF DRAFTING
PROCESS