

PLANNING COMMISSION

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, December 15, 2021 @ 6:00pm

The public is invited to attend this meeting in person

Attend by phone: 1-844-992-4726 Meeting Access Code: 2483 831 7315

Meeting is also streamed live on YouTube: www.youtube.com/CityOfBrainerdMN

Be it known that a quorum of the City Council may be present
for discussion on the zoning code update project.

1. Call To Order
2. Roll Call
3. Pledge Of Allegiance
4. Approval/Amendment Of Agenda
5. Approval Of Minutes
 1. Regular Meeting Held on November 17, 2021

Documents:

[2021-11-17 DRAFT.PDF](#)

6. Old Business
 - 6.a. Discussion On Miscellaneous Zoning Code Update Standards

Documents:

[ZONING CODE UPDATE MISC DISCUSSION.PDF](#)

7. New Business
8. 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
9. Community Development Director's Report
10. Commissioner Questions/Comments
11. Adjourn

PLANNING COMMISSION
Wednesday, November 17, 2021

#1 Call to Order

Planning Commission Chair Duval called the meeting of the Brainerd Planning Commission to order at 6:00 pm in the City Hall Council Chambers.

#2 Roll Call

Noted present were Commissioners Woodward, Erickson, Gorham, and Duval. Commissioners Kallroos, and Foley were noted as absent. Assistant Planner Kramvik was also noted as present. Community Development Director Chanski attended the meeting remotely.

#3 Pledge of Allegiance

Commissioner Yeager opened the meeting with the Pledge of Allegiance to the flag.

#4 Approval/Change of Agenda

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND GORHAM, DULY CARRIED, TO APPROVE THE AGENDA.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND ERICKSON, DULY CARRIED, TO APPROVE THE MINUTES FROM THE OCTOBER 20, 2021 REGULAR MEETING, AND THE OCTOBER 26, 2021 SPECIAL MEETING.

#6 Old Business

None

#7 New Business

7a. Interim Use Permit – 1919 S. 6th St.

Community Development Director Chanski gave an overview of the details of the interim use permit to operate a warming shelter at the 1919 S. 6th Street location. It was clarified that the actual address of the facility proposed is 1926 S. 7th Street, as this is the entrance into this section of the building. He indicated that 1919 S. 6th Street is the address of the main building that is sectioned into different office spaces.

Commissioner Erickson asked about the conditions listed in the ordinance and the additional two conditions being recommended.

Community Development Director Chanski stated that the ordinance is being recommended for adoption at the November 15th City Council meeting. The ordinance includes the minimum requirements, but the two conditions are recommended for this specific interim use permit. Upon the June 1, 2022 expiration, the applicant would need to reapply if they would like to continue operating the shelter. He clarified the purpose of an interim use permit is to provide

a temporary allowance for a specified use, as a conditional use permit would be a permanent allowed use that would stay with the property address.

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

The Chair recognized Ms. Jana Shogren, representing Bridges of Hope, who thanked the Commission for all the hard work and urgency set forth in this request. She stated a “*sleep outside*” event took place to raise awareness and funding for this project, which has raised a total of \$151,000 within two and a half weeks. She indicated most responses have been positive and urged those with questions or concerns to reach out to them. She gave a brief review of the floor plan layout and the security measures that will be in place.

Commissioners asked questions of the applicant and discussion took place.

The Chair recognized Ms. Dawn Graff, 1836 S. 8th St., who is concerned about loitering taking place in the neighborhood, possible vandalism and if having this type of facility would devalue her property.

The Chair recognized Ms. Emma Crust 133 Kelly Rae Rd., who has been volunteering to help with this project. She stated the people in need are already here and she said she herself has experienced homelessness. She said there is a housing crisis in the area and this resource can help those in need get back on their feet.

The Chair recognized Ms. Jan Burton, 1017 Terrace Ave., who asked about staffing experience, where the people are coming from and where are they going during the day.

The Chair recognized Mr. Nathan Bertram, 13342 Nokasippi Rd., who works at Crow Wing County and provided statistics of homeless individuals. He stated during COVID, there were an average of 22 ½ people week in/week out that needed shelter. He explained since 2017, Crow Wing County averaged 103 walk ins per year, and the closest services are in St. Cloud. He said this shows a local need for a warming shelter facility.

The Chair recognized Ms. Danelle Eggert, 20859 N. Sorenson Lake Trail, Merrifield, who stated the hurt and need is already in our community, and we need to acknowledge it. She shared a story of an acquaintance who fell into despair with alcohol and lost everything. She said everyone is just one bad decision away from being homeless and some people do not have a support network.

The Chair recognized Ms. Ann Hunnicutt, 1822 CR 2, Ft. Ripley, who was hired to manage the facility. She explained they have a great team with an extensive knowledge base in law enforcement, and mental health. She said she will work very hard to operate this facility with everyone’s safety in mind.

The Chair recognized Ms. Jana Shogren, who gave the history of her career and knowledge that would benefit this program. She explained the program will be a team effort that collaborates and shares individual strengths and experiences. She said this program will model existing successful programs that are located in other areas of the state.

The Chair closed the public hearing at 6:39 p.m.

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND ERICKSON, DULY CARRIED, TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT FOR 1926 S. 7TH ST. AS PRESENTED WITH THESE ADDITIONAL TWO CONDITIONS: (1) THE INTERIM USE PERMIT WILL EXPIRE ON JUNE 1, 2022 (2) IF THE BRAINERD POLICE DEPARTMENT DETERMINES THAT THE FACILITY HAS BEEN USED IN A DISORDERLY MANNER AND UPON THE RECOMMENDATION OF THE POLICE CHIEF, THE INTERIM USE PERMIT SHALL BE BROUGHT BEFORE THE CITY COUNCIL FOR REVIEW AND CONSIDERATION FOR SUSPENDING OR REVOKING THE PERMIT AT THE NEXT AVAILABLE CITY COUNCIL MEETING.

Ms. Shogren clarified that although the facility will lock up at 11:00 pm each night with no one allowed entry after that time, they cannot restrict someone from leaving. However, they will not be allowed to collect their belongings until 6:00 am the next morning.

#8 Public Forum

The Chair opened the public forum at 6:45 p.m.

No one came forward.

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

#9 Community Development Director's Report

Community Development Director Chanski made the following announcements:

- City Council agreed with the commercial standards of the zoning code rewrite at the workshop held on November 8, 2021. The next step will be discussion on miscellaneous items and design standards at the December 15th Planning Commission meeting.
- Country Manor project has submitted a finance assistance request to the City that will go before the EDA in December. The Commission should see progress after the first of the year.
- The Eight05 Laurel project has run into some issues, as the developer was not chosen for low-income housing tax credits. However, they are now pursuing a market rate project.
- The Parking Commission submitted a parking plan to the City Council at the October 25th workshop, and it will be up for consideration at the December 6th Council meeting.

#10 Commissioner's Questions/Comments

The Commissioners congratulated Community Development Director Chanski on the birth of his baby girl.

#11 Adjourned at 6:53 p.m.

MOVED AND SECONDED BY COMMISSIONERS WOODWARD AND ERICKSON, DULY CARRIED, TO ADJORN.

Michael Duval, Planning Commission Chair

DRAFT

MEMO



TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: December 10, 2021

RE: Discussion on Miscellaneous Zoning Code Update Standards

Jennifer Haskamp and Mike Lamb will be present to guide the Planning Commission through a discussion on proposed standards for the following sections of the Zoning Code:

- General Building and Design
- Site Design
- Outdoor Lighting
- Landscaping

Please review the attached documents thoroughly prior to the meeting as there is a significant amount of information to discuss.

The City Council is invited to attend and participate in this discussion, so a quorum of members of the City Council may be present.

ZONING ORDINANCE

CHAPTER 515 : Section 4 General Building, Développement & Design Standards

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DIVISION 1: GENERAL BUILDING DESIGN STANDARDS

Section:

- 4-1-1: Purpose and Intent
- 4-1-2: Dwelling Unit Restriction
- 4-1-3: Building Design Standards
- 4-1-4: Height
- 4-1-5: Mechanical Equipment Screening
- 4-1-6: High Water Elevation
- 4-1-7: Ground Water Elevation
- 4-1-8: Accessory Buildings, Uses and Equipment

4-1-1: Purpose and Intent. This section identifies general building design size requirements and exceptions to general height requirements applicable within each zoning district.

4-1-2: Dwelling Unit Restriction. No cellar, garage, tent, travel trailer, motor home, fish house, ~~basement with unfinished structure above, or accessory building~~ shall at any time be used as a dwelling unit.

A. An accessory building or basement may be used for as an Accessory Dwelling Unit (ADU) provided all of the lot requirements and dimensional standards of the Base Zoning District are met and the ADU complies with the Use Standards established in Section [X].

4-1-3: Building Design Standards.

A. Single Family Detached Residential Structure Standards.

I. All single-family detached dwellings in the Rural Living, Garden Living, Contemporary Neighborhood and Traditional Neighborhood districts ~~residential districts R 1, R 2, R 3, and R 4 Districts and those on lots of three (3) acres or less in the RA and RF Districts~~ shall meet the following design criteria:

- a. ~~Sixty (60) percent of a residential structure shall have a minimum width or depth of twenty (20) feet. Width measurement shall not take into account overhangs or other projections. The minimum width of the principal residential structure shall be 20-feet as viewed from the front that abuts a public right-of-way.~~ Such width requirement shall be in addition to the minimum area per dwelling requirements established within this Ordinance.
- b. All buildings shall be built in conformance with the State Building Code as adopted in the State of Minnesota.

Commented [JH1]: Could be 15-feet? Thoughts?

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- c. Dwellings constructed after the effective date of this Ordinance shall have a minimum finished habitable floor area of ~~five seven~~ hundred ~~fifty~~ (7500) square feet.

Commented [JH2]: Response to discussion regarding tiny houses - too small?

- d. Metal roofs are allowed, ~~provided they are constructed with standing seams and concealed fasteners.~~

II. ~~All new single-family detached dwellings shall have a minimum of one (1) enclosed garage which may be either detached or attached to the principal structure.~~

- a. ~~The garage shall be considered an accessory building and must comply with the standards and regulations established within the Base Zoning District.~~

- e. ~~Garages for dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet shall meet the following design criteria: (???)~~

- f. ~~An attached or detached garage is limited in size to sixteen (16) ft by twenty (20) ft. (???)~~

- g. ~~In addition to an attached garage one accessory building not to exceed one hundred twenty (120) square feet is allowed. (???)right number??)~~

- h. ~~Garages that are attached to a dwelling shall be constructed adjacent to the dwelling. Tuck under garages or dwellings above a garage are not permitted.~~

B. ~~Two Family Attached Single Family Residential Structures (duplex, triplex, fourplex) and Townhome Standards.~~

- I. The minimum width of ~~the principal structure of an attached single-family two family or townhome~~ dwelling unit shall be ~~twenty five (25) fifteen (15)~~ feet. ~~(is there some reason/rule/requirement for a dwelling width or minimum floor area??)~~

- II. ~~Two family and townhome~~Attached single-family dwelling units shall have a minimum finished habitable floor area of ~~five seven~~ hundred ~~fifty~~ (7500) square feet.

- III. ~~Provision shall be made for~~Exceptions to minimum width or size may be approved if the structure includes front porches or decks or other additions that provide additional living space for the unit, ~~possible decks, porches, or additions as part of the initial dwelling unit building plans, ...add porches as allowable encroachment in front yards for residential districts~~

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IV. Any conversion of an existing single-family detached residential structure into a duplex, triplex or fourplex shall meet the lot and dimensional requirements of the Base Zoning District for the total number of units. Such conversion shall also comply with the following standards:

- a. All conversions shall be subject to a Site Plan review, which shall be reviewed and approved by the Zoning Administrator. If the proposed conversion does not comply with any standards of the Base Zoning District the conversion shall be denied.
- b. Any conversion must comply with the Minnesota State Building Code.
- a-c. All parking standards and requirements as established in this Chapter must be met for the resulting number of units.

Commented [JH3]: For discussion.

~~IV. A minimum twelve (12) inch roof overhang shall be required for all dwelling units. (???)~~

~~V. The exterior shall include a variation in building materials~~

~~V. **Building Materials.** Attached single-family dwelling units shall be designed to create visual interest through a variety of materials, colors, textures, installation direction or other characteristics that create articulation either between units or floors, which are to be distributed throughout all building façades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, townhomes shall comply with the following requirements: (we can keep this generic but would not go with the 25% 75% standards)~~

~~VI.~~

~~VII. A minimum of twenty five (25) percent of the combined area of all building façades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.~~

~~VIII.~~

~~IX. Except for brick and/or natural or artificial stone, no single building façade shall have more than seventy five (75) percent of one type of exterior finish.~~

~~X.~~

~~XI.~~

~~XII. For the purpose of this Section, the area of the building façade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.~~

~~XIII.VI.~~ **Garages.**

- a. Each dwelling unit shall include, at a minimum, a one (1) enclosed garage stall, that shall have a minimum dimension of 12 feet' x by 20' feet, foot garage.

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- b. Dwellings ~~Units~~ ~~without~~ ~~basements~~. Each dwelling unit shall include at a minimum, a one (1) stall 16' x 20' foot garage.
- c. ~~Garages for dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet shall meet the following design criteria:~~
 - i. ~~An attached or detached garage is limited in size to sixteen (16) ft by twenty (20) ft.~~
 - ii. ~~In addition to an attached garage one accessory building not to exceed one hundred twenty (120) square feet is allowed.~~
 - iii. ~~Garages that are attached to a dwelling shall be constructed adjacent to the dwelling. Tuck under garages or dwellings above a garage are not permitted.~~

XIV.VII. Utilities.

- a. Separate public utility services including water and sanitary service shall be provided to each dwelling unit.
- b. Private utilities including phone, gas, internet or other services shall be provided to each dwelling unit and management or maintenance responsibilities established within the homeowner's association. Each unit shall have a separate sanitary sewer connection.

XV.VIII. A homeowners' association shall be established for all four unit buildings quadraminium, three (3) and four (4) plex multiple family attached single-family developments with three or more units and townhome developments. The homeowners' association documents and covenants shall be subject to review and approval of the City Attorney. The homeowners' association shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing, and regular maintenance of private driveways and other areas owned in common when there is more than ~~one (1)~~ two (2) individual property owner having interest ~~within~~ the development and its common areas.

XVI.IX. Building elevations and floor plans shall be submitted with any land use application. The plans shall clearly identify illustrating exterior building materials, and colors and include a floorplan of all floors having habitable space. If a formal land use application is not required, the owner shall be required to submit a Site Plan review application as described in Section [X]. to demonstrate

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~~compliance within this Section of the Ordinance. Building floor plans shall identify the interior storage space within each unit.~~

~~XVII. Metal roofs are allowed, provided they are constructed of standing seams with concealed fasteners. (can't we have other types???)~~

C. ~~Multiple Family Apartment~~ **Multi-family attached dwelling units** (5 dwelling units or more) **Standards:** All multi-family/apartment buildings constructed within the City shall conform to the following:

I. Multiple family dwelling units shall have the following minimum floor area per unit:

Efficiency Units	40040 square feet
One Bedroom Units	50020 square feet
Two Bedroom Units	700 square feet
More than Two Bedroom Units	An additional 100 square feet per bedroom

Commented [JH4]: Discussion?

II. **Exterior Building Materials.** ~~Multi-family dwelling units shall be designed to create visual interest through a variety of materials, colors, textures, installation direction or other characteristics that create articulation either between units or floors. In addition, multiple family dwelling structures shall comply with the following requirements:~~

~~a. A minimum of thirty three (33) percent of the combined area of all building exterior walls of a structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.~~

~~a. For the purposes of this section, the area of the building façade shall not include area devoted to windows, entrance doors, garage doors, or roof.~~

~~III. Metal roofs are allowed, provided they are constructed of standing seams with concealed fasteners. ????~~

D. **Commercial Standards Design Construction Standards.** All buildings constructed within commercial zoning districts shall conform to the following:

Commented [JH5]: Discussion: Would this include TN districts? TC and MS?

I. Commercial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a Conditional Use Permit.

II. ~~Garish or bright accent colors (i.e., orange, bright yellow, or fluorescent colors) for e~~Commercial building accents such as cloth or metal awnings, trim, banding, walls, entries or any portion of the building wall ~~shall be minimized, but in no case shall~~ accent colors shall not exceed fifteen (15) percent of each wall area.

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III. Exposed roof materials shall ~~be similar to, or an architectural equivalent of a three hundred (300) pound or better asphalt or fiberglass shingle, wooden shingle, and metal roofs as approved~~ comply with the by the Minnesota State Building Code.

IV. Exterior Building Materials ~~-- For all business and commercial districts B-1, B-2, B-4, B-5 and B-6 Zoning Districts.~~

- a. ~~New buildings constructed in the CC-1, CC-2, TN-2, TN-3, ME-1 and TC-1 Zoning Districts should be consistent with the character of surrounding structures. Typical and permitted materials include: All exterior wall surfaces shall be a combination of materials including~~ brick, dimensioned stone, or their replicas, rock face block, decorative concrete panels, stone, stucco, wood, glass, or Exterior Finish Installation (EFIS). Material such as metal panels, window trim, flashing, accent features and the like that make up the exterior of a building shall not exceed twenty-five (25) percent.
- b. Building additions of less than fifty (50) percent of the gross floor area of the existing structure may use the same as the existing structure. Building additions, remodeling, replacement or reconstruction of fifty (50) percent or greater, shall conform to the standards in this section.

Commented [JH6]: Discussion?

V. **Exterior Building Materials.** ~~The following standards shall apply in the MS-1 Zoning District B-3 Zoning District~~

- a. ~~Within the B-3 Zoning District, all exterior wall surfaces may be a combination of~~ New buildings constructed in the MS-1 Zoning District should be consistent with the historic architecture and character of surrounding structures. Permitted materials include: materials including brick, dimensioned stone, rock faced brick, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, or glass. Brick and stone replicas and exterior finish installations (EFIS) that ~~simulate~~ are designed to be similar to the historic architecture of a building may be used on not more than fifty (50) percent of a building.
- b. Buildings with load bearing walls shared with abutting buildings located in ~~MS-1 District B-3 Zones~~ shall conform to standards in this Section if building additions, remodeling, replacement or reconstruction of seventy-five (75) percent or greater are made to street facing exteriors of the building. Expansions shall be calculated over a five (5) year period for determination of ~~this~~ the gross floor area amount.

E. **Industrial Design Construction Standards.** All buildings constructed within the General Industrial Zoning ~~d~~ Districts shall conform to the following:

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- I. ~~Principal Structures in the~~ Industrial zoning district with ~~buildings (principal structure) having~~ less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a Conditional Use Permit.

II. Exterior Building Materials.

- a. ~~New buildings constructed in the GI-1 Zoning District should be constructed using durable and lasting materials. Permitted typical materials include: Within the I-1 and I-2 GI-1 Zoning Districts, all exterior walls may be a combination of materials including~~ brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of fifty (50) percent of street side building elevations combined.
- b. Any structure in ~~an~~the Industrial District within three hundred (300) feet of Business T.H. 371, T.H. 210, T.H. 25, T.H. 18, Oak Street, ~~and~~or County Road 3 shall comply with the Commercial Exterior Building Material Standards ~~for the B-1, B-2, B-4, B-5 and B-6 Districts in Section 515.17.3.D.4 of this Ordinance established in Section [X].~~

4-1-4: Height.

- A. **Exceptions.** The building height limits established herein for districts shall not apply to the following:
- I. Farm structures such as silos.
 - II. Church spires.
 - III. Belfries.
 - IV. Cupolas.
 - V. Windmills/Wind Energy Conversion Systems (WECS) per Section 34 of this Ordinance.
 - VI. Solar energy devices.
 - VII. Chimneys and smokestacks.
 - VIII. Flag poles mounted on a building.
 - IX. Non-commercial television and radio antennae and satellite dishes not exceeding twenty (20) feet above the roof.
 - X. Parapet walls extending not more than three (3) feet above the limiting height of the building.
 - XI. Elevator penthouses.
 - XII. Cooling towers/water towers.
 - XIII. Lighting structures for public outdoor recreational fields not exceeding eighty (80) feet in height.
 - XIV. Lighting structures for public hockey rinks not exceeding sixty (60) feet in height.

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XV. Telecommunication antenna and antenna towers as regulated by Section 35 of this Ordinance.

XVI. Poles, towers and other structures for essential services.

B. **Conditional Use Permit.** Building heights in excess of those standards contained in the Base Zoning ~~district~~ provisions and any other sections of this Chapter may be allowed through a Conditional Use Permit, provided that:

I. Demonstrated need is established for the increase in height and said increase will not violate the intent and character of the Base Zoning ~~district~~ or any applicable Overlay Zoning District in which the structure is located.

II. The site is capable of accommodating the increased structure size.

III. The potential increased intensity and size of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.

IV. Public utilities and services are adequate.

V. For each additional story over the district limitation or for each additional ten (10) feet above the maximum allowed per Base Zoning ~~district~~, front and side yard setback requirements shall be increased by ten (10) percent.

VI. The construction does not limit solar access to abutting and/or neighboring properties. A shadow study shall be required illustrating shadow encroachment on adjoining properties.

VII. The provisions of Section ~~515-5-2~~ [X] of this Ordinance are considered and satisfactorily met.

4-1-5 **Screening Rooftop Mechanical Equipment Screening.**

A. Rooftop Mechanical Equipment. As viewed from ground levels, within one hundred (100) feet of any public right-of-way street side view, all mechanical equipment located on the roof ~~or around the perimeter of a structure~~ shall be fully screened by a raised parapet or other architectural detail.

a. A raised parapet or other architectural feature that is an integral part(s) of the building shall be required as screening for rooftop mechanical equipment or to soften rooftop views.

b. Screening for rooftop mechanical equipment shall incorporate similar architectural features of the building and/or constructed of a material and color compatible with other elements of the building.

B. Mechanical Equipment Ground Floor. Ground mounted mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, air conditioners, and similar equipment shall be screened on all sides except those facing a building. An eighty (80) percent opacity visual screen shall exceed the vertical height of the equipment being

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screened by at least six (6) inches. A three (3) foot open area shall be maintained around such equipment to facilitate repairs.

Commented [JH7]: Moved to Division 2?

Commented [JH8]: Moved from Division 4

4-1-6: High Water Elevation. All new buildings shall comply with building elevation regulations of the Floodplain and Shoreland ~~Overlay Districts of this~~ Ordinance. In areas ~~beyond where a building or improvement is located within~~ the Floodplain and Shoreland Overlay Districts, ~~at the~~ buildings shall be placed at an elevation such that the lowest building opening meets the following standards:

- A. A minimum of two (2) feet above 100-year flood elevation of areas with a separate emergency overflow.
- B. A minimum of three (3) feet above the 100-year flood elevation of areas with no separate emergency overflow.
- C. The 100-year flood elevation or high-water level shall be determined by a registered engineer.

4-1-7: Ground Water Elevation. The lowest floor, including basement floor, of all structures shall be at a level at least three (3) feet above the highest known ground water table elevation. If requested by the Building Official, the ground water table elevation shall be determined by a licensed soils engineer using soil borings, piezometers, or the observation of mottled soils.

4-1-8: Accessory Buildings, Uses and Equipment.

- A. **Agricultural Farm Buildings.** Agricultural farm buildings, accessory to an active farm operation on a lot twenty (20) acres or larger, designed, constructed, and used to house farm implements, agricultural activities, or agricultural products shall be exempt from the requirements of this ~~subdivision~~ Section and accessory building standards established within Section [X].
- B. **Residential Accessory Buildings, Structures and Uses.**
 - I. An accessory building or attached garage shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway or within five (5) feet of the principal building. Attached accessory buildings shall meet the principal building setbacks of the respective ~~Base~~ Zoning d District.
 - II. No accessory building or structure shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory. A garage may be constructed if a building permit is secured for the principal building.

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III. The permitted accessory building Floor Area, Height and Number is established within the Base Zoning District. Sections [X through X]. All accessory buildings must comply with the following standards:

- a. All accessory buildings must comply with the lot and dimensional standards established with the Base Zoning District.
- b. All lot coverage and impervious surface coverage requirements must be met.
- a-c. Accessory Dwelling Units are permitted, or conditionally permitted, as established within the Base Zoning District. ADU's must also comply with the Use Standards established in Section [X].

<u>a. a. Area.</u>	<u>Maximum Allowable</u>
<u>Zoning District</u>	<u>Floor Area</u>
<u>R A</u>	<u>4,000 square feet</u>
<u>R R</u>	<u>2,000 square feet</u>
<u>R E</u>	<u>1,500 square feet</u>
<u>R 1</u>	<u>10% of lot area</u>
<u>R 2</u>	<u>10% of lot area</u>
<u>R 3</u>	<u>30% of the gross floor area of the</u>
<u>b.a. multiple family structure, 10% of lot</u>	<u>area for a single family structure and</u>
	<u>a duplex structure</u>
<u>R 4</u>	<u>30% of the gross floor area of the</u>
	<u>multiple family structure</u>

- i. An attached garage shall not exceed the maximum allowable floor area as mentioned above, or eighty (80) percent of the footprint of the single family or two family house foundation not including garage, whichever is less. Tuck-under garages are permitted up to the maximum footprint size of the dwelling.
- ii. Accessory building coverage shall not exceed lot coverage requirements as regulated in each district and shall meet required district setbacks.
- a. Number of Building. Total number of accessory buildings and garages shall be limited to one of the following:
 - i. One (1) attached garage and one (1) detached accessory building.

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~~ii. Two (2) detached accessory buildings:~~

- ~~1. Should there be zero or one accessory building, a noncommercial greenhouse is permitted, provided the combination of accessory buildings and garages (attached and detached) per lot shall not exceed the maximum size for all accessory buildings on the lot.~~
- ~~2. Should a lot have the maximum number of allowed accessory buildings, one noncommercial greenhouse up to 10' x 12' is permitted, provided the combination of accessory buildings and garages (attached and detached) per lot shall not exceed the maximum size for all accessory buildings on the lot.~~
- ~~3. The following clear material is permitted for greenhouse construction to allow radiant heat from the sun:~~
 - ~~a) Glass~~
 - ~~b) Rigid Polycarbonate Panels~~
 - ~~c) Semi Rigid Polyethylene Panels~~
 - ~~d) Rigid Fiberglass Panels~~
 - ~~e) Rigid Acrylic Panels~~
 - ~~f) Vinyl~~~~Flexible rolled material is not permitted.~~
- ~~4. One noncommercial greenhouse 3'W x 4' L x 5' T constructed with flexible rolled material is allowed in a rear yard.~~
- ~~5. Material permitted in this section can be used for parts of a greenhouse not allowing radiant heat.~~
~~2222222~~

- ~~b. Height. Detached accessory buildings shall not exceed the height of the principal building or fifteen (15) feet, whichever is less. Exceptions may be granted to allow for the detached accessory building to match the roof pitch of the existing principal building by Conditional Use Permit in accordance with Section 5 of this Ordinance.~~

~~IV. Setbacks. Detached accessory buildings shall comply with the following setbacks:~~

- ~~a. Front Setback. No detached accessory building shall be located in any front yard or nearer the front lot line than the principal building on that lot. Property within a shore impact zone (as defined by the Brainerd Shoreland Regulations) along the Mississippi River, and lakes classified as General Development or~~

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~~Natural Environment may locate accessory buildings in a front yard provided a twenty-five (25) foot setback is maintained.~~

~~b. Side and Rear Setbacks.~~

~~i. Side and rear setbacks shall be as provided for in the respective Zoning District.~~

~~ii. No accessory building shall be located within a drainage and utility easement.~~

- V. **Design Standards.** No plastic, canvas or vinyl tarps shall be used in the construction of any accessory buildings. All buildings over one hundred twenty (120) square feet shall ~~have the same or similar finish as the neighboring buildings and be homogeneous in design~~ designed to be compatible with the Principal Structure. Metal roofs are allowed provided they are constructed with standing seams and concealed or exposed fasteners. All buildings that are one hundred twenty (120) square feet or less may include a variety of building materials, may be metal sided, ~~but~~ and shall have a pitched roof.

C. **Commercial Accessory Buildings (CC-1, CC-2, GC-1, ME-1).**

- I. Commercial accessory buildings shall not exceed thirty (30) percent of the gross floor space of the principal building and shall comply with the standards established in the Base Zoning District.
- II. ~~Commercial A~~ accessory buildings shall ~~meet all the required setbacks of the principal building~~ comply with all dimensional standards established by the Base Zoning District in which the use is located.
- III. ~~Commercial A~~ accessory buildings shall be constructed of building materials to match the principal structure and comply with the building material requirements ~~within this Section of Ordinance~~ established in Section [X].

D. **Industrial or Public/Semi-Public Accessory Buildings (GI-1).**

- I. Industrial accessory buildings shall not exceed thirty (30) percent of the gross floor space of the principal building and shall comply with the standards established in the Base Zoning District.
- II. ~~Industrial A~~ accessory buildings ~~shall meet all the required setbacks of the principal building~~ shall comply with all dimensional standards established by the Base Zoning District.
- III. ~~Industrial A~~ accessory buildings shall be constructed of building materials to match the principal structure or with any of the following fabric material:

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- Teflon Coated Fiberglass (PTFE)
- Silicone-Coated Fiberglass (SIPE)
- Woven PTFE (EPTFE)
- Ethylene Tetrafluoroethylene (EFTE)
- Vinyl Coated Polyester (PVC)
- High-Density Polyethylene (HDPE)
- [Do we need to add any materials here????](#)

E. Swimming Pools.

~~I. Purpose. The following standards are established for the installation of any in-ground swimming pool meeting the following characteristics. The purpose of regulating swimming pool placement is they can be tempting targets for children. The following regulations are designed to prevent tragedies by protecting such children. (do we need to say this in the zoning code????) (there is a lot of specificity that follows so wondering if this has been recently (last 5-10 years) vetted by city attorney????)~~

~~II.~~

~~I. Single Family detached residential and Two-FamilyAttached single-family Dwellings (duplex, triplex, or fourplex). The following shall apply to all swimming pools which are intended for accessory uses to single family attached and detached residential uses and two-family dwellings:~~

- ~~a. A building permit shall be required for any in-ground or permanent above ground swimming pool that is over twenty-four (24) inches in depth, or over five thousand (5,000) gallon capacity.~~
- ~~b. Seasonal swimming pools twenty-four (24) inches in depth or greater, shall have controlled access and must have a ground fault circuit if connected to an electrical system.~~

~~c. An application for the construction of swimming pools shall be on a City application form and accompanied by a fee established by City Council Ordinance.~~

~~e. The permit application shall include:~~

~~1) Site plan illustrating:~~

- ~~a) Type and size of pool.~~
- ~~b) Location of the pool on the lot.~~
- ~~c) Location of other buildings and structures on the lot.~~
- ~~d) Location of structures on adjoining lots.~~
- ~~e) Location of filter and heating units.~~
- ~~f) Location of water heaters, pumps and wiring.~~

Commented [JH9]: Put this in the permit checklist

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- g) Location of back flush and drain outlets.
- h) Location of any overhead or underground utilities or utility easements and trees.
- i) Fence locations.
- j) Grading plan.

2) Building Plans.

- a) Swimming pool design.
- b) Fencing and gate details.
- c) Deck or surfacing details.

d. Setbacks and Performance Standards.

- 1) Pools eighteen (18) inches deep or less may be located in the front, side or rear yard. Pools over eighteen (18) inches shall be located in a rear yard.
- 2) Pools over eighteen (18) inches deep may be located in a side yard or street side yard and shall not be located within ten (10) feet of any side yard property line and not closer than twenty (20) feet from a side lot line located on a corner.
- 3) Pools over eighteen (18) inches deep shall not be located closer than eight (8) feet from the rear property line.
- 4) The filter unit, pump, heating unit, and any noise generating mechanical equipment shall be located at least thirty (30) feet from any adjacent residential structure and not closer than ten (10) feet from any lot line.
- 5) Pools shall not be located beneath overhead utility lines or over underground utility lines of any type or located within any private or public utility, walkway, drainage, or other easement.
- 6) Pools over eighteen (18) inches deep shall be set back at least five (5) feet from the principal building or frost footing.
- 7) Lighting for the pool shall be designed with a ninety (90) degree cut off and shall be hooded to direct lighting toward the pool and not toward adjacent property.
- 8) Outdoor pools over twenty four (24) inches deep shall be completely enclosed by a non-climbing type fence at least four (4) feet high. Fence openings or points of entry into the pool area enclosures shall be equipped with gates. The fence and gates shall be constructed of a minimum number 11 gauge woven wire mesh

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~~corrosion resistant material, or other materials approved by the inspector. Gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children. Fence post shall be decay or corrosion resistant and shall be set in concrete bases or other suitable protection. The openings between the bottom of the fence and the ground or other surface shall not be more than six (6) inches. Required safety fencing shall be completely installed prior to filling the pool with water. Swimming pool fences shall comply with applicable State Statutes and fence setback standards of Section 19 of this Ordinance.~~

9) ~~Water Quality/Drainage.~~

- a) ~~Water in the pool shall be maintained in a suitable manner to avoid health hazard of any type.~~
- b) ~~Back flush or pool drainage water shall be directed onto the property on which the swimming pool is located.~~
- c) ~~Drainage of pools directly into public streets or other public drainage ways shall require written permission of City staff and/or City Engineering Department. Draining the pool into the sanitary sewer is prohibited.~~

- II. ~~Multiple Family~~Multi-family residential uses/Commercial Pools. For private swimming pools ~~which that~~ are intended for and used by the occupants of a ~~multiple-multi-family dwelling unit~~ or commercial structure and the guests of the occupants, or for private and public clubs and organizations, the following regulations shall be met in addition to the permit application requirements. ~~to those listed for single and two family dwellings provided in Section 515-17-7.D.1 of this Ordinance.~~

- a. No part of the water surface of the swimming pool shall be less than fifty (50) feet from any lot line.
- b. No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than fifty (50) feet from any lot line and must be contained within an insulated building.
- c. The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Fences shall be at least five (5) feet in height. The bottoms of the fences shall not be more than six (6) inches from the ground. Fences shall be of a non-corrosive material and shall be constructed as to be not easily

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climbable (chain link fences must be vinyl coated with slats for screening). All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a height not lower than forty-eight (48) inches so as to be inaccessible to small children. Prior to filling the pool, the approved fence or enclosure must be completely in place and inspected and approved by the City Building Inspector. Adequate screening including, but not limited to, landscaping shall be placed between the pool area and adjacent lot lines.

- d. All deck areas, adjacent patios, or other similar areas used in conjunction with the swimming pool shall be located at least thirty (30) feet from any lot line.
- e. To the extent possible, back-flush water or water from pool drainage shall be directed onto the owner's property. Draining pools into the sanitary sewer is prohibited.

F. Refuse and Recycling Material and Containers.

I. Refuse Containers Location and Screening.

- a. Residential Structures with Four (4) or Less Units. Garbage cans, waste containers and recycling bins shall be kept in rear or side yards or indoors except on pick up days.
- b. Commercial, Industrial, and Institutional Uses, Residential Structures with More Than Four (4) Units shall comply with the following:
 - i. All refuse, recyclable materials, and associated containers shall be stored within a structure or screened by a fence or wall as viewed from all adjacent property and the public right-of-way.
 - ii. All refuse and containers must be screened from view of adjacent properties and the public right-of-way by a wall of at least six (6) feet in height and a minimum opaqueness of eighty (80) percent. Chain link fences with slats are prohibited.
 - ~~iii. Exterior wall treatment shall be masonry construction or material similar to the principal building.~~

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~~iv~~.iii. Storage shall be located in the rear or side yard, if possible, and shall observe all accessory building setback requirements.

~~v~~.iv. The location must be accessible for pick up hauling vehicles.

~~vi~~.v. All containers, fences and walls shall be approved by City staff and be kept in a good state of repair with lids designed to prevent spilling and spread of debris and access by animals.

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CHAPTER 515 : Section 4 General Building, Développement & Design Standards

DIVISION 2: SITE DESIGN STANDARDS

Section:

- 4-2-1: Purpose and Intent
- 4-2-2: Minimum Lot Area Requirements
- 4-2-3: Building Placement and Multiple Structures
- 4-2-4: Yards
- 4-2-5: Setbacks
- 4-2-6: Permitted Yard Encroachments
- 4-2-7: Zero Lot Line Subdivisions

4-2-1: Purpose and Intent. It is the purpose of this section to outline the general rules pertaining to lot size, building placement, open space, setbacks, setback exceptions and permitted encroachments that are not identified in specific zoning districts.

4-2-2: Minimum Lot Area Requirements.

- A. Except for non-conforming lots of record governed by Section [X] of this Ordinance, the minimum lot area and dimensional requirements shall conform to the standards of the applicable Base Zoning District and any applicable Overlay District. No lot, yard, or other open space shall be reduced in area or dimensions so as to make such lot, yard, or open space less than the minimum required by this Chapter, and if an existing yard or other open space is less than the minimum required, it shall not be further reduced.
- B. No required yard or other open space allocated to a building or dwelling unit shall be used to satisfy yard, other open space, or minimum lot area requirements for any other building.
- C. Buildable Area.
 - I. Any lot or parcel served by public water or sanitary sewer services shall require a minimum buildable area to support a principal structure that complies with the minimum dimensional and lot requirements established within the Base Zoning District that the parcel is located. The required minimum lot area shall be exclusive of utility and road easements.
 - II. Any lot or parcel served by private well and sanitary septic system must contain a minimum of 1.0 acres of contiguous buildable land capable of supporting an individual septic system that complies with Minnesota Rules 7080, or successor statutes. All other minimum dimensional and lot requirements of the Base Zoning District shall be met.

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4-2-3: Building Placement and Multiple Structures.

- A. **Street Obstructions.** All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features or proper subdivision and land planning.
- B. **Principal Buildings.** Except in an approved Planned Unit Development (PUD) that specifically allows it, as provided for in Section [X] of this Ordinance, not more than one (1) principal building shall be located on a lot or parcel.

4-2-4: Yards.

- A. **Yards.** No required yard or other green space allocated to a building or dwelling group shall be used to satisfy yard, other green space, or minimum lot area requirements for any other building.
- B. **Green Space.** The Base Zoning District establishes the maximum impervious surface coverage of a lot or parcel. The remaining uncovered area shall be considered Green Space, and is regulated in Division [4] of this Section.

4-2-5: Setbacks.

- A. **Reductions.** No setback or yard shall be reduced in area or dimension so as to make such setback or yard less than the minimum required by this Ordinance, and if the existing setback, yard or other green space as existing is less than the minimum required, it shall not be further reduced.
- B. **Front Setback Exception.** Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the required setback be less than twenty (20) feet.
- C.  **Corner Lots and Double Frontage Lots.** Lots which abut more than one (1) street shall provide the required front yards along every street.
- D. **Traffic Visibility Setback.** The visibility setback, or site triangle, shall be regulated per the Base Zoning District standards. To be addressed on each residential district dimensional standard table.

4-2-6: Permitted Yard Encroachments.

- A. The following structural elements or equipment shall not be considered encroachments on required yards:

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- I. Flag poles, sidewalks, wheelchair ramps, trees, shrubs, plants, yard lights, mailboxes, floodlights, or other sources of light illuminating authorized illuminated signs, or light standards for illuminating yards for safety and security reasons, provided the direct source of light complies with Section [X] of this Ordinance. Replacement of any item located within a public easement which has been destroyed or damaged due to accessing the easement shall be at the owner's expense.
 - II. Flues, belt course, bay windows, leaders, sills, pilaster, eaves, lintels, cornices, gutters, awnings, open canopies, chimneys, ornamental features, and open fire escapes, provided they do not extend more than four (4) feet into a required yard.
 - III. Terraces, steps, decks, uncovered porches, stoops or similar structures, which do not extend in elevation above the height of the ground floor elevation of the principal building and do not extend within two (2) feet of any lot line.
 - IV. Decks, balconies, uncovered porches, and/or similar features, attached to the principal building which extend in elevation above the height of the ground floor elevation of the principal building provided they do not extend within ten (10) feet of the rear lot line or extend beyond side yard accessory building setbacks.
 - V. In rear yards, clothes lines, recreational equipment (non-vehicular), trellises, open arbors are permitted provided that they maintain a five (5) foot setback from the side and rear lot lines. No encroachment shall be permitted within existing drainage or utility easements.
 - VI. Accessory equipment or uses including: gazebos, air conditioners, accessory antennas, sport courts, swimming pools, and trash enclosures are as regulated within this Section.
 - VII. Fences that comply with the standards and regulations established in Division [X].
 - VIII. Essential services.
- B. Encroachments to be addressed in the MS-1 district dimensional standards (B-3 is going away so need to apply to TN?)
Incorporate into Town Center and MS Districts

4-2-7: Zero Lot Line Subdivisions.

- A. **Attached Single-Family Residential and Multi-family Residential Uses.** If existing duplex, triplex, fourplex townhouses, or apartment units are proposed to be subdivided so that each unit is on an individual unit or condominium basis for owner occupancy, it

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shall require a Planned Unit Development (PUD) according to the provisions of Section [X] of this Chapter. Any proposed subdivision shall meet the following requirements:



- I. Prior to a duplex, triplex or fourplex building subdivision, the base lot shall meet all the requirements of the Base Zoning District in which the building is located.
 - II. There shall be no more than one (1) principal structure on a base lot in all Zoning Districts, unless otherwise permitted within an approved PUD. The principal structure on a lot created in a duplex, triplex or fourplex building subdivision will be that portion of the dwelling unit that is existing or constructed on the platted lot.
 - III. Permitted accessory uses as defined by the Base Zoning District is acceptable provided that the use meets all the dimensional and lot requirements.
 - IV. A property maintenance agreement shall be arranged by the applicant and submitted to the City Attorney for review and subject to approval. The agreement shall ensure the maintenance and upkeep of the structure including but not limited to siding, roofing (type and color), fencing, driveways, maintenance, etc. and the lots to meet minimum City standards. The agreement is to be filed with the County Recorder's office as a deed restriction against the title of each unit lot.
 - V. Separate public utility service shall be provided to each subdivided lot or unit and shall be subject to the review and approval of the City Engineer.
 - VI. The subdivision is to be platted and recorded in conformance to requirements of the Subdivision Ordinance.
- B. Buildings may be excluded from side yard requirements if party walls are utilized or if the adjacent buildings are planned to be constructed as an integral structure and a Conditional Use Permit is secured.

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DIVISION 3: OUTDOOR LIGHTING

Section:

- 4-3-1: Purpose and Intent
- 4-3-2: Exemptions
- 4-3-3: Non-Conforming Uses
- 4-3-4: Light Trespass
- 4-3-5: Performance Standards
- 4-3-6: Submission of Plans

4-3-1: Purpose and Intent. It is the purpose of this Section to encourage the use of lighting systems that will reduce light pollution and promote energy conservation while increasing nighttime safety, utility, security and productivity.

4-3-2: Exemptions. The provisions of this Section shall not apply to the following:

- A. The use of temporary outdoor lighting used during customary holiday seasons.
- B. The use of temporary outdoor lighting used for civic celebrations and promotions.
- C. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings or structures.
- D. Emergency lighting used by police, fire, and rescue authorities.
- E. Outdoor athletic facilities, except that lighting for such facilities, shall be shut off within ninety (90) minutes of final activity.

4-3-3: Non-Conforming Uses.

- A. Existing Fixtures. All outdoor lighting fixtures existing and installed prior to the effective date of this Ordinance are exempt from regulations of this section except that the light source shall be controlled to minimize light trespass onto adjacent property. Light trespass shall not exceed one (1) foot candle at the center line of a street or four-tenths (0.4) foot candles at the property line of adjacent residential property.
- B. New Fixtures. Whenever a light fixture existing on the effective date of this Ordinance is replaced by a new outdoor light fixture, the provisions of this section shall be satisfied.

4-3-4: Light Trespass.

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- A. Maximum Light Levels. Light trespass shall not exceed one (1) foot candle at the center line of a public street or four-tenths (0.4) foot candles at the property line of adjacent residential property as measured at the property line per the method outlined in Section 515-18-4.B of this Ordinance.
- B. The foot candle level of a light source shall be measured at the property line and taken after dark with the light meter held six (6) inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the light intensity.

4-3-5: Performance Standards.

- A. Residential District Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:
 - I. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.
 - II. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.
 - a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.
 - III. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.
- B. Business/Industrial District Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:
 - I. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.
 - II. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.
 - III. Architectural/historical lights that include fixtures that are not shielded, or lighting of entire facades or architectural features of a building are permitted. In no case shall the light affect adjacent property in excess of the maximum light levels defined in this Ordinance.

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- IV. In GC-1, CC-1, CC-2 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.
- a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.
- V. In TC-1, MS-1, ME-1 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is twenty (20) feet. A light source mounted on a structure shall not exceed the height of the structure.
- a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty-five (25) feet may be allowed.
- VI. In GI-1 districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is twenty-five (25) feet. A light source mounted on a structure shall not exceed the height of the structure.
- a. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of thirty (30) feet may be allowed.
- VII. Location.
- a. The light source of an outdoor light fixture shall be set back a minimum of three (3) feet from a street right-of-way or residential property and three (3) feet from any other property line.
- b. No light source shall be located on the roof unless said light enhances the architectural features of the building and is approved by an Administrative Permit.
- VIII. Direct or reflected light from high temperature processes such as combustion or welding shall not be visible from any adjoining property.
- C. Outdoor Recreation. Outdoor commercial or public recreational uses such as, but not limited to, baseball fields, football fields, hockey rinks, and tennis courts have special requirements for nighttime lighting. In such cases, an Administrative Permit shall be required and compliance with the following:
- I. No outdoor recreation facility shall be illuminated after 12:00 a.m. except for security lighting. Exceptions may be granted by City staff for special events.

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- II. Off-street parking areas for outdoor recreation uses shall meet the requirements stated for business or industrial applications as found in Section 22 of this Ordinance.
- III. The provisions for an Administrative Permit, Section 9 of this Ordinance, are considered and satisfactorily met.

4-3-6: Submission of Plans.

- A. All zoning and building applications, except single and two family residential, that include outdoor lighting shall submit the following information in addition to other information required by City staff:
 - I. Site plans indicating the location of all lighting devices.
 - II. Description of the lighting devices, fixtures, lamps, supports, and reflectors. The description shall include, but is not limited to, catalog cuts by manufacturers and drawings.
 - III. Photometric plans showing the location of each light source and the level of light (measured in foot candles) every twenty (20) feet.

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**DIVISION 4 : LANDSCAPING, GREEN SPACE,
SCREENING AND FENCE REQUIREMENTS**

Section:

- 4-4-1 Purpose and Intent
- 4-4-2 Minimum Requirements
- 4-4-3 General Landscaping Improvement Standards
- 4-4-4 Green Space
- 4-4-5 Screening
- 4 (MOVED) (MOVED) (MOVED)
- 4-4-6 Parking Lots
- 4-4-7 Screening of Equipment
- 4-4-8 Installation and Maintenance
- 4-4-9 Fence Permit Required
- 4-4-10 Fence Exemptions
- 4-4-11 Fencing Site Plan
- 4-4-12 Fence Location
- 4-4-13 Fence Construction and Maintenance
- 4-4-14 Fence Access
- 4-4-15 Fence Height

4-4-1 Purpose and Intent. The purpose of this Section is to establish standards for general landscaping, green space and required screening applicable to all districts. When landscape material is used for screening it shall incorporate plant types and sizes that will promote healthy landscapes. These standards are intended and designed to assure compatibility of uses and to enhance the health, safety and general welfare of the residents of the City of Brainerd.

4-4-2 Minimum Requirements. The requirements in this Section are minimum requirements, and under no circumstances shall they preclude the ability of the property owner and the City from agreeing to more extensive landscaping.

4-4-3 General Landscaping Improvement Standards.

- A. **Landscape Improvement Standards by Use.** Except as may be required or permitted in this Section, or provided by development contract or approval by the City Council, the site area remaining after providing for any required off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be landscaped using ground cover such as mulch or landscape rock, turf grass, ornamental grass, shrubs, trees other acceptable vegetation or treatment generally used in landscaping prior to the date of a Certificate of Occupancy.

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- I. Single-family detached and single-family attached residential uses. In addition to the specific planting requirements stated below all yards shall be started with seed or sod and required landscaping improvements installed.
- II. Multi-family attached residential uses.
 - a. *General Site Landscaping.* Four (4) shrubs shall be planted per dwelling unit. Shrubs used as required screening as identified in (b) shall not be counted in meeting these requirements.
 - b. *Privacy Screen.* Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public or private street an eighty (80) percent opacity four (4) foot high landscaped privacy screen shall be provided. The screen shall consist of a combination of trees, shrubs, berms and/or fences (no walls).
- III. Non-Residential Uses.
 - a. *General Site Landscaping.* All developed portions of the site shall conform to the general landscaping requirements in Section 515-20-3 except where screening is required.
 - b. *Screening.* A six (6) foot high fence or landscaped screen, providing eighty (80) percent year around opacity, shall be required wherever a non-residential use abuts directly upon land zoned or used for residential purposes or is across an alley from land used or zoned for residential purposes.* Berms may be used as part of the six (6) foot screen height but shall not be used to achieve more than three (3) feet of the required height. Landscape material provided along the outside of a fence or wall (except when adjacent to an alley) with maximum spacing is required as follows:

Table X. Non-Residential Uses Planting Requirements

Type of Landscaping	Planting Requirements
Shrubs	5 per 40 lineal feet

- B. * See Section [xx] for parking lot requirements. **Landscape Improvements in Easement Areas.** Where possible, all landscape improvements shall be placed outside of any required drainage or utility easement. If it is not possible to avoid improvements within easement areas, the owner shall agree that any fence, wall, or trees placed upon utility easements are subject to removal at the cost of the property owner if required for the maintenance or improvement of the utility, and that if such landscape improvement is required for screening as defined in this Section that it shall be the responsibility of the owner to reinstall or plant new landscaping to meet the screening requirement..
- C. **Required Tree Planting.** Except for lots and parcels developed prior to the adoption of this Ordinance, new development shall have the following minimum landscape requirements:
 - I. All required tree planting plans shall have a mixture of conifer and deciduous trees.
 - II. In all Rural Living and Garden Living Base Zoning Districts new parcels or lots shall include plantings at the rate of one (1) tree per three thousand (3,000) square feet of undeveloped or open space area.
 - III. In all Contemporary Neighborhood and Traditional Neighborhood Base Zoning Districts new lots or development shall include landscape plantings as identified in

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Table [X]. All required plantings shall be planted within 10-feet of the front property line, or right-of-way line.

Table X. Required Tree Planting in CN and TN Zoning Districts

Lot width	Number of trees	Spacing on center
45-60'	1	Per each 25'
65'+	1	Per each 30'

- a. Required trees may be planted at uniform intervals, at random, or in groupings. Newly planted trees shall comply with the requirements of this Ordinance. Trees retained on site following development can be reduced from the total required plantings.

4-4-4 Green Space.

- A. **Non-Residential Site Development and Non-Residential Site Redevelopment.** Each Base Zone District shall set a maximum impervious surface coverage as defined in Sections [XX] of this Code. The remaining area shall be considered green space which may be used for stormwater management, raingardens, wetland areas and required buffers, and landscaping. A minimum of fifty (50) percent of the required green space shall be located along the street frontage with the most traffic and visibility, or adjacent to any residential use or residentially zoned property to provide a buffer between the non-residential use or structure. .
- B. **Incentives for Additional Green Space.** Incentives are available for reducing the amount of impervious surface coverage below the maximum established in the Base Zoning District to create additional green space and/or add landscape improvements that exceed the standards established in this Section The following incentives are provided:
 - I. For every five (5) percent increase in green space area, off-street parking requirements can be reduced by ten (10) percent. Based on the proposed plan, up to a thirty (30) percent reduction in total parking spaces is available.
 - II. Other incentives as approved by the City Council.

4-4-5: Screening.

- A. **Landscape Plan.** Prior to approval of a building permit, a landscape plan and planting schedule shall be approved. The planting schedule shall include size of plantings, species and site location. The landscape plan shall be developed with an emphasis upon the following areas:
 - I. The boundary or perimeter of the proposed site adjoining other property.
 - II. The immediate perimeter of the structure.
 - III. The perimeter of parking and loading areas.

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- B. **Requirements.** All landscaping incorporated in said plan shall conform to the following standards and criteria:

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

Table X: Minimum Landscape Plant Standards.

		Potted/Bare Root or Balled or Burlapped
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 Shrubs:	Deciduous	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.		

- C. **Spacing.**

- I. Landscape material used for required screening shall consist of two (2) rows of closely spaced, staggered evergreen/conifer plantings that shall be planted no more than fifteen (15) feet on-center which can be reasonably expected to form the required visual barrier measured at least six (6) feet above ground level within three (3) years of planting. A single row of evergreen screening planted ten (10) feet on center may be substituted if documentation is provided that insufficient room exists to plant a staggered double row. A single row of evergreen material shall provide a visual barrier measured at least six (6) feet above ground level within three (3) years of planting.

- D. Deciduous plant materials may be used provided that the minimum required year around opacity visual screen is maintained. Wherever screening is required adjacent to residentially zoned or used property, the screening shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the screening.

- E. **Design.**

- I. All land area disturbed as result of development activities not planned for improvements within the property lines (or beyond, if site grading extends beyond) must be restored and revegetated with seed or sod and landscaping as approved within the Landscape Plan.
- II. Newly established or created turf slopes in excess of three to one (3:1) are prohibited unless approved by City staff.

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- III. All ground areas under the building roof overhang must be landscaped as described in this Section.
- IV. All buildings must have exterior water access to ensure that landscape maintenance can be accomplished.
- F. **Landscape Guarantee.** All new plants shall be guaranteed for one (1) full year from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or shall be replaced.

4-4-6: Parking Lots.

- A. All exposed parking areas of ten (10) or more required spaces in a front and side yard abutting a public right-of-way shall be screened with landscaping not less than three (3) feet or more than four (4) feet in height. The landscaping shall maintain a year-round fifty (50) percent opacity.
- B. When a parking lot is adjacent to or across an alley from a residential use or residentially zoned property, the required screen height shall be increased to six (6) feet.
- C. A four (4) foot high wall or fence constructed of masonry, brick, wood, or vinyl may be used for required screening. The area between the parking lot and a wall or fence shall be planted with grass or established with landscape material.
- D. A chain link fence with or without slats is not permitted to satisfy screening requirements.
- E. Landscape material is required on the exterior, or finished side of a fence with maximum spacing required as follows:

Type of Landscaping	Planting Requirements
Shrubs	5 per 40 lineal feet

- F. Off-street parking facilities with internal parking rows of twenty (20) or more spaces shall incorporate irrigated landscaped islands as part of the design.. Landscaped islands

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shall be a minimum of six (6) feet wide and extend the length of the parking row, and one landscape island per 40 stalls shall be provided. The islands shall be contained within raised, curbed beds.

- I. In lieu of irrigated islands, drought tolerant plant materials may be used. Plant material information shall be provided to verify drought tolerance.
- II. At least fifty (50) percent of each interior landscaped area shall be covered by living plant material, such as sod shrubs, ground cover or trees.
- III. It is not the intent of this section to relieve a project from the installation of islands or peninsulas that are necessary to promote the safe and efficient flow of traffic, regardless of parking lot size.
- IV. No landscaping or screening shall interfere with drive or pedestrian visibility for vehicle entering, circulating or exiting the premises.

4-4-7: Installation and Maintenance. The following standards shall be observed where installation and maintenance of landscape materials are required:

- A. **Installation.** Landscaping shall be installed in the manner recommended by the manufacturer. Wire and rope caging and non-degradable burlap around tree root balls shall be removed during planting. Landscaping along the perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.
- B. **Protection from Vehicles.** Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.
- C. **Seeding or Sodding/Off-Season Planting Requirements.** Lots or parcels shall be established with seed or sod prior to issuance of a Certificate of Occupancy or property use. If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season.
- D. **Maintenance.** Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. A healthy, neat and orderly appearance includes proper pruning, regular mowing of lawns, and removal of all litter and the replacement of dead and unhealthy plant material. All unhealthy and dead plant material shall be replaced immediately upon notice from the City of Brainerd, unless the

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season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

- E. All landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within three hundred (300) feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.
- I. Exception. Some requirements of (E) may be waived if a drought tolerant landscape plan is approved and proper maintenance and management plan is established specifically for the plant schedule identified.
- F. Maintenance of a required buffer plantings shall be the responsibility of the individual property owners or, if applicable, the homeowner's association.
- G. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed. Replacement of landscape materials or plantings in a required buffer shall be consistent with the original screen design. All repair or replacement of plantings in a required buffer shall be done within ten (10) days of written notification from the City.

4-4-8: Fence Permit Required. A fence permit is required for any fence, partition, structure, wall or gate constructed within the required yard.

4-4-9: Fence Exemptions. Fences which are ninety (90) percent open (barb wire, chain link, woven wire, and other similar type fences) which are used for containing non-domestic animals within the RL-1, RL-2 and GL-1 Zoning Districts are not subject to the provisions of this Section and do not require a fence permit.

4-4-10: Fencing Site Plan. An application for a fence permit shall be accompanied by a scaled site plan providing lot dimensions, the location of existing buildings, structures, and easements on the lot, and the location of the proposed fence. Burden of proof for property line and pin locations shall be the responsibility of the property owner.

4-4-11: Fence Location. All fences or walls shall be located entirely within the property of the person or firm constructing the fence unless the owner of the adjoining property agrees, in writing, that such fence may be erected on the common property line of the respective properties.

- A. No fence or wall shall be permitted on public rights-of-way.

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- B. Traffic visibility requirements set forth in Section 515-16-5.D of this Ordinance shall be met.
- C. No fence or wall shall obstruct natural drainage or extend within a wetland, drainage ditch, stream, or river.
- D. Fences may be constructed within utility and drainage easements with the written permission of City staff.
- E. Wire fences other than chain link are not permitted within five (5) feet of the property line.
- F. All fences shall be located at least four (4) feet from an alley right-of-way.

4-4-12: Fence Construction and Maintenance.

- A. Every fence shall be constructed in a professional manner and of substantial materials reasonably suitable for the purpose for which it is intended. The materials and design shall be compatible with other structures in the area in which the fence is located and shall not cause blight or a negative impact.
- B. Every fence shall be regularly maintained and shall not become or remain in a condition of disrepair, or constitute a nuisance.
- C. All posts or similar supporting devices used in the construction of fences shall face inward toward the property being fenced. That side of the fence considered to be the face shall be oriented toward abutting property or rights-of-way.
- D. Electric and barb wire fences are prohibited in residential districts.
- E. Within non-residential districts, barbed wire may be attached to the tops of fences with the following conditions:
 - I. Fences shall be a minimum of eight (8) feet in height exclusive of the security arm.
 - II. The security arm shall be angled in such a manner that it extends only over the property of the permit holder.
 - III. Wire security fencing shall not be permitted within the required front yard or along a property line abutting a residential use.
- F. Solid walls, including retaining walls in excess of forty-eight (48) inches in height require a building permit.
- G. The good or finished side shall face the neighboring property.

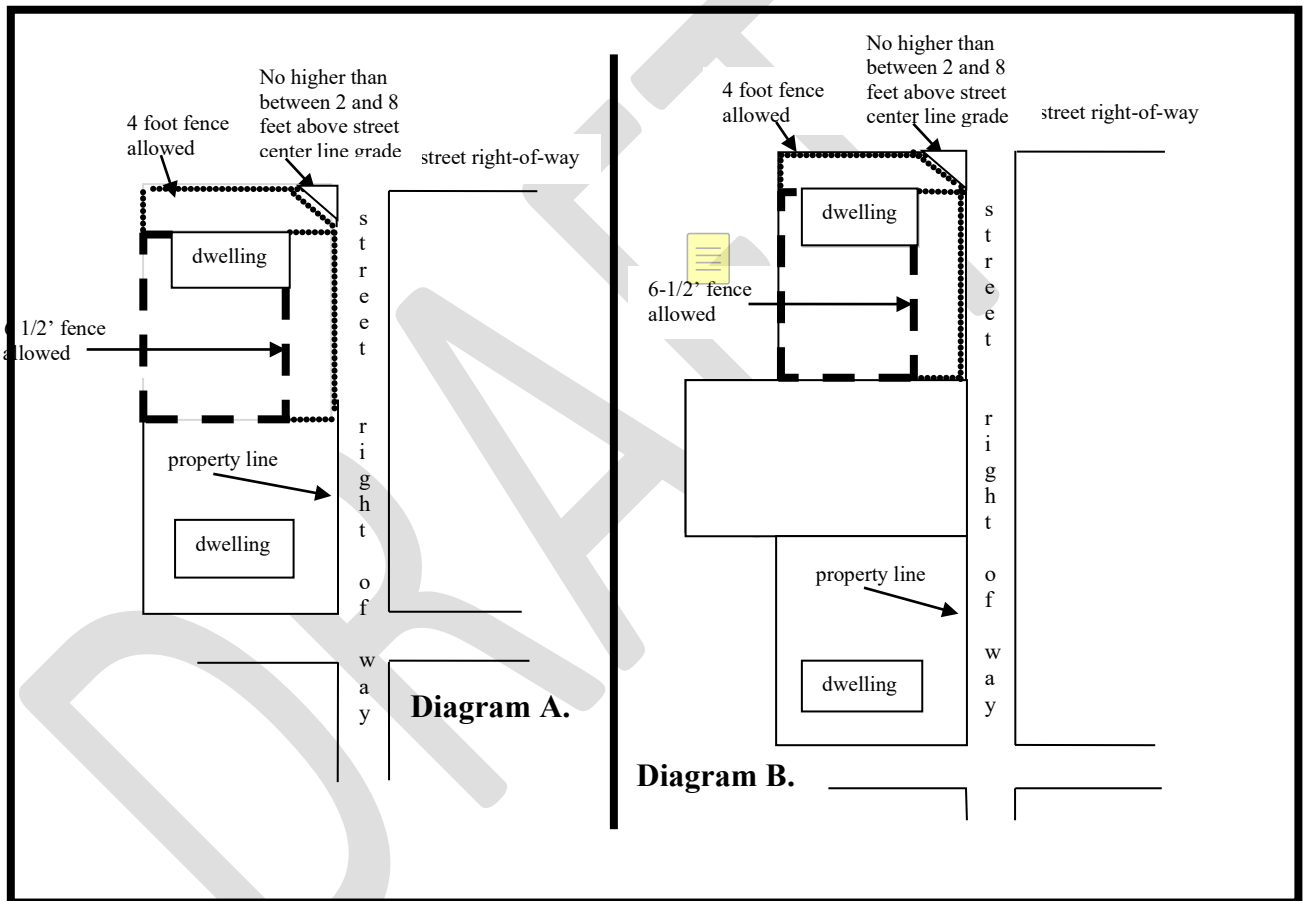
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4-4-13: Fence Access. All fences that completely enclose an area shall contain a gate to provide public safety access.

4-4-14: Fence Height.

- A. Fences may be located in any yard up to a height of four (4) feet.
- B. Except as prohibited by Section [X] a fence up to six and one half (6½) feet high may be erected from a line extended from the front façade of the principal building to the side lot lines, and then along the side lot lines and the rear lot line (see Diagram A).
- C. Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear or side lot equal to the required front yard of the abutting lot shall not contain a fence greater than four (4) feet. For the purpose of this section, the front and side yards of the abutting lot shall be as defined in this Ordinance rather than the house as built (see Diagram B).
- D. Fence height shall be measured from the adjacent ground level to the top of the fence section on the side facing the neighboring property. Fence posts above the fence section and ornamental post features are exempt from the height limits.
- E. Height Exceptions.
 - I. Fences for sport courts may be up to twelve (12) feet in height with ten (10) foot setback from any property line, and must be located behind the principal structure
 - II. Residential fences up to eight and one half (8½) feet in height are permitted along a property line abutting a commercial, industrial, or semi-public use or zoning district.
 - III. Non-residential fences up to eight and one half (8 ½) feet in height are permitted. Such fences in a front yard must be ninety (90) percent open.
 - IV. Fences taller than eight and one half (8½) feet non-residential districts require a Conditional Use Permit.

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Brainerd, MN
Section 515 (DRAFT ZONING DISTRICTS)

515 ZONING DISTRICTS

515.70 Maker & Employment District ME-1

515.70.1 Purpose of ME-1 Maker & Employment Zoning District. To provide for the establishment of small start-ups, incubator and craft/maker businesses that are appropriate in the Town Center and neighborhood business areas. This district may also incorporate light industrial, general office and commercial uses

515.70.2 Permitted Uses. See Table [X] for permitted, accessory, interim, and conditional uses.

515.70.3 Uses by Administrative Permit.

List to be developed with Table of Use Discussion.

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

B. Telecommunication towers as regulated by Section 35 of this Ordinance.

C. Temporary mobile towers as regulated by Section 35 of this Ordinance.

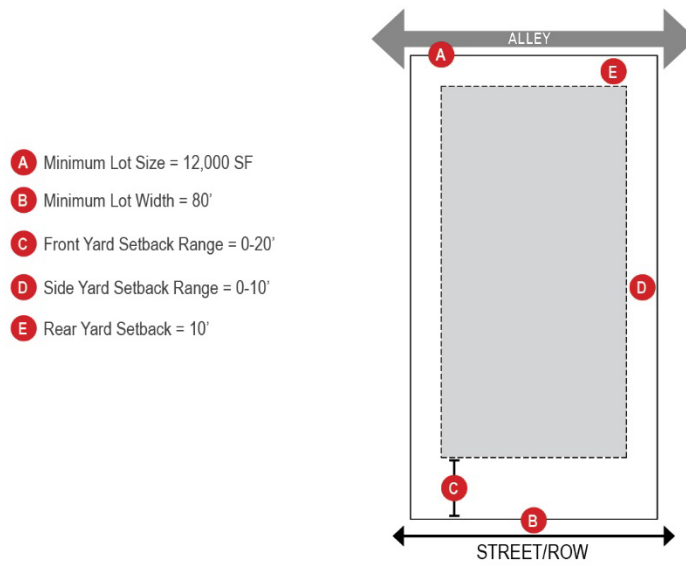
515.70.4 ME-1 Zoning District Dimensional Standards

Table __. ME-1 Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
A	Lot Size Min.	12,000 SF
B	Min Lot Width (Frontage on Public Roads)	80'
Principal Building Setbacks		
C	Front Yard Setback range	0-20'
D	Side Yard internal lot/corner lot range	0-10'
	Setback from adjacent residential district	na
E	Rear Yard Setback	10'
	Building Height	30' max.
	Minimum floor area	1000 SF
	Impervious Surface Coverage	100%
Other Standards		
	TBD	

Brainerd, MN
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Figure X. ME-1 Lot Dimensional Standards Diagram



Brainerd, MN
Section 515 (DRAFT ZONING DISTRICTS)

515.71 General Industrial Zoning District (GI-1)

515.71.1 Purpose of GI-1 Zoning District. The purpose of the GI-I, General Industrial District is to provide for the establishment of heavy industry and manufacturing development and use which because of the nature of the product or character of activity, requires isolation from residential and commercial uses.

515.71.2 Permitted Uses. See Table [X] for permitted, accessory, interim and conditional uses.

515.71.3 Uses by Administrative Permit.

List to be developed with Table of Use Discussion.

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

515.71.4 GI-1 Zoning District Dimensional Standards

Table __. GI-1 Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
A	Lot Area Min.	24,000 SF
B	Lot Width Min. (on a public street)	100'
Principal Building Setbacks (Minimum)		
C	Front Yard Setback	40'
D	Side Yard Setback internal lot/corner lot	10'/20'
E	Rear Yard Setback	30'
	Setback from adjacent residential district	100'
Accessory Building Standards (NOT PERMITTED)		
Coverage and Height Standards (Maximum)		
	Minimum Floor Area	1000 SF
	Building Height	30' max.
Other Standards		
	TBD	

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Figure X. G1-1 Lot Dimensional Standards Diagram

