

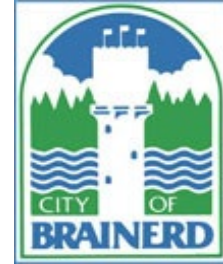
**BRAINERD PLANNING COMMISSION**  
**Workshop**

Wednesday, September 7th, 2022  
7:00 p.m.  
Fire Department Training Room  
23 Laurel St.

1. Call to Order
2. Roll Call
3. Conversion of Dwellings to Green Space or Surface Parking Discussion
4. Outdoor Lighting Discussion
5. Manufactured Home Overlay District Discussion
6. Adjourn

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

# MEMO



**TO:** Planning Commission

**FROM:** James Kramvik, Community Development Director

**DATE:** September 7, 2022

**RE:** Conversion of Dwellings to Greenspace or Surface Parking Discussion

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## **Introduction**

Ordinance No. 1534 went into effect on July 17<sup>th</sup> which imposed a six-month moratorium on the conversion of dwelling units to green space or surface parking in the R-1 zoning district. The city has a shortage of housing, particularly affordable housing. Removal of dwelling units for the establishment of green space or surface parking adds to the overall shortage of housing. City staff and the Planning Commission are tasked to study the issues related to conversion of dwelling units and shall provide recommendations to the City Council concerning proposed changes to the City Code.

## **Issues**

Public entities, non-profit organizations, and commercial businesses within and adjacent to the R-1 zone/ TN-1 zone continue to acquire dwelling units in anticipation of converting them to green space or parking. This practice is part of a spiral of decline witnessed in the vicinity of such conversions.

## **515-3-30 Parking Lots**

- A. Any parking lot not located on the same lot as the Principal Structure must comply with the following minimum standards:
1. The parking lot shall be adjacent to or across an alley from a Base Zoning District that permits or conditionally permits the principal use served by the parking lot.
  2. The parking lot parcel(s) shall be no wider than the boundary line of the primary parcel on which the associated use is located.
  3. Overnight parking will be limited to vehicles owned and operated by the business associated with the principal use.
  4. Alley improvements desired by the adjacent property owner shall be approved by the City of Brainerd and improved at the requesting party's expense.

*According to Section 515-3 Appendix A Table-of-Uses, Parking lots that are not located on the same parcel as the principal structure are not allowed in residential districts except for the Traditional Neighborhood 2 (TN-2) District.*

*Parking Lots are allowed as a Conditional Use in all other districts if they meet the conditions listed above.*

### **Current Code Restrictions on the Expansion of Large Institutions**

The Public/ Semi-public (PSP) District includes large campuses such as hospitals, churches, and schools. In order for these properties to add additional surface parking the owned/ purchased parcel would most likely need to be rezoned to PSP District. A parking expansion would require a Conditional Use Permit if it were not located on the same lot as the principal structure. However, this does not address demolition of homes to greenspace.

### **Current Code Restrictions on the Expansion of Commercial Businesses**

A commercial zoning district would require a rezoning from a residential district in order to demo a residential home to add additional surface parking. This does not address demolition of homes to greenspace.

### **Public Entities and Non-Profit Organizations in Residential Zoning Districts**

Neighborhood elementary schools and churches are primarily zoned Traditional Neighborhood 1 (TN-1), Contemporary Neighborhood 1 (CN-1), and Contemporary Neighborhood 2 (CN-2) Districts. Schools and churches located within these districts require a Conditional Use Permit for new construction or expansion. Parking lots within residential zoning districts must be located on the same lot as the principal structure.

### **Moratorium**

The City shall not accept or process applications for the demolition of a dwelling unit in the R-1 zone without an accompanying application for construction of a new dwelling, along with reasonable surety that such a dwelling will be constructed. A signed contract with a third-party contractor to construct a new dwelling shall be considered reasonable surety, as are other forms of financial security adequate to ensure follow-through.

The Brainerd Housing and Redevelopment Authority, the Brainerd Economic Development Authority, and Crow Wing County are exempt from this moratorium.

Also exempted is the removal of any unsafe or hazardous structures by the City pursuant to its statutory authority.

*Staff requests that the Planning Commission provides recommendations to strengthen the new Zoning Code in relation to the conversion of dwelling units to green space or surface parking in applicable zoning districts.*

*Is the moratorium language added to Section 515-4 General Building, Development, and Design Standards?*

**ORDINANCE  
NO. 1534**

**AN INTERIM ORDINANCE PLACING A TEMPORARY MORATORIUM ON PROHIBITING  
THE CONVERSION OF DWELLINGS TO GREEN SPACE OR SURFACE PARKING IN THE  
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Purpose.

Pursuant to the authority granted under Minnesota Statutes section 462.355, subdivision 4, this Ordinance imposes a six-month moratorium on the conversion of dwelling units to green space or surface parking in the R-1 zoning district.

SECTION TWO. Preliminary Findings.

It is in the public interest to declare a moratorium on conversions of dwellings to green space and/or surface parking for the following reasons:

1. The purchase and removal of dwelling units to either green space or surface parking impairs the tax base, both on the property being converted and among adjacent properties.
2. Public entities, non-profit organizations, and commercial businesses within and adjacent to the R-1 zone continue to acquire dwelling units in anticipation of converting them to green space or parking. This practice is part of a spiral of decline witnessed in the vicinity of such conversions.
3. The city has a shortage of housing, particularly affordable housing. Removal of dwelling units for the establishment of green space or surface parking adds to the overall shortage of housing.
4. The city needs time to study this problem and develop changes to the Code to address this issue.

SECTION THREE. Moratorium.

The City shall not accept or process applications for the demolition of a dwelling unit in the R-1 zone without an accompanying application for construction of a new dwelling, along with reasonable surety that such a dwelling will be constructed. A signed contract with a third-party contractor to construct a new dwelling shall be considered reasonable surety, as are other forms of financial security adequate to ensure follow-through.

The Brainerd Housing and Redevelopment Authority, the Brainerd Economic Development Authority, and Crow Wing County are exempt from this moratorium.

Also exempted is the removal of any unsafe or hazardous structures by the City pursuant to its statutory authority.

SECTION FOUR. Study.

During the period of this moratorium, City staff, the Planning Commission, and the Community Development Director shall study the issues related to conversion of dwelling units to green space and dwelling units to parking in the City of Brainerd and shall provide recommendations to the City Council concerning proposed changes to the City Code.

SECTION FIVE. Effective Date.

This ordinance becomes effective from and after its passage and publication for a period of six-months.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
KELLY BEVANS  
President of the Council

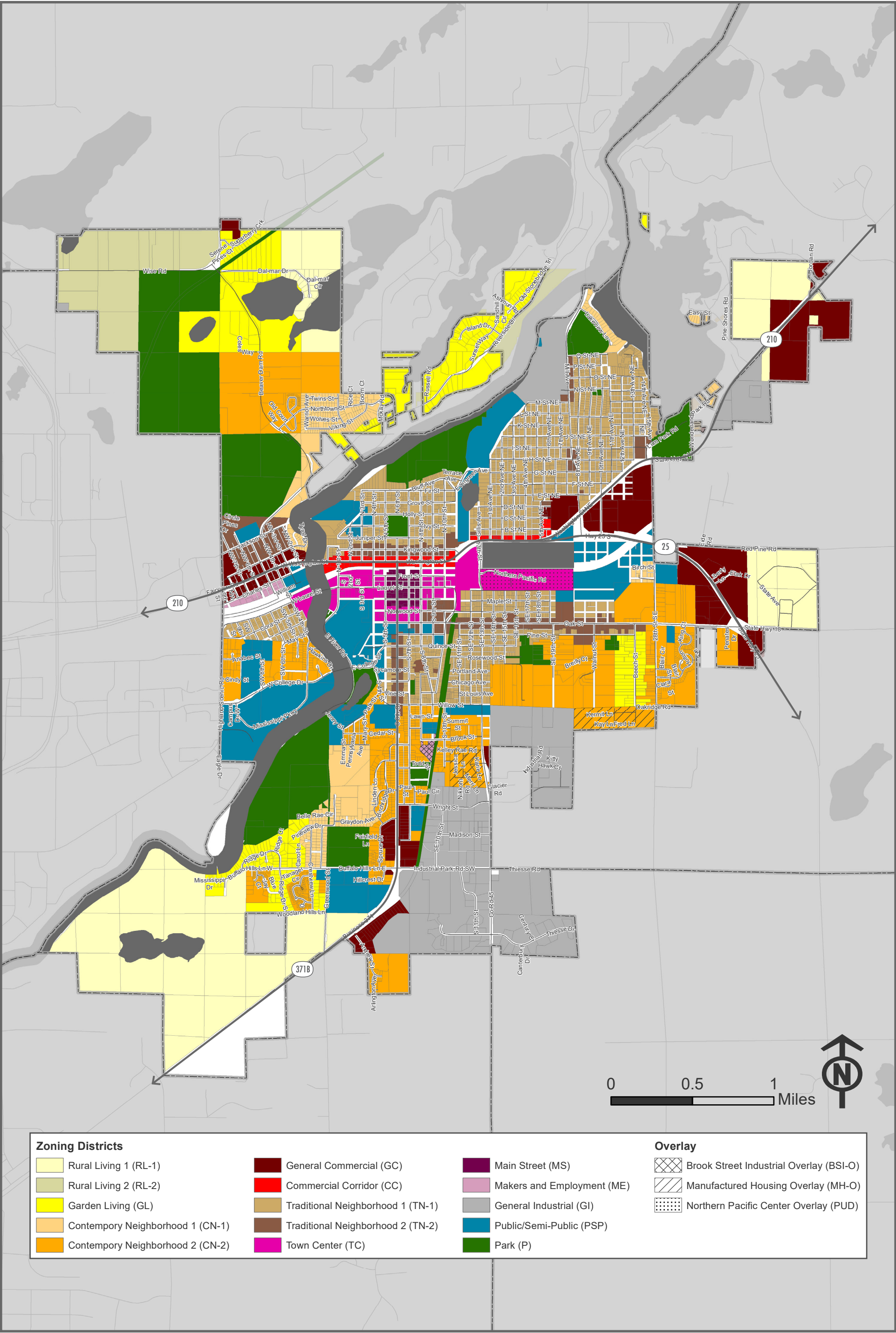
Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
DAVE BADEAUX  
Mayor

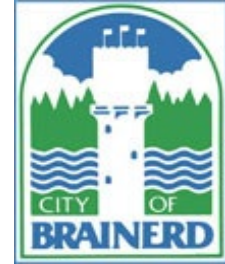
ATTEST: \_\_\_\_\_  
JENNIFER BERGMAN  
City Administrator

Published: One Time – \_\_\_\_\_

Zoning Map 07/05/2022



# MEMO



**TO:** Planning Commission

**FROM:** James Kramvik, Community Development Director

**DATE:** September 7, 2022

**RE:** Outdoor Lighting Discussion

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## **Introduction**

[Section 515-4-8](#) of the Code of Ordinances regulates Outdoor Lighting. The City of Brainerd Planning Commission and City Council have extensively reviewed and made changes to the lighting ordinance in the last few years. The new Zoning Code did not significantly alter the wording from the previous code. After implementation of the redrafted Outdoor Light Ordinance and review of Conditional Use Permits that included outdoor lighting, Staff and Planning Commission determined that there were two items to consider adding to the Zoning Code.

## **Lighting Color Temperature**

Color temperature of outdoor lighting plays an important role on how a lighted space is personally perceived and can affect neighboring properties or traffic. The current Zoning Code does not regulate color temperature in any Zoning Districts. Staff has provided an attachment that displays a color temperature scale to determine if any Zoning Districts should have a color temperature requirement and what the maximum Kelvin number should be.

## **Color Temperature Scale**

<https://www.1800lighting.com/blog/lighting-by-room/the-best-color-temperature-for-outdoor-lighting.html>

## **Review Increase in Light Source Height**

Planning Commission discussed the lighting height performance standards at a previous meeting and determined that the existing code can be difficult to interpret for staff. A consensus from the Commission was that the increase in lighting height should be restricted to the interior portion of a lot. It was determined that the lighting height standards should be reviewed later in a workshop.

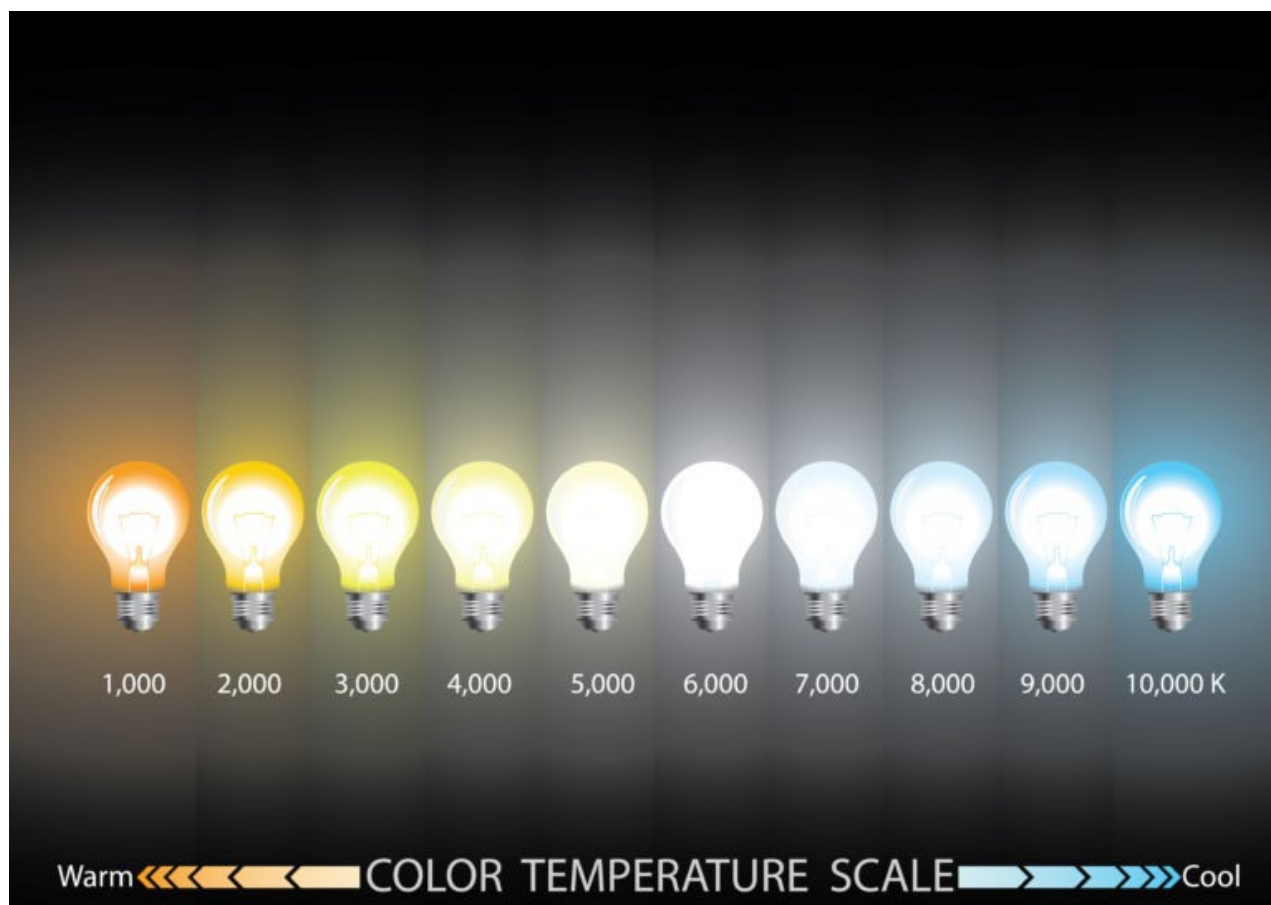
E. Performance Standards

1. Residential Use 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:
  - a. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.
  - b. 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.
  - c. 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.

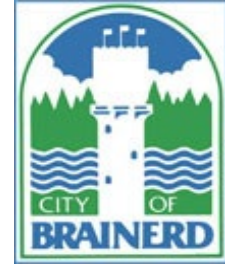
*Staff requests that the Planning Commission consider a maximum color temperature and apply it to the appropriate Zoning Districts. Staff also requests the Planning Commission to review the height standards and potentially require a setback from property lines.*

*Staff recommends adding the PSP District to the General Commercial and Commercial Corridor District Lighting Standards.*





# MEMO



**TO:** Planning Commission

**FROM:** James Kramvik, Community Development Director

**DATE:** September 7, 2022

**RE:** Manufactured Home Overlay District Discussion

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## **Introduction**

[Section 515-2-20](#) of the Code of Ordinances regulates the Manufactured Home Overlay District. In the last few years, the Community Development Department typically permits 2 to 5 new manufactured homes in the City of Brainerd per year. This section was reviewed by Swanson Haskamp Consulting and edits were made in the new Zoning Code. Staff did not spend a significant amount of time reviewing this section as the Manufactured Housing District was planned to be reviewed after the adoption of the Zoning Code.

## **Manufactured Home Overlay Districts in the City of Brainerd**

Stoneybrook South Mobile Home Park – 1710 SE 13<sup>th</sup> St, Brainerd, MN  
Meadowview manor Mobile Home Estates – 1502 Erick Ln, Brainerd, MN

## **Issues with the Code**

The previous zoning code had different setback standards based on lot size and width of the manufactured home. The two current manufactured housing parks do not have well defined lot lines, which make administration of the code difficult. Also, most lots failed to meet minimum lot size standards, but the homes are appropriately spaced apart.

## **Primary Items to Review**

- 1) Lot Size
- 2) Primary Structure Setback Standards
- 3) Accessory Structure Setback Standards
- 4) Accessory Structure Number

Staff requests that the Planning Commission considers a uniformed Lot Size Standard, Primary Structure Setback Standard, and Accessory Structure Setback Standard. Staff has provided the Planning Commission with proposed edits in the attached document and is looking for any other recommendations to improve this section of code.

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**515-2-20      Manufactured Home Overlay District (MH-O)**

A. **Purpose of the Manufactured Home Overlay District.** The purpose of the MH-O District is to provide a separate district for manufactured housing parks, distinct from other residential areas.

B. **Permitted Uses.**

1. One family detached manufactured dwellings.
2. Public recreation areas and related accessory buildings and structures.

C. **Accessory Uses.**

1. Home Businesses as regulated in Section [515-3-19] of this Ordinance.
2. Storage of private recreational vehicles and equipment subject to Section [515-3-31] of this Ordinance.
3. Common swimming pool, sport courts and similar recreational facilities for the use of residents of the park and their occasional guests.
4. Tool houses, sheds, and similar buildings for the storage of domestic supplies and equipment.
5. Private garages, parking spaces and car ports.
6. Community laundry facilities, storm shelters, park offices and recreational buildings.
- ~~7.~~ Noncommercial greenhouses as regulated by Section [515-4-6.E.] of this Ordinance.
- ~~7-8.~~ Fences as regulated by Section [515-4-11] of this Ordinance.

D. **Design and Operational Standards.**

1. General Provisions:

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- a. All land area shall be:
  - i. Adequately drained.
  - ii. Landscaped to control dust.
  - iii. Clean and free from refuse, garbage, rubbish, or debris.
- b. No tents shall be used for other than recreational purposes in a manufactured housing park.
- c. There shall not be outdoor camping anywhere in a manufactured housing park.
- d. Access to manufactured housing parks shall be as approved by the City.
- ~~e. All structures (fences, storage, cabana, etc.) shall require a building permit from the Building Official.~~
- f. The area beneath a manufactured housing unit shall be enclosed except that such enclosure must have access for inspection.
- g. A manufactured housing park shall have a central community building with the following features:
  - i. Laundry drying areas and machines.
  - ii. Laundry washing machines.
  - iii. Public toilets and lavatories.
  - iv. Storm shelter.
  - v. Such buildings shall have adequate heating in all areas and be maintained in a safe, clear, and sanitary condition.

**E. Site Plan Requirements.**

- 1. Legal description and size in square feet of the proposed manufactured housing park.
  - a. Location and size of all manufactured housing unit sites, dead storage areas, recreation areas, laundry drying areas, streets and roadways, parking sites, and all setback dimensions (parking spaces, exact mobile home sites, etc.).
  - b. Detailed landscaping plans and specifications.
  - c. Location and width of sidewalks.
  - d. Plans for sanitary sewage disposal, surface drainage, water systems, underground electrical service, and gas service.
  - e. Location and size of all streets abutting the manufactured housing park and all driveways from such streets to the manufactured housing park.
  - f. Street and road construction plans and specifications.
  - g. Plans for any and all structures.
  - h. Such other information as required or implied by these manufactured park standards or requested by the Zoning Administrator.
  - i. Name and address of developer(s) and/or owner(s).
  - j. Description of the method of disposing of garbage and refuse.
  - k. Detailed description of maintenance procedures and grounds supervision.
  - l. Details as to whether all of the area will be developed a portion at a time.

**F. Design Standards.**

- 1. Park Size. The minimum area required for a manufactured housing park designation shall be five (5) acres.

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~~2. Individual manufactured housing site (homes 14 feet wide or less).~~

~~3.2.~~ Each manufactured housing site shall contain at least 5,000 square feet of land area for the exclusive use of the occupant:

- a. *Width:* No less than 50 feet.
- b. *Depth:* No less than 100 feet.

~~4.3.~~ Each manufactured housing site shall have frontage on an approved street or roadway and the corner of each manufactured home site shall be marked and each site shall be numbered.

~~5. Individual manufactured housing unit site setbacks.~~

~~6.4.~~ In all manufactured housing parks, no housing unit shall be located closer than ten (10) feet to its side lot lines or twenty (20) feet to the nearest adjoining manufactured home nor closer than ~~30~~ twenty (20) feet to its front lot line, or within ten (10) feet of its rear lot line.

~~7. All accessory structures such as awnings, cabanas, storage sheds, carports, windbreaks, entryways, or solar energy system shall be located no closer than three (3) feet from any property line and in no case closer than ten (10) feet to the nearest adjoining manufactured home.~~

8.5. Building Requirements.

- a. No principal building shall exceed one (1) story or 25 feet, whichever is less.
- b. *Accessory Buildings.*
  - i. Accessory buildings including garages shall be limited to ~~one (1)~~ two (2) per manufactured home lot.
  - ii. Maximum allowable floor area shall not exceed six and one-half (6½) percent of the lot size.
  - iii. Maximum Building Height: 16 feet.
- c. Location: The manufactured home park Site Plan shall designate the locations proposed for the development of garages and/or accessory buildings on each manufactured home lot. Said accessory buildings shall comply with the following setback requirements:
  - i. No accessory building shall be located in the front yard.
  - ii. An accessory building may be located in side or rear yards. All accessory buildings shall be set back from all adjoining lots a minimum of five (5) feet and in no case closer than ten (15) feet to the nearest adjoining manufactured home. Garages may be allowed with a zero (0) lot line setback and a shared driveway when built as a double garage and shared by adjacent lots.
  - iii. Accessory buildings shall not be located within any utility easements.
- ~~d. On lots having a lot width of 55 feet or greater, an accessory building shall be located at least ten (10) feet from any other building or structure on the same lot. On lots having a 50-foot lot width, accessory buildings shall be located at least nine (9) feet from any building or structure on the same lot.~~
- ~~d. Accessory buildings shall be located at least five (5) feet from any other building or structure on the same lot.~~
- e. The unit structure is in compliance with the Guidelines for Manufactured Housing Installation, International Conference of Building Officials, 1983, as may be amended.
- f. No manufactured home site shall be used for parking more than one (1) manufactured home.

9.6. Parking.

- a. Each manufactured housing site shall have off-street parking space for two (2) automobiles. All parking stalls shall be completely on the home lot they serve.

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- b. Each manufactured housing park shall maintain additional hard surfaced off-street parking lot(s) for guests of occupants in the amount of one (1) space for each three (3) home sites.
- c. Access drives off streets and roads to all parking spaces and unit sites shall be hard surfaced according to specifications established by the City.

~~40.7.~~ Utilities.

- a. All manufactured housing units shall be connected to a public water and sanitary sewer system, or a private water and sewer system approved by the State Department of Health and the City.
- b. All installations for disposal of surface storm water must be approved by the City.
- c. All utility connections shall be as approved by the City.
- d. The source of fuel for cooking, heating or other purposes at each manufactured housing site shall be as approved by the City.
- e. All utilities shall be underground. There shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.
- f. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile home equipment.
- g. The park owner shall pay any required sewer connection fees to the City.
- h. The park owner shall pay inspection and testing fees for utility service to the City.
- i. Facilities for fire protection shall be installed as required by the City.

~~44.8.~~ Internal Roads and Streets.

- a. Roads and streets shall be bituminous<sup>1</sup> or concrete surfaced as approved by the City.
- b. All roads and streets shall have a concrete (mountable, roll type) curb and gutter.
- c. All streets shall be developed with a roadbed of not less than 28 feet in width. If parking is permitted on the street, then the road bed shall be at least 36 feet in width. To qualify for the lesser sized street, adequate additional off-street parking, as determined by the City, shall be provided, and demonstrated.
- d. The manufactured home park shall have a street lighting plan approved by the City.

~~42.9.~~ Recreation.

- a. All manufactured housing parks shall have at least 15 percent of the land area developed for recreational use (tennis courts, children's play equipment, swimming pool, golf green, etc.) developed and maintained at the owner/operator's expense.
- b. In lieu of land dedication for public park purposes, a cash contribution as established by the City's Subdivision Ordinance, as may be amended, shall be paid to the City.

~~43.10.~~ Landscaping.

- a. Each site shall be properly landscaped with trees, hedges, grass, fences, windbreaks, and the like.
- b. A compact hedge, redwood fence or landscaped area shall be installed around each manufactured home park and be maintained in as new condition at all times as approved.
- c. All areas shall be landscaped in accordance with the landscaping plan approved by the Council.

~~44.11.~~ Lighting.

- a. Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment, storm shelters, and the like.

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- b. The manufactured housing park grounds shall be lighted as approved by the City from sunset to sunrise.

15.12. Storage.

- a. Enclosed storage lockers (when provided) shall be located whether adjacent to the manufactured home in a manufactured housing park or at such other place in the park as to be convenient to the unit for which it is provided, as approved by the City.
- ~~b. Storage of larger items, such as boats, boat trailers, recreation vehicles, etc., shall be accommodated in a separate secured and screened area of the park, as approved by the City. No parking of such vehicles or equipment shall be permitted on the housing site.~~

**G. Registration.**

- 1. It shall be the duty of the operator of the manufactured housing park to keep a record of all homeowners and occupants located within the park. The register shall contain the following information:
  - a. The name and address of each unit occupant.
  - b. The name and address of the owner of each unit.
  - c. The make, model, year, and dimensions of each unit.
  - d. The State, territory or county issuing each unit's license.
  - e. The date of arrival and departure of each unit.
  - f. The number and type of motor vehicles of residents in the park.
  - g. The Park Operator shall keep the register available for inspection at all times by authorized City, State, and county officials, public health officials, and other public offices whose duty necessitates acquisition of the information contained in the register. The register shall not be destroyed until after a period of three (3) years following the date of departure of the registrant from the park.

- H. Maintenance.** The operator and/or owner of any manufactured housing park, or a duly authorized attendant and/or caretaker shall be responsible at all times for keeping the park, its facilities and equipment in a clean, orderly, operable and sanitary condition. The attendant or caretaker shall be answerable, along with said operator/owner, for the violation of any provisions of these regulations to which said operator/owner is subject.