



PLANNING COMMISSION AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, January 17, 2024 @ 6:00 PM

The public is invited to attend these meetings in person.
Attend byPhone: 1-844-992-4726 Meeting Access Code: 2499 878 0178

Meetings are broadcast on CTC ch 8, Charter ch 181, YouTube, AppleTV, Roku, and Amazon FireTV

1. **Call To Order**

2. **Roll Call**

___ M. Duval ___ D. Gorham ___ J. Grunenwald ___ J. Norwood
___ T. Stenglein ___ vacant ___ vacant

3. **Pledge of Allegiance**

4. **Election of Officers**

A. **Planning Commission By Laws**

5. **Approval Of Agenda - Voice Vote**

6. **Approval Of Minutes**

A. **Draft Minutes from December 20, 2023 Meeting**

7. **Unfinished Business**

A. **Conduct Public Hearing and Consider Proposed Short-Term Rental Ordinance**

8. **New Business**

A. **Review Proposed Administrative Subdivision Ordinance**

B. **Conduct Public Hearing and Consider Conditional Use Permit for a 12-Plex Apartment at PID 41040887 (Withdrawn)**

9. **Public Forum**

Time allocated for citizens to bring matters not on the agenda to the attention of the Commission -
Time limits may be imposed

10. **Staff Reports**

(Verbal: Any Updates since Packet)

11. **Commission Member Reports**

12. **Adjourn**

Visit the City's Website at www.ci.brainerd.mn.us

MISSION

"Provide high quality, cost effective public services and leadership in creating a sustainable city"

Planning Commission Bylaws

Article I. Introduction

Section 1. Purpose

It is the intent of the City of Brainerd Planning Commission to conduct its business and perform its responsibilities and duties in an orderly, efficient, fair and lawful manner. These bylaws are established for that purpose.

Section 2. Application of Bylaws

Unless otherwise specifically indicated, these bylaws shall apply to the transaction and administration of all Planning Commission business and the conduct of all Planning Commission meetings and hearings.

Article II. Offices and Duties

Section 1. Offices Designated

The Commission, at its first regular meeting in January of each year, shall select a Chairperson and Vice Chairperson.

Section 2. Recording of Meetings

The Planning Department shall supply a qualified staff member to perform all general corresponding and recording secretarial duties for the Planning Commission.

Section 3. Duties of Offices

The duties and powers of the office of the Planning Commission shall be as follows:

A. Chairperson

- 1) Preside at all meetings of the Commission
- 2) Call special meetings of the Commission in accordance with the City Ordinance
- 3) Sign documents of the Commission
- 4) See that all actions of the Commission are properly taken
- 5) Cancel or postpone any regularly scheduled meetings
- 6) Order end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning Commission meetings

B. Vice Chairperson

In the event of the absence, disability or disqualification of the Chairperson, the Vice Chairperson shall exercise or perform all the duties and be subject to all the responsibility of the Chairperson.

C. Secretary

A city staff member will be assigned to perform the functions of Secretary. The Secretary shall keep record of the proceedings of every meeting of the Planning Commission.

Section 4. Preparation of the Comprehensive Plan

The Commission shall prepare, adopt and revise from time to time a Comprehensive Plan for the physical development of the City, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the City. Such plan may be prepared in sections, each of which shall relate to, a major subject of the plan.

Section 5. Means of Executing the Comprehensive Plan

Upon the adoption of the Comprehensive Plan or any section thereof, the Commission shall recommend to the City Council reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the City and as a basis for the efficient expenditures of the funds thereof relating to the subjects of the plan. Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the City, a long-term program of capital expenditures and such other matters as will accomplish the purpose of the plan.

Article III. Members

Section 1. Number

The Planning Commission shall consist of seven (7) voting members, one of which is a City Council member.

Section 2. Members Appointed.

Voting member shall be appointed by the City Council for three years. Terms shall run from January 1 through December 31. Terms shall be staggered so that there will be continuity of the Commission.

Section 3. Removal

City Council has the power to remove a Commissioner by a 5/7 vote.

Section 4. Voting

A member must be present to vote.

Section 5. Vacancies.

Vacancies shall be filled by appointment of the City Council for the unexpired portion of the term.

Article IV. Meetings and Hearings

Section 1. Notice

Notices of all meetings and hearings of the Planning Commission shall be made in accordance with all statutory and ordinance notification requirements.

Section 2. Meetings

All meetings of the Planning Commission shall be open to the public.

Section 3. Workshops

Workshops and other meetings whose sole purpose is for general information and/or educational purposes will be open to the public. Public testimony may or may not be allowed.

Section 4. Meeting Records

All tapes, minutes, evidence, exhibits, correspondence, maps, plats, etc. shall be made a part of the record, become the property of the City Brainerd, and be maintained as a permanent record.

Section 5. Meetings

A. Date and Time

The Planning Commission shall meet regularly on the third Wednesday of each month at 6:00 pm, or as soon as practical.

B. Location

The Commission shall meet in regular session in the City Hall Council Chambers.

C. Order of Business

- 1) Call to Order
- 2) Roll Call
- 3) Pledge of Allegiance
- 4) Approval of Agenda
- 5) Approval of Minutes
- 6) Presentations
- 7) Unfinished Business
- 8) New Business
- 9) Public Forum
- 10) Staff Reports (Verbal: Any updates since the packet)
- 11) Commission Member Reports
- 12) Adjourn

D. Special meetings

The Chair person, Vice Chairperson, City Council, or Mayor may call for a special meeting at any time. Notice of the time and place shall conform to the Open Meeting Law.

E. Additional Agenda Items

After an agenda has been published, at the discretion of the Chair and approval by the Commission items may be added up to the time of the published meeting.

Section 6. Parliamentary Procedure

All Commission meetings shall be governed by Sturgis Standard Code of Parliamentary Procedure in all cases to which they are applicable and not in conflict with these bylaws, City Code, or other rules this Commission may adopt.

Section 7. Agenda

- A. The agenda shall be prepared by the Community Development Director with the input of the Chair as requested for the Planning Commission meeting and shall close 7 days prior to the meeting.

- B. Any Planning Commission member can place an item on the agenda. No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.
- C. The agenda may be amended during a Planning Commission meeting by a majority vote of the Commission.
- D. The agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many persons should generally be placed early on the agenda.
- E. Planning staff shall prepare a written report detailing the request and the ordinance provisions that apply to the matter.

Section 8. Procedure for Public Hearings

Planning staff or consultants, if any, shall summarize for the public the relevant issues of the application contained in the written staff report. The Commission members may direct question to staff regarding the application.

- A. The Chairperson shall call the public hearing to order and declare the time, and prior to taking testimony, shall explain:
 - 1) The order of testimony
 - 2) The purpose and requirements of the public hearing under Minnesota Law
 - 3) That each speaker shall provide their name and address and that public comments should be limited to matters pertinent to the application under review and avoid duplicative testimony. The Chairperson may place reasonable time limits on public comments, depending on the number of persons waiting to testify on the matter.
- B. The applicant and/or representative shall be given an opportunity to present evidence in support of the request and rebut any issues or conditions identified in the staff report
- C. Members of the public, if any, may testify, either in person or through their agent. Written testimony submitted may be read and will be added to the public record.
- D. The applicant shall have an opportunity to answer questions from the Commission.
- F. The Commission may direct questions to the applicant, planning staff, or public to clarify issues but no further testimony may be received from the public.
- G. When all public comment has been received the Commission shall close the public hearing by motion and majority vote of the Commission. The Commission may deliberate and decide the matter. Should the Commission identify relevant facts that

remain unknown or disputed the Commission may postpone closing the hearing by motion and majority vote until the Planning Commission's next meeting and refer the issue to planning staff for further fact finding.

Section 9. Protocol for Public Hearings

- A. Everyone who wishes to give testimony shall be given a reasonable opportunity to speak.
- B. All statements or questions should be directed to the chairperson.
- C. All statements should be as factual as possible and should not involve personalities.
- D. Speakers should refrain from repeating what has already been stated.
- E. Each speaker shall provide his or her name and address to the recorder.
- F. The Planning Commission reserves the right to question any speaker.
- G. Written testimony may be received.
- H. No additional testimony may be offered after the close of the public hearing.

Section 10. Communication with Public and Applicant

- A. General. Prior to the public hearing or Commission deliberation, no Commission member shall lobby the merits of a pending case with staff, applicant, Commission member, or the general public.
- B. Disclosures. If a commissioner has discussed the pending case, the commissioner shall disclose the facts relating to such discussion during the public hearing.
- C. Exception. Nothing in this section shall preclude the general information communication by Commission members relating to the general conduct of a meeting or hearing, nor shall anything in this section forbid staff or commissioners from discussing with commissioners an upcoming meeting, so long as the facts or merits of the meeting are not discussed.

Section 11. Quorum

A majority of the Commission members entitled to vote shall constitute a quorum for the transaction of business.

Section 12. Conflict of Interest

Any member of the Planning Commission who shall feel that he or she may appear to have or in fact has, a conflict of interest on any matter that is on the Planning Commission agenda shall voluntarily excuse himself or herself, vacate his or her seat, and refrain from discussing and voting on said matter as a Planning Commissioner.

A conflict of interest is any direct contractual, pecuniary, or other beneficial interest in the outcome of a matter before the Planning Commissioner.

Section 13. Orientation of new Planning Commissioners

To assist new Planning Commission members in learning their responsibilities, and to develop their understanding of the planning process as quickly as possible, they will be required to:

- A. Attend an orientation session with the Community Development Director, Planning Commission Chair, and City Council member.
- B. Read the Comprehensive Plan and Zoning Ordinance.

Article V. Education, Conference and Convention Policy

The City Council and Planning Commission of the City of Brainerd recognize and accept the concept that the acquisition and maintenance of a body of knowledge and skills are necessary and desirable to perform the job of the Planning Commissioner. Further, both groups encourage and highly recommend periodic attendance at various educational opportunities conferences and conventions.

The following is the policy of the City of Brainerd Planning Commission on educational meetings, conferences, and conventions:

- A. Attendance at educational meetings, conferences, and conventions is subject of availability of funds.
- B. Attendance at educational meetings, conferences, and conventions is voluntary. Planning Commission members are encouraged to attend educational meetings, conferences, and conventions.
- C. Involvement in relevant professional organizations such as APA-MN, office holding, or committee work is considered educational.
- D. Planning Commission members are encouraged to participate in the budget process and to request allocations for educational purposes.

PLANNING COMMISSION
Wednesday, December 20, 2023
6:00 pm

#1 Call to Order

Planning Commission Chair Yeager 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 Duval, Gorham, Grunenwald, Marohn, Norwood, Stenglein, and Yeager. Also noted as present was Community Development Director Kramvik.

#3 Pledge of Allegiance

Commission Chair Yeager opened the meeting with the Pledge of Allegiance to the flag.

#4 Approval of Agenda

MOVED AND SECONDED BY COMMISSIONERS GRUNENWALD AND DUVAL, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS NORWOOD AND GRUNENWALD, DULY CARRIED, TO APPROVE THE MINUTES FROM THE NOVEMBER 15, 2023 MEETING.

#6 Unfinished Business

6a. Consider Country Manor Planned Unit Development and Conditional Use Permit for a Physical Therapy Office

Community Development Director Kramvik presented the PUD final plat for the construction of a senior living facility, childcare facility, and physical therapy office. There is no public hearing to be held for the PUD final plat.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND NORWOOD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE PLANNED UNIT DEVELOPMENT CONTAINING PARCEL ID'S 41330744, 41330745, AND 41330755 BASED ON THE FINDINGS OF FACT AND WITH THE CONDITIONS AS PRESENTED IN THE STAFF RECOMMENDATION.

Community Development Director Kramvik gave a brief review of the application details for a Conditional Use Permit to operate a physical therapy facility.

The Chair opened the public hearing at 6:10 pm.

No one came forward.

The Chair closed the public hearing at 6:11 pm.

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND STENGLEIN, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT CONTAINING PARCEL ID'S 41330744, 41330745, AND 41330755 TO OPERATE A PHYSICAL THERAPY OFFICE BASED ON THE FINDINGS OF FACT AND CONDITIONS AS PRESENTED IN THE STAFF RECOMMENDATION.

6b. Discuss Proposed Short-Term Rental Ordinance

Community Development Director Kramvik indicated the City Council reviewed the draft short-term rental ordinance at the December 4th meeting and sent it back to the Commission. They stated concerns with the Mainstreet District, existing short-term property owners, the number of allowed properties by one owner and total cap numbers within the City.

Discussion took place and the following determinations were made:

- No changes for the Mainstreet District.
- Remove the limits on the number a property owner can have.
- Existing short-term rental owners may continue to operate under the current regulations.
- The total cap of VDU's remains at 20.

Community Development Director Kramvik will make the modifications to the draft and present it at the next meeting.

#7 New Business

7a. Consider Conditional Use Permit to Operate an Auto Repair Service at 100 Washington St

Community Development Director Kramvik explained the details of the application to operate an auto repair service at 100 Washington Street. Commissioner Duval questioned the air handling system and issues regarding dust and air pollution.

The Chair opened the public hearing at 6:37 pm.

The Chair recognized Dustin Smith, owner of AutoSmith Repair, who clarified the cleaning methods of the business are all water-based and no pollutants are released into the air.

The Chair closed the public hearing at 6:38 pm.

MOVED AND SECONDED BY COMMISSIONERS MAROHN AND DUVAL, DULY CARRIED, TO RECOMMEND APPROVAL OF THE OF THE CONDITIONAL USE PERMIT FOR AN AUTO REPAIR SERVICE AT 100 WASHINGTON ST., BRAINERD BASED ON THE FINDINGS OF FACT AND THE ADDED CONDITION OF AN INSPECTION BY THE FIRE MARSHAL.

7b. Consider Interim Use Permit to Operate a Short-Term Rental at 524 N 8th St

Community Development Director Kramvik gave a brief review of the application to allow the operation of a short-term rental at 524 N 8th Street. This property is currently a licensed rental.

The Chair opened the public hearing at 6:42 pm.

The Chair recognized the property owner, Nita Gross, who stated her adult children are residing at the home during the holidays to make sure everything is operational prior to renting it out.

The Chair closed the public hearing at 6:44 pm.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND GRUNENWALD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT TO OPERATE ONE SHORT-TERM RENTAL AT 524 N 8TH ST., BRAINERD WITH THE CONDITIONS LISTED IN THE PACKET.

7c. Consider Interim Use Permit to Operate a Short-Term Rental at 701 4th St SW

Community Development Director Kramvik reviewed the application with the Commission regarding the short-term rental request at 701 4th St SW.

The Chair opened the public hearing at 6:50 pm.

The applicant attempted to be present via Webex but technical issues prevented any sound from being heard from his side. He typed out his name and that this is his personal property; he lives in one of the three rooms and offers two rooms for short-term rental.

The Chair closed the public hearing at 6:54 pm.

MOVED AND SECONDED BY COMMISSIONERS NORWOOD AND DUVAL, DULY CARRIED, TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT TO OPERATE ONE SHORT-TERM RENTAL AT 701 4TH ST SW, BRAINERD BASED ON THE FINDINGS OF FACT AND WITH THE CONDITIONS LISTED IN THE PACKET AND THE ADDITIONAL CONDITION THAT THE PROPERTY CANNOT BE RENTED UNTIL APPROVAL FROM CITY COUNCIL.

7d. Discuss Garage Requirement for New Residential Construction and the Addition of Dwelling Units

Community Development Director Kramvik explained the zoning code requires at least a 16'x20' garage for each housing unit built, or a 12'x20' if there is a basement. He stated this has recently caused issues with some developers, such as Lakes Area Habitat for Humanity to try and create affordable housing. There are benefits to this requirement when it relates to converting historic homes into multi-family, or for the development of 4+ apartment complexes. He is asking the Commission to discuss what the intent of the ordinance is and if amendments need to be considered.

Discussion took place and this topic will be added to the itinerary for future research.

#8 Public Forum

The Chair opened the public forum at 7:22 pm.

No one came forward.

The Chair closed the public forum at 7:22 pm.

#9 Staff Reports

Community Development Director Kramvik made the following updates:

- EDA updates and tour of Lexington Manufacturing as a part for business retention
- EDA will soon have a website and logo
- EDA is researching a contract through Kamp Realty to market properties

#11 Commission Member Report

Commissioner Grunenwald asked for an update on the ice/water machine project.

Commissioner Marohn asked for an update on the crypto project.

#12 Adjournment

MOVED AND SECONDED BY COMMISSIONERS GRUNENWALD AND NORWOOD,
DULY CARRIED, TO ADJORN AT 7: 25 PM.

Kevin Yeager, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: January 17th, 2024

RE: Short-Term Rental Ordinance

INTRODUCTION

Staff received direction from the Planning Commission at the August 2023 meeting to draft an ordinance to cap the number of short-term rentals allowed in the City and to provide additional regulations based on research from other municipalities. The concern with short-term rentals is the potential loss of long-term workforce housing, in which the City is experiencing a shortage. The subtraction of long-term housing is a concern in relation to Brainerd's Comprehensive Plan and has an impact on future economic development of the community. The Planning Commission held a public hearing and recommended approval of the proposed ordinance at the November 15th meeting.

The City Council reviewed the proposed short-term rental ordinance at their regularly scheduled December 4th meeting. After considerable discussion, the City Council directed the ordinance back to the Planning Commission for review. Specific items that the Council directed the Commission to review include the following:

- 1) Exempt the Mainstreet District to allow for the revitalization of historic buildings. Short-term rentals may add additional tourism to this district and provide the necessary funding for revitalization. A short-term rental building could operate similar to a downtown hotel.
- 2) Should existing short-term rental operators be exempt from the cap because of their prior investment.
- 3) Should all owners/ companies be allowed to own three short-term rentals.

REVISIONS

After consideration of comments from the City Council, the Commission directed staff to draft a revised ordinance that would "grandfather" existing short-term rental properties from the proposed caps in the new ordinance. However, existing short-term rentals should be subject to the renewal process that all new applicants are required to adhere to in the proposed ordinance.

The Commission, as stated at the last meeting, is open to future review of the ordinance and the maximum number of short-term rentals allowed in the community. The ordinance as proposed will allow the Commission and Council to review the effects of short-term rentals on the community's long-term housing stock and any adverse effects to neighboring properties.

**ORDINANCE
NO. 1561**

AN ORDINANCE AMENDING SECTION 515-3-34 OF THE ZONING CODE

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 515-3-34 is hereby amended by adding and striking the following:

515-3-34 Short-Term Rentals

A. Definitions: For the purposes of this article, the following definitions apply:

1. Accessory Home Share (AHS): A rental where the property owner is a permanent resident of the homesteaded unit and is present on the premises during the rental period.
2. Accessory Vacation Dwelling Units, Limited (ADVUL): A rental where the property owner permanently resides at the homesteaded unit but does not need to be present during the rental period.
3. Vacation Dwelling Unit (VDU): A rental where the property owner is not a permanent resident of the unit, and the entire unit is rented without the property owner present during the rental period.

B. Short-term rentals are subject to the following length of stay and total number of annual rental days:

1. Accessory Home Share (AHS): May allow a maximum of four (4) guests to stay on the premises a total of one (1) to twenty-eight (28) days.
2. Accessory Vacation Dwelling Units, Limited (ADVUL): May allow a maximum number of guests as determined by Section 515-3-34-C.4 to stay on the premises a total of two (2) to seven (7) consecutive nights. ADVUL's may not be operated more than twenty-one (21) rental days per calendar year.
3. Vacation Dwelling Units (VDU): May allow a maximum number of guests as determined by Section 515-3-34-C.4 to stay on the premises a total of one (1) to twenty-eight (28) days.

C. Regulations: Any short-term rental must comply with the following minimum standards:

~~A. _____~~

~~1. The maximum rental period shall not be more than 28 consecutive nights.~~

1. The permit holder (owner) of a short-term rental must apply for and receive an Interim Use Permit.

a. The duration of the first Interim Use Permit granted to an applicant for a short-term rental at a premises shall be twelve (12) months.

2.b. Renewal for an Interim Use Permit for an existing short-term rental at a premises shall be granted for a duration not to exceed twenty-four (24) months.

3.2. The application for an Interim Use Permit shall include:

- a. The number of bedrooms with dimensions and all other sleeping accommodations.
- b. The number of off-street parking spaces available to guests.

- c. All accessory structures and outdoor recreational features available for guest use.
- d. A pet, garbage, noise, and parking policy.
- e. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.

4.3. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:

- a. **Contact Information.** The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will be accessible to the public at all times on the City of Brainerd website.
- b. **Occupancy.** The maximum number of guests allowed on the property.
- c. **Vehicles.** The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles shall not be parked in any right-of-way or utility easement. No vehicle or trailer shall be parked on a street for a period of time in excess of forty-eight (48) continuous hours.
- d. **Garbage.** Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in fly tight containers sufficient to receive all garbage which may accumulate between times of collection.
- e. **Noise.** No person shall, between the hours of 10:00 P.M. and 7:00 A.M. congregate at, or participate in the any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person.
- f. **Pets.** No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd. It shall be unlawful for any person to allow a dog or cat to run at large and to keep or harbor a dog that habitually barks, yelps, howls, cries, or whimpers so as to unreasonably disturb the peace and quiet of any person in the vicinity. The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

5.4. The occupancy of a short-term rental shall be limited to not more than 3 people per bedroom or the occupancy set by the Building Official, whichever is less.

6.5. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the building department, whichever is stricter.

7.6. The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).

8.7. Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.

9.8. The permit holder shall keep a report, detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest

reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.

9. A short-term rental shall be a licensed rental unit by the city and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshal.
10. The owner or property manager shall reside within 50 miles of the property. An emergency contact does not constitute a property manager. A property manager shall be a relative or compensated individual or company.
- ~~10.~~11. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
- ~~11.~~12. A permit holder must post their rental license permit number on all print, poster, or web advertisements.
13. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.

D. Municipal Caps and Restrictions:

1. Property owners, individuals, or companies are limited to the operation of one (1) VDU upon approval of an Interim Use Permit in the City at any given time.
2. There are to be no more than twenty (20) operational VDU's at any given time in the City and is granted on a first-come first-serve basis.
 - a. There shall be no more than ten (10) total VDU's permitted in the Traditional Neighborhood Zoning Districts.
 - I. Only one (1) VDU may be located on any platted block and shall not abut another property approved for a short-term rental.
 - b. There shall be no more than ten (10) total VDU's permitted in the Contemporary Neighborhood Zoning Districts.
 - I. Only one (1) VDU may be located on an platted block and shall not abut another property approved for a short-term rental.
3. No multi-family dwelling unit may contain more than one (1) short-term rental of any type at any given time.

E. Ownership, Applications, and Renewals:

1. Any property owner may utilize their permanent residence as an AHS or ADVUL upon the receipt of a rental housing license and the approval of an Interim Use Permit.
 - a. A designated city official shall create a waiting list which will be posted on the City of Brainerd website with a recorded date and time of an interested applicant if the City has approved the maximum allotment of VDU's in the City or a zoning district.
 - I. Applicants on the waiting list shall be contacted and given ten (10) days to submit a complete application and provide payment for their Interim Use Permit.
 - b. All short-term rentals applying for renewal will be given preference over new applicants if they are compliant with the rental code, are without outstanding violations of the Code, and are not on a required management plan. The property

must have an approved Interim Use Permit by City Council prior to expiration of their existing permit.

I. Upon expiration of the Interim Use Permit, the property owner can no longer operate a short-term rental at the premises and will be required to reapply as a new applicant.

F. Previously Issued Permits and Operating Short-Term Rentals:

1. All short-term rentals operating prior to the effective date of these standards shall be compliant with this section by December 31, 2024. All previously issued Interim Use Permits for short-term rentals shall expire December 31, 2024.

a. All short-term rental properties operating prior to the effecting date of these standards are exempt from Paragraph D of this section, Municipal Caps.

SECTION TWO: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2024

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2024

DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

Published: One Time – _____

NOTICE OF HEARING

Notice is hereby given that the City of Brainerd Planning Commission will be conducting a public hearing to consider a proposed ordinance amending Section 515-3-34 of the Brainerd Zoning Code relating to short-term rentals. The proposed ordinance would define short term rentals into three different classifications, Accessory Home Share, Accessory Vacation Dwelling Units, Limited, and Vacation Dwelling Units and regulate the rental duration of each category. Additionally, the proposed ordinance will set the expiration of interim use permits issued for short term rentals and institute limitations on the number allowed in the City of Brainerd to 20 total units. As proposed, individuals and companies cannot own more than one short-term rental and no more than one short-term rental unit can be in a multifamily building.

A Public Hearing will be conducted by the Planning Commission at 6:00 p.m. Wednesday, January 17, 2024, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding the proposed ordinance. Any individuals needing special accommodations please call (218) 828-2307.

Dated this 26th day of December 2023

Publication Date: January 3rd, 2024



James L. Kramvik
Community Development Director

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: January 17th, 2024

RE: Discussion on the Proposed Administrative Subdivision Ordinance

INTRODUCTION

Administrative subdivisions constitute property line adjustments that do not need recommendation and approval by the Planning Commission and the City Council. Administrative subdivisions can be boundary line adjustments, lot consolidations, lot splits, or base lot subdivisions. Most municipalities are more restrictive than state statute on the number of lots that can be consolidated or split. The City of Brainerd Subdivision Ordinance currently allows for the creation or adjustment of no more than two lots.

OBJECTIVES

Engineering firms and surveyors have a difficult time interpreting the current ordinance, specifically regarding lot consolidations and boundary line adjustments. In addition to amending the definitions of allowable administrative subdivisions, staff recommends adding a restriction on when parcels would be allowed to apply for another administrative subdivision. The following are staff objectives for the proposed ordinance:

1. Create better definitions for boundary line adjustment and lot consolidation.
2. Allow for the adjustment or consolidation of three properties rather than two to reduce the administrative burden to developers and builders.
3. Allow for the base lot subdivision of commercial buildings.
4. State a clear restriction on when the parcel can be administratively subdivided in the future.

Staff would like the Planning Commission to review the draft ordinance and propose any changes or recommendations before holding a public hearing at the next meeting. The full Administrative Subdivision Section can be reviewed with the following link: [Section 500-6 Administrative Subdivisions](#)

**ORDINANCE
NO. 15xx**

AN ORDINANCE AMENDING SECTION 500-6 OF THE SUBDIVISION ORDINANCE

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Administrative Subdivisions - Section 500-6-1 Qualification is hereby amended as indicated, with deleted language struck out and new language underlined:

500-6-1: Qualification

The following shall be considered an administrative subdivision:

- A. Boundary Line Adjustment. ~~Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or the combination of recorded lots to form no more than two (2) lots. An exchange of land between no more than three (3) adjacent lots that does not create an additional parcel.~~ Newly created lots shall conform to the design and performance standards of the Brainerd Subdivision and Zoning Ordinances.
- B. Lot consolidation. The elimination of boundary lines between no more than three (3) adjacent lots under common ownership, for the purpose of development and/or construction that would otherwise be placed across a boundary line or result in inconsistency with applicable current regulations such as, but not limited to water supply, sewage disposal, building code requirements, minimum lot size requirements, critical area buffer requirements, zoning setback requirements or shoreline setback requirements. Newly created lots shall conform to the design and performance standards of the Brainerd Subdivision and Zoning Ordinances.
- C. Property Split. The simple division of a single parcel, tract or lot to create no more than two (2) lots and the newly created property line will not cause the remaining portion of the lot or any structure to be in violation with this Ordinance or the Brainerd Zoning Ordinance.
- D. Base Lot Subdivision. In the case of a request to divide a base lot upon which a two family dwelling, townhouse, ~~or a~~ quadraminium, or commercial building, which is a part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit or a single commercial unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this Ordinance, the Brainerd Zoning Ordinance, or the International Building Code (IBC).

SECTION TWO: Section 500-6-6 Restrictions and Limitations is hereby added to Section 500-6 Administrative Subdivisions with the following language underlined:

500-6-6: Restrictions and Limitations

A. Administrative subdivisions shall not be permitted on any parcel previously approved for an administrative subdivision for a period of five (5) years. If at a later date, before the five (5) year waiting period expires, someone wishes to further adjust, consolidate, or split a lot they will need to meet the requirements of Section 500-4 Preliminary Plat and Section 500-5 Final Plat.

SECTION THREE: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2024

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2024

DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

Published: One Time – _____