



PLANNING COMMISSION AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, June 18, 2025 @ 6:00 PM

The public is invited to attend these meetings in person.
Attend by Phone: 1-844-992-4726 Meeting Access Code: 2486 728 4406

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

1. **Call To Order**

2. **Roll Call**

___ D. Gorham ___ J. Grecula ___ B. Higgins ___ D. Peterson ___ J. Powell ___ T. Erickson ___ J. Norwood

3. **Pledge of Allegiance**

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

5. **Approval Of Minutes**

A. **Draft Minutes from the May 21st, 2025 Regular Meeting**

6. **Public Forum**

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

7. **Unfinished Business**

A. **Discuss Changes to Appendix A: Table of Uses**

8. **New Business**

A. **Consider Variance Requests to Allow Non-Screened Parking Lot and Reduced Setbacks - 525 Washington St**

B. **Consider Proposed Ordinance to Amend Section 515-3 Allowed Uses, Appendix A Table of Uses to Allow Office/Business in the GI District**

C. **Consider Proposed Ordinance to Amend Section 515-4-11 Fence Standards**

D. **Review Proposed Sign Ordinance**

9. **Staff Reports**
(Verbal: Any Updates since Packet)
10. **Commission Member Reports**
11. **Adjourn**

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MISSION

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

PLANNING COMMISSION
Wednesday, May 21st, 2025

#1 Call to Order

Planning Commission Chair Norwood 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 Grecula, Gorham, Norwood, Powell, and Erickson. Noted absent were Commissioners Peterson and Higgins. Also noted as present were City Administrator Broyles and Community Development Director Kramvik.

#3 Pledge of Allegiance

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

#4 Approval of Agenda

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND GORHAM, DULY CARRIED, TO AMEND AND APPROVE THE AGENDA BY ADDING ITEM 7D. CONSIDER CHANGES TO THE FENCE ORDINANCE REGARDING CORNER PROPERTIES ABUTTING ALLEYS.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS GRECULA AND POWELL, DULY CARRIED, TO APPROVE THE MINUTES FROM THE APRIL 16TH, 2025 REGULAR MEETING AS PRESENTED.

#6 Unfinished Business

6a. Hold Public Hearing and Consider Preliminary Plat, Final Plat, Rezoning, and CUP for St. Francis School and Church – 411 10th St N

Community Development Director Kramvik reviewed the details of the applications from St. Francis Church.

The Chair opened the public hearing at 6.10 pm.

The Chair recognized Virginia Knutson on behalf of Father Michael Garry, who could not attend the meeting tonight. She is one of the two trustees and the chair of the finance council for St. Francis Church as well as a business owner. She gave a summary of the proposed projects and reasons for the changes.

The Chair recognized Erica Marcussen, architect for WSN, who explained some of the details of the site plan and changes.

The Chair recognized Carla Coonan, Director of Advancement and Admissions at St. Francis, explained there are students coming from a 45-mile radius to enroll and it is bringing other people to the community.

Questions were asked and answered.

The Chair closed the public hearing at 6:53 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND POWELL TO RECOMMEND APPROVAL OF THE PRELIMINARY PLAT, FINAL PLAT, REZONING AND CUP FOR ST FRANCIS SCHOOL AND CHURCH AT 411 10TH ST N AS PRESENTED.

Members Grecula, Powell, Erickson, and Norwood voted "aye". Member Gorham voted "nay". The Chair declared the motion carried.

CDD Kramvik indicated this will be heard at the City Council meeting June 2nd, 2025 at 7:30 pm.

6b. Hold Public Hearing and Consider Proposed Ordinance to Amend Sections 513-3-6 Auto Dealerships, 515-3-29 Outdoor Service, Sales and Rental, 515-6-2.B.1 Definitions of Structure

Community Development Director Kramvik gave a brief review of the proposed changes to the sections shown above.

The Chair opened the public hearing at 7:07 pm.

No one came forward.

The Chair closed the public hearing at 7:08 pm.

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND ERICKSON, DULY CARRIED, TO RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE TO AMEND SECTIONS 513-3-6, 515-3-29, AND 515-6-2.B.1 AS PRESENTED.

6c. Hold Public Hearing and Consider Proposed Ordinance to Amend Section 515-4-12 Off-Street Parking

Community Development Director Kramvik explained the details of the proposed ordinance to amend Section 515-4-12 as presented.

The Chair opened the public hearing at 7:07 pm.

No one came forward.

The Chair closed the public hearing at 7:08 pm.

MOVED AND SECONDED BY COMMISSIONERS POWELL AND ERICKSON, DULY CARRIED, TO RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE TO AMEND SECTION 515-4-12 AS PRESENTED.

#7 New Business

7a. Hold Public Hearing and Consider Variance for an Accessory Structure – 2517 Greenwood St.

Community Development Director Kramvik reviewed the application for allowing an accessory structure to be built in the front yard at 2517 Greenwood St.

The Chair opened the public hearing at 7:14 pm.

The Chair recognized Michael Kylochko on behalf of Minnesota Teen Challenge. He explained the proposed location is the only logical place to be able to build due to wetlands.

The Chair welcomed Greg Vanhau, who is on the maintenance staff at Minnesota Teen Challenge. He indicated the trees between Greenwood Street and the proposed garage have been recommended for removal.

The Chair closed the public hearing at 7:16 pm.

MOVED AND SECONDED BY COMMISSIONERS GRECULA AND ERICKSON, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST TO CONSTRUCT AN ACCESSORY STRUCTURE IN THE FRONT YARD LOCATION AT 2517 GREENWOOD ST WITH STAFF'S RECOMMENDATIONS AS PRESENTED.

CDD Kramvik indicated this will be heard at the City Council meeting June 2nd, 2025 at 7:30 pm.

7b. Review Amended Allowed Use Table

Community Development Director Kramvik asked for input regarding the proposed changes to the allowed use table, which is included in the packet.

Commission discussion took place.

MOVED AND SECONDED BY COMMISSIONERS GRECULA AND ERICKSON, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CHANGES AS PRESENTED.

7c. Amend Planning Commission Bylaws to Align with City Council

Community Development Director Kramvik stated the City Council have amended the agenda for their meetings by relocating the public forum. Instead of residents having to wait until the end of the meetings, they will be able to speak at the start of the meeting.

MOVED AND SECONDED BY COMMISSIONERS GRECULA AND POWELL, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CHANGES TO THE PLANNING COMMISSION BYLAWS AS PRESENTED.

7d. (Added Item) Fence Ordinance Discussion

Community Development Director Kramvik indicated revised language on corner lots that abut an alley has been requested and asked the Commission for input.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND GRECULA, DULY CARRIED, TO DIRECT STAFF TO DRAFT ORDINANCE LANGUAGE TO BE CONSIDERED AT THE NEXT PLANNING COMMISSION MEETING.

#8 Public Forum

The Chair opened the public forum at 7:34 pm.

No one came forward.

The Chair closed the public forum at 7:36 pm.

#9 Staff Reports

Community Development Director Kramvik made the following updates:

- Staff have been working on design standards for signs and banners
- The City Council directed staff to amend the code enforcement process

#10 Commission Member Reports

Commissioner Gorham appreciates the revised code enforcement process but would like to see active code enforcement all over the City as many areas are not maintained as in the past.

#11 Adjournment

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND GRECULA, DULY CARRIED, TO ADJORN AT 7:38 PM.

James Norwood, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: June 18th, 2025

RE: Allowed-Use Table Memo

INTRODUCTION

Staff reviewed the [Section 515-3 Appendix A: Table of Uses](#) and have provided an amended table for the Planning Commission to review and discuss. Staff spent significant time reviewing the General Industrial District and uses that have specific regulations outlined in [Section 515-3 Allowed Uses](#). Residential uses were expanded in the new zoning code, but many commercial uses remained the same.

Deregulating uses by allowing more uses or removing a uses conditional status will be beneficial to businesses that are looking to either move to Brainerd or expand within the community.

Staff made adjustments to towers and antennas and the Table of Uses is now consistent with the previous Zoning Code.

Staff also received a request to allow cannabis cultivation in an existing greenhouse. Staff included this change in the proposed amendment, and it should be discussed at the meeting. The current Zoning Code only allows cannabis cultivation in the General Industrial Zoning District as a Conditional Use Permit regardless of whether growing occurs inside or outside. As proposed, cannabis cultivation would be allowed to occur in greenhouses in additional Zoning Districts.

STAFF RECOMMENDATION

- 1) Discuss the amended allowed-use table.
- 2) Direct staff to make any changes.
- 3) Direct staff to hold a public hearing at the next planning commission meeting with the proposed changes to the Allowed-Use Table.

BRAINERD, MN
Section 515-3 ALLOWED USES.
APPENDIX A: TABLE OF USES

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P - Permitted
AP - Administrative Permit
C - Conditional Use Permit
I - Interim Use Permit
Blank - Not Permitted

ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
RESIDENTIAL USES																	
Agriculture uses, <u>barns, stables, and silos</u>		P	P														
Accessory buildings under 200 SF	515-4-6	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP
Accessory buildings over 200 SF	515-4-6	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Dwelling Unit (ADU)		P	P	P	P/C	P/C	P/C	P	P/C								
Home businesses	515-3-21	P	P	P	P	P	P	P	P		P	P					
Home businesses not meeting criteria	515-3-21	AP	AP	AP	AP	AP	AP	AP	AP		AP	AP					
In home day care, serving no more than 14 persons		AP	AP	AP	AP	AP	AP	AP	AP								
Multi-family attached dwelling units (5+ Units)						C		C	P			C				C	
Mixed-Use Building, including residential uses not on main floor								C	C		C	C	C				
Model Homes	515-3-25	P	P	P	P	P	P	P	P	P	P	P	P				
Personal storage of recreational vehicles & equipment	515-3-33	P	P	P	P	P	P	P	P								
Recreational Facilities for private residential use		P	P	P	P	P	P	P	P								
Senior housing	515-3-35					P		P	P			C	C				C
Single Family Detached Dwelling Unit	515-4-2	P	P	P	P	P	P	P	P			C					C
Single Family Attached Dwelling Unit (2 Units)	515-4-2		P	P	P	P	P	P	P								C
Single Family Attached Dwelling Unit (2-4 Units)					P	P	P	P	P			C	C				C

APPENDIX A: TABLE OF USES
Adopted 07.05.2022

BRAINERD, MN
Section 515-3 ALLOWED USES.
APPENDIX A: TABLE OF USES

ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
COMMERCIAL/GENERAL BUSINESS USES																	
Adult Establishments and/or Uses	515-3-4														C		
Animal hospital, veterinary clinic, or kennels	515-3-5	<u>C</u>	<u>C</u>					C	C	C	C			C	C		
Armories										C					P		
Auto dealership	515-3-6									C	C			<u>GP</u>	<u>GP</u>		
Bed and breakfasts	515-3-9	C	C	C	C	C	C	C	C		<u>C</u>	C	C				
Boarding houses, <u>Dormitories, and Similar Uses</u>						<u>G</u>		<u>G</u>	<u>G</u>							<u>C</u>	
Brew Pub/Brewery (off-sale, on-sale, taproom, tasting room, etc.), cidery, microdistillery, cocktail room	515-3-10							<u>G</u>	C	C	C	C	C	P	P		
Cannabis Retail Dispensary	515-3-12								C	P/C	P/C	P/C	P/C	P/C	P/C		
Car wash accessory to motor vehicle sales	515-3-15							<u>C</u>		P	P			P	P		
<u>Commercial animal kennels</u>	<u>515-3-5</u>	<u>G</u>	<u>G</u>												<u>G</u>		
Commercial car washes (drive-up, mechanical and self service)	515-3-15									C	C			<u>C</u>	<u>GP</u>		
Commercial day care facilities	515-3-16	C	C	C	C	C	C	C	C	<u>GP</u>	<u>GP</u>	<u>GP</u>	C	<u>GP</u>	<u>GP</u>	<u>GP</u>	
Commercial greenhouses supporting the operations of a restaurant or floral shop	515-3-17							I	I	I	I	I	I	<u>I</u>	<u>I</u>		
Commercial riding stables	515-3-18	C															
Commercial/Retail establishments								P	P	P	P	P	P	P	<u>P</u>		
Commercial laundry facilities								C	C	P	P	<u>P</u>		P	<u>P</u>		
Contractor offices										C	C			P	P		
Cultural facilities such as museums, art centers, or art institute								P	P	P	P	P	P	P	<u>P</u>	P	
Drive-through Businesses	515-3-19							C	C	P	P	<u>GP</u>	<u>C</u>	<u>P</u>	<u>P</u>		

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ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
Financial Institutions such as banks and credit unions										P	P	P	P	<u>P</u>	<u>P</u>		
Food Trucks (Transient food unit)	515-3-41									AP	AP	AP	AP	AP	AP	AP	AP
Funeral homes, mortuaries								C	C	C	C	C	<u>C</u>	C	<u>P</u>		
Health clubs/Gyms/Indoor Recreation Facilities								P	P	P	P	P	P	P	P	P	
Hospitality businesses <u>limited to</u> hotels, motels, conference/convention/reception facilities, <u>and similar uses</u>	515-3-22							C	P	P	P	P	P	<u>P</u>	<u>P</u>		
<u>Hospitality businesses – extended stay</u>	<u>515-3-22</u>																
Liquor sales, on sale										P	P	P	P	P	P		
Liquor sales, off sale									P/C	P	P	P	P	P	P		
Motor vehicle fuel sales	515-3-26							C	C	<u>GP</u>	C	C		<u>P</u>	<u>GP</u>		
Nurseries, greenhouses <u>(commercial), including the indoor cultivation of cannabis (commercial).</u>	515-3-17	P	P					C	C	C	C			C	<u>GP</u>		
Nursing homes & similar group housing	515-3-27					C		C	C	<u>C</u>	<u>C</u>					<u>C</u>	
Off street parking lots or parking garages (as principal use)	515-3-32 515-4-12							C	C	C	C	C	C	<u>C</u>	<u>P</u>		
Office businesses – (general use, medical clinic)								<u>GP</u>	<u>GP</u>	P	P	P	P	P	<u>P</u>		
Outdoor dining facilities accessory to a restaurant	515-3-29							AP	AP	AP	AP	AP	AP	<u>AP</u>	<u>AP</u>		
Parking <u>lots incidental to the principal uses on a contiguous property</u>	515-3-32	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>GP</u>
Pawn shops								P	P	P	P	P	P	P	<u>P</u>		
Personal services such as barber/beauty shop, nail salon, tanning salon, therapeutic massage and spas.								P	P	P	P	P	P	P	<u>P</u>		
Private clubs & lodges								C	C	C	C	C	C	C	<u>P</u>		

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ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
Recreation Centers (large health clubs, gyms, etc.) exceeding 30,000 SF										C	<u>C</u>	<u>C</u>		C	P	<u>C</u>	
Restaurants – sit down, take out or delivery (no drive-up window)								P	P	P	P	P	P	<u>P</u>	<u>P</u>		
Retail businesses contained within a principal building								P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	
Seasonal Merchandise Sales include fruit/vegetables, Christmas trees, plants and ancillary products in which less than one half of the product retailed is initially planted and raised therein – <u>farmers markets</u>								<u>AP</u>	<u>AP</u>	AP	AP	AP	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>
Senior center						C		C	C	<u>GP</u>	<u>GP</u>	<u>GP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Short term rentals (VRBO, Air BnB, etc.)	515-3-36	I	I	I	I	I	I	I	I		<u>I</u>	I	I				
Signs	515-3-37	See Section 515-3-37 for Permit Requirements															
Specialty food shops	515-3-38							P	P	P	P	P	P	<u>P</u>	<u>P</u>		
State licensed residential facilities (serving 7-16 persons)						C		C	C	C	C						
Studios – art, dance, music, design, photography, etc								<u>GP</u>	<u>GP</u>	P	P	P	P	<u>P</u>	<u>P</u>		
Taxi or bus dispatch sites										P	P			P	P		
Telecommunication towers	515-3-44													AP	AP		
Temporary mobile towers.	515-3-44													AP	AP		
Temporary roadside stands		P	P	<u>P</u>													
Temporary/seasonal outdoor promotional events and sales	515-3-40							AP	AP	AP	AP	AP	AP	AP	<u>AP</u>		
Theaters – except drive-in										P	P	P	P	<u>P</u>	<u>P</u>		
PUBLIC/SEMI-PUBLIC USES																	
Boarding Schools								C	C	C	C	C		<u>C</u>	<u>P</u>	<u>C</u>	

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ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
Business or trade school when conducted entirely within a building								C	C	P	P	C	C	<u>P</u>	<u>P</u>	<u>P</u>	
Cemeteries																C	<u>C</u>
Colleges and universities										C	C					P	
Government & public buildings (including utility buildings and structures)			C	C	C	C	C	C	C	P	P	P	P	P	P	P	P
Hospitals						C		C	C	C	C	<u>C</u>			<u>P</u>	P	
Forest and game management areas		<u>GP</u>	<u>P</u>													P	P
Places of worship & related buildings		C	C	C	C	C	C	C	<u>GP</u>	P	P	<u>GP</u>	<u>GP</u>	P	P	P	
Public & private schools		C	C	C	C	C	C	C	C	<u>GP</u>	C	<u>GP</u>	<u>C</u>	<u>GP</u>	<u>GP</u>	P	
Public recreation areas and buildings		P	P	P	P	P	P	P	P	<u>P</u>	<u>C</u>	C	C	<u>P</u>	<u>P</u>	P	<u>P</u>
Public, semi-public recreational buildings, community centers		C	C	C	C	C	C	C	C	<u>C</u>	<u>C</u>	C	C	<u>C</u>	<u>P</u>	P	
Temporary classroom buildings (public or private schools)					I	I	I	I	I	I	I	I	I	I	I	I	
Trade/specialty schools.														C	<u>GP</u>	<u>P</u>	
Warming shelters	515-3-43									I	I	I		I		I	
INDUSTRIAL AND UTILITY USES																	
Auto wrecking or salvage yard, junk yard, used auto parts, and similar uses.	515-3-8														C		
Automobile and truck repair – major and minor (including body shops)	515-3-7									C	C	C		C	<u>GP</u>		
Billboard signs	515-3-37													I	I		
Bulk liquid storage (including crude oil, gasoline, liquid fertilizer, or other liquid storage)	515-3-11														C		
Cannabis Cultivation (<u>outside</u>), Manufacturing, and Related Activity	515-3-13														C		

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Coal, tar, creosote, concrete or asphalt processing or distillation and acid manufacturing.	515-3-14														C		
Commercial/retail sales accessory to the principal manufacture, processing or wholesaling of products manufactured on, processed on or wholesaled from the premises.														P	P		
Commercial stockyards and slaughtering of animals provided that the use complies with all Federal regulations including USDA rules and regulations.															C		
Machine shops; paper products from previously processed paper; electronics assembly and testing; commercial printing and publishing establishments; laundry, dry cleaning or dyeing plants; food/beverage processing; cosmetics/toiletries; drugs and pharmaceuticals; beverage bottling; recycling center; woodworking (indoors)														P	P		
Construction equipment sales and repair										C				P	P		
Electrical/Plumbing/Heating/Air Conditioning products and parts										C				P	P		
Equipment rental (indoor)										P	P			P	P		
Essential services	515-3-20	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Kilns, forges or other heat processes fired by means other than electricity.															C		
Light manufacturing (indoors)										C	C			P	P		
Metal Sales such as steel and other raw materials														P	P		
Mini self-storage facilities.	515-3-23														CP		
Mining and extraction	515-3-24	I															

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Outdoor service, sales and rental as a principal or accessory use.	515-3-30									<u>C</u>	<u>C</u>	<u>C</u>		<u>CP</u>	<u>CP</u>		
Outdoor storage accessory to a principal use with enclosed building.	515-3-30									C				C	P		
Outdoor storage as a principal use	515-3-30														I		
Personal wireless service towers	515-3-44	C	C	C	C	C	C	C	C	AP	AP	AP	AP	AP	AP	<u>AP</u>	
Outdoor wood burning furnaces, placement and operation	515-3-31														C		
Radio & television antennas	515-3-44	AP	AP	AP	AP	AP	AP	AP	AP	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>
Radio and television receiving antennas, <u>ground mounted</u> satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers	515-3-44	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>	AP	AP	AP	AP	AP	AP	<u>AP</u>	<u>AP</u>
Radio and television studios										C	C			P	P	<u>P</u>	
Sale of parts and sale and repair of tires for construction equipment and semi tractor trailers														P	P		
Sales and distribution of propane, acetylene, helium, CO2 and similar tanks															P		
Refuse/garbage collection, recycling and incineration	515-3-34														C		
Regional pipelines		C												C	C		
Research and development laboratories										<u>P</u>				P	P		
Residence for night watchman or other security personnel														AP	AP		
Self-service laundromat with dry cleaning pick up and drop off								C	C	P	P	P		P	<u>P</u>		
Small engine and boat repair								C	C	C	C			P	P		

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BRAINERD, MN
Section 515-3 ALLOWED USES.
APPENDIX A: TABLE OF USES

ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
Solar energy systems, structures		AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	<u>AP</u>	<u>AP</u>
Storage, utilization or manufacture of materials which could decompose by detonation, including but not limited to dynamite, trinitrotoluene (TNT), nitroglycerine, guncotton, blasting caps and cartridge primers.	515-3-39														C		
Testing labs for water and soil, rocks/minerals and air quality										P	P			P	P		
Tire vulcanizing and recapping.															P		
Truck and semi-tractor/trailer sales and repair	515-3-7													C	P		
Truck terminals.	515-3-42														<u>GP</u>		
Warehousing, distribution facilities and wholesale businesses.														C	P		
Wind energy conversion system		I	I												I	!	!

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: June 18th, 2025

RE: Variance Request to Allow for a Non-Screened Parking Lot – 525 Washington St

REQUEST

PUBLIC HEARING. Variance to Allow a Non-Screened Parking Lot with Reduced Setbacks

Hy-Tec Construction, on behalf of Jake Brandt State Farm Agency, has submitted a variance request to allow for a non-screened rear parking lot with a zero-foot setback to the alley at 525 Washington St. This property is located in the CC (Commercial Corridor) Zoning District. The house that is shown on parcel 41241427 has since been removed.

CONTEXT

Parcel Number(s): 41241428 and 41241427

Property Area: Approximately 10,507 sq ft

Adjacent Uses: North: Four-plex Rental Property
East: Commercial Property
South: Commercial Retail Property
West: Commercial Retail Property

Adjacent Zoning: North: TN-2 (Traditional Neighborhood 2) Zoning District
East: CC (Commercial Corridor) Zoning District
South: CC (Commercial Corridor) Zoning District
West: CC (Commercial Corridor) Zoning District

AERIAL MAP



FINDINGS OF FACT

1. The property at 525 Washington St Brainerd, MN 56401 is in the CC (Commercial Corridor) Zoning District.
 - a. [Section 515-4-10.1](#) States that all exposed parking areas of ten (10) or more spaces in a front and side yard abutting a public street right-of-way shall be landscaped.
 - i. *The applicant proposes (5) new parking spaces in the area abutting the alley. As the new parking area has under (10) spaces, it does not require screening.*
 - b. [Section 515-4-12.F.6](#) States that non-residential uses in residential Zoning Districts and uses in all other Zoning Districts, driveways and parking stalls shall be set back a minimum of three (3) feet from side and rear property lines.
 - i. *The applicant proposes a zero-foot setback for the parking lot/ driveway to the rear property line.*
2. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance and
 - i. *The purpose and intent of the CC District is to provide zoning regulation flexibility to permit development consistent with land use patterns along the Washington Street corridor from the river to 6th Avenue NE that support walkable development patterns and connections to the neighborhoods.*

- ii. *The applicant is currently expanding his insurance business which is permitted in the Commercial Corridor Zoning District.*
 - iii. *All other plans and design details conform to the Zoning Code.*
- 3. [Section 515-5-4.B.4](#), Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance;
 - a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - i. *The applicant is maximizing the property's buildable area according to the proposed plan and would like to expand his business.*
 - ii. *The elimination of on-street parking along Washington Street due to the reconstruction project is the contributing factor for this request, which was not caused by the landowner.*
 - iii. *The applicant would like to reserve these new spaces for customers.*
 - b. The variance, if granted, will not alter the essential character of the locality.
 - i. *Most properties located in the CC District have zero-foot setbacks to the rear property line for their driveways and parking lots.*
 - c. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - i. *The request is not due to economic considerations.*
- 4. Section 515-5-4. B.5, The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
 - a. *Staff do not recommend applying any additional conditions to this variance request.*

At the time of this writing, no party has contacted the Community Development Department regarding the variance request.

The Planning Commission should consider removing the three-foot rear yard setback requirement for parking lots for Commercial Corridor District properties that abut an alley.

STAFF RECOMMENDATION

The Community Development Department recommend the approval of this Variance request as presented.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

Table with 3 columns: Application Type, Residential Fee, Commercial Fee. Rows include Conditional Use Permit, Rezoning, Variance, and Zoning Text Amendment.

PROPERTY ADDRESS: 525 WASHINGTON STREET

LEGAL DESCRIPTION: Lot(s): 7 Block: 46 Addition: TOWN OF BRAINERD FIRST ADDITION TO BRAS 80 FT OF LOTS 7, 8 & 9 BLOCK 46 & E 6 FT OF TOWN OF BRAINERD FIRST ADDITION TO BRAS 80 FT OF LOT 10 BLOCK 46.

Property Owner Name: JAKE BRANDT

Street Address: 525 WASHINGTON STREET City: BRAINERD State: MN Zip Code 56401

Phone Number: (218) 454-2888 Fax: E-mail: jake.brandt.ugm3@statefarm.com

Applicant Name: (If different than Property Owner) HY-TEC CONSTRUCTION

Street Address: 11360 BUSINESS 371 City: BRAINERD State: MN Zip Code: 56401

Phone Number: (218) 829-8529 Fax: E-mail: office@hyteconstruction.com

Description of Request: Requesting to add non-screened parking to the north side of the property for employees and customers.

Property Owner Signature

Handwritten signature of Jacob Brandt

(Please print name)

Jacob Brandt

5-27-2025

Date

Applicant Signature

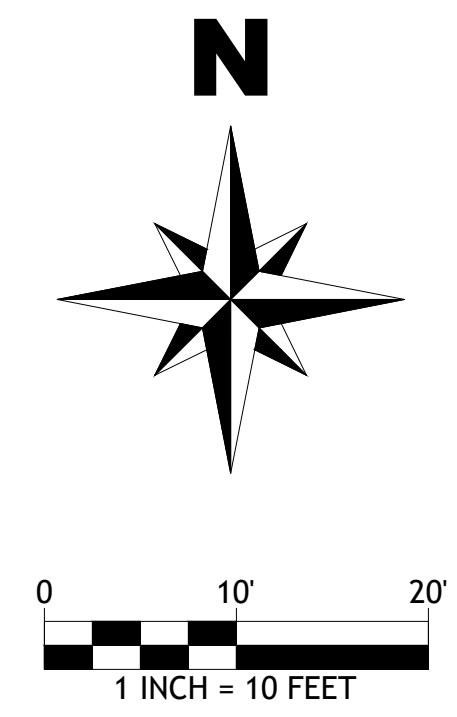
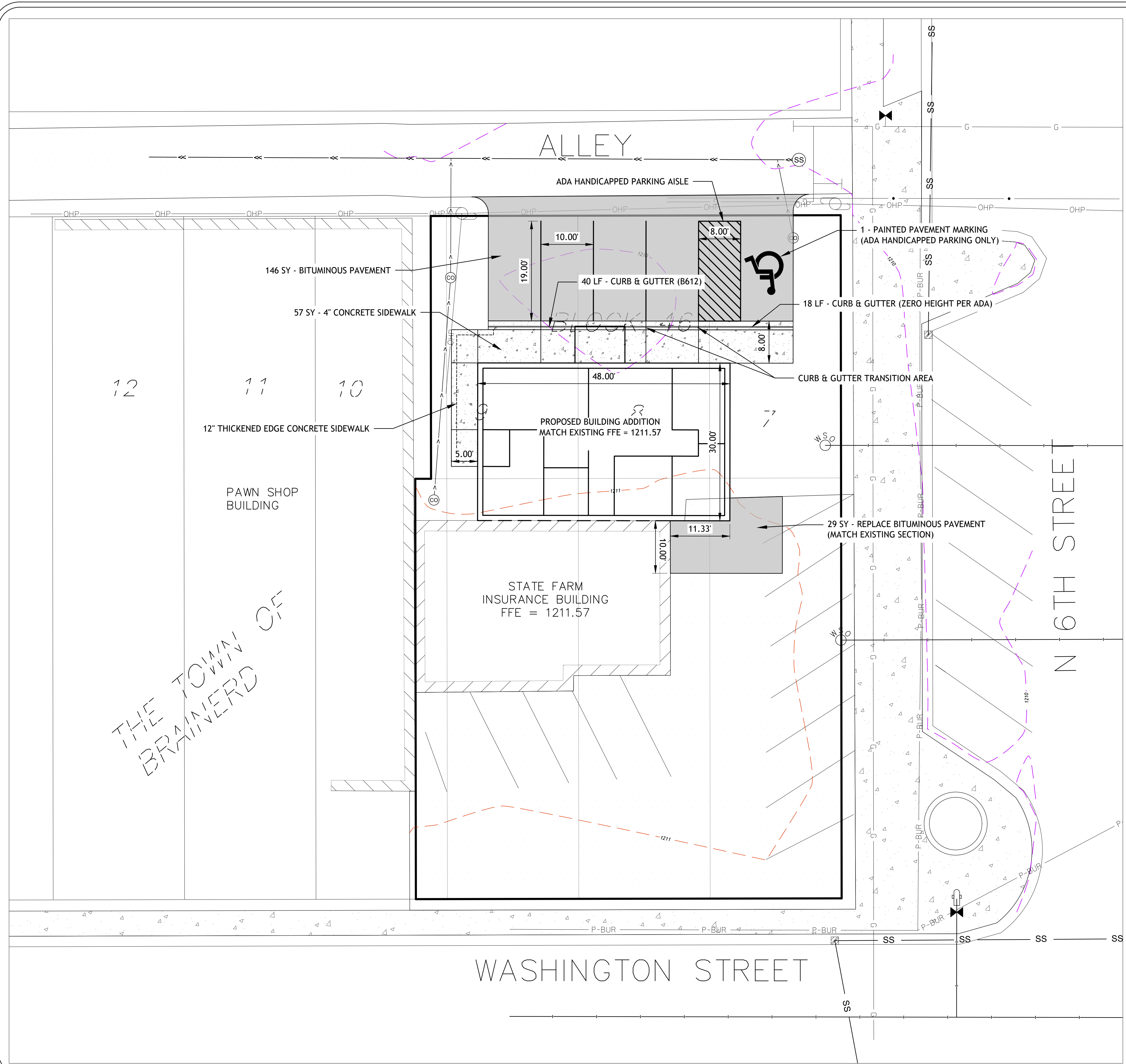
Handwritten signature of Mitch Feinabend

Mitch Feinabend Hy-Tec Construction

(Please print name)

MAY 27 - 2025

Date



LEGEND:

- PROPOSED BUILDING
- PROPOSED PAINTED PAVEMENT MARKING
- PROPOSED CURB & GUTTER (B612)
- PROPOSED BITUMINOUS PAVEMENT
- PROPOSED CONCRETE SIDEWALK

SITE PLAN NOTES

1. CONTRACTOR SHALL VERIFY FIELD CONDITIONS BEFORE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL VERIFY EXISTING ELEVATIONS AND DIMENSIONS WHERE NEW WORK WILL MATCH EXISTING. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER FOR RESOLUTION PRIOR TO THE COMMENCEMENT OF WORK.
2. CONTRACTOR SHALL OBTAIN ALL THE NECESSARY PERMITS AND ANY REQUIRED DEPARTMENT OF LABOR AND INDUSTRY (DOLI) PLAN REVIEWS, FROM THE APPROPRIATE AUTHORITIES, DEPARTMENTS, AND/OR AGENCIES HAVING JURISDICTION PRIOR TO COMMENCING WORK.
3. STREET WIDTHS ARE SHOWN FROM EDGE OF BITUMINOUS TO EDGE OF BITUMINOUS.
4. UNLESS OTHERWISE NOTED, ALL MATERIALS, CONST. TECHNIQUES AND TESTING SHALL CONFORM TO THE 2013 ED. OF THE "CITY ENGINEERS ASSOCIATION OF MINNESOTA STANDARD SPECIFICATIONS" - 2600 TRENCH EXCAVATION AND BACKFILL/SURFACE RESTORATION, 2611 WATERMAIN AND SERVICE LINE INSTALLATION, 2621 SANITARY SEWER AND STORM SEWER INSTALLATION, AND TO THE 2018 EDITION OF "MNDOT STANDARD SPECIFICATION FOR CONSTRUCTION" AND THE MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY (DOLI) "2015 MINNESOTA PLUMBING CODE". THE CONTRACTOR SHALL BE REQUIRED TO FOLLOW ALL PROCEDURES.
5. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY EARTHWORK QUANTITIES WHICH THE CONTRACTOR'S BID SHALL BE BASED ON.
6. THE CONTRACTOR WILL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGGERS, AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. PLACEMENT OF THESE DEVICES SHALL BE APPROVED BY THE CITY PRIOR TO PLACEMENT. TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE APPROPRIATE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARDS.
7. ALL STREET REPAIRS AND PATCHING SHALL BE PERFORMED PER THE REQUIREMENTS OF THE CITY, COUNTY, OR STATE, AS APPLICABLE.

NO.	REVISION	DATE

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: *Tony Pohil* TONY POHIL LIC. NO. 56606
 DATE: 4-14-2025

PROJECT NO. HYTEC2501



JAKE BRANDT - STATE FARM BUILDING ADDITION
 HY-TEC CONSTRUCTION OF BRAINERD, INC.
 SECTION 24, TOWNSHIP 45, RANGE 31
 CITY OF BRAINERD, CROW WING COUNTY, MN

Site Plan

DATE: 4-14-2025
 DESIGNED: TAP
 CHECKED: TAP
 SCALE: AS SHOWN

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Hy-Tec Construction has submitted a variance request for 525 Washington St. Brainerd, MN 56401. This property is located in the Commercial Corridor (CC) Zoning District. The variance request is to allow the addition of a non-screened parking lot on the north side of the property for customer and employee parking and to have a zero foot setback to the rear property line. According to Section 515-4-12 Off Street Parking, for uses in all other Zoning Districts, driveways and parking stalls shall be set back a minimum of three (3) feet from side and rear property lines.

*TOWN OF BRAINERD FIRST ADDITION TO BRAINERD S 80 FT OF LOTS 7, 8, & 9 & E 6 FT OF S 80 FT OF LOT 10 BLOCK 46
P.I.N. 41241428*

A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, June 18th, 2025, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 4th day of June 2025



James Kramvik
Community Development Director

Publication Date: June 7th, 2025

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: June 18th, 2025

RE: Consider Proposed Ordinance to Amend Section 515-3 Allowed Uses, Appendix A Table of Uses to Allow Office/Business in the GI District

INTRODUCTION

The City/ EDA received a formal Letter of Intent (LOI) from River Birch Investments, LLC, which is partnered with Central Minnesota Dermatology, an existing local dermatology business. They are interested in the \$1/acre incentive program which would allow them to build and develop a new dermatology clinic on Lots 1, 2 and 3 of Block 5.

Their LOI provides an overview of their interest, along with current and future plans for development of the lots. They have expressed a strong desire to stay in Brainerd and are excited for the opportunity to build a new facility.

CURRENT ISSUE

Office businesses/ medical clinics are currently not an allowed use in the General Industrial (GI) Zoning District. The Planning Commission is currently working on an update to the Allowed Uses Table and office business use in the GI District is a staff recommendation. However, the Allowed Uses Table amendment timeline for completion does not align with the investment company's timeline for the project. Staff propose to update the Allowed Uses Table immediately to allow office business in the GI District.

The EDA motioned and approved a recommendation to the Planning Commission that this use is compatible with the GI District and should be allowed.

STAFF RECOMMENDATION

Hold a public hearing and recommend approval of the proposed ordinance as presented.

**ORDINANCE
NO. 15XX**

AN ORDINANCE AMENDING SECTION 515-3 OF THE ZONING CODE

WHEREAS, a public hearing was held by the Planning Commission as required by the Zoning Code, on June 18th, 2025

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brainerd, Minnesota, as follows:

SECTION ONE: Section 515-3 Appendix A Table of Uses (Commercial/ General Business Uses) is hereby amended with the following new underlined language added to the table:

ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
Office businesses – (general use, medical clinic)								C	C	P	P	P	P	<u>P</u>	<u>P</u>		

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

Adopted this _____ day of _____, 2025

MIKE O'DAY
President of the Council

Approved this _____ day of _____, 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
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 Allowed Uses, Appendix A: Table of Uses of the Zoning Code. The purpose of this ordinance is to permit office business – (general use, medical clinic) in the (GI) General Industrial Zoning District. Office business is currently not allowed in the GI District.

A Public Hearing will be conducted by the Planning Commission at 6:00 p.m. Wednesday, June 18th, 2025, in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the proposed ordinance.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 4th day of June, 2025



James Kramvik
Community Development Director

Publication Date: June 7th, 2025



MEMO

To: Members of Brainerd EDA

CC: James Kramvik, Community Development Director

From: Jennifer Haskamp, AICP,
Kamp Real Estate & Development

Date: June 2, 2025

RE: Letter of Intent (LOI) for Lots 1-3 Block 5, Thiesse Industrial Park

As the EDA is aware, Kamp has actively been marketing the Thiesse Industrial Park lots for the past several months. Since the new year, we have received four serious buyer inquiries, some of which have moved on, and others that are in various stages of due diligence. We received a formal Letter of Intent (LOI) from River Birch Investments, LLC who is partnered with Central Minnesota Dermatology, an existing local dermatology business. They are interested in the \$1/acre incentive program which would allow them to build and develop a new dermatology clinic on Lots 1, 2 and 3 of Block 5. (The LOI will be sent to EDA members under separate cover.)

Kamp has been working with their Administrator for the past couple of months as they worked through initial site due diligence. It is our understanding that they have completed a significant amount of due diligence including site visits, initial site planning, building design and space programming and have determined that the Thiesse lots would be a great fit for their future operations.

Their LOI provides an overview of their interest, current and future plans for development of the lots. They have expressed a strong desire to stay in Brainerd and are excited for the opportunity to build a new facility. We are excited to bring this offer forward, and look forward to working with River Birch Investments, the EDA and City Council to bring this project to fruition. Next steps include:

- EDA and City Council acceptance of the LOI
- Update Table of Uses to allow medical uses in the industrial zoning districts
- Buyer provides necessary security to initial Purchase and Development Agreement (PDA) process
- Purchase and Development Agreement for Lots 1, 2, and 3, Block 5 Thiesse Industrial Park

June 2, 2025

Jennifer Haskamp
Kamp Real Estate & Development
jhaskamp@kamp-mn.com

Dear Jennifer,

I am excited to present on behalf of River Birch Investments, LLC this letter of intent to purchase lots in the Thiesse Industrial Park utilizing the \$1 / Acre Land Credit Program. River Birch Investments is interested in purchasing Lots 1, 2 and 3 of Block 5. Ideally, we could combine Lots 1 and 2 to construct an approximately 8000 square foot two-story medical building (approximately 4000 sq ft each level) as well as adequate parking for employees and patients. I am the physician owner of Central Minnesota Dermatology and intend to lease this medical campus as soon as it is available for occupancy.

Ideally, we would like to include Lot 3 in the purchase to give us an opportunity to expand in the future. Central Minnesota Dermatology has grown considerably, both in the medical and cosmetic services offered, and I would like to have the adjacent lot available to construct another building, if feasible. The building could be potentially for expanded Central Minnesota Dermatology services or to lease to another business that is complementary in nature. I have no way of predicting the future, so the request for Lot 3 would be to allow for future development, but not require it, in the event it isn't financially feasible for River Birch Investments to construct another building.

I respectfully request approval to move forward with applying for the Land Credit Program. I understand that the lots I am requesting to purchase are currently zoned for industrial use. If approval is granted to apply for the Program, I would also like to request permission to use the lots for medical services, either through re-zoning or a Conditional Use Permit.

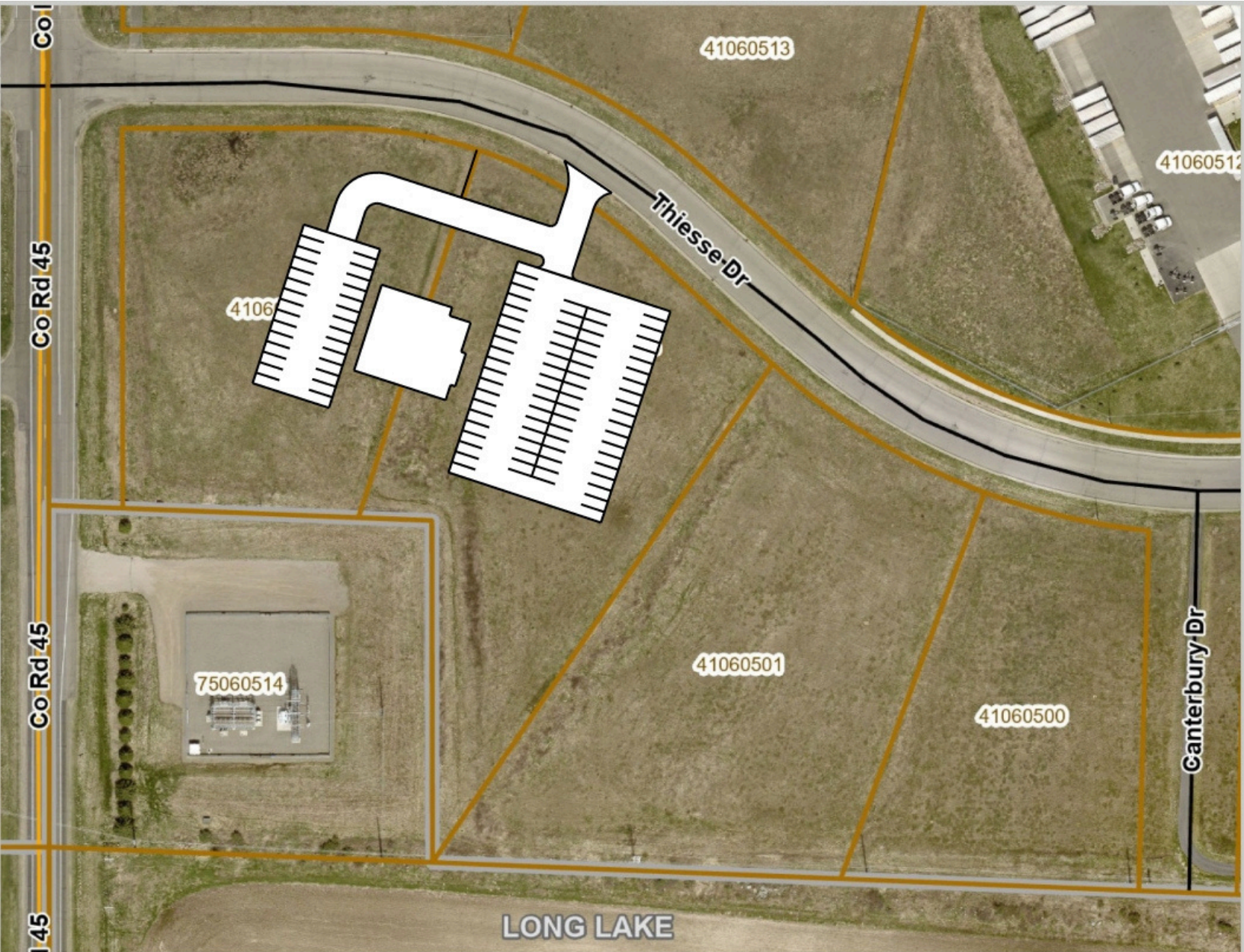
We are eager to partner with the Brainerd EDA to develop land in the Thiesse Industrial Park. I feel this would benefit not only my ability to provide services to patients living in the Brainerd Lakes Area, but all Brainerd residents.

Sincerely,



Kristina M. Britton, MD

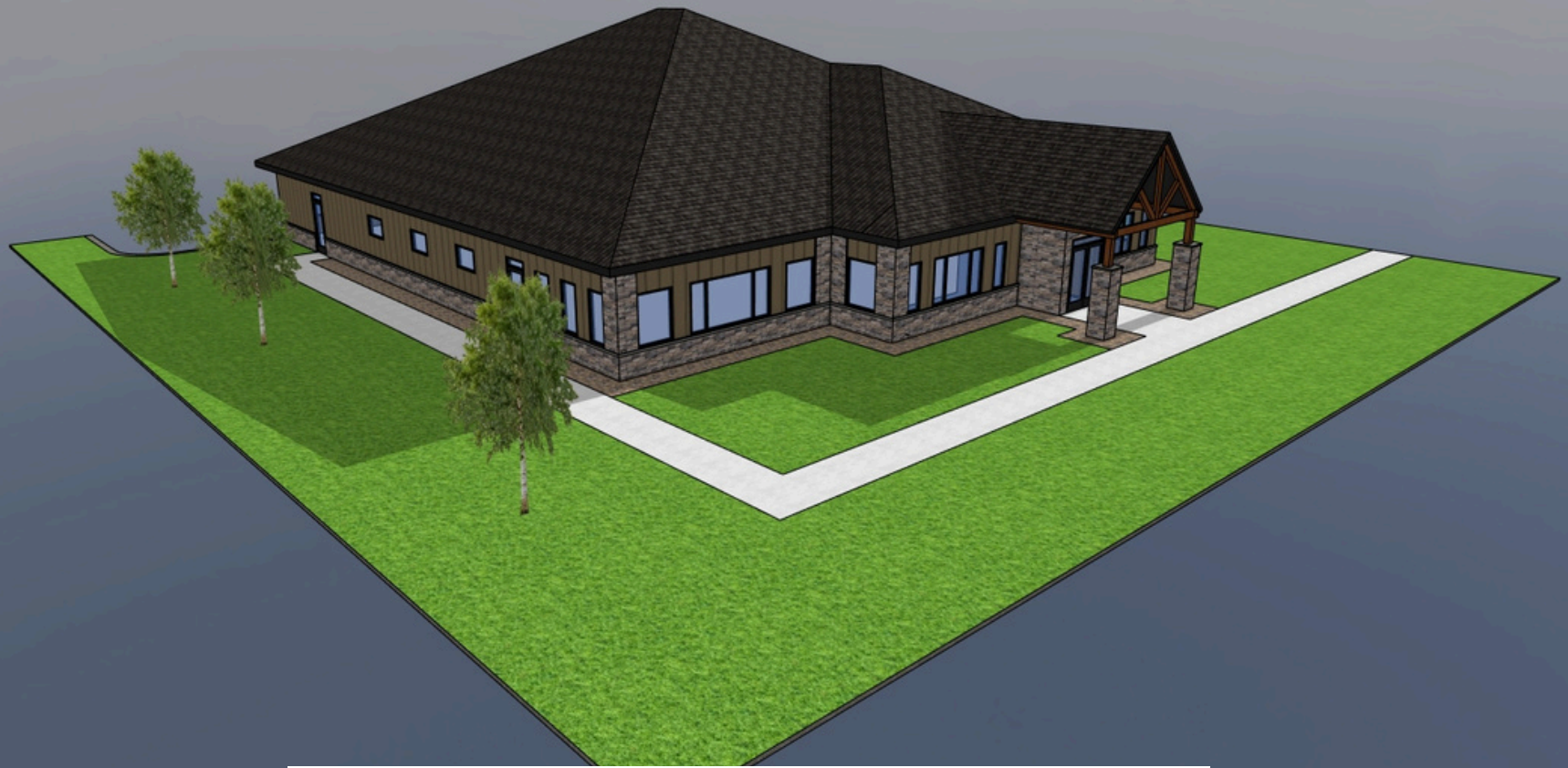
Cc: James Kramvik, Community Development Director



320.253.3301



Gmumm@keystonedb.com



 **KEYSTONE**
DESIGN BUILD, INC.



MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: June 18th, 2025

RE: Consider Proposed Ordinance to Amend Section 515-4-11 Fence Standards

INTRODUCTION

According to Section 515-4-11 Fence Standards of the Zoning Code, fences may be located in any yard up to a height of four (4) feet. 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 Figure 515-4-11.1).

Corner lots have two front facades as the house faces two streets. Permitted corner lot fence construction is depicted in Figure 515-4-11.1, which is included as an attachment.

CURRENT ISSUE

Corner lot property owners consistently have issues with the construction of backyard privacy fences. The fence often bisects the property, splitting the backyard in half. Staff have attached two images of houses within one block of each other that have rear yard fence issues because the primary structure is set far from the side yard corner setback. Along with Council Member Johnson, staff recommend potential changes for corner properties in which a rear yard abuts an alley. Variances should not be a remedy for these instances due to the high volume of properties that experience the same difficulties. The findings would not indicate a practical difficulty unique to the site.

However, staff do not recommend a change for corner properties that abut another property line as the increase in fence height may impact the neighboring property's front yard. Variances should be reserved for those instances.

Proposed Language: For corner properties, if the rear yard abuts an alley, a fence up to six and one half (6½) feet high may be erected from a line extended from the rear corner of the principal building to the side corner lot line, and then along the side corner lot line to the rear lot line.

STAFF RECOMMENDATION

Hold a public hearing and recommend approval of the proposed ordinance as presented.

**ORDINANCE
NO. 15XX**

AN ORDINANCE AMENDING SECTION 515-4-11 OF THE ZONING CODE

WHEREAS, a public hearing was held by the Planning Commission as required by the Zoning Code, on June 18th, 2025

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brainerd, Minnesota, as follows:

SECTION ONE: Purpose: The purpose of this ordinance is to allow for an increase in fence height for corner lot properties that abut an alley. Rear yards that abut an alley do not impact neighboring properties and therefore fence regulations should be more consistent with all other properties in the City of Brainerd.

SECTION TWO: Section 515-4-11.F Fence Height is hereby amended with the following new underlined language added:

F. Fence Height

1. Fences may be located in any yard up to a height of four (4) feet.
2. Except as prohibited by Section [D] 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 Figure 515-4-11.1).
 - 2.a. For corner properties, if the rear yard abuts an alley, a fence up to six and one half (6½) feet high may be erected from a line extended from the rear corner of the principal building to the side corner lot line, and then along the side corner lot line to the rear lot line.
3. 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.

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

Adopted this _____ day of _____, 2025

MIKE O'DAY
President of the Council

Approved this _____ day of _____, 2025

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____

BRAINERD, MN
Chapter 515 ZONING

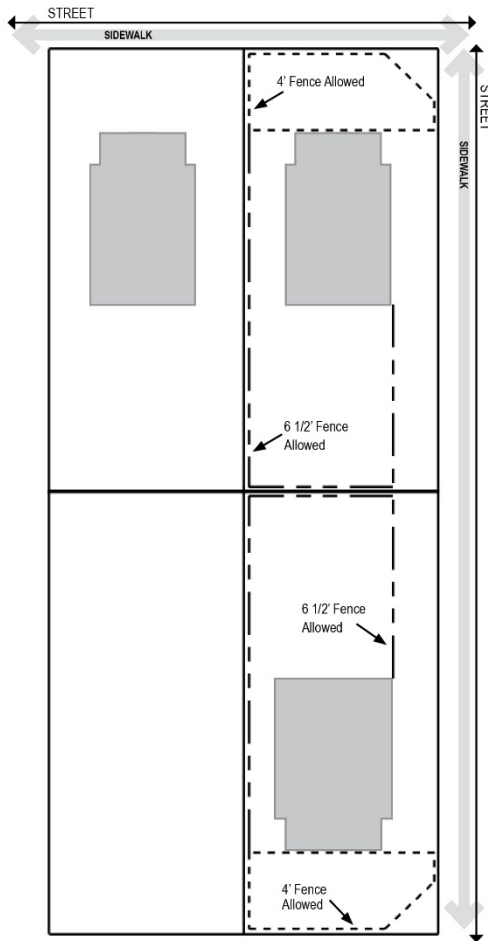
515-4-11 Fence Standards.

- A. **Permit Required.** A fence permit is required for any fence, partition, structure, wall, or gate constructed within the required yard.
- B. **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 Zoning Districts are not subject to the provisions of this Section and do not require a fence permit.
- C. **Fencing Sketch Plan.** An application for a fence permit shall be accompanied by a scaled Sketch 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.
- D. **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.
1. No fence or wall shall be permitted on public rights-of-way.
 2. Traffic visibility requirements set forth in the Base Zoning District shall be met.
 3. No fence or wall shall obstruct natural drainage or extend within a wetland, drainage ditch, stream, or river.
 4. Fences may be constructed within utility and drainage easements with the written permission of the Zoning Administrator.
 5. Wire fences other than chain link are not permitted within five (5) feet of the property line.
 6. All fences shall be located at least four (4) feet from an alley right-of-way.
- E. **Fence Construction and Maintenance.**
1. 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.
 2. Every fence shall be regularly maintained and shall not become or remain in a condition of disrepair or constitute a nuisance.
 3. 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.
 4. Electric and barb wire fences are prohibited in residential districts.
 5. Within non-residential districts, barbed wire may be attached to the tops of fences with the following conditions:
 - a. Fences shall be a minimum of eight (8) feet in height exclusive of the security arm.
 - b. The security arm shall be angled in such a manner that it extends only over the property of the permit holder.
 - c. Wire security fencing shall not be permitted within the required front yard or along a property line abutting a residential use.
 6. Solid walls, including retaining walls in excess of forty-eight (48) inches in height require a building permit.
 7. The good or finished side shall face the neighboring property.
 8. All fences that completely enclose an area shall contain a gate to provide public safety access.

F. Fence Height.

**BRAINERD, MN
Chapter 515 ZONING**

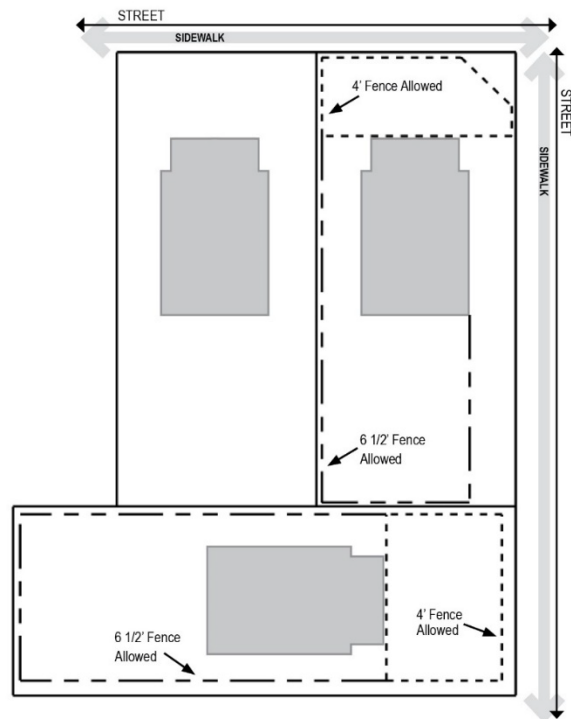
1. Fences may be located in any yard up to a height of four (4) feet.



2. Except as prohibited by Section [D] 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 Figure 515-4-11.1).

3. 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.

Figure 515-4-11.1 Fence Height Lot Diagrams



4. Height Exceptions.

- a. Fences for sport courts may be up to 12 feet in height with ten (10) foot setback from any property line, and must be located behind the principal structure
- b. 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 non-residential zoning district.
- c. Non-residential fences up to eight and one half (8½) feet in height are permitted. Such fences in a front yard must be ninety (90) percent open.
- d. Fences taller than eight and one half (8½) feet in non-residential districts require a Conditional Use Permit.



City Council Agenda Request

MEETING DATE: May 19, 2025

TITLE OF ITEM: Consider Revising Corner Lot Fence Requirements

AGENDA: Main

ACTION REQUESTED: Direction Requested

SUBMITTED BY: Gabe Johnson, Councilmember, James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: Gabe Johnson, Councilmember, James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

According to Section 515-4-11 Fence Standards of the Zoning Code, fences may be located in any yard up to a height of four (4) feet. 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 Figure 515-4-11.1).

Corner lots have two front facades as the house faces two streets. Permitted corner lot fence construction is depicted in Figure 515-4-11.1, which is included as an attachment.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Corner lot property owners consistently have issues with the construction of backyard privacy fences. The fence often bisects the property, splitting the backyard in half. Staff have attached two images of houses within one block of each other that have rear yard fence issues because the primary structure is set far from the side yard corner setback. Along with Council Member Johnson, staff recommend potential changes for corner properties in which a rear yard abuts an alley. Variances should not be a remedy for these instances due to the high volume of properties that experience the same difficulties. The findings would not indicate a practical difficulty unique to the site.

However, staff do not recommend a change for corner properties that abut another property line as the increase in fence height may impact the neighboring property's front yard. Variances should be reserved for those instances.

Example Language: For corner properties, if the rear yard abuts an alley, a fence up to six and one half (6½) feet high may be erected from a line extended from the rear corner of the principal building to the side lot lines, and then along the side lot lines and the rear lot line.

RECOMMENDED ACTION/MOTION:

Direct staff to draft an ordinance with the above language for the Planning Commission to consider.

MEMO



TO: Mayor and City Council
FROM: James Kramvik, Community Development Director
DATE: May 19th, 2025
RE: Consider Revising Corner Lot Fence Requirements

AERIAL MAP

Current ordinance - allowable six-foot fences depicted in red



Proposed language - allowable six-foot fences depicted in red



From: [Gabe Johnson](#)
To: [James Kramvik](#)
Cc: [Nick Broyles](#); [Mike ODay](#)
Subject: Fence Ordinance
Date: Tuesday, May 13, 2025 5:32:15 PM

James,

Thank you for meeting with me and my constiuent today to discuss their fence predicament.

I am emailing to request you add an item to new business for the council to consider revising our fence rules placed on corner lots, specifically setback requirements.

Please prepare a recap of the specific property on 12th St and a potential path forward for any changes.

Thanks,

Gabe

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: June 18th, 2025

RE: Sign Ordinance Memo

INTRODUCTION

Staff have received complaints about signage aesthetics in our major corridors and downtown. Signage is an important aspect of the overall characteristics of a commercial area and sub-standard signage can detract from the appearance and create negative perceptions to visitors. All signs are regulated by Section 515-3-37 for the Zoning Code. The purpose of the ordinance is to maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community. The ordinance regulates size and location but does not regulate material. Banner signs made of canvas or vinyl have increased in Brainerd and the aesthetics have become an issue. Signs should serve to communicate for the business but should be held to a standard as they also play an important role in attracting visitors and new businesses to an area.

The EDA made a motion to recommend the Planning Commission review Sign Standards specifically for the Commercial Corridor, Town Center, and Main Street Zoning Districts. Staff also included some additional items for consideration.

Note: The EDA is considering using available funds to help businesses improve their signage with a possible 50% matching grant. Prior to offering the grant, the EDA would like the City to consider signage design standards

STAFF RECOMMENDATION

- 1) Discuss the amended Section pertaining to signage.
- 2) Direct staff to make any changes.
- 3) Direct staff to hold a public hearing at the next planning commission meeting.

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515-3-38 Signs

A. **Findings, Purpose, and Intent.** It is not the purpose or intent of this Sign Ordinance to regulate the message displayed on any sign, nor is it the purpose or intent of this Ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this Ordinance is to:

1. The City Council hereby finds as follows:
 - a. Signs provide an important medium through which individuals may convey a variety of messages.
 - b. Exterior signs have a substantial impact on the character and quality of the environment.
 - c. Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.
 - d. As defined by Section [515-6] of this Ordinance, a sign is any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.
 - e. The City's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.
2. The purpose and intent of this Ordinance is to:
 - a. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the City in order to promote the public health, safety, and welfare.
 - b. Maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.
 - c. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
 - d. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the City.

B. **Effect.** A sign may be erected, mounted, displayed, or maintained in the City if it is in conformance with the provisions of this Ordinance. The effect of this Ordinance, as more specifically set for herein, is to:

1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this Sign Ordinance.
2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this Sign Ordinance.
3. Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment and where the communication can be accomplished by means of having a lesser impact on the environment and the public health, safety, and welfare.
4. Provide for the enforcement of the provisions of this Sign Ordinance.

C. **Severability.** If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this sign Ordinance. The City Council hereby declares that it would have adopted the sign Ordinance in each section,

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subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

D. Permit Required. No sign shall be erected, altered, improved, reconstructed, maintained, or moved in the City without first securing a Sign Permit from the City:

1. The content of the message or speech displayed on the building and/or sign shall not be reviewed or considered in determining whether to approve or deny a Sign Permit.
2. Application for an Administrative Permit shall be filed by the property owner or designated agent with the City on forms to be provided by the City.
3. Application for a Permit shall contain the following information unless waived by the City:
 - a. Names and addresses of the applicant owners of the sign and lot.
 - b. Address at which any signs are to be erected.
 - c. Lot, block, and addition at which the signs are to be erected and the street on which they are to front.
 - d. Type and size of sign (e.g., wall sign, pylon sign, monument sign).
 - e. A Sketch Plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs, and any other physical features.
 - f. Inventory of existing on-site signage (size, height, location).
 - g. Plans, location and specifications and method of construction and attachment to the buildings or placement method of the ground.
 - h. Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and Ordinances of the City.
 - i. Written consent of the owner or lessee of any site on which the sign is to be erected.
 - j. Any Electrical Permit and/or Building Permit required and issued for the sign.
 - k. A detailed description of any electronic or electrical components that are proposed to be added to the sign.
 - l. Other information to demonstrate compliance with this and all other Ordinances of the City.
4. The Sign Permit application shall be accompanied by a fee. Fees for the review and processing of Sign Permit applications shall be imposed in accordance with the fee schedule established by City Ordinance.
5. The City shall notify the applicant, in writing, of an incomplete application within fifteen (15) days of the date of submission.
6. The City shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, Ordinances and applicable performance standards set forth in this Ordinance within sixty (60) days of submission of a complete application pursuant to MN State Statutes Section 15.99. If the work that is authorized under a permit has not been completed within sixty (60) days after the date of issuance, the permit shall be null and void.
7. All signs, including electric wiring, supporting structure, guy wires or chains, shall be properly maintained and kept in safe condition. A sign or sign structure which is deteriorated, unsafe, defaced or otherwise altered shall be repaired, repainted, or replaced by the permit holder or property owner on which the sign is located.

E. Permit Not Required. The following signs shall not require a permit and are allowed in addition to those signs allowed by Section [J] of this Subsection. These exemptions however shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this Ordinance or any other law or Ordinance regulating the same.

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1. The changing of the display surface on an existing sign.
2. Signs, subject to the following:
 - a. Signs shall only be located on private property with the permission of the property owner.
 - b. Signs shall be placed no less than fifteen (15) feet from the back of the curb and shall not be within the sight visibility triangle or located within the Right-of-Way.
 - c. Ground mounted signs shall not exceed six (6) square feet in area and shall not exceed three (3) feet in height.
 - d. No more than two (2) ground mounted signs and two (2) flags are allowed per property.
 - i. Additional signs of any size are permitted beginning forty-six (46) days before the State primary in a State general election year until ten (10) days following the State general election, and ninety-one (91) days prior to any special election until ten (10) days following the special election.
 - e. Signs shall not be illuminated.
3. One (1) temporary off-premises sign on private property six (6) square feet or less in size, not to exceed three (3) feet. Temporary signs shall be allowed for a period of seven (7) days.
4. Signs located within the public right-of-way are regulated by Chapter [VIII] of the City Code.
5. Official signs.

F. Prohibited Signs. The following signs are prohibited:

1. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signs, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
2. All signs over three hundred (300) square feet in area.
3. All off-premises signs greater than six (6) square feet in area.
4. Changeable copy signs, except as specifically allowed by Subsection [J].
5. Content classified as "obscene" as defined by Minnesota State Statutes Section [617.241].
6. Flashing or rotating signs.
7. Signs painted, attached or in any other manner affixed to trees or similar natural surfaces, or attached to utility poles, bridges, towers, or similar public structures.

G. Violations. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this Ordinance shall, upon conviction thereof, be guilty of a petty misdemeanor. Persons violating this Section may be fined in addition to other penalties for Ordinance violations allowed by this Ordinance. Any sign violation of this Section may be subject to immediate removal by the City, at the expense of the owner, without notice to the property owner or owner of the sign if different than the property owner. Each day that the violation continues is a separate offense.

1. This Ordinance shall be administered and enforced by the Zoning Administrator. The Zoning Administrator may institute in the name of the City any appropriate actions or proceedings against a violator.
2. Inspection. All signs for which a permit is required shall be subject to inspection by the Zoning Administrator.
3. The City reserves the right to require the removal at the owner's expense of any sign when the requirements of this Section are not completely followed and adhered to, or if a sign is not properly maintained or falls into a state of disrepair. The City shall not have any obligation or liability to replace any sign when removed by the City.

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H. **Substitution.** The owner of any sign which is otherwise allowed by this sign Ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. Conversion back to commercial copy is permitted as allowed in each Zoning District. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

I. **General Regulations.**

1. All freestanding and monument signs shall be set back three (3) feet from any property line and outside of the site visibility triangle. No portion of the sign shall extend into the public right-of-way or an easement.
2. Wall signs may extend no more than 24 inches from the building façade and may encroach into the public right-of-way where there is a zero-building setback.
3. The installation of electrical signs shall be subject to the State Electrical Code. Electrical service to a freestanding sign shall be underground.
4. No sign shall be attached or be allowed to hang from any building until all necessary wall attachments have been approved by the City Building Official.
5. No signs, guys, stays or attachments shall be erected, placed, or maintained on trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.
6. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver and may not interfere with or obscure traffic signs or signals. Lighting may not illuminate any adjacent properties, buildings, or streets.
7. Portable signs which are designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed are permitted within GC, CC, ME, and GI Zoning Districts subject to the following:
 - a. A Sign Permit is issued for the sign that shall require a non-refundable fee as set by Ordinance, together with a bond or cash deposit is issued for the sign.
 - b. In the event the sign is not removed within two (2) business days of the permit expiration date, the bond or cash deposit shall be forfeited as a penalty.
 - c. Permits shall be for periods not to exceed 60 consecutive days of each 90-calendar day period for one premises, or a total of 120 days in a calendar year.
 - d. One (1) temporary sign is allowed on the premises at one time.
 - e. Temporary signs permitted by Subsection [D] of this Ordinance shall be exempt from the requirements of this Section.
8. Banner signs are prohibited in all zoning districts except on a temporary basis. One banner sign per building wall shall be permitted in the TN-2, CC, GC, TC, MS, ME, and GI Zoning Districts for a period of 60 days per calendar year.
 - e.a. Banner signs will be part of the allowable sign area percentage and shall not exceed the maximum area percentage specified for each zoning district.
- 8.9. No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- 9.10. A freestanding sign or sign structure constructed so that the faces are not back-to-back, shall not have an angle separating the faces exceeding twenty degrees (20°) unless the total area of both sides added together does not exceed the maximum allowable sign area for that District.
- 10.11. The area within the frame of a sign shall be used to calculate the square footage except that the width of a frame exceeding twelve (12) inches shall constitute sign face, and if such letters or graphics be

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mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six (6) inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures, or other forms of graphics painted on walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.

41.12. The top of a wall sign, including its superstructure, if any, shall be no higher than the top of the roof of the building to which such sign may be attached.

42.13. Projecting signs may be allowed in commercial districts provided that:

- a. There is a minimum of eight (8) feet of clearance under the base of the sign to the ground below.
- b. The sign does not project more than five (5) feet beyond the wall to which it is mounted, may not project over any vehicular drive aisle or traveled portion of a public or private street and may not project over a public right-of-way except within the CC, TC, and MS Zoning Districts.
- c. The area of the projecting sign is not more than fifty (50) percent of the maximum area allowed for an individual wall sign in the respective zoning district in Subsection [J.9 and J.10] of this Subsection.

43.14. Roof signs shall be allowed in commercial and industrial districts provided that:

- a. The height of the sign shall not exceed the height of the roof.
- b. The sign design shall be consistent with the building character and integrated into the building architecture.

15. Signs are not allowed to encroach into or over MnDOT right-of-way without MnDOT approval.

16. Any sign that is found to be unreadable, unsafe, unsecured, abandoned, unlawful or in disrepair for a period of 60 days shall be repaired or removed by the property owner or lessee.

17. All signs or sign messages shall be removed by the owner or lessee of the premises upon which a sign is located when the business it advertises is no longer conducted therein.

44.18. A real estate sign is limited to up to nine square feet in residential districts and up to 32 square feet in commercial districts. A real estate sign must be removed within ten days after sale or rental of property.

J. **District Regulations.** In addition to the signs allowed by this Subsection, the following signs shall be allowed within the specific Base Zoning Districts:

1. Non-residential uses within the RL, GL, CN and TN Base Zoning Districts.
 - a. Except for the uses specified in Appendix A: Table of Uses, one (1) sign shall be allowed per parcel provided that:
 - i. The total area of the sign shall not exceed thirty-two (32) square feet.
 - ii. A freestanding sign shall be limited to a maximum height of six (6) feet.
2. Signs shall be allowed for a subdivision or multiple family development of five (5) or more lots or dwelling units provided that:
 - a. One (1) sign shall be allowed at each street entrance. Entrances less than one hundred (100) feet apart are not permitted individual entrance signs.
 - b. The area of each sign shall not exceed twenty-four (24) square feet.
 - c. Freestanding signs shall be limited to a maximum height of six (6) feet.
 - d. Illumination of the sign shall be as regulated in [I.6.] of this Subsection.

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- e. For sign(s) requiring regular long-term maintenance, the sign(s) shall be located on common space of sufficient size and area to accommodate said structure. The property owner or association shall be responsible for maintenance of the sign.
 - f. One (1) wall sign up to sixteen (16) square feet is permitted for each multifamily development.
 - g. The area around the sign shall be landscaped in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site. Detailed site and landscape plans shall be included with each sign permit application and shall be subject approval by the Zoning Administrator.
 - h. The design and construction of area identification signs shall be done with the highest commercial quality materials and workmanship to keep maintenance and upkeep costs to a minimum and to minimize the potential for vandalism. Area identification signs are to be aesthetically pleasing when designed and constructed. The sign shall be compatible with nearby structures in the area. Detailed construction plans and a materials list shall be included with each Sign Permit application and shall be subject approval by the Zoning Administrator.
3. Additional signs shall be allowed upon approval of a Final Plat for a subdivision having not less than five (5) lots provided that:
- a. One (1) sign shall be allowed per project or subdivision or one (1) sign for each frontage to a public street, whichever is greater.
 - b. The area of the sign shall not exceed thirty-two (32) square feet.
 - c. Freestanding signs shall be limited to a maximum height of eight (8) feet.
 - d. The sign shall not be displayed for a period to exceed twenty-four (24) months from the date a permit is issued for the sign or until building permits have been issued for eighty-five (85) percent of the lots or dwelling units within the subdivision, whichever is less restrictive.
4. Government buildings and structures, public, quasi-public or private recreation buildings, public parks and recreation areas, public and private educational institutions limited to accredited elementary, middle, senior high schools, or colleges and universities, and places of worship shall be allowed the following signs:
- a. Not more than two (2) wall signs shall be permitted on the front wall. The combined total area of such sign or signs shall not exceed the lesser of fifteen (15) percent of the area of the front face (including doors and windows).
 - b. For each principal building on a lot, there shall not be more than one (1) freestanding monument sign except on a corner lot where two signs, one facing each street, shall be permitted. No such signs shall exceed one hundred (100) square feet in area. Monument signs may not exceed twelve (12) feet in height. The monument sign may include a changeable copy sign as part of the allowable sign area.
5. The changeable copy sign may be a wall, freestanding, or monument sign. The changeable copy sign area shall be counted as part of the total sign area allowed within the Base Zoning District.
6. No more than one (1) changeable copy sign per parcel.
7. A dimmer switch shall be installed which limits illumination brilliance of the sign during nighttime hours to no more than five hundred (500) lumens. Nighttime hours shall be considered to be from dusk to dawn.
8. Minimum height of the sign shall be eight (8) feet as measured from grade to the bottom of the sign.
- a. Temporary signage is subject to the provisions of Subsection [D and I] of this Ordinance.
9. Within the TN-2 District the following additional regulations shall apply:
- a. All residential use regulations in accordance with Appendix A: Table of Uses.
 - i. Each parcel shall be allowed one (1) wall sign up to two (2) square feet in area and one (1) freestanding sign up to 12 square feet in area.

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- ii. The height of a freestanding sign shall not exceed six (6) feet.
10. Within the [CC, GC, MS, TC, ME, GI] Districts the following additional regulations shall apply:
- a. The total area of building signs displayed on a parcel shall not exceed 15 percent of the building façade on which the sign is to be located fronting not more than two (2) public streets.
 - b. A 100 square foot sign up to 25 feet tall is permitted for a parcel with street frontage of 100 feet or less.
 - i. In GI, CC, and GC Zoning Districts, one (1) square foot of sign area may be added to the permitted 100 square foot sign area for each one (1) foot of street frontage over 100 feet. A sign up to 300 square feet is permitted.
 - ii. Parcels in the GI, CC, and GC Zoning Districts with more than 300 feet of street frontage may have one (1) additional sign for each additional 300 feet of street frontage. Signs shall be located at least 300 feet apart.
 - c. Sign area for parcels permitted more than one (1) sign is equal to the total feet of street frontage. If more than one (1) sign is used, the total sign area allowed shall be distributed between permitted signs.
 - d. Each sign shall be 300 feet apart and each sign may not exceed 300 square feet in area.
 - e. Signs shall be located on the street frontage for which its sign area is determined.
11. Wall, Canopy and Marquee Signs. Wall, canopy, or marquee signs may occupy up to fifteen (15) percent of a building façade fronting a public street or alley. ~~Up to an additional 16 square feet may be used for awning signs.~~
- a. Materials. Sign materials shall be consistent or compatible with the original construction materials and architectural style of the building facade on which they are to be displayed. Natural materials such as wood and metal shall be permitted.
 - b. Position. Wall, projecting or overhanging signs shall be positioned so as to create an integral design feature of the building to complement and enhance the building's architectural features. Signs shall not obscure or destroy architectural details such as stone arches, glass transom panels or decorative brickwork.
- ~~11.c.~~ Window Signs. Window signs shall not be counted towards the allowable wall signage area but shall consist of vinyl material.
- d. In addition to the signs allowed without a permit pursuant to this Section, two signs are allowed per business within the CC, TC, and MS Zoning Districts. The two allowed signs must be one three-dimensional wall sign, awning or canopy sign, or a projecting sign.
 - i. Three-dimensional wall signs include raised lettering, framing, ect...
 - ii. Sign shall be used to display the primary name of the business only.
12. Awning or Canopy Signs. Letters may be painted or otherwise affixed to any permissible awning or canopy as follows:
- a. One sign per canopy fascia fronting onto a public street.
 - b. Be within the physical dimensions of the awnings or canopy fascia.
13. Accessory signs to gas sales in conjunction with automobile service stations or convenience stores are permitted provided that:
- a. Gasoline and Price Sign. One (1) sign (single or double faced) per frontage on a public street, suitable for apprising persons of the total sign price per gallon. The area of such price sign shall not exceed 16 square feet on either side. Each such sign shall be affixed to the standard of a ground sign or light fixture and shall state the total price. No sign posting an incomplete price or less than the total sales price is permitted.

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- b. Signs denoting operating instructions associated with self-service gas facilities including gas pump, air supply and car washes are exempt from the maximum sign area standards of this Subsection.

14. Changeable Copy Signage.

- a. The changeable copy sign may be a wall, freestanding, or monument sign. The changeable copy sign area shall be counted as part of the total sign area allowed within a respective Zoning District.
 - b. No more than one (1) changeable copy sign per parcel.
 - c. A dimmer switch shall be installed which limits illumination brilliance of the sign during nighttime hours to no more than five hundred (500) lumens. Nighttime hours shall be considered to be from dusk to dawn.
 - d. Minimum height of the sign shall be eight (8) feet as measured from grade to the bottom of the sign.
15. In addition to the freestanding sign allowed by this Subsection, convenience food uses with drive through facilities may display additional signs, provided that:

~~a. Not more than one (1) sign is allowed.~~

~~b.a.~~ The sign shall be single sided with an area not to exceed fifty (50) square feet.

~~e.b.~~ The height of the sign shall not exceed six (68) feet including its base or pole measured from grade to the top of the structure.

~~d.c.~~ The sign shall not encroach into any principal building setback and shall be located directly adjacent to the drive through aisle and oriented in such a manner so that the sign provides information to the drive through patrons only and does not impair site visibility or obstruct circulation.

16. Multiple Occupancy Commercial and Industrial Buildings including Business/Commercial Centers:

- a. Except as provided for in this Subsection, individual tenants of a multiple occupancy building within a commercial or industrial zoning district may display separate wall, canopy, or marquee signs when a tenant's business has an exclusive exterior entrance subject to the following requirements:
 - i. The number of wall signs shall be limited to one (1) per tenant space, except one (1) sign per exterior wall may be displayed for the tenant of a corner suite or a suite that extends through a building this having two (2) exterior walls facing a public right-of-way.
 - ii. The total area of all wall signs shall not exceed fifteen (15) percent of the tenant bay.
 - iii. Signs shall be located on the exterior wall of the tenant space to which the Sign Permit is issued but are not required to face a public street.
- b. In addition to wall and free-standing signs, canopy and marquee signs are allowed provided that:
 - i. Occupy up to an additional sixteen (16) square feet on a building façade fronting a public street or alley.
 - ii. Letters are painted or otherwise affixed to any permissible awning or canopy as follows:
 - a. One (1) sign per canopy fascia fronting onto a street.
 - b. Be within the physical dimensions of the awnings or canopy fascia.
- c. Business/Commercial Centers may erect one (1) free standing sign per street frontage, not to exceed two (2) freestanding signs per site (single or double faced).
- d. Changeable copy signs are allowed in accordance with this Subsection.

K. Non-Conforming Signs. A nonconforming sign lawfully existing upon the effective date of this Section shall be regulated in accordance with this Section.