



## **PLANNING COMMISSION AGENDA**

City of Brainerd, Minnesota  
City Hall, 501 Laurel Street, Council Chambers  
Wednesday, October 15, 2025 @ 6:00 PM

The public is invited to attend these meetings in person  
Attend by Phone: 844-992-4726 Meeting Access Code: 2497 065 8687

**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 \_\_\_M. Duval \_\_\_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 of the September 17, 2025 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. **New Business**

A. **Discuss Comprehensive Plan Update**

B. **Consider Rezoning, Future Land Use Map Amendment and a Conditional Use Permit from  
CN-2 (Contemporary Neighborhood 2) to GC (General Commercial) to Allow for an Animal  
Clinic on Parcels 41290683 and 41290503 (NE Corner of Oak Street and 28th St E)  
(WITHDRAWN)**

8. **Unfinished Business**

A. **Review Shoreland Ordinance**

B. **Review Planning Commission Itinerary**

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, September 17<sup>th</sup>, 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 Gorham, Peterson, Powell, Erickson, and Norwood. Noted absent was Commissioner Grecula. 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 PETERSON, DULY CARRIED, TO AMEND AND APPROVE THE AGENDA BY ADDING OATH OF OFFICE FOR NEW MEMBER DUVAL AND MOVING PUBLIC FORUM UP TO ITEM #7.

**#5 Oath of Office (added item)**

City Administrator Broyles administered the Oath of Office to new Member Duval and welcomed him to the Commission.

**#6 Approval of Minutes**

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND PETERSON TO APPROVE THE MINUTES FROM THE AUGUST 20<sup>TH</sup>, 2025 REGULAR MEETING AS PRESENTED.

Members Gorham, Norwood, Peterson, Powell, and Erickson voted "aye". Member Duval abstained from voting. The Chair declared the motion carried.

**#7 Public Forum**

The Chair opened the public forum at 6:02 pm.

No one came forward.

The Chair closed the public forum at 6:03 pm.

**#8 Unfinished Business**

**8a. Hold Public Hearing and Consider Sign Ordinance**

Community Development Director Kramvik explained the Commission has discussed the ordinance several times during the summer and this is the final draft for review.

The Chair opened the public hearing at 6:04 pm.

No one came forward.

The Chair closed the public hearing at 6:05 pm.

MOVED AND SECONDED BY COMMISSIONERS GORHAM AND DUVAL, DULY CARRIED, TO APPROVE THE SIGN ORDINANCE AS PRESENTED.

CDD Kramvik indicated the first reading of the ordinance will be heard at the City Council meeting October 6th, 2025 at 7:30 pm.

**#9 New Business**

**9a. Consider a Preliminary Plat, a Planned Unit Development (PUD), and a Rezoning for a Proposed 190-unit Apartment Complex for Parcel ID's 41020691 and 41020682 on HWY 371 S**

Community Development Director Kramvik gave the details of the applications submitted to develop these parcels that are located along Highway 371 South. The properties are currently zoned RL-1 (Rural Living 1) and the purpose of rezoning to a PUD Overlay District is to allow for a mix of residential and commercial uses. A requirement prior to any approvals by the City Council is the completion of a traffic study and an EAW (Environmental Assessment Worksheet) by an engineering firm, as this is only the preliminary plan.

Commission questions were asked, and discussion took place. Commissioner Duval is encouraged by the lighting plans presented. Commissioner Peterson suggested Highway 371 access rather than Greenwood Street to alleviate added traffic. Commissioner Erickson stated MnDOT did address this in the letter provided. Commissioner Gorham expressed concerns with the costs of sewer and water services, and the lack of a walking/bike trail. He also believes it does not follow the comprehensive plan, land use goal 1; support mixed use development that is focused on integration instead of the separation of land uses.

The Chair opened the public hearing at 6:19 pm.

The Chair recognized Mike Patrick, the CFO for Kuepers Inc. who is representing the company and the project. He indicated they are excited to do this project in Brainerd, which would be done in two phases. There would be three buildings constructed in the first phase; two built in the second phase. This would be market rate rentals to try to help fulfill the need for housing.

The Chair recognized Nancy Schmitz, that is representing her daughter Amber White, 2536 Greenwood St SW who could not attend this evening. Ms. Schmitz read some statements from her daughter who disapproves of the project due to increased traffic on Greenwood, disruption of wooded areas, and increase of population to the quiet neighborhood.

The Chair closed the public hearing at 6:25 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND PETERSON TO RECOMMEND APPROVAL OF THE PRELIMINARY PLAT, THE PLANNED UNIT DEVELOPMENT, AND THE REZONING FOR THE PROPOSED 190-UNIT APARTMENT COMPLEX FOR PARCEL ID'S 41020691 AND 41020682 AS PRESENTED.

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

CDD Kramvik indicated the first reading of the ordinance will be heard at the City Council meeting October 6th, 2025 at 7:30 pm.

**9b. Consider Zoning Text Amendment, an Interim Use Permit, and Variance for Cannabis Microbusiness at Yesterday's Gone – Parcel ID# 41241525**

Community Development Director Kramvik indicated Steven Zelinski, owner of Yesterday's Gone, applied for a zoning text amendment, an IUP amendment and a variance for his property parcel #41241525 that currently houses his greenhouse. The purpose of the zoning text amendment is to allow cannabis microbusinesses to operate in an accessory greenhouse in the TC (Town Center) Zoning District. The IUP amendment would allow the cannabis microbusiness to operate in the existing greenhouse, and the variance would be to allow for a 10' fence to be constructed around the greenhouse to comply with state cannabis regulations.

The Chair opened the public hearing at 6:41 pm.

The Chair recognized Steven Zelinske, owner of the property and applicant. He stated he currently grows herbs for the restaurant but would discontinue this use if he is allowed the cannabis microbusiness. He has been working with and has been approved by the state on this project and holds a license through the City of Brainerd when available.

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

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND DUVAL, DULY CARRIED, TO RECOMMEND APPROVAL OF THE ZONING TEXT AMENDMENT TO ALLOW FOR CANNABIS MICROBUSINESSES TO OPERATE IN THE TC (TOWN CENTER) ZONING DISTRICT.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND DUVAL, DULY CARRIED, TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT AMENDMENT TO ALLOW FOR THE OPERATION OF A CANNABIS MICROBUSINESS IN AN EXISTING ACCESSORY GREENHOUSE IN THE TC DISTRICT CONTINGENT UPON THE APPROVAL OF THE ZONING TEXT AMENDMENT AND WITH THE CONDITIONS PRESENTED.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND ERICKSON, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE FOR A FENCE HEIGHT OF 10' AROUND THE GREENHOUSE TO COMPLY WITH STATE OCM REGULATIONS, WHICH IS CONTINGENT UPON THE APPROVAL OF THE INTERIM USE PERMIT AMENDMENT.

CDD Kramvik indicated the first reading of the ordinance will be heard at the City Council meeting October 6th, 2025 at 7:30 pm.

**9c. Consider Rezoning and Future Land Use Map Amendment from CN-2 (Contemporary Neighborhood 2) to GC (General Commercial) to Allow for Office/Retail Building – 3424 Oak St**

Community Development Director Kramvik gave the details of the application submitted by Joel Jacobson of Jacobson Excavating to rezone his vacant property from CN-2 (Contemporary Neighborhood 2) to GC (General Commercial) to allow for the construction of an office/retail building at 3424 Oak Street. The property to the west is currently zoned CN-2 and the property to the east is GC, which is consistent to many surrounding properties in the area. Prior to the zoning amendment in 2022, this property was zoned commercial.

Commissioner Duval questioned the possibility to zone this as Traditional Neighborhood 2 (TN-2) rather than General Commercial. He said this would eliminate the possibility of a future cannabis facility operating next to residential housing. CDD Kramvik indicated this was done to avoid spot zoning and there are already commercial businesses at the corner of Highway 18 and Oak Street.

MOVED BY COMMISSIONER DUVAL TO RECOMMEND DENIAL OF THE APPLICATION BASED ON A CONFLICT OF POTENTIAL FUTURE USES ALLOWED IN A GC DISTRICT NEAR RESIDENTIAL HOUSING AND ENCOURAGE THE APPLICANT TO REAPPLY FOR AN ALTERNATE ZONING DISTRICT, SUCH AS TN-2.

The motion dies for lack of a second.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND PETERSON TO RECOMMEND APPROVAL OF THE REZONING AND FUTURE LAND USE MAP AMENDMENT FROM CN-2 (CONTEMPORARY NEIGHBORHOOD 2) TO GC (GENERAL COMMERCIAL) AT 3424 OAK STREET TO ALLOW FOR OFFICE/RETAIL BUILDING AS PRESENTED.

CDD Kramvik stated there was no public hearing held.

Commissioner Erickson withdrew his motion.

The Chair opened the public hearing at 7:00 pm.

No one came forward.

The Chair closed the public hearing at 7:01 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND PETERSON TO RECOMMEND APPROVAL OF THE REZONING AND FUTURE LAND USE MAP AMENDMENT FROM CN-2 (CONTEMPORARY NEIGHBORHOOD 2) TO GC (GENERAL COMMERCIAL) AT 3424 OAK STREET TO ALLOW FOR OFFICE/RETAIL BUILDING AS PRESENTED.

Members Gorham, Peterson, Powell, Erickson, and Norwood voted “aye”. Member Duval voted “nay”. The Chair declared the motion carried.

CDD Kramvik indicated the first reading of the ordinance will be heard at the City Council meeting October 6th, 2025 at 7:30 pm.

**9d. Review Shoreland Ordinance**

Community Development Director Kramvik stated the MN DNR directed the City the need to update our Shoreland Management Ordinance by the end of 2025. Staff have coordinated with the local DNR Hydrologist and drafted new regulations, and staff will be working on updates by adding shoreland PUD requirements to the zoning code, creating a use table, and definitions to the zoning code. This is just an initial review of the Shoreland Ordinance with a final draft being brought forth at the November 19<sup>th</sup> Planning Commission meeting.

**#10 Staff Reports**

Community Development Director Kramvik made the following updates:

- The City Council has approved a Childcare Incentives Policy created by the EDA, which waives City building permit fees, zoning permit fees and engineering permit fees up to \$450,000 for existing and new commercial and home daycare facilities. This incentive will be in effect until September 2035.

**#11 Commission Member Reports**

Commissioner Duval is looking forward to being on the Commission once again. The Commissioners welcomed him back.

**#12 Adjournment**

MOVED AND SECONDED BY COMMISSIONERS PETERSON AND ERICKSON, DULY CARRIED, TO ADJORN AT 7:12 PM.

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James Norwood, Planning Commission Chair

# MEMO



**TO:** Planning Commission

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

**DATE:** October 15<sup>th</sup>, 2025

**RE:** Discuss Comprehensive Plan Update

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## INTRODUCTION

The last update to the Comprehensive Plan was in 2019 and in 2021 the City Council approved a proposed Comprehensive Plan amendment to include the revised Future Land Use Map. The process of updating the Comprehensive Plan was an extensive process undertaken by the City Staff, City Council, Planning Commission, the Steering Committee, and the Planning Team. The City should consider reviewing the Plan every five years to ensure all of the goals and objectives listed in the Plan are still relevant for the City of Brainerd. City Council approved \$28,000 to update the Comprehensive Plan in 2025.

The Comprehensive Plan is a leading policy tool that provides a series of steps to help achieve a shared community vision. This Plan will help citizens and local leaders work together more efficiently to guide future growth and development within the City. The Plan represents a shared vision for the future and a strategic map to reach that vision. The Plan provides broad recommendations to guide and manage growth and development. These broad recommendations come in the form of goals and policies that express the City's aspiration for the future.

## PROPOSED CHANGES

Staff propose to review the entire Comprehensive Plan at a high level to ensure consistency with our Zoning Code.

Staff propose the primary objective of the Comprehensive Plan update should be to increase the threshold at which a mandatory Environment Assessment (EAW) Worksheet is required. Our current Comprehensive Plan and City are well positioned to meet these requirements.

A City must file with the EQB chair and adopt a Comprehensive Plan with the following elements:

1. A land use plan designating the existing and proposed location, intensity, and extent of use of land and water for residential, industrial, agricultural, and other public and private purposes;
2. A transportation plan describing, designating, and scheduling the location, extent, function, and capacity of existing and proposed local public and private transportation facilities and services;
3. A sewage collection system policy plan describing, designating, and scheduling the areas to be served by the public system, the existing and planned capacities of the public system, and

the standards and conditions under which the installation of private sewage treatment systems will be permitted;

4. A capital improvements plan for public facilities; and
5. An implementation plan describing public programs, fiscal devices, and other actions to be undertaken to implement the comprehensive plan, and a description of official controls addressing the matters of zoning, subdivision, private sewage systems, and a schedule for the implementation of those controls. The EQB chair may specify the form to be used for making a certification under this item.

#### **PROPOSED SCHEDULE**

October 15<sup>th</sup> – Planning Commission discusses goals for Comprehensive Plan update.

November 19<sup>th</sup> – City staff prepares an RFP for review by the Planning Commission.

# MEMO



**TO:** Planning Commission

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

**DATE:** October 15<sup>th</sup>, 2025

**RE:** Review Shoreland Ordinance

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## INTRODUCTION

Upon review of the current regulations, the MN DNR wrote a letter to the City requiring an update to its Shoreland Management Regulations found in [City Code Section 530](#). The current shoreland ordinance was last revised in 2003. Cities are required to meet the minimum standards for shoreland regulations according to state statutes. In addition, the City updated its Zoning Code which caused irregularities in the Shoreland Management Regulations specifically pertaining to uses and zoning districts.

Staff have extensively researched shoreland regulations in other municipal code's and determined that Crow Wing County's regulations should serve as the model ordinance for Brainerd. Crow Wing County has an extensive number and variety of water bodies, and the current ordinance protects the water quality, allows greater use of the property for homeowners, and meets state statute requirements.

Staff have coordinated with our local DNR Hydrologist on the formation of a new shoreland ordinance. Staff are recommending that we repeal and replace the existing regulations found in City Code Section 530 and add the new regulations to the Zoning Code by forming the Shoreland Overlay District. The DNR has provided additional requirements and comments to staff and the Commission for consideration. In addition to the DNR requirements, staff have included the following updates:

- 1) Adding Shoreland PUD regulations (Note: Section and table references still need to be edited)
- 2) Creating a Use Table within the new Shoreland Overlay District Section.
- 3) Adding shoreland definitions to Section 515-6 Rules and Definitions of the Zoning Code.

## PROPOSED SCHEDULE

October 15<sup>th</sup> – Staff finalizing preliminary shoreland regulations and Planning Commission asks any detailed questions that they may have.

November 19<sup>th</sup> – City receives approval letter from the DNR that we meet the minimum requirements, and the Planning Commission holds a public hearing.

**ORDINANCE  
NO. 15XX**

**AN ORDINANCE AMENDING SECTIONS 530 SHORELAND MANAGEMENT  
REGULATIONS OF THE CITY CODE AND 515-2 ZONING DISTRICTS AND 515-6 RULES  
AND DEFINITIONS OF THE ZONING CODE**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE Purpose: The purpose of a shoreland zoning district is to protect the quality of surface waters and preserve the environmental and economic values of shorelands by regulating development and land use along lakes and rivers. These districts manage aspects like lot sizes, building setbacks, and land alterations to prevent pollution, minimize flood damage, maintain natural characteristics, and ensure the wise use of water resources.

SECTION TWO: Section 530 Shoreland Management Regulations of Chapter Five of the City Code is hereby repealed in its entirety.

SECTION THREE: Section 515-2 Zoning Districts are hereby amended by adding Appendix A: 515-2-22 Shoreland Overlay in its entirety to the Zoning Code.

SECTION FOUR: Section 515-6-2.A Definitions of Nouns, Person, and Regulatory Bodies shall be amended by adding the following underlined language in alphabetical order.

**Commissioner.** The commissioner of the Department of Natural Resources.

SECTION FIVE: Section 515-6-2.B Definitions of Structure, Measurement and Dimension shall be amended by adding the following underlined language in alphabetical order.

**Bluff impact zone.** A bluff and land located within 20 feet from the top of a bluff.

**Boardwalk.** A temporary or permanent above-grade constructed linear walkway, located above the OHW, not to exceed 6 feet in width and used to cross wetlands for the purposes of accessing shorelines/public waters.

**Boathouse.** A structure designed and used solely for the storage of boats or boating equipment.

**Boat Slip.** A space adjacent to a dock or between two docks or piers where one boat may be moored.

**Dock.** A narrow platform or structure extending waterward from the shoreline (below OHW) intended for ingress and egress for moored watercraft or seaplanes or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities.

**Failing System.** Any subsurface sewage treatment system that discharges sewage to a seepage pit, cesspool, drywell or leaching pit, and any system with less than the required vertical separation as described in Minnesota Rule 7080.1500 Subparts. 4 (D & E).

**Lot, Riparian.** A lot that abuts public waters.

**Lot, Non-Riparian.** A lot that does not abut public waters.

**Patio.** An open recreation area adjacent to a dwelling, or free standing, that is covered with a pervious or an impervious surface such as asphalt, paving stones, wood, or other approved material.

**Public waters.** Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivision 15.

**Rear Lot Zone (RLZ).** Land located between the structure setback line and the landward boundary of the shoreland district.

**Rip-Rap.** Coarse stones randomly and loosely placed along the shoreline meeting the standards of this Ordinance.

**Shore Impact Zone 1 (SIZ 1).** Land located between the ordinary high-water level (OHWL) of public waters and a line parallel to it at a setback of 50 percent of the required structure setback. The shore impact zone serves as all or part of the shoreline buffer.

**Shore Impact Zone 2 (SIZ 2).** Land located between shore impact zone 1 and the structure setback line.

**Shoreland.** Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

**Significant historic site.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

**Toe of the bluff.** The lower point of a 50-foot segment with an average slope exceeding 18 percent.

**Top of the bluff.** The higher point of a 50-foot segment with an average slope exceeding 18 percent.

**Water Oriented Accessory Structure.** A small, above ground building or other improvement, except stairways, fences, docks, pergolas attached to a deck or patio and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to the public waters than the normal structure setback. Examples of such structures and facilities include equipment storage buildings, gazebos, screen houses, free-standing pergolas, fish houses, pump houses, patios, and detached decks.

**SECTION SIX:** Section 515-6-2.C Definitions of Use, Standards and Terms shall be amended by adding the following underlined language in alphabetical order.

**Dirt Moving.** Any movement, excavation, grading, or filling of dirt on a lot.

**Extractive use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

**Forest land conversion.** The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

**Ice Ridge, Annual.** A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice within a calendar year.

**Ice Ridge, Historic.** A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice over a period of two or more years upon which well-established herbaceous and woody vegetation is growing.

**Industrial use.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

**Intensive vegetation clearing.** The complete removal of trees or shrubs or ground cover in a contiguous patch, strip, row, or block.

**No Maintenance Buffer.** A strip of land on a riparian parcel adjacent to a public water upon which vegetation is to be maintained in its natural state, and not be mowed, cut or removed shorter than 8 inches in height and is consistent with the standards set forth in the Department's Shoreline Rapid Assessment Model.

**Pervious Surface.** A surface that allows inflow of rainwater into the underlying construction or soil.

**Sensitive Resource Management.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

**Sensitive Shoreland District.** A land use district established to accommodate limited residential uses, agricultural uses, and forest management activities in the shoreland zone while conserving sensitive land areas on which more intensive development would adversely affect water quality, wetlands, lakes, shorelines, slopes, wildlife habitat, biological ecosystems, or scenic and natural values.

**Water-Oriented Commercial Use.** The use of land for commercial purposes, where access to and use of surface water feature is an integral part of the normal conducting of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use

SECTION SEVEN: 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 – \_\_\_\_\_

**515-2-22 Shoreland Overlay (S)**

- A. **Purpose of Shoreland Overlay District.** The purpose of the Shoreland Overlay Zoning District is to protect the quality of surface waters and preserve the natural characteristics of shoreland areas by regulating development along lakes and rivers. This includes managing lot sizes, building placement, and alterations to the shoreline to minimize environmental impact.
- B. **Jurisdiction.** The shore lands of the city are hereby designated as a shore land overlay district pursuant to the authorization contained in the Minnesota statutes chapter 103F; Minnesota regulations parts 6120.2500 through 6120.3900; and the planning and zoning enabling legislation in Minnesota statutes chapter 462. The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in this Section G Table 515-2-22-1 of this Ordinance and to private water bodies greater than 10 acres in size. For the purposes of this ordinance, “public waters” includes private water bodies greater than 10 acres in size.
- C. **Compliance.** The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.
- D. **Interpretation.** In their interpretation based on the most current information available and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
- E. **Severability.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction the remainder of this Ordinance shall not be affected thereby.
- F. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only and the stricter state guidelines shall apply.
- G. **Public Waters Classifications.**

**Table 515-2-22.1. S Public Waters Classifications**

Lakes		
<b>A</b>	General Development Lakes (list here and designate on official Zoning map)	Rice Lake: 18-145 Gilbert Lake: 18-320 1 unnamed lake: 18-537
<b>B</b>	Natural Environment (list here and designate on official zoning map)	Mud Lake: 18-321 - Sec 29 and 30 T1234N R28W Buffalo Lake: 18-152 - Sec 2 and 3 T44N R31W 1 unnamed lake: 18-535
Rivers and Streams		
<b>D</b>	Forested Rivers (list river names here and show boundaries of district on official zoning map)	Mississippi River: T45N R30W Sect 18,19 - T45N R31W Sect 24,25,35,36 - T133 R28W Sect 4,9 - T134 R28W Sect 34
<b>E</b>	Tributary Streams (list stream names here and show boundaries of district on official zoning map)	Little Buffalo Creek: T45N R31W Sect 35,36 - T45N R30W Sect 31 Tributary to Lt Buffalo Creek - T45N R30W Sect 31 - T44N R30W Sect 6 Gilbert Lake Creek - T134 R28W Sect 28
<b>F</b>	All protected watercourses in the City of Brainerd shown on the Protected Waters Inventory Map for Crow Wing County, a copy of which is hereby adopted by reference, not given a classification in this Section shall be considered "Tributary".	

H. **S Zoning District Dimensional Standards.** The following dimensional requirements shall apply to all shorelands of all public waters within the city.

**Table 515-2-22.2. S Dimensional Standards – Density, Lot Size, Coverage and Height Standards**

Lot Dimensions		Natural Environmental Lakes	Recreational Development Lakes	General Development Lakes	Forested Rivers	Tributary Streams
<b>A</b>	Lot Size - Unsewered (minimum)	80,000 SF – 160,000 SF (160,000+SF requires CUP)	40,000 SF - 80,000 SF (80,000+SF requires CUP)	20,000 SF - 40,000 SF (40,000+SF requires CUP)		
<b>B</b>	Lot Frontage on All Roads and Water Frontage - Unsewered (minimum)	200'	150'	100'	200'	100'
<b>C</b>	Lot Size - Sewered (minimum)	40,000 SF - 80,000 SF (80,000+SF requires CUP)	20,000 SF - 40,000 SF (40,000+SF requires CUP)	20,000 SF - 40,000 SF (40,000+SF requires CUP)		
<b>D</b>	Lot Frontage on All Roads and Water Frontage - Sewered (minimum)	125'	100'	100'	100'	100'
<b>E</b>	There are no minimum lot size requirements for rivers and streams.					
<b>F</b>	Dwelling units per acre requirements in the underlying zoning district shall not apply to the Shoreland Overlay District.					
<b>Building Setback Standards</b>						
<b>G</b>	Building setback from ordinary high-water mark (minimum)	150'	100'	75'	150'	100'
<b>H</b>	Front Yard Setback (minimum)	Dimensional standards regulated by underlying zoning district.				
<b>I</b>	Side Yard Setback (minimum)	Dimensional standards regulated by underlying zoning district.				
<b>J</b>	Rear Yard Setback (minimum)	Dimensional standards regulated by underlying zoning district.				
<b>K</b>	Accessory Building Location, detached	Behind principal building façade.				
<b>Sewage System Setback Standards</b>						
<b>L</b>	Sewage systems setback from ordinary high-water mark (minimum)	150'	75'	50'	100'	75'
<b>Additional Structure Setbacks</b>						
<b>M</b>	Top of Bluff (feet) (minimum)	30'				
<b>N</b>	Unplatted Cemetery (feet) (minimum)	50'				
<b>O</b>	Right-of-way line of federal, state, or county highway (feet) (minimum)	50'				
<b>Other Standards</b>						
<b>P</b>	Impervious Surface Coverage (maximum)	25%				
<b>Q</b>	Principal structure height (feet) (maximum)	35'				
<b>R</b>	Accessory structure height (maximum)	Up to 35' but may not exceed height of principal structure				

I. Land Development Restrictions

1. **Placement of Structures on Lots.** When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered with a variance to conform to the adjoining setbacks from the ordinary high-water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
2. **Bluff Impact Zones.** Structures and accessory facilities, except stairways and landings, may not be placed within bluff impact zones.
3. **Steep Slopes.** The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
4. **Setbacks and Screening for Uses Without Water-Oriented Needs.** Non-residential uses without water-oriented needs must be located on lots or parcels without public waters frontage or, if located on lots or parcels with public waters frontage, must either be set back twice the normal ordinary high-water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
5. **High Water Elevations.** Structures must be placed in high water elevations in accord with the floodplain regulations. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if: 1) the structure is constructed of flood-resistant materials to the elevation; 2) electrical and mechanical equipment is placed above the elevation; and 3) if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
6. **Significant Historic Sites.** No structure may be placed on a significant historic site, as identified by the Minnesota Historical Society, in a manner that affects the value of the site unless adequate information about the site has been removed and documented in a public repository.

J. Land Uses.

- a. Shoreland district land uses are regulated as:
  - i. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed.
  - ii. Conditional uses (C). These uses are allowed through a conditional use permit.
  - iii. Not permitted uses (N). These uses are prohibited.
  - iv. When the Shoreland Overlay (S) district is in conflict with the base zoning district, the more restrictive use classification shall prevail.

Table 515-2-22.3. S Land Uses for Lake and River Classifications

Land Uses	Natural Environmental Lakes	Recreational Development Lakes	General Development Lakes	Forested Rivers	Tributary Streams
Single residential	P	P	P	P	P
Duplex, triplex, quad residential	P	P	C	P	P
Commercial	P	P	C	C	P

Commercial PUD (Expansion of PUD involving up to six additional units or sites allowed as a permitted use provided the provisions of Section 10.0 are satisfied.)	C	C	C	C	C
Solar Power Facilities (principal land use)	C	C	C	C	C
Parks & historic sites	C	C	C	C	C
Public, semipublic	P	P	C	C	P
Industrial	C	C	N	C	C
Agricultural: cropland and pasture	P	P	P	P	P
Agricultural feedlots: New	N	N	N	N	N
Agricultural feedlots: Expansion or resumption of existing	C	C	C	C	C
Forest management	P	P	P	P	P
Forest land conversion	C	C	C	C	C
Extractive use	C	C	C	C	C
Mining of metallic minerals and peat	P	P	P	P	P

2. **Standards for Water-Oriented Commercial, Industrial, Public and Semi-Public Uses.** Surface water-oriented commercial, industrial, public and semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
- a. In addition to meeting impervious coverage limits, setbacks and other zoning standards in this Code, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
  - b. Uses that require short-term watercraft mooring for patrons must centralize these facilities, design them to avoid obstructions of navigation, and to be the minimum size necessary to meet the need.
  - c. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
    - i. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.
    - ii. Signs may be placed, when necessary, within SIZ 1 and SIZ 2 if they are designed and sized to be the minimum necessary to convey needed information. The signs must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information, such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
  - d. Outside lighting may be located within SIZ 1 and SIZ 2 or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

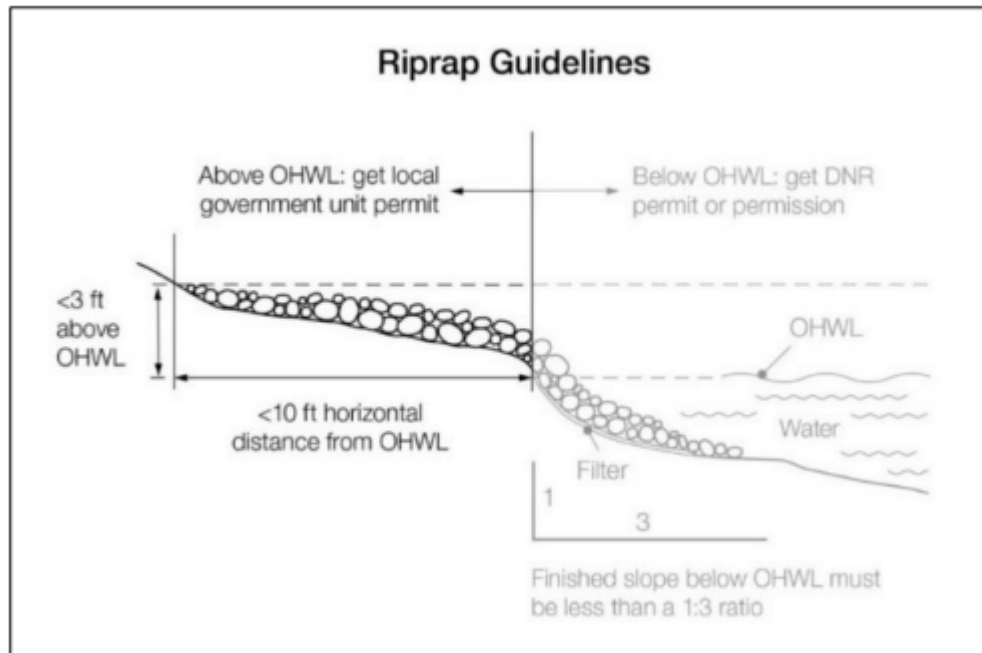
3. **Standards for Non-Water-Oriented Commercial, Industrial, Public and Semi-Public Uses.** Non-residential uses without water-oriented needs must be located on lots or parcels without public waters frontage or, if located on lots or parcels with public waters frontage, must either be set back twice the normal ordinary high-water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
4. **Special Residential Lot Provisions**
  - a. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:
    - i. Each building must be set back at least 200 feet from the ordinary high water level;
    - ii. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
    - iii. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
    - iv. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
  - b. Lots intended as private controlled accesses to public waters, or as recreation areas for use by owners of non-riparian lots within subdivisions, are prohibited.
5. **Agricultural Use Standards**
  - a. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.
  - b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States National Resource Conservation Service.
6. **Forest Management Standards**
  - a. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Non-point Source Pollution Assessment-Forestry and the provisions of the Water Quality in Forest Management "Best Management Practices in Minnesota".
7. **Extractive Use Standards**
  - a. Extractive uses require a conditional use permit.
  - b. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
  - c. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high-water levels of public waters and from bluffs.
8. **Mining of Metallic Minerals**
  - a. Mining of metallic minerals, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a conditional use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

**K. Shoreland Alterations**

1. **Decks.** Construction of new decks shall require a shoreland alteration permit, building permit, and comply with the following standards:
  - a. Decks adjacent to dwellings shall meet structure setbacks in Table 515-2-22.1 of this Section.
  - b. A 4-foot walkway located beyond the minimum required setback required for dwellings, or within said setback when attached or immediately adjacent to a building, constructed for the purpose of providing access to an entrance door on a dwelling, may be added without a shoreland alterations permit and without regard to its setback to the ordinary high-water level, but may need a building permit.
  - c. Decks should be constructed as to be pervious, allowing water to reach a pervious surface below the deck. Decks not meeting this requirement shall be considered impervious surfaces.
2. **Patios.** Patios placed within the structure setback require a shoreland alteration permit and shall comply with the following standards:
  - a. Not be located in shore impact zone 1 except as a water-oriented accessory structure according to this Section;
  - b. Be free standing;
  - c. Have no railings;
  - d. Be a maximum of 250 square feet in size. Up to 400 square feet in size is allowed with an approved and implemented storm water plan approved by the City Engineer;
  - e. The combined footprint of patios, swimming pools and hot tubs in shore impact zone 2 may not exceed 400 square feet;
  - f. Not be more than one foot above natural ground level.
3. **Stairways, Walkways, Lifts and Landings.** Stairways, walkways, lifts, and landings for public water access shall require shoreland alteration permits and comply with the following standards:
  - a. Preferred to topographic changes. Stairways, walkways, and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.
  - b. Only one stairway or walkway shall be allowed within a shore or bluff impact zone. The combination of stairways and walkways to traverse a shore or bluff impact zone shall be allowed, provided they are constructed in a continuous manner without diverting in different directions. A parcel may contain one lift in addition to any allowed stairway/walkway. Within SIZ 1, both the lift and the walkway/stairway must be located within the allowable cleared vegetation standards of this Section.
  - c. Maximum width. Stairways and lifts shall not exceed four feet in width on residential lots. Up to eight-foot-wide stairways may be permitted on water-oriented commercial lots.
  - d. The maximum impervious surface limits for the lot shall not be exceeded.
  - e. Landings. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area and be integral to the function of the stairway and not constitute a deck. Landings for stairways and lifts on water-oriented commercial lots must not exceed 64 square feet in area and be integral to the function of the stairway and not constitute a deck.
  - f. Canopies or roofs are not allowed on stairways, lifts, or landings.
  - g. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
  - h. Facilities such as ramps or mobility paths for handicapped access to shoreline areas may be allowed, provided that:
    - i. The department determines that there is no other reasonable way to achieve access; and
    - ii. The dimensional and performance standards of this section are met; and

- iii. The requirements of Minnesota Rules, Chapters 1307 and 134 are met.
4. **Accessory Structures.**
- a. The placement and total cumulative area that all accessory structures may occupy on a lot shall be subject shall be regulated by the applicable zoning district underlying this shoreland overlay district.
  - b. Accessory structures without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must meet primary structure setbacks from the ordinary high-water level and all other setback requirements of this Code.
  - c. Private swimming pools located above or below the ground and hot tubs located above or below the ground shall require a permit as an accessory structure and must meet all applicable setbacks. Private swimming pools and hot tubs located in the ground are prohibited in shore impact zone 1 but shall be allowed in shore impact zone 2 and the rear lot zone. The combined footprint of patios, swimming pools and hot tubs in shore impact zone 2 may not exceed 400 square feet.
  - d. New boathouses and boat storage structures that do not meet the setback requirements of this Code are prohibited.
  - e. Existing boathouses and boat storage structures may be repaired or replaced pursuant to Minn. Stat. §394.36, subd. 4.
5. **Water-Oriented Accessory Structures.** One water-oriented accessory structure that does not meet the structure setbacks in Table 515-2-22.2 of this Code may be placed with a shoreland alterations permit on a water-oriented residential or commercial lot provided the following standards are met:
- a. For riparian commercial properties the structure or facility shall not exceed 15 feet in height and cannot occupy an area greater than 200 square feet;
  - b. For riparian residential properties the structure or facility shall not exceed 12 feet in height and cannot occupy an area greater than 120 square feet;
  - c. The minimum setback of the structure or facility from the OHWL level shall be 20 feet;
  - d. The structure or facility is treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
  - e. The structure shall not be used for human habitation;
  - f. The structure shall not include bathroom facilities.
  - g. The structure shall not be located within a bluff impact zone;
6. **Retaining Walls**
- a. A retaining wall may be installed with a shoreland alteration permit in shore impact zones 1 or 2 provided the following standards are met:
    - i. The City Engineer determines that there is no other alternative to control erosion.
    - ii. No tier of the retaining wall shall exceed four feet in height without a plan signed by a Minnesota licensed professional engineer.
    - iii. A retaining wall is not required to meet a side yard setback provided it does not adversely affect adjoining property.
  - b. A retaining wall may be installed without a permit behind the structure setback provided that:
    - i. It does not significantly alter the character of the property or does not create runoff or erosion problems.

- ii. A retaining wall is not required to meet a side yard setback provided it does not adversely affect adjoining property.
7. **Shoreline Recreation Use Areas.** Intensive vegetation clearing for the purpose of creating a new shoreline recreation use area within shore impact zone 1 is allowed with an approved shoreland alteration permit. The dimensions of a shoreline recreation use area shall be determined as follows:
  - a. Only one shoreline recreation use area is allowed on each lot and the recreation use area must not exceed 30% of the total lot width and 25 feet landward from the ordinary high-water level in depth. The maximum width of a shoreline recreation use area created under this Article shall not exceed 60 feet.
  - b. Invasive species removal or the removal of trees or branches that pose a safety hazard or are diseased is allowed;
  - c. Vegetation must be maintained to screen structures with trees and shrubs so that the structures are substantially screened from view during summer, leaf-on conditions;
  - d. Sand Blankets pursuant to this Code shall be located in the shoreline recreation use area;
  - e. Stairways, lifts and landings pursuant to this Code shall terminate or be adjacent to the shoreline recreation use area;
  - f. Permitted paths pursuant to this Code shall terminate or be adjacent to the shoreline recreation use area.
8. **Rip-Rap.** Placement of natural rock riprap, including the necessary grading of the shoreline and placement of a filter blanket, shall require a shoreland alteration permit and comply with the following standards:
  - a. Only natural rock (cannot average less than 6 inches or more than 30 inches in diameter) may be used that is free of debris that may cause pollution or siltation. Concrete is not allowed;
  - b. A filter of crushed rock, gravel, or filter fabric material must be placed underneath the rock;
  - c. The minimum finished slope waterward of the OHWL must be no steeper than 3 to 1 (horizontal to vertical);
  - d. The riprapped area must be no more than 200 linear feet of shoreline along lakes and wetlands or, along shorelines of streams, must be less than five times the average width of the affected watercourse;
  - e. The landward extent of the riprap must be within ten feet of the ordinary high-water level;
  - f. The height of the riprap above the ordinary high-water level shall not exceed three feet (see figure below);



- g. The installation of riprap must not be located in wetlands.
  - h. The installation of riprap must not result in a violation of this Code (dirt moving, historic ice ridges, vegetation alterations, recreation use areas, bluff and steep slope standards, etc.), or any other Shoreland District performance standard.
  - i. The installation of riprap is subject to the requirements of, and/or permitting by, the Minnesota Department of Natural Resources (DNR).
  - j. Riprap shall only be allowed when erosion is evident.
9. **Boardwalks and Bridges.**
- a. Boardwalks over non-public waters are permitted in SIZ1, SIZ2, and RLZ with an approved shoreland alteration permit.
  - b. Boardwalks located in shoreland or non-shoreland areas are the preferred method of accessing public waters across riparian wetlands. Boardwalks constructed on posts or pilings (temporary or permanent) shall not be considered fill pursuant to MN Rules 8420.0111 Subpart 26. Boardwalks may incorporate railings and shall comply with the following standards:
    - i. Be constructed perpendicular to the shoreline to the greatest extent possible;
    - ii. Not have a canopy, roof, or be enclosed;
    - iii. Not extend into adjoining riparian use areas;
    - iv. Meet property line setbacks;
    - v. Be no wider than 6 feet;
    - vi. Structure supports, other than posts or pilings, shall be constructed above the wetland surface and decking shall be constructed a minimum of 12" above the wetland surface;
    - vii. Comply with MN Rules 6115.0210 for docks and access below the OHWL ; and
    - viii. Comply with the Floodplain Overlay District.

10. **Dirt Moving**

- a. The standards in this Section shall apply to all dirt moving activities within the Shoreland District. Except as specified below, dirt moving activities shall require permits and may require a site plan, scope of work, and additional supporting documents including, but not limited to, surveys, wetland delineation reports, engineered grading plans with profile view, engineered drainage plans including erosion and sediment control and stormwater management plans.
- b. The following activities shall not require a shoreland alteration permit but must meet the provisions of this Article.
  - i. **Dirt moving associated with construction of structures.** Grading, filling, or excavations necessary for construction of structures or septic systems, if part of an approved permit, shall not require a separate shoreland alteration permit.
  - ii. **Small landscaping projects.** Placement of up to 10 cubic yards of soil for the creation of a lawn or yard as long as the fill / dirt moving is not located within a bluff impact zone or shore impact zone 1.
  - iii. **Private roads or driveways.** The construction of a driveway, access road, or parking area provided that they:
    - a. Meet the structure setback from the ordinary high-water level from public waters.
    - b. Are properly screened from public waters.
  - iv. **Approved agricultural road.** Agricultural roads for machinery, livestock crossings, or shoreline stabilization on agricultural land with a stabilization plan approved by the Engineering Department.
  - v. **Approved agricultural improvements.** The construction of livestock watering ponds, agricultural manure treatment facilities and conservation projects approved by the Natural Resource Conservation Service (NRCS), Soil and Water Conservation District (SWCD) and / or other regulatory agencies, only in the RLZ.
  - vi. **Wetland Replacement Plan.** A shoreland alteration permit is not required if a wetland replacement plan, exemption, or no-loss has been approved pursuant to Minnesota Rules Chapter 8420.
  - vii. **Normal Agricultural Practices.** To include but not be limited to tillage, planting, harvesting, fencing and proper disposal of animal mortalities pursuant to all state and federal agricultural regulations.
  - viii. **Existing Sand Blankets / Beaches.** A shoreland alteration permit shall not be required to place 10 cubic yards of sand annually on an existing sand blanket / beach on residential parcels located in the shoreland district. A shoreland alteration permit shall be required for new sand blankets or expansions to existing sand blankets and shall be subject to this Code.
- c. **Standards for Grading and Filling. Activities in the Shore Impact Zone 1 (SIZ1)** Dirt moving activities in shore impact zone 1 shall require shoreland alteration permits and meet the following standards unless the activity is exempt in this Code:
  - i. **Sand Blanket**
    - a. The maximum dimensions shall not exceed 30 percent of the total lot width by 25 feet landward from the OHWL and shall be located within the shoreline recreation use area. The maximum width of a sand blanket created under this Article shall not exceed 200 feet. A sand blanket may also be located in shore impact zone 2 and the rear lot zone.

- b. The slope of the area to be covered by the sand blanket shall be less than 10 percent. The sand shall be clean with minimal amounts of organic materials.
- c. Sand blankets shall be limited to 10 cubic yards annually with a shoreland alteration permit.

ii. **Upland Fill.**

- a. For residential properties in the shoreland district the following standards shall apply:
  - i. A maximum of 30 cubic yards of dirt moving may be permitted.
- b. For commercial and industrial properties in the shoreland district the following standards shall apply:
  - i. General Development Lakes: 30 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.
  - ii. Recreational Development Lakes: 30 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width.
  - iii. Natural Environment Lakes: 30 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width.
  - iv. Natural Environment – Special Shallow Lakes: 30 cubic yards of dirt moving may be permitted for each 250 feet of shoreline width.
  - v. Forested Rivers: 30 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.
  - vi. Tributary Streams: 30 cubic yards of dirt moving may be permitted for each 200feet of shoreline width.
  - vii. Total cubic yards of dirt moving in SIZ1 includes that placed as a sand blanket, if applicable.
  - viii. Applications for all properties to move larger quantities of dirt for all public water classifications in SIZ1 shall be processed as conditional uses.

- c. **Wetland Fill.** No wetland fill shall be allowed in SIZ 1 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.

iii. **Annual ice ridges.** Annual ice ridges may be regraded to their original shoreline contour without a shoreland alteration permit provided that the work is completed in the year in which the annual ice ridge occurred. Any such regrading shall meet the following standards:

- a. There shall be no topsoil or vegetative matter deposited in the lake.
- b. Any dirt moving from re-grading the annual ice ridge that is used on the remainder of the property shall require a shoreland alteration permit.
- c. Depositing any sand below the OHWL is subject to DNR public waters permit rules.
- d. Temporary erosion and sediment control best management practices shall be implemented.

- iv. **Historic Ice Ridges.** On those ice ridges with well-established vegetative cover, alterations for lake access shall require a shoreland alteration permit and comply with the following standards:
  - a. One alteration site is allowed per conforming residential lot, single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.
  - b. On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 at each end.
  - c. On waterfront commercial lots, the maximum bottom width shall be 25 feet with 2:1 side slopes at each end.
  - d. Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all ice ridge alterations to prevent erosion from upland runoff.
  - e. A stormwater management plan must be approved by the City Engineer prior to any dirt moving.
  - f. All disturbed material shall be graded landward or removed from the site.
  - g. Any alteration below the OHWL may require approval from the Department of Natural Resources and / or U.S. Army Corps of Engineers.
  
- d. **Upland Fill in the Shore Impact Zone 2 (SIZ2).** Dirt moving activities in shore impact zone 2 shall require shoreland alteration permits and meet the following standards unless the activity is exempt in this Code:
  - i. For residential properties in the shoreland district the following standards shall apply:
    - a. A maximum of 50 cubic yards of dirt moving may be permitted. Applications to move larger quantities shall be processed as conditional uses.
  
  - ii. For commercial and industrial properties in the shoreland district the following standards shall apply:
    - a. General Development Lakes: 50 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.
    - b. Recreational Development Lakes: 50 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width.
    - c. Natural Environment Lakes: 50 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width.
    - d. Natural Environment – Special Shallow Lakes: 50 cubic yards of dirt moving may be permitted for each 250 feet of shoreline width.
    - e. Forested Rivers: 50 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.
    - f. Tributary Streams: 50 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
    - g. Total cubic yards of dirt moving in SIZ2 includes that placed as a sand blanket, if applicable.



- vi. Dirt moving in a bluff impact zone is prohibited, except for the placement of stairways, lifts, or landings permitted under this Code.
  - vii. Steep slope stabilization. Dirt moving on steep slopes may be permitted with a stormwater and erosion control plan approved by the City Engineer.
- 11. Removal of Natural Vegetation.** Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this Code are exempt from the vegetation alteration standards that follow:
- a. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this Code, respectfully, is allowed subject to the following standards:
    - i. Intensive vegetation clearing within the shore impact zone 1, shore impact zone 2, and bluff impact zones and on steep and long gradual slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
    - ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, and beach and watercraft access areas, provided that:
      - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
      - b. Along rivers, existing shading of water surfaces is preserved; and
      - c. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- 12. Placement and Design of Roads, Driveways, and Parking Areas.**
- a. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
  - b. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
- 13. Watercraft Access Ramps.** Watercraft access ramps, approach roads, and access related parking areas require shoreland alteration permits and shall comply with the following standards:
- a. Are permitted for private residential lots only on lakes without Public Accesses.
  - b. May be permitted for water-oriented commercial uses on any lake classified General Development or Recreational Development.
  - c. Shall not include asphalt in shore impact zone 1.
  - d. Shall not exceed 15 feet in width from the lake to the structure setback line.
  - e. Construction complies with all storm water management provisions of this Code.
  - f. The maximum impervious surface limits for the lot are not exceeded.

14. **Connections to Public Waters.** Excavations, where the intended purpose is connection to public water, such as boat slips, canals, lagoons and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner of Natural Resources has approved the proposed connection to public waters.
15. **Use of Fertilizer.** The Use of fertilizer, pesticides, or animal wastes in shoreland districts must conform to Minnesota Statutes, chapters 18B, 18C, 18D, and 103H, and be consistent with the latest best management practices developed for such use by the Minnesota Department of Agriculture and Pollution Control Agency.

#### L. Subdivision/ Platting Provisions

1. **Purpose.** To ensure that new development minimizes impacts to shoreland resources and is safe and functional.
2. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
3. **Consistency with other controls.** Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.
4. **Water and Sewer Design Standards.**
  - a. A potable water supply and a sewage treatment system consistent with [Minnesota Rules, Chapters 7080 – 7081](#) must be provided for every lot.
  - b. Each lot must include at least two soil treatment and dispersal areas that support systems described in [Minnesota Rules, parts 7080.2200 to 7080.223](#) or site conditions described in [part 7081.0270, subparts 3 to 7](#), as applicable.
  - c. Lots that would require use of holding tanks are prohibited.
5. **Information requirements.**
  - a. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;
  - b. The surface water features required in [Minnesota Statutes, section 505.021, Subd. 1](#), to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;
  - c. Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
  - d. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
  - e. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  - f. A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
6. **Dedications.** When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

7. **Platting.** All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a (*cities*) and 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.

#### M. Planned Unit Developments

1. **Purpose.** To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.
2. **Types of PUDs Permissible.** Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of this ordinance is allowed if the standards in this Section are met.
3. **Processing of PUDs.** Planned unit developments in the shoreland district must be processed as a conditional use and comply with the provisions of this section in addition to those standards outlined elsewhere in the zoning and subdivision regulations. When there is a conflict in requirements, the more stringent of the requirements shall be applied. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 10.5. Approval cannot occur until all applicable environmental reviews are complete.
4. **Application for a PUD.** The applicant for a PUD must submit the following documents prior to final action on the application request:
  - a. Site plan and/or plat showing:
    - i. Locations of property boundaries;
    - ii. Surface water features;
    - iii. Existing and proposed structures and other facilities;
    - iv. Land alterations;
    - v. Sewage treatment and water supply systems (where public systems will not be provided);
    - vi. Topographic contours at ten-foot intervals or less; and
    - vii. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).
  - b. A property owner's association agreement (for residential PUD's) with mandatory membership, and consistent with this ordinance.
  - c. Deed restrictions, covenants, permanent easements or other instruments that:
    - i. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
    - ii. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 10.6 of this ordinance.
  - d. A master plan/site plan describing the project and showing floor plans for all commercial structures.
  - e. Additional documents necessary to explain how the PUD will be designed and will function.
5. **Density Determination.** Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

- a. Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

Waterbody Classification	No Sewer (ft)	Sewer (ft)
General Development Lakes – 1st tier	200	200
General Development Lakes – all other tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All Rivers	300	300

- b. Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all road rights-of-way or easements, wetlands, bluffs, or land below the ordinary high-water level of public waters.

- c. Step 3. Determine Base Density:

- i. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width or river frontage by the minimum single residential lot width.
- ii. For commercial PUDs:
  - a. Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.
  - b. For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.
  - c. For dwelling sites (campgrounds), determine the area of each dwelling site as follows:
  - d. For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
  - e. For recreational vehicles, campers or tents, use 400 sf.
- iii. Select the appropriate **floor area/dwelling site area ratio** from the following table for the floor area or dwelling site area determined in Section 10.53 B. 1.

Inside Living Floor Area or Dwelling Site Area (sf)	General Development Lakes w/Sewer – all tiers General Development Lakes w/no sewer – 1 <sup>st</sup> tier Agricultural, Urban and Tributary Rivers	General Development Lakes w/no sewer – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
≤ 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019

**BRAINERD, MN**  
**Chapter 515 ZONING**

Inside Living Floor Area or Dwelling Site Area (sf)	General Development Lakes w/Sewer – all tiers General Development Lakes w/no sewer – 1 <sup>st</sup> tier Agricultural, Urban and Tributary Rivers	General Development Lakes w/no sewer – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
<b>700</b>	.082	.042	.021
<b>800</b>	.091	.046	.023
<b>900</b>	.099	.050	.025
<b>1,000</b>	.108	.054	.027
<b>1,100</b>	.116	.058	.029
<b>1,200</b>	.125	.064	.032
<b>1,300</b>	.133	.068	.034
<b>1,400</b>	.142	.072	.036
<b>≥ 1,500</b>	.150	.075	.038

Multiply the suitable area within each tier determined in Section 10.52 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.

(4) Divide the total floor area or dwelling site area for each tier calculated in Section 10.53 B. 3 by the average inside living floor area for dwelling units or dwelling site area determined in 10.53 B 1. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

- A. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.
- B. All PUDs with densities at or below the base density must meet the design standards in Section 10.6

10.54 Step 4. Determine if the Site can Accommodate Increased Density:

- A. The following increases to the dwelling unit or dwelling site base densities determined in Section 10.53 are allowed if the design criteria in Section 10.6 of this ordinance are satisfied as well as the standards in Section 10.54, item B:

Shoreland Tier	Maximum density increase within each tier (percent)
<b>1<sup>st</sup></b>	50
<b>2<sup>nd</sup></b>	100
<b>3<sup>rd</sup></b>	200
<b>4<sup>th</sup></b>	200
<b>5<sup>th</sup></b>	200

- B. Structure setbacks from the ordinary high water level:
  - (1) Are increased to at least 50 percent greater than the minimum setback; or

The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

10.6 **Design Criteria.** All PUDs must meet the following design criteria.

10.61 General Design Standards.

- A. All residential planned unit developments must contain at least five dwelling units or sites.
- B. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section 6.5 of this ordinance. Sewage treatment systems must meet the setback standards of Section 6.41, item A of this ordinance.
- C. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.
- D. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections 6.41, 6.42, and 6.43:
- E. Shore recreation facilities:
  - (1) Must be centralized and located in areas suitable for them based on a suitability analysis.
 

The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).

Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
- F. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- G. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.
- H. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 7.3 of this ordinance and are centralized.

10.62 Open Space Requirements.

- A. Open space must constitute at least 50 percent of the total project area and must include:
  - (1) Areas with physical characteristics unsuitable for development in their natural state; Areas containing significant historic sites or unplatted cemeteries;
 

Portions of the shore impact zone preserved in its natural or existing state as follows:

    - (a) For existing residential PUD's, at least 50 percent of the shore impact zone
    - For new residential PUDs, at least 70 percent of the shore impact zone.
    - For all commercial PUD's, at least 50 percent of the shore impact zone.
- B. Open space may include:

- (1) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and

Non-public water wetlands.

C. Open space shall not include:

- (1) Dwelling sites or lots, unless owned in common by an owners association;
- Dwelling units or structures, except water-oriented accessory structures or facilities;
- Road rights-of-way or land covered by road surfaces and parking areas;
- Land below the OHWL of public waters; and
- Commercial facilities or uses.

10.63 Open Space Maintenance and Administration Requirements.

- A. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:

- (1) Commercial uses (for residential PUD's);
- Vegetation and topographic alterations other than routine maintenance;
- Construction of additional buildings or storage of vehicles and other materials; and
- Uncontrolled beaching of watercraft.

- B. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners association with the following features:

- (1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;
- Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
- Assessments must be adjustable to accommodate changing conditions; and
- The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

10.64 Erosion Control and Stormwater Management.

- A. Erosion control plans must be developed and must be consistent with the provisions of Section 8.3 of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
- B. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.
  - (1) For residential PUDs, impervious surface for the entire project site must not exceed 25%.

For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area

- 10.7 Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:
- 10.71 Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;
  - 10.72 Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;
  - 10.73 Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
    - A. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
    - B. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and
    - C. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
  - 10.74 Existing dwelling unit or dwelling site densities that exceed standards in Section 10.5 of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

**515-2-22 Shoreland Overlay (S)**

- A. **Purpose of Shoreland Overlay District.** The purpose of the Shoreland Overlay Zoning District is to protect the quality of surface waters and preserve the natural characteristics of shoreland areas by regulating development along lakes and rivers. This includes managing lot sizes, building placement, and alterations to the shoreline to minimize environmental impact. [Shoreland is land located 1,000 feet from the ordinary high water level of a lake, pond, or flowage and 300 feet from a river or stream.](#)
- B. **Jurisdiction.** The shore lands of the city are hereby designated as a shore land overlay district pursuant to the authorization contained in the Minnesota statutes chapter 103F; Minnesota regulations parts 6120.2500 through 6120.3900; and the planning and zoning enabling legislation in Minnesota statutes chapter 462. The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in this Section G Table 515-2-22-1 of this Ordinance and to private water bodies greater than 10 acres in size. For the purposes of this ordinance, “public waters” includes private water bodies greater than 10 acres in size.
- C. **Compliance.** The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.
- D. **Interpretation.** In their interpretation based on the most current information available and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
- E. **Severability.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction the remainder of this Ordinance shall not be affected thereby.
- F. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only and the stricter state guidelines shall apply.
- G. **Public Waters Classifications.**

**Table 515-2-22.1. S Public Waters Classifications**

Lakes		
<b>A</b>	General Development Lakes (list here and designate on official Zoning map)	Rice Lake: 18-145 Gilbert Lake: 18-320 <del>1 unnamed lake: 18-537</del>
<b>B</b>	Natural Environment (list here and designate on official zoning map)	Mud Lake: 18-321 - Sec 29 and 30 T1234N R28W Buffalo Lake: 18-152 - Sec 2 and 3 T44N R31W 1 unnamed lake: 18-535
Rivers and Streams		
<b>D</b>	Forested Rivers (list river names here and show boundaries of district on official zoning map)	Mississippi River: T45N R30W Sect 18,19 - T45N R31W Sect 24,25,35,36 - T133 R28W Sect 4,9 - T134 R28W Sect 34
<b>E</b>	Tributary Streams (list stream names here and show boundaries of district on official zoning map)	Little Buffalo Creek: T45N R31W Sect 35,36 - T45N R30W Sect 31 Tributary to Lt Buffalo Creek - T45N R30W Sect 31 - T44N R30W Sect 6 Gilbert Lake Creek - T134 R28W Sect 28
<b>F</b>	All protected watercourses in the City of Brainerd shown on the Protected Waters Inventory Map for Crow Wing County, a copy of which is hereby adopted by reference, not given a classification in this Section shall be considered "Tributary".	

**APPENDIX A**

**BRAINERD, MN  
Chapter 515 ZONING**

H. **S Zoning District Dimensional Standards.** The following dimensional requirements shall apply to all shorelands of all public waters within the city.

**Table 515-2-22.2. S Dimensional Standards – Density, Lot Size, Coverage and Height Standards**

Lot Dimensions		Natural Environmental Lakes	Recreational Development Lakes	General Development Lakes	Forested Rivers	Tributary Streams
<b>A</b>	<a href="#">Riparian Lot Size - Unsewered (minimum)</a>	80,000 SF – 160,000 SF (160,000+SF requires CUP)	40,000 SF - 80,000 SF (80,000+SF requires CUP)	20,000 SF - 40,000 SF (40,000+SF requires CUP)	<a href="#">(no minimum)</a>	<a href="#">(no minimum)</a>
	<a href="#">Non-riparian Lot Size – Unsewered (minimum)</a>	<a href="#">80,000 SF – 160,000 SF (160,000+SF requires CUP)</a>	<a href="#">80,000 SF – 160,000 SF (160,000+SF requires CUP)</a>	<a href="#">40,000 SF - 80,000 SF (80,000+SF requires CUP)</a>	<a href="#">(no minimum)</a>	<a href="#">(no minimum)</a>
<b>B</b>	<a href="#">Riparian Lot Frontage on All Roads and Water Frontage - Unsewered (minimum)</a>	200'	150'	100'	200'	100'
	<a href="#">Non-riparian Lot Frontage on All Roads and Water Frontage - Unsewered (minimum)</a>	<a href="#">200'</a>	<a href="#">150'</a>	<a href="#">150'</a>	<a href="#">200'</a>	<a href="#">100'</a>
<b>C</b>	<a href="#">Riparian Lot Size - Sewered (minimum)</a>	40,000 SF - 80,000 SF (80,000+SF requires CUP)	20,000 SF - 40,000 SF (40,000+SF requires CUP)	<del>20,000-15,000 SF - 40,000-30,000 SF</del> (40,000+SF requires CUP)	<a href="#">(no minimum)</a>	<a href="#">(no minimum)</a>
	<a href="#">Non-riparian Lot Size - Sewered (minimum)</a>	<a href="#">20,000 - 40,000 SF (40,000+SF requires CUP)</a>	<a href="#">15,000 – 30,000 SF (30,000+SF requires CUP)</a>	<a href="#">10,000 – 20,000 SF (20,000+SF requires CUP)</a>	<a href="#">(no minimum)</a>	<a href="#">(no minimum)</a>
<b>D</b>	<a href="#">Riparian Lot Frontage on All Roads and Water Frontage - Sewered (minimum)</a>	125'	<del>100'</del> 75'	<del>100'</del> 75'	100'	100'
	<a href="#">Non-riparian Lot Frontage on All Roads and Water Frontage - Sewered (minimum)</a>	<a href="#">125'</a>	<a href="#">75'</a>	<a href="#">75'</a>	<a href="#">100'</a>	<a href="#">75'</a>
<b>E</b>	<del>There are no minimum lot size requirements for rivers and streams.</del>					
<b>F</b>	Dwelling units per acre requirements in the underlying zoning district shall not apply to the Shoreland Overlay District.					
<b>Building Setback Standards</b>						
<b>G</b>	Building setback from ordinary high-water mark (minimum)	150'	100'	75'	150'	100'
<b>H</b>	Front Yard Setback (minimum)	Dimensional standards regulated by underlying zoning district.				
<b>I</b>	Side Yard Setback (minimum)	Dimensional standards regulated by underlying zoning district.				
<b>J</b>	Rear Yard Setback (minimum)	Dimensional standards regulated by underlying zoning district.				
<b>K</b>	Accessory Building Location, detached	Behind principal building façade.				
<b>Sewage System Setback Standards</b>						
<b>L</b>	Sewage systems setback from ordinary high-water mark (minimum)	150'	75'	50'	100'	75'
<b>Additional Structure Setbacks</b>						
<b>M</b>	Top of Bluff (feet) (minimum)	30'				
<b>N</b>	Unplatted Cemetery (feet) (minimum)	50'				
<b>O</b>	Right-of-way line of federal, state, or county highway (feet) (minimum)	50'				

Other Standards					
P	Impervious Surface Coverage (maximum)	25%			
Q	Principal structure height (feet) (maximum)	35'			
R	Accessory structure height (maximum)	Up to 35' but may not exceed height of principal structure			

**I. Land Development Restrictions**

1. **Placement of Structures on Lots.** When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered with a variance to conform to the adjoining setbacks from the ordinary high-water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
2. **Bluff Impact Zones.** Structures and accessory facilities, except stairways and landings, may not be placed within bluff impact zones.
3. **Steep Slopes.** The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
4. **Setbacks and Screening for Uses Without Water-Oriented Needs.** Non-residential uses without water-oriented needs must be located on lots or parcels without public waters frontage or, if located on lots or parcels with public waters frontage, must either be set back twice the normal ordinary high-water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
5. **High Water Elevations.** Structures must be placed ~~in~~ above high water elevations in accordance with the floodplain regulations. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if: 1) the structure is constructed of flood-resistant materials to the elevation; 2) electrical and mechanical equipment is placed above the elevation; and 3) if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
6. **Significant Historic Sites.** No structure may be placed on a significant historic site, as identified by the Minnesota Historical Society, in a manner that affects the value of the site unless adequate information about the site has been removed and documented in a public repository.

**J. Land Uses.**

1. Shoreland district land uses are regulated as:
  - a. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed.
  - b. Conditional uses (C). These uses are allowed through a conditional use permit.
  - c. Interim uses (I). These uses are allowed through a conditional use permit.

- d. Not permitted uses (N). These uses are prohibited.
- e. When the Shoreland Overlay (S) district is in conflict with the base zoning district, the more restrictive use classification shall prevail.

**Table 515-2-22.3. S Land Uses for Lake and River Classifications**

Land Uses	Natural Environmental Lakes	Recreational Development Lakes	General Development Lakes	Forested Rivers	Tributary Streams
Single residential	P	P	P	P	P
Duplex, triplex, quad residential	<del>P</del> C	P	<del>C</del> P	P	P
Commercial	<del>P</del> C	P	<del>C</del> P	C	P
<u>Residential PUD</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Water-dependent (Resorts are also Commercial PUDs)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Commercial PUD (Expansion of PUD involving up to six additional units or sites allowed as a permitted use provided the provisions of Section 10.0 are satisfied.)	C	C	C	C	C
Solar Power Facilities (principal land use)	C	C	C	C	C
Parks & historic sites	C	C	C	C	C
Public, semipublic	<del>P</del> C	P	<del>C</del> P	C	P
Industrial	<del>C</del> N	C	<del>N</del> C	C	C
Agricultural: cropland and pasture	P	P	P	P	P
Agricultural feedlots: New	N	N	N	N	N
Agricultural feedlots: Expansion or resumption of existing	C	C	C	C	C
Forest management	P	P	P	P	P
Forest land conversion	C	C	C	C	C
Extractive use	<del>C</del> I	<del>C</del> I	<del>C</del> I	<del>C</del> I	<del>C</del> I
Mining of metallic minerals and peat	P	P	P	P	P

2. **Standards for Water-Oriented Commercial, Industrial, Public and Semi-Public Uses.** Surface water-oriented commercial, industrial, public and semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
  - a. In addition to meeting impervious coverage limits, setbacks and other zoning standards in this Code, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
  - b. Uses that require short-term watercraft mooring for patrons must centralize these facilities, design them to avoid obstructions of navigation, and to be the minimum size necessary to meet the need.
  - c. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

- i. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.
- ii. Signs may be placed, when necessary, within SIZ 1 and SIZ 2 if they are designed and sized to be the minimum necessary to convey needed information. The signs must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information, such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be downcast and shielded or directed to prevent illumination out across public waters.
- d. Outside lighting may be located within SIZ 1 and SIZ 2 or over public waters if it is used primarily to illuminate potential safety hazards and is downcast and shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

~~3. Standards for Non-Water-Oriented Commercial, Industrial, Public and Semi-Public Uses. Non-residential uses without water-oriented needs must be located on lots or parcels without public waters frontage or, if located on lots or parcels with public waters frontage, must either be set back twice the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.~~

#### 4.3. Special Residential Lot Provisions

- a. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:
  - i. Each building must be set back at least 200 feet from the ordinary high water level;
  - ii. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
  - iii. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
  - iv. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- b. Lots intended as private controlled accesses to public waters, or as recreation areas for use by owners of non-riparian lots within subdivisions, are prohibited.

#### 5.4. Agricultural Use Standards

- a. The SIZ for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.
- b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States National Resource Conservation Service.

#### 6.5. Forest Management Standards

- a. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Non-point Source Pollution Assessment-Forestry and the provisions of the Water Quality in Forest Management "Best Management Practices in Minnesota".

#### 7.6. Extractive Use Standards

- a. Extractive uses require a conditional use permit.

- b. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
- c. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high-water levels of public waters and from bluffs.

## 8.7. Mining of Metallic Minerals

- a. Mining of metallic minerals, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a conditional use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

## K. Riparian Shoreland Alterations

- 1. **Decks.** Construction of new decks shall require a shoreland alteration permit, building permit, and comply with the following standards:
  - a. Decks adjacent to dwellings shall meet structure setbacks in Table 515-2-22.1 of this Section.
  - b. A 4-foot walkway located beyond the minimum required setback required for dwellings, or within said setback when attached or immediately adjacent to a building, constructed for the purpose of providing access to an entrance door on a dwelling, may be added without a shoreland alterations permit and without regard to its setback to the ordinary high-water level, but may need a building permit.
  - c. Decks should be constructed as to be pervious, allowing water to reach a pervious surface below the deck. Decks not meeting this requirement shall be considered impervious surfaces.
- 2. **Patios.** Patios placed within the structure setback require a shoreland alteration permit and shall comply with the following standards:
  - a. Not be located in ~~shore impact zone~~SIZ 1 except as a water-oriented accessory structure according to this Section;
  - b. Be free standing;
  - c. Have no railings;
  - d. Be a maximum of 250 square feet in size. Up to 400 square feet in size is allowed with an approved and implemented storm water plan approved by the City Engineer;
  - e. The combined footprint of patios, swimming pools and hot tubs in ~~shore impact zone~~SIZ 2 may not exceed 400 square feet;
  - f. Not be more than one foot above natural ground level.
- 3. **Stairways, Walkways, Lifts and Landings.** Stairways, walkways, lifts, and landings for public water access shall require shoreland alteration permits and comply with the following standards:
  - a. Preferred to topographic changes. Stairways, walkways, and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.
  - b. Only one stairway or walkway shall be allowed within a shore or bluff impact zone. The combination of stairways and walkways to traverse a shore or bluff impact zone shall be allowed, provided they are constructed in a continuous manner without diverting in different directions. A parcel may contain one lift in addition to any allowed stairway/walkway. Within SIZ 1, both the lift and the walkway/stairway must be located within the allowable cleared vegetation standards of this Section.
  - c. Maximum width. Stairways and lifts shall not exceed four feet in width on residential lots. Up to eight-foot-wide stairways may be permitted on water-oriented commercial lots.

- d. The maximum impervious surface limits for the lot shall not be exceeded.
  - e. Landings. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area and be integral to the function of the stairway and not constitute a deck. Landings for stairways and lifts on water-oriented commercial lots must not exceed 64 square feet in area and be integral to the function of the stairway and not constitute a deck.
  - f. Canopies or roofs are not allowed on stairways, lifts, or landings.
  - g. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
  - h. Facilities such as ramps or mobility paths for handicapped access to shoreline areas may be allowed, provided that:
    - i. The department determines that there is no other reasonable way to achieve access; and
    - ii. The dimensional and performance standards of this section are met; and
    - iii. The requirements of Minnesota Rules, Chapters 1307 and 134 are met.
4. **Accessory Structures.**
- a. The placement and total cumulative area that all accessory structures may occupy on a lot shall be subject shall be regulated by the applicable zoning district underlying this shoreland overlay district.
  - b. Accessory structures without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must meet primary structure setbacks from the ordinary high-water level and all other setback requirements of this Code.
  - c. Private swimming pools located above or below the ground and hot tubs located above or below the ground shall require a permit as an accessory structure and must meet all applicable setbacks. Private swimming pools and hot tubs located in the ground are prohibited in ~~shore impact zone 1~~[SIZ 1](#) but shall be allowed in ~~shore impact zone 2~~[SIZ 2](#) and the rear lot zone. The combined footprint of patios, swimming pools and hot tubs in ~~shore impact zone 2~~[SIZ 2](#) may not exceed 400 square feet.
  - d. New boathouses and boat storage structures that do not meet the setback requirements of this Code are prohibited.
  - e. Existing boathouses and boat storage structures may be repaired or replaced pursuant to Minn. Stat. §394.36, subd. 4.
5. **Water-Oriented Accessory Structures.** One water-oriented accessory structure that does not meet the structure setbacks in Table 515-2-22.2 of this Code may be placed with a shoreland alterations permit on a water-oriented residential or commercial lot provided the following standards are met:
- a. For riparian commercial properties the structure or facility shall not exceed 15 feet in height and cannot occupy an area greater than 200 square feet;
  - b. For riparian residential properties the structure or facility shall not exceed 12 feet in height and cannot occupy an area greater than 120 square feet;
  - c. The minimum setback of the structure or facility from the OHWL level shall be 20 feet;
  - d. The structure or facility is treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
  - e. The structure shall not be used for human habitation;
  - f. The structure shall not include bathroom facilities.
  - g. The structure shall not be located within a bluff impact zone;

## 6. Retaining Walls

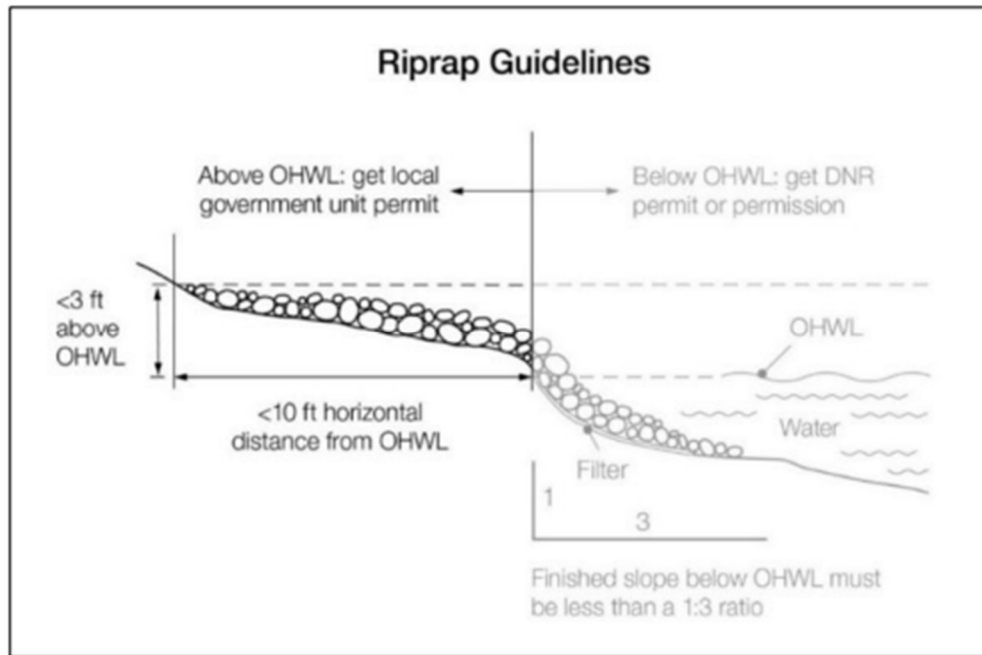
- a. A retaining wall may be installed with a shoreland alteration permit in ~~shore impact zones~~ SIZ 1 or 2 provided the following standards are met:
  - i. The City Engineer determines that there is no other alternative to control erosion.
  - ii. No tier of the retaining wall shall exceed four feet in height without a plan signed by a Minnesota licensed professional engineer.
  - iii. A retaining wall is not required to meet a side yard setback provided it does not adversely affect adjoining property.
- b. A retaining wall may be installed without a permit behind the structure setback provided that:
  - i. It does not significantly alter the character of the property or does not create runoff or erosion problems.
  - ii. A retaining wall is not required to meet a side yard setback provided it does not adversely affect adjoining property.

## 7. Shoreline Recreation Use Areas. Intensive vegetation clearing for the purpose of creating a new shoreline recreation use area within ~~shore impact zone 1~~ SIZ 1 is allowed with an approved shoreland alteration permit. The dimensions of a shoreline recreation use area shall be determined as follows:

- a. Only one shoreline recreation use area is allowed on each lot and the recreation use area must not exceed 30% of the total lot width and 25 feet landward from the ordinary high-water level in depth. The maximum width of a shoreline recreation use area created under this Article shall not exceed 60 feet.
- b. Invasive species removal or the removal of trees or branches that pose a safety hazard or are diseased is allowed;
- c. Vegetation must be maintained to screen structures with trees and shrubs so that the structures are substantially screened from view during summer, leaf-on conditions;
- d. Sand Blankets pursuant to this Code shall be located in the shoreline recreation use area;
- e. Stairways, lifts and landings pursuant to this Code shall terminate or be adjacent to the shoreline recreation use area;
- f. Permitted paths pursuant to this Code shall terminate or be adjacent to the shoreline recreation use area.

## 8. Rip-Rap. Placement of natural rock riprap, including the necessary grading of the shoreline and placement of a filter blanket, shall require a shoreland alteration permit and comply with the following standards:

- a. Only natural rock (cannot average less than 6 inches or more than 30 inches in diameter) may be used that is free of debris that may cause pollution or siltation. Concrete is not allowed;
- b. A filter of crushed rock, gravel, or filter fabric material must be placed underneath the rock;
- c. The minimum finished slope waterward of the OHWL must be no steeper than 3 to 1 (horizontal to vertical);
- d. The riprapped area must be no more than 200 linear feet of shoreline along lakes and wetlands or, along shorelines of streams, must be less than five times the average width of the affected watercourse;
- e. The landward extent of the riprap must be within ten feet of the ordinary high-water level;
- f. The height of the riprap above the ordinary high-water level shall not exceed three feet (see figure below);



- g. The installation of riprap must not be located in wetlands.
  - h. The installation of riprap must not result in a violation of this Code (dirt moving, historic ice ridges, vegetation alterations, recreation use areas, bluff and steep slope standards, etc.), or any other Shoreland District performance standard.
  - i. The installation of riprap is subject to the requirements of, and/or permitting by, the Minnesota Department of Natural Resources (DNR).
  - j. Riprap shall only be allowed when erosion is evident.
- 9. Boardwalks and Bridges.**
- a. Boardwalks over non-public waters are permitted in SIZ1, SIZ2, and RLZ with an approved shoreland alteration permit.
  - b. Boardwalks located in shoreland or non-shoreland areas are the preferred method of accessing public waters across riparian wetlands. Boardwalks constructed on posts or pilings (temporary or permanent) shall not be considered fill pursuant to MN Rules 8420.0111 Subpart 26. Boardwalks may incorporate railings and shall comply with the following standards:
    - i. Be constructed perpendicular to the shoreline to the greatest extent possible;
    - ii. Not have a canopy, roof, or be enclosed;
    - iii. Not extend into adjoining riparian use areas;
    - iv. Meet property line setbacks;
    - v. Be no wider than 6 feet;
    - vi. Structure supports, other than posts or pilings, shall be constructed above the wetland surface and decking shall be constructed a minimum of 12" above the wetland surface;
    - vii. Comply with MN Rules 6115.0210 for docks and access below the OHWL ; and
    - viii. Comply with the Floodplain ~~Overlay District~~ [Regulations](#).

**10. Dirt Moving**

- a. The standards in this Section shall apply to all dirt moving activities within the Shoreland District. Except as specified below, dirt moving activities shall require permits and may require a site plan, scope of work, and additional supporting documents including, but not limited to, surveys, wetland delineation reports, engineered grading plans with profile view, engineered drainage plans including erosion and sediment control and stormwater management plans.
- b. The following activities shall not require a shoreland alteration permit but must meet the provisions of this Article.
  - i. **Dirt moving associated with construction of structures.** Grading, filling, or excavations necessary for construction of structures or septic systems, if part of an approved permit, shall not require a separate shoreland alteration permit.
  - ii. **Small landscaping projects.** Placement of up to 10 cubic yards of soil for the creation of a lawn or yard as long as the fill / dirt moving is not located within a bluff impact zone or ~~shore impact zone~~ SIZ 1.
  - iii. **Private roads or driveways.** The construction of a driveway, access road, or parking area provided that they:
    - a. Meet the structure setback from the ordinary high-water level from public waters.
    - b. Are properly screened from public waters.
  - iv. **Approved agricultural road.** Agricultural roads for machinery, livestock crossings, or shoreline stabilization on agricultural land with a stabilization plan approved by the Engineering Department.
  - v. **Approved agricultural improvements.** The construction of livestock watering ponds, agricultural manure treatment facilities and conservation projects approved by the Natural Resource Conservation Service (NRCS), Soil and Water Conservation District (SWCD) and / or other regulatory agencies, only in the RLZ.
  - vi. **Wetland Replacement Plan.** A shoreland alteration permit is not required if a wetland replacement plan, exemption, or no-loss has been approved pursuant to Minnesota Rules Chapter 8420.
  - vii. **Normal Agricultural Practices.** To include but not be limited to tillage, planting, harvesting, fencing and proper disposal of animal mortalities pursuant to all state and federal agricultural regulations.
  - viii. **Existing Sand Blankets / Beaches.** A shoreland alteration permit shall not be required to place 10 cubic yards of sand annually on an existing sand blanket / beach on residential parcels located in the shoreland district. A shoreland alteration permit shall be required for new sand blankets or expansions to existing sand blankets and shall be subject to this Code.
- c. **Standards for Grading and Filling. Activities in the Shore Impact Zone 1 (SIZ1)** Dirt moving activities in shore impact zone 1 shall require shoreland alteration permits and meet the following standards unless the activity is exempt in this Code:
  - i. **Sand Blanket**
    - a. The maximum dimensions shall not exceed 30 percent of the total lot width by 25 feet landward from the OHWL and shall be located within the shoreline recreation use area. The maximum width of a sand blanket created under this Article shall not exceed 200 feet. A sand blanket may also be located in ~~shore impact zone 2~~ SIZ 2 and the rear lot zone.

- b. The slope of the area to be covered by the sand blanket shall be less than 10 percent. The sand shall be clean with minimal amounts of organic materials.
- c. Sand blankets shall be limited to 10 cubic yards annually with a shoreland alteration permit.

ii. **Upland Fill.**

- a. For residential properties in the shoreland district the following standards shall apply:
  - i. A maximum of 30 cubic yards of dirt moving may be permitted.
- b. For commercial and industrial properties in the shoreland district the following standards shall apply:
  - i. General Development Lakes: 30 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.
  - ii. Recreational Development Lakes: 30 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width.
  - iii. Natural Environment Lakes: 30 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width.
  - iv. Natural Environment – Special Shallow Lakes: 30 cubic yards of dirt moving may be permitted for each 250 feet of shoreline width.
  - v. Forested Rivers: 30 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.
  - vi. Tributary Streams: 30 cubic yards of dirt moving may be permitted for each 200feet of shoreline width.
  - vii. Total cubic yards of dirt moving in SIZ1 includes that placed as a sand blanket, if applicable.
  - viii. Applications for all properties to move larger quantities of dirt for all public water classifications in SIZ1 shall be processed as conditional uses.

- c. **Wetland Fill.** No wetland fill shall be allowed in SIZ 1 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.

iii. **Annual ice ridges.** Annual ice ridges may be regraded to their original shoreline contour without a shoreland alteration permit provided that the work is completed in the year in which the annual ice ridge occurred. Any such regrading shall meet the following standards:

- a. There shall be no topsoil or vegetative matter deposited in the lake.
- b. Any dirt moving from re-grading the annual ice ridge that is used on the remainder of the property shall require a shoreland alteration permit.
- c. Depositing any sand below the OHWL is subject to DNR public waters permit rules.
- d. Temporary erosion and sediment control best management practices shall be implemented.

- iv. **Historic Ice Ridges.** On those ice ridges with well-established vegetative cover, alterations for lake access shall require a shoreland alteration permit and comply with the following standards:
  - a. One alteration site is allowed per conforming residential lot, single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.
  - b. On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 at each end.
  - c. On waterfront commercial lots, the maximum bottom width shall be 25 feet with 2:1 side slopes at each end.
  - d. Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all ice ridge alterations to prevent erosion from upland runoff.
  - e. A stormwater management plan must be approved by the City Engineer prior to any dirt moving.
  - f. All disturbed material shall be graded landward or removed from the site.
  - g. Any alteration below the OHWL may require approval from the Department of Natural Resources and / or U.S. Army Corps of Engineers.
  
- d. **Upland Fill in the Shore Impact Zone 2 (SIZ2).** Dirt moving activities in ~~shore impact zone 2~~[SIZ2](#) shall require shoreland alteration permits and meet the following standards unless the activity is exempt in this Code:
  - i. For residential properties in the shoreland district the following standards shall apply:
    - a. A maximum of 50 cubic yards of dirt moving may be permitted. Applications to move larger quantities shall be processed as conditional uses.
  
  - ii. For commercial and industrial properties in the shoreland district the following standards shall apply:
    - a. General Development Lakes: 50 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.
    - b. Recreational Development Lakes: 50 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width.
    - c. Natural Environment Lakes: 50 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width.
    - d. Natural Environment – Special Shallow Lakes: 50 cubic yards of dirt moving may be permitted for each 250 feet of shoreline width.
    - e. Forested Rivers: 50 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.
    - f. Tributary Streams: 50 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.
    - g. Total cubic yards of dirt moving in SIZ2 includes that placed as a sand blanket, if applicable.



- vi. Dirt moving in a bluff impact zone is prohibited, except for the placement of stairways, lifts, or landings permitted under this Code.
  - vii. Steep slope stabilization. Dirt moving on steep slopes may be permitted with a stormwater and erosion control plan approved by the City Engineer.
- 11. Removal of Natural Vegetation.** Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this Code are exempt from the vegetation alteration standards that follow:
- a. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this Code, respectfully, is allowed subject to the following standards:
    - i. Intensive vegetation clearing within the ~~shore impact zone 1SIZ 1~~, ~~shore impact zone 2SIZ 2~~, and bluff impact zones and on steep and long gradual slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
    - ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, and beach and watercraft access areas, provided that:
      - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
      - b. Along rivers, existing shading of water surfaces is preserved; and
      - c. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- 12. Placement and Design of Roads, Driveways, and Parking Areas.**
- a. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
  - b. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
- 13. Watercraft Access Ramps.** Watercraft access ramps, approach roads, and access related parking areas require shoreland alteration permits and shall comply with the following standards:
- a. Are permitted for private residential lots only on lakes without Public Accesses.
  - b. May be permitted for water-oriented commercial uses on any lake classified General Development or Recreational Development.
  - c. Shall not include asphalt in ~~shore impact zone 1SIZ 1~~.
  - d. Shall not exceed 15 feet in width from the lake to the structure setback line.
  - e. Construction complies with all storm water management provisions of this Code.
  - f. The maximum impervious surface limits for the lot are not exceeded.

14. **Connections to Public Waters.** Excavations, where the intended purpose is connection to public water, such as boat slips, canals, lagoons and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner of Natural Resources has approved the proposed connection to public waters.
15. **Use of Fertilizer.** The Use of fertilizer, pesticides, or animal wastes in shoreland districts must conform to Minnesota Statutes, chapters 18B, 18C, 18D, and 103H, and be consistent with the latest best management practices developed for such use by the Minnesota Department of Agriculture and Pollution Control Agency.

## ~~L. Subdivision/Platting Provisions~~

- ~~1. **Purpose.** To ensure that new development minimizes impacts to shoreland resources and is safe and functional.~~
- ~~2. **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.~~
- ~~3. **Consistency with other controls.** Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.~~
- ~~4. **Water and Sewer Design Standards:**
  - ~~a. A potable water supply and a sewage treatment system consistent with Minnesota Rules, Chapters 7080—7081 must be provided for every lot.~~
  - ~~b. Each lot must include at least two soil treatment and dispersal areas that support systems described in Minnesota Rules, parts 7080.2200 to 7080.223 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.~~
  - ~~c. Lots that would require use of holding tanks are prohibited.~~~~
- ~~5. **Information requirements.**
  - ~~a. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;~~
  - ~~b. The surface water features required in Minnesota Statutes, section 505.021, Subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;~~
  - ~~c. Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;~~
  - ~~d. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;~~
  - ~~e. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and~~
  - ~~f. A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.~~~~
- ~~6. **Dedications.** When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.~~

7. ~~**Platting.** All subdivisions that cumulatively create five or more lots or parcels that are 2 1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a (*cities*) and 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.~~

## M. ~~Planned Unit Developments~~

1. ~~**Purpose.** To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.~~
2. ~~**Types of PUDs Permissible.** Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of this ordinance is allowed if the standards in this Section are met.~~
3. ~~**Processing of PUDs.** Planned unit developments in the shoreland district must be processed as a conditional use and comply with the provisions of this section in addition to those standards outlined elsewhere in the zoning and subdivision regulations. When there is a conflict in requirements, the more stringent of the requirements shall be applied. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 10.5. Approval cannot occur until all applicable environmental reviews are complete.~~
4. ~~**Application for a PUD.** The applicant for a PUD must submit the following documents prior to final action on the application request:
  - a. ~~Site plan and/or plat showing:
    - i. ~~Locations of property boundaries;~~
    - ii. ~~Surface water features;~~
    - iii. ~~Existing and proposed structures and other facilities;~~
    - iv. ~~Land alterations;~~
    - v. ~~Sewage treatment and water supply systems (where public systems will not be provided);~~
    - vi. ~~Topographic contours at ten foot intervals or less; and~~
    - vii. ~~Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).~~~~
  - b. ~~A property owner's association agreement (for residential PUD's) with mandatory membership, and consistent with this ordinance.~~
  - c. ~~Deed restrictions, covenants, permanent easements or other instruments that:
    - i. ~~Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and~~
    - ii. ~~Ensure the long term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 10.6 of this ordinance.~~~~
  - d. ~~A master plan/site plan describing the project and showing floor plans for all commercial structures.~~
  - e. ~~Additional documents necessary to explain how the PUD will be designed and will function.~~~~
5. ~~**Density Determination.** Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures:~~

# AMENDED COPY ADDED AT MEETING

**APPENDIX A**

**BRAINERD, MN  
Chapter 515 ZONING**

a. ~~Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:~~

Waterbody Classification	No Sewer (ft)	Sewer (ft)
<b>General Development Lakes — 1st tier</b>	200	200
<b>General Development Lakes — all other tiers</b>	267	200
<b>Recreational Development Lakes</b>	267	267
<b>Natural Environment Lakes</b>	400	320
<b>All Rivers</b>	300	300

b. ~~Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all road rights-of-way or easements, wetlands, bluffs, or land below the ordinary high-water level of public waters.~~

c. ~~Step 3. Determine Base Density:~~

i. ~~For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width or river frontage by the minimum single residential lot width.~~

ii. ~~For commercial PUDs:~~

a. ~~Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.~~

b. ~~For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.~~

c. ~~For dwelling sites (campgrounds), determine the area of each dwelling site as follows:~~

d. ~~For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.~~

e. ~~For recreational vehicles, campers or tents, use 400 sf.~~

iii. ~~Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section 10.53 B. 1.~~

Inside Living Floor Area or Dwelling Site Area (sf)	General Development Lakes w/Sewer — all tiers General Development Lakes w/no sewer — 1 <sup>st</sup> tier Agricultural, Urban and Tributary Rivers	General Development Lakes w/no sewer — all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
≤ 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019

Inside Living Floor Area or Dwelling Site Area (sf)	<del>General Development Lakes w/Sewer—all tiers</del> General Development Lakes w/no sewer—1 <sup>st</sup> -tier Agricultural, Urban and Tributary Rivers	<del>General Development Lakes w/no sewer—all other tiers</del> Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
≥ 1,500	.150	.075	.038

Multiply the suitable area within each tier determined in Section 10.52 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.

(4) Divide the total floor area or dwelling site area for each tier calculated in Section 10.53 B. 3 by the average inside living floor area for dwelling units or dwelling site area determined in 10.53 B 1. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

A. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.

A. All PUDs with densities at or below the base density must meet the design standards in Section 10.6

10.54 Step 4. Determine if the Site can Accommodate Increased Density:

A. The following increases to the dwelling unit or dwelling site base densities determined in Section 10.53 are allowed if the design criteria in Section 10.6 of this ordinance are satisfied as well as the standards in Section 10.54, item B:

Shoreland Tier	Maximum density increase within each tier (percent)
1 <sup>st</sup>	50
2 <sup>nd</sup>	100
3 <sup>rd</sup>	200
4 <sup>th</sup>	200
5 <sup>th</sup>	200

B. Structure setbacks from the ordinary high water level:

(1) Are increased to at least 50 percent greater than the minimum setback; or

The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

~~10.6 Design Criteria. All PUDs must meet the following design criteria:~~

~~10.61 General Design Standards:~~

- ~~A. All residential planned unit developments must contain at least five dwelling units or sites.~~
- ~~B. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section 6.5 of this ordinance. Sewage treatment systems must meet the setback standards of Section 6.41, item A of this ordinance.~~
- ~~C. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.~~
- ~~D. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections 6.41, 6.42, and 6.43:~~
- ~~E. Shore recreation facilities:
  - ~~(1) Must be centralized and located in areas suitable for them based on a suitability analysis.~~~~

~~The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).~~

~~Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.~~
- ~~F. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.~~
- ~~G. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.~~
- ~~H. Water oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 7.3 of this ordinance and are centralized.~~

~~10.62 Open Space Requirements:~~

- ~~A. Open space must constitute at least 50 percent of the total project area and must include:
  - ~~(1) Areas with physical characteristics unsuitable for development in their natural state;~~
  - ~~Areas containing significant historic sites or unplatted cemeteries;~~
  - ~~Portions of the shore impact zone preserved in its natural or existing state as follows:
    - ~~(a) For existing residential PUD's, at least 50 percent of the shore impact zone~~
    - ~~For new residential PUDs, at least 70 percent of the shore impact zone.~~
    - ~~For all commercial PUD's, at least 50 percent of the shore impact zone.~~~~~~
- ~~B. Open space may include:~~

~~(1) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;~~

~~Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and~~

~~Non-public water wetlands.~~

~~C. Open space shall not include:~~

~~(1) Dwelling sites or lots, unless owned in common by an owners association;~~

~~Dwelling units or structures, except water oriented accessory structures or facilities;~~

~~Road rights of way or land covered by road surfaces and parking areas;~~

~~Land below the OHWL of public waters; and~~

~~Commercial facilities or uses.—~~

#### ~~10.63 Open Space Maintenance and Administration Requirements:~~

~~A. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:~~

~~(1) Commercial uses (for residential PUD's);~~

~~Vegetation and topographic alterations other than routine maintenance;~~

~~Construction of additional buildings or storage of vehicles and other materials; and~~

~~Uncontrolled beaching of watercraft.~~

~~B. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners association with the following features:~~

~~(1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;~~

~~Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;~~

~~Assessments must be adjustable to accommodate changing conditions; and~~

~~The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.~~

#### ~~10.64 Erosion Control and Stormwater Management.~~

~~A. Erosion control plans must be developed and must be consistent with the provisions of Section 8.3 of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.~~

~~B. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.~~

~~(1) For residential PUDs, impervious surface for the entire project site must not exceed 25%.~~

For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area

~~10.7 Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:~~

~~10.71 Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;~~

~~10.72 Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;~~

~~10.73 Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:~~

~~A. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;~~

~~B. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and~~

~~C. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.~~

~~10.74 Existing dwelling unit or dwelling site densities that exceed standards in Section 10.5 of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.~~

**J. Shoreland Planned Unit Developments**

1. **Purpose.** To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.
2. **Types of PUDs Permissible.** Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of this ordinance is allowed if the standards in this Section are met.
3. **Processing of PUDs.** Planned unit developments in the shoreland district must be processed as a conditional use and comply with the provisions of this section in addition to those standards outlined elsewhere in the zoning and subdivision regulations. When there is a conflict in requirements, the more stringent of the requirements shall be applied. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in this Section. Approval cannot occur until all applicable environmental reviews are complete.
4. **Density Determination.** Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.
  - a. Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

*Table 515-5-7.1. Density Analysis Tiers.*

Waterbody Classification	No Sewer (ft)		Sewer (ft)
<b>General Development Lakes – 1st tier</b>	200		200
<b>General Development Lakes – all other tiers</b>	267		200
<b>Recreational Development Lakes</b>	267		267
<b>Natural Environment Lakes</b>	400		320
<b>All Rivers</b>	300		300

- b. Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all road rights-of way or easements, wetlands, bluffs, or land below the ordinary high-water level of public waters.
- c. Step 3. Determine Base Density:
  - i. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width or river frontage by the minimum single residential lot width.
  - ii. For commercial PUDs:
    - a. Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.
      - i. For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.
      - ii. For dwelling sites (campgrounds), determine the area of each dwelling site as follows:

- iii. For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
- iv. For recreational vehicles, campers or tents, use 400 sf.
- b. Select the appropriate **floor area/dwelling site area ratio** from the following table for the floor area or dwelling site area determined in Step 3: Determine Base Density for Commercial PUDs.

*Table 515-5-7.2. Floor Area/ Dwelling Site Area Ratio.*

Inside Living Floor Area or Dwelling Site Area (sf)	General Development Lakes <u>w/Sewer</u> – all tiers General Development Lakes <u>w/no sewer</u> – 1 <sup>st</sup> tier Agricultural, Urban and Tributary Rivers	General Development Lakes <u>w/no sewer</u> – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
≤ 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
≥ 1,500	.150	.075	.038

- c. Multiply the suitable area within each tier determined in Step 2, Calculate Suitable Area for Development, by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.
  - i. Divide the total floor area or dwelling site area for each tier calculated in the above paragraph by the average inside living floor area for dwelling units or dwelling site area determined in Step 3 for commercial PUD’s. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.
- iii. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.
- d. Step 4. Determine if the Site can Accommodate Increased Density:

- i. The following increases indicated in *Table 515-5-7.3* to the dwelling unit or dwelling site base densities determined in Step 3, Determine Base Density, are allowed if the design criteria of this Section are satisfied as well as the following standards:
  - a. Structure setbacks from the ordinary high water level:
    - i. Are increased to at least 50 percent greater than the minimum setback; or
    - ii. The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

***Table 515-5-7.3. Increase Maximum Density.***

Shoreland Tier	Maximum density increase within each tier (percent)
1 <sup>st</sup>	50
2 <sup>nd</sup>	100
3 <sup>rd</sup>	200
4 <sup>th</sup>	200
5 <sup>th</sup>	200

- 5. **Design Criteria.** All PUDs must meet the following design criteria.
  - a. General Design Standards.
    - i. All residential planned unit developments must contain at least five dwelling units or sites.
    - ii. On-site water supply and sewage treatment systems must be centralized and meet the standards of this ordinance. Sewage treatment systems must meet the setback standards of *Table 515-2-22.2. S Dimensional Standards.*
    - iii. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.
    - iv. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in *Table 515-2-22.2. S Dimensional Standards.*
    - v. Shore recreation facilities:
      - a. Must be centralized and located in areas suitable for them based on a suitability analysis.
      - b. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).
      - c. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
    - vi. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

- vii. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.
- viii. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in this ordinance and are centralized.
- b. Open Space Requirements.
  - i. Open space must constitute at least 50 percent of the total project area and must include:
    - a. Areas with physical characteristics unsuitable for development in their natural state; Areas containing significant historic sites or unplatted cemeteries; Portions of the SIZ preserved in its natural or existing state as follows:
      - i. For existing residential PUD's, at least 50 percent of the SIZ.
      - ii. For new residential PUDs, at least 70 percent of the SIZ.
      - iii. For all commercial PUD's, at least 50 percent of the SIZ.
    - ii. Open space may include:
      - a. Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
      - b. Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
      - c. Non-public water wetlands.
    - iii. Open space shall not include:
      - a. Dwelling sites or lots, unless owned in common by an owners association;
      - b. Dwelling units or structures, except water-oriented accessory structures or facilities;
      - c. Road rights-of-way or land covered by road surfaces and parking areas;
      - d. Land below the OHWL of public waters; and
      - e. Commercial facilities or uses.
  - c. Open Space Maintenance and Administration Requirements.
    - i. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:
      - a. Commercial uses (for residential PUD's);
      - b. Vegetation and topographic alterations other than routine maintenance;
      - c. Construction of additional buildings or storage of vehicles and other materials; and
      - d. Uncontrolled beaching of watercraft.
  - d. Erosion Control and Stormwater Management.

- i. Erosion control plans must be developed and must be consistent with the provisions of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
  - ii. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.
    - a. For residential PUDs, impervious surface for the entire project site must not exceed 25%.
    - b. For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area.
6. **Conversions.** Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:
  - a. Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;
  - b. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;
  - c. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
    - i. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
    - ii. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and
    - iii. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
  - d. Existing dwelling unit or dwelling site densities that exceed standards of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

## ORDINANCE NO. 15XX

### AN ORDINANCE AMENDING SECTIONS 530 SHORELAND MANAGEMENT REGULATIONS OF THE CITY CODE AND 515-2 ZONING DISTRICTS, 515-5 RULES AND ADMINISTRATION AND 515-6 RULES AND DEFINITIONS OF THE ZONING CODE

WHEREAS, a public hearing was held by the Planning Commission as required by the Zoning Code, on \_\_\_\_\_, 2025

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

SECTION ONE Purpose: The purpose of a shoreland zoning district is to protect the quality of surface waters and preserve the environmental and economic values of shorelands by regulating development and land use along lakes and rivers. These districts manage aspects like lot sizes, building setbacks, and land alterations to prevent pollution, minimize flood damage, maintain natural characteristics, and ensure the wise use of water resources.

SECTION TWO: Section 530 Shoreland Management Regulations of Chapter Five of the City Code is hereby repealed in its entirety.

SECTION THREE: Section 515-2 Zoning Districts are hereby amended by adding 515-2-22 Shoreland Overlay in its entirety to the Zoning Code as indicated in Appendix A of this Ordinance.

SECTION FOUR: Section 515-5 – Rules and Administration is hereby amended by adding 515-5-7.J Shoreland Planned Unit Developments in its entirety to the Zoning Code as indicated in Appendix B of this Ordinance. The current section 515-5-7.J and all subsequent Sections in 515-5-7 shall be reformatted in succeeding order.

SECTION FIVE: Section 515-5 – Rules and Administration is hereby amended by adding the following underlined language to Section 515-5-2.B.6 Criteria for Granting Conditional Use Permits.

[j. In addition to the above criteria, conditional uses within the shoreland areas shall be subject to a thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:](#)

- [a. the prevention of soil erosion or other possible pollution of public waters, both during and after construction;](#)
- [b. the visibility of structures and other facilities as viewed from public waters is limited;](#)
- [c. the site is adequate for water supply and on-site sewage treatment; and](#)
- [d. the types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.](#)

SECTION SIX: Section 515-6-2.A Definitions of Nouns, Person, and Regulatory Bodies shall be amended by adding the following underlined language in alphabetical order.

**Commissioner.** The commissioner of the Department of Natural Resources.

**SECTION SEVEN:** Section 515-6-2.B Definitions of Structure, Measurement and Dimension shall be amended by adding the following underlined language in alphabetical order.

**Bluff impact zone.** A bluff and land located within 20 feet from the top of a bluff.

**Boardwalk.** A temporary or permanent above-grade constructed linear walkway, located above the OHW, not to exceed 6 feet in width and used to cross wetlands for the purposes of accessing shorelines/public waters.

**Boathouse.** A structure designed and used solely for the storage of boats or boating equipment.

**Boat Slip.** A space adjacent to a dock or between two docks or piers where one boat may be moored.

**Camper.** - A structure capable of providing shelter and mounted on a self-propelled vehicle.

**Dock.** A narrow platform or structure extending waterward from the shoreline (below OHW) intended for ingress and egress for moored watercraft or seaplanes or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities.

**Failing System.** Any subsurface sewage treatment system that discharges sewage to a seepage pit, cesspool, drywell or leaching pit, and any system with less than the required vertical separation as described in Minnesota Rule 7080.1500 Subparts. 4 (D & E).

**Lot, Riparian.** A lot that abuts public waters.

**Lot, Non-Riparian.** A lot that does not abut public waters.

**Patio.** An open recreation area adjacent to a dwelling, or free standing, that is covered with a pervious or an impervious surface such as asphalt, paving stones, wood, or other approved material.

**Public waters.** Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivision 15.

**Rear Lot Zone (RLZ).** Land located between the structure setback line and the landward boundary of the shoreland district.

**Rip-Rap.** Coarse stones randomly and loosely placed along the shoreline meeting the standards of this Ordinance.

**Shore Impact Zone 1 (SIZ 1).** Land located between the ordinary high-water level (OHWL) of public waters and a line parallel to it at a setback of 50 percent of the required structure setback. The shore impact zone serves as all or part of the shoreline buffer.

**Shore Impact Zone 2 (SIZ 2).** Land located between shore impact zone 1 and the structure setback line.

**Shoreland.** Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

**Significant historic site.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

**Toe of the bluff.** The lower point of a 50-foot segment with an average slope exceeding 18 percent.

**Top of the bluff.** The higher point of a 50-foot segment with an average slope exceeding 18 percent.

**Water Oriented Accessory Structure.** A small, above ground building or other improvement, except stairways, fences, docks, pergolas attached to a deck or patio and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to the public waters than the normal structure setback. Examples of such structures and facilities include equipment storage buildings, gazebos, screen houses, free-standing pergolas, fish houses, pump houses, patios, and detached decks.

**SECTION EIGHT:** Section 515-6-2.C Definitions of Use, Standards and Terms shall be amended by adding the following underlined language in alphabetical order.

**Campground or recreational camping vehicle park.** - A development that is used for the purpose of providing five or more sites for nonpermanent overnight use by campers using tents, trailers, recreation camping vehicles, or other temporary shelters.

**Dirt Moving.** Any movement, excavation, grading, or filling of dirt on a lot.

**Extractive use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

**Forest land conversion.** The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

**Ice Ridge, Annual.** A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice within a calendar year.

**Ice Ridge, Historic.** A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice over a period of two or more years upon which well-established herbaceous and woody vegetation is growing.

# AMENDED COPY ADDED AT MEETING

**Industrial use.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

**Intensive vegetation clearing.** The complete removal of trees or shrubs or ground cover in a contiguous patch, strip, row, or block.

**No Maintenance Buffer.** A strip of land on a riparian parcel adjacent to a public water upon which vegetation is to be maintained in its natural state, and not be mowed, cut or removed shorter than 8 inches in height and is consistent with the standards set forth in the Department's Shoreline Rapid Assessment Model.

**Pervious Surface.** A surface that allows inflow of rainwater into the underlying construction or soil.

**Sensitive Resource Management.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

**Sensitive Shoreland District.** A land use district established to accommodate limited residential uses, agricultural uses, and forest management activities in the shoreland zone while conserving sensitive land areas on which more intensive development would adversely affect water quality, wetlands, lakes, shorelines, slopes, wildlife habitat, biological ecosystems, or scenic and natural values.

**Water-Oriented Commercial Use.** The use of land for commercial purposes, where access to and use of surface water feature is an integral part of the normal conducting of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use

**SECTION NINE:** 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

# AMENDED COPY ADDED AT MEETING

Published: One Time – \_\_\_\_\_

# MEMO



**TO:** Planning Commission  
**FROM:** James Kramvik, Community Development Director  
**DATE:** October 15<sup>th</sup>, 2025  
**RE:** Planning Commission Itinerary Update

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## INTRODUCTION

This itinerary is meant to provide an organization of topics and ordinances for the Planning Commission and the Community Development Department to review in the next year in order of importance.

## COMPLETED ORDINANCES

- 1) Cannabis Dispensaries
- 2) Garage Requirements for Residential Housing Units
- 3) Section 515-4-2 Building Design Standards
- 4) Mixed Use Development in the CC District
- 5) Crypto Mining/ Data Centers/ AI Centers
- 6) Allowed Use Table
- 7) Off Street Parking Requirements
- 8) Screening of Outdoor Sales
- 9) Fence Requirements for Corner Lots
- 10) Office Use in the GI District

## CODE SECTIONS TO REVIEW

- 1) **Section 530 – Shoreland Management Regulations** – The City of Brainerd’s existing Shoreland Management Ordinance was last approved by the City and DNR on 7/25/2003. Current zoning districts do not match / align with the zoning districts identified in the City’s Shoreland Management Ordinance. Additionally, Section 525 of the City Code discusses Mississippi Headwaters Regulations where there are also zoning inconsistencies. The DNR is requesting that the City of Brainerd update its “Shoreland Management Ordinance” to ensure the zoning districts identified in the Zoning Map (2022) are identified in the Shoreland Management Ordinance within one year. **(In Progress – Planning Commission)**
- 2) **Sign Standards** – At the EDA Workshop meeting on April 3<sup>rd</sup>, the EDA Board recommended that the City update its standards for commercial signage. 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 current 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. **(In Progress – City Council)**

- 3) **Comprehensive Plan Update** – The last update to the comprehensive plan was in 2019 and in 2021 the City Council approved a proposed Comprehensive Plan amendment to include the revised Future Land Use Map. The process of updating the Comprehensive Plan was an extensive process undertaken by the City Staff, City Council, Planning Commission, the Steering Committee, and the Planning Team. The City should consider reviewing the comprehensive plan every five years to ensure all of the goals and objectives listed in the plan are still relevant for the City of Brainerd. City Council approved \$28,000 to update the comprehensive plan in 2025.
  - a. The Comprehensive Plan is a leading policy tool that provides a series of steps to help achieve a shared community vision. This plan will help citizens and local leaders work together more efficiently to guide future growth and development within the city. The plan represents a shared vision for the future and a strategic map to reach that vision. The plan provides broad recommendations to guide and manage growth and development. These broad recommendations come in the form of goals and policies that express the city’s aspiration for the future.
- 4) **Solar Arrays** – Brainerd Public Utilities have installed solar arrays at the Brainerd Airport and behind the BPU wastewater facility in Baxter. BPU is interested in adding additional solar arrays and has been looking at property in the City of Limits of Brainerd. Staff consider individual solar panels as accessory structures for single family homes. However, a code change and an addition to the use table would be needed for the construction of a solar array in Brainerd.
- 5) **Design Standards – MS, TC, CC, GC Districts** – The previous design standards ordinance adopted in in January of 2025 primarily focused on residential façade standards. The EDA board recommended the City consider enhancing design standards along its major corridors and the downtown area.
- 6) **Manufactured Home Overlay District: Section 515-2-20** - Manufactured Home Overlay District (MH-O) was partially reviewed and amended by Swanson Haskamp Consulting but will still need additional review by staff and the Planning Commission.
- 7) **Lighting Regulations for Outdoor Signage** – City Council is currently considering an update to the sign regulations in the Zoning Code. Planning Commission recommended approval of the ordinance at the September 17<sup>th</sup> meeting. The changes in regulations primarily focus on design standards for outdoor signage. The Commission indicated interest in reviewing lighting intensity at a future meeting in a separate ordinance.
- 8) **Sound Requirements** – Currently, most regulations in the zoning code rely on MPCA standards for sound. CUP’s have the ability to add barriers to mitigate affects to neighboring properties.