



PLANNING COMMISSION AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, April 15, 2026 @ 6:00 PM

The public is invited to attend these meetings in person.

Attend by Phone: 1-469-250-2695 Meeting Access Code: 438 982 961#

Per MN Statutes 13D.02 Subd 1 Commissioners may participate by interactive technology.

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

1. **Call To Order**

2. **Roll Call**

___ M. Duval ___ D. Gorham ___ J. Grecula ___ D. Peterson ___ T. Erickson ___ VACANT ___
VACANT

3. **Pledge of Allegiance**

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

5. **Approval Of Minutes**

A. **Draft minutes from the March 18th, 2026 Meeting**

6. **New Business**

A. **Consider Variance Request for Expanded Parking Lot Entrance - 411 Laurel Street**

7. **Unfinished Business**

A. **Review Shoreland Ordinance**

8. **Public Forum**

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

9. **Staff Reports**

(Verbal: Any Updates since Packet)

10. **Commission Member Reports**

11. **Adjourn**

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

MISSION

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

PLANNING COMMISSION
Wednesday, March 18, 2026

#1 Call to Order

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

#2 Roll Call

Noted present were Commissioners Duval, Gorham, Grecula, Peterson, and Erickson. Also noted as present were City Administrator Broyles and Community Development Director Kramvik.

#3 Pledge of Allegiance

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

#4 Approval of Agenda

MOVED AND SECONDED BY COMMISSIONERS GRECULA AND ERICKSON, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#5 Approval of Minutes

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND GRECULA, DULY CARRIED, TO APPROVE THE MINUTES FROM THE FEBRUARY 18TH, 2026 REGULAR MEETING.

#6 Public Forum

The Chair opened the public forum at 6:01 pm.

No one came forward.

The Chair closed the public forum at 6:01 pm.

#7 Unfinished Business

7a. Shoreland Ordinance Update

Community Development Director Kramvik introduced Jake Frie, the Area Hydrologist for the MN DNR who is here to give a presentation on stormwater management.

Mr. Frie reviewed a slide show of information and best management practices for stormwater management on public waters.

Mr. Frie had a brief question and answer session with the Commissioners. Commissioner Duval commented on the impervious standards being less than state standards. He is concerned

about vanishing shorelines, other jurisdictions' regulations vs. what we are proposing and the effects of stormwater runoffs among other items. Commission discussion took place.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND PETERSON, DULY CARRIED, TO CONTINUE WORKING WITH THE MN DNR TO FINALIZE THE SHORELAND ORDINANCE LANGUAGE AND REGULATIONS.

#8 New Business

8a. Consider Conditional Use Permit Amendment – Dermatology Clinic 1410 & 1424 Thiesse Drive

Community Development Director Kramvik explained the applicant has requested an amendment to the original CUP for additional off-street parking spaces, as there was miscommunication that the approved CUP allowed the applicant to exceed the maximum number of off-street parking spaces without restrictions. At the time, the applicant did not have a final site plan, and they would like to increase the amount of off-street parking to 90 total spaces to allow for staff and patient parking.

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

The Chair recognized Kristina Britton, who is the applicant and dermatologist for the new facility. She indicated that the original plan was not a final site plan and since they have made final decisions. The additional off-street parking is for staff and patients being seen and waiting to be seen by providers.

Commissioner Grecula indicated he calculated other facilities and this request for 90 off-street spaces seems very high and how often they would be filled. Ms. Britton responded that some patients are there for short time, or all day depending on the procedure. They would also like to be able to expand in the future as they also will own an additional parcel.

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

Commissioner Gorham agrees that the commission has dealt with oversized parking lots, as in Thrifty White.

Commissioner Erickson stated those are legitimate concerns in neighborhoods or town centers, but this is in the industrial park, so it makes it an easier decision.

MOVED AND SECONDED BY COMMISSIONERS PETERSON AND ERICKSON TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR THE ADDITIONAL OFF-STREET PARKING SPACES AS PRESENTED AT 1410 AND 1424 THIESSE DRIVE FOR THE DERMATOLOGY CLINIC.

Upon roll call, Members Duval, Gorham, Peterson, and Erickson voted "aye". Member Grecula voted "nay". The Chair declared the motion carried.

CDD Kramvik indicated this will be heard at the City Council meeting April 6th, 2026 at 7:30 pm for a final decision.

8b. Consider Interim Use Permit Amendment for the Operation of a Year-Round Warming Shelter – 1926 S 7th St

Community Development Director Kramvik explained the details of the application from Bridges of Hope to renew the Interim Use Permit and to also operate the warming shelter on a year-round basis. The current IUP expires June 30th, 2026. CDD Kramvik stated there was a letter of opposition submitted from a neighbor regarding the year-round option for the shelter due to litter, random people entering properties and vehicles, and concerns of safety.

The Chair opened the public hearing at 6:55 pm.

The Chair recognized Samantha Barron, program director at Bridges of Hope who gave a brief update of the prior year. She indicated they have started a new program for guests called The Pathways Program to work with people towards stability.

The Chair recognized Bill Wear, representing the Bridge on 7th shelter who says he feels that a lot of the concerns from last year have been addressed. He indicated that communication between law enforcement and shelter staff has improved so we can all work together toward the same goal. As of February 1st, when the Pathways Program started, five people have been employed, two of those now have 2 jobs as of this morning, ten people have obtained some type of housing and six have entered a treatment program.

The Chair recognized Jana Shogren, director of Bridges of Hope who attended the meeting remotely. She is very appreciative of the collaboration with Police Chief Davis and the entire PD. She explained some of the organizations they have been working with since the shelter opened. When the shelter closes for the summer, progress with the returning people usually fails and needs to restart with seeking programming.

Police Chief Davis spoke about the progress that has been made with communication and actions taken to alleviate issues at the shelter.

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

Commissioner Erickson stated he would like to see the disclosure statement, *“While staying at the shelter, I agree (within 3-5 days of my first night), to actively participate in my Pathways Plan...”*. that is in the guest agreement also included in the Safety Plan so both guests and staff can be mutual partners to see it through to fruition. Also, language about *“other approved activities”*, and what that means.

Jana Shogren and Chief Davis will collaborate on alternate language for the contract prior to the City Council meeting.

Commissioner Erickson shared that a resident from the apartments behind the shelter reached out to him saying many times homeless people try to enter the secured building. They will buzz the door until someone lets them in and they will roam the hallways.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND GRECUA, DULY CARRIED, TO RECOMMEND THE DIRECTOR OF BRIDGES OF HOPE TO WORK WITH CHIEF DAVIS AND CDD KRAMVIK TO AGREE ON LANGUAGE FOR THE SAFETY PLAN.

MOVED AND SECONDED BY COMMISSIONERS DUVAL AND PETERSON, DULY CARRIED, TO RECOMMEND APPROVAL OF THE INTERIM USE PERMIT AMENDMENT CONTINGENT UPON THESE CONDITIONS 1) INTERIM USE PERMIT SHALL EXPIRE APRIL 30, 2027 2) IF THE BRAINERD POLICE DEPARTMENT DETERMINES THAT THE FACILITY HAS BEEN USED IN A DISORDERLY MANNER AND UPON THE RECOMMENDATION OF THE POLICE CHIEF, THE INTERIM USE PERMIT SHALL BE BROUGHT BEFORE THE CITY COUNCIL FOR REVIEW AND CONSIDERATION FOR SUSPENDING OR REVOKING THE PERMIT AT THE NEXT CITY COUNCIL MEETING. 3) SHELTER STAFF SHALL PROVIDE A REPORT TO CITY COUNCIL EACH YEAR PRIOR TO SEPTEMBER 1ST.

CDD Kramvik indicated this will be heard at the City Council meeting April 6th, 2026 at 7:30 pm for a final decision.

City Administrator Broyles departed the meeting at 7:30pm.

8c. Consider Conditional Use Permit to Exceed Maximum Lot Size – 1017 Bluff Ave.

Community Development Director Kramvik explained the property originally consisted of three lots that the applicant would like to be consolidated to one lot for the construction of a single-family home. The consolidation results in a lot that exceeds the maximum lot size allowed in the TN-1 Zoning District. He indicated Bluff Avenue had a vacated right-of-way from many years ago that resulted in increased lot sizes.

The Chair opened the public hearing at 7:31 pm.

The Chair recognized Bernie Maceij, who owns the property and said he worked with KLD quite extensively to complete a survey on the properties. He will be constructing a home to reside in himself.

The Chair closed the public hearing at 7:34 pm.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND DUVAL, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT TO EXCEED THE MAXIMUM LOT SIZE AT 1017 BLUFF AVENUE AS PRESENTED.

CDD Kramvik indicated this will be heard at the City Council meeting April 6th, 2026 at 7:30 pm for a final decision.

8d. Consider Variance to Maintain a Non-Conforming Side Yard Setback to Replace an Existing Garage – 1513 Pennsylvania Ave.

Community Development Director Kramvik explained the variance is to maintain an existing two-foot side yard setback in order to construct a new garage. The applicant's current garage needs to be replaced, and the property owner wishes to increase the size from a 10' x 20' to a 14' x 26' garage as long as it is in disrepair. The variance is required due to expanding a non-conformity.

The Chair opened the public hearing at 7:38 pm.

The Chair recognized Raymond Kukowski, who owns the property that is occupied by his disabled son. He stated the existing location needs to remain the same due to natural gas and sewer line locations. He said any other areas close to the alley would not be an option due to his son and not being able to access that far away, especially in poor weather. That would be his practical difficulty and since it is not required to have an alley facing garage, he would prefer it to remain in the same manner.

The Chair closed the public hearing at 7:47 pm.

Discussion took place.

MOVED AND SECONDED BY COMMISSIONERS PETERSON AND GRECUA, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE APPROVAL TO MAINTAIN THE EXISTING TWO FOOT SIDE YARD SETBACK FOR THE CONSTRUCTION OF A 14' X 26' GARAGE WITH THE CONDITION THAT GUTTERS ARE INSTALLED AND DIRECTED AWAY FROM THE NEIGHBORING PROPERTY.

CDD Kramvik indicated this will be heard at the City Council meeting April 6th, 2026 at 7:30 pm for a final decision.

8e. Planning Commission Itinerary

Community Development Director Kramvik explained there are new updates to the Planning Commission itinerary due to more urgent deadlines.

8f. Appoint Commission Member to Assist in Comprehensive Plan Update

Community Development Director Kramvik indicated along with staff working remotely with Bolton & Menk on a monthly basis, it is recommended a Planning Commission member serve as a liaison to join the remote meetings as well.

MOVED AND SECONDED BY COMMISSIONERS ERICKSON AND GRECUA, DULY CARRIED, TO APPOINT MIKE DUVAL TO SERVE AS A PLANNING COMMISSION LIAISON FOR THE COMPREHENSIVE PLAN UPDATE.

It was agreed upon to meet for the Kick-Off Introduction with the staff of Bolton & Menk at 5:00 pm prior to the April 15th Planning Commission meeting.

#9 Staff Reports

Community Development Director Kramvik made the following updates:

- The EDA approved Shared Services Mitigation Plan for the Washington Street Reconstruction Plan with the Chamber of Commerce.
- The EDA approved a façade grant with BLAEDC for a 50% cost match for businesses along the Washington Street corridor. They also approved a sign grant for a 50% cost match for businesses throughout the City.

#10 Commission Member Reports

Commissioner Duval is hoping the parking lot of the Thrifty White business will be better utilized once the business relocates to the Super One store in NE Brainerd. He also stated he attended the GreenStep Data Center presentation remotely on Thursday.

Commissioner Peterson commented on trees being taken down on his vacant properties by BPU, and some longer grass on vacant lots. He received long grass letters, and he was curious about complaint driven or not.

Commissioner Erickson spoke about data centers and meetings with Region 5 staff as the Council liaison.

#11 Adjournment

MOVED AND SECONDED BY COMMISSIONERS PETERSON AND DUVAL, DULY CARRIED, TO ADJORN AT 8:00 PM.

Don Gorham, Planning Commission Chair

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 15th, 2026

RE: Variance Request to Expand the Parking Lot Entrance – 411 Laurel Street

REQUEST

PUBLIC HEARING. Variance Request to expand the entrance at 411 Laurel Street to the parking lot with a 40' distance to the intersection to allow for incoming and outgoing traffic. The Zoning Code requires that driveway entrances be placed 60' from intersections.

Emily Fairbanks, 710 N 3rd Street, Brainerd, owner of HIT LLC has submitted a request for a Variance to expand the parking lot entrance at 411 Laurel Street. She stated this would allow her customers to be able to enter and exit more easily and safely.

CONTEXT

Parcel Number: 41241413

Zoning District: Town Center (TC) District

Property Area: Approximately 10,550 SQFT

Adjacent Uses: North: Law Office
East: Title Companies
South: County Office Building
West: County Jail/Parking Lot

Adjacent Zoning: North: TC (Town Center) District
East: TC (Town Center) District
South: TC (Town Center) District
West: TC (Town Center) District

AERIAL MAP



FINDINGS OF FACT

1. According to [Section 515-4-12-F.4. Off-Street-Parking](#)
 - A. Minimum distance from an intersection for commercial uses shall be 60'. The distance shall be measured from the intersection of lot lines.
 - i. *The applicant is requesting a reduced distance of 40' to the intersection.*
 - ii. *This change will prevent congestion when entering and exiting the facility at the entrance and intersection.*
 - iii. *The widening would extend to the south to avoid any loss of on-street parking spaces for the business to the north.*
 - iv. *The applicant proposes no changes to the parking lot.*
2. [Section 515-5-4-Rules-and-Administration](#) state Variances shall only be permitted:
 - A. When they are in harmony with the general purposes and intent of the ordinance and:
 - i. According to [Section 515-3 Appendix A: Table of Uses](#) – Health Clubs/Gyms/Indoor Recreation Facilities are a permitted use in the TC District
 - B. When the variances are consistent with the Comprehensive Plan

- As of this writing, no parties have contacted the Community Development Department for more information on the Variance application for 411 Laurel Street, Brainerd.

The Community Development Department recommends approval of the Variance request for 411 Laurel Street, Brainerd as presented.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307 building@ci.brainerd.mn.us

www.ci.brainerd.mn.us

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL

COMMERCIAL

CONDITIONAL USE PERMIT

☐

(\$350.00)

☐

(\$500.00 + \$500.00 escrow deposit)

REZONING

☐

(\$350.00)

☐

(\$500.00)

VARIANCE

☐

(\$350.00)

☐

(\$500.00 + \$500.00 escrow deposit)

ZONING TEXT AMENDMENT

☐

(\$350.00)

☐

(\$500.00)

PROPERTY ADDRESS: _____

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: _____

Street Address: _____ City: _____ State: _____ Zip Code _____

Phone Number: _____ Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: _____

We are requesting that the parking lot entrance be expanded to allow for two-way traffic flow in and out of the property. The widening would extend to the south, ensuring that no parking spaces are lost in the process. This improvement is critical to our operations, as it will help prevent significant congestion for our customers—particularly given the close proximity of the adjacent intersection.

Property Owner Signature

Date

(Please print name)

Applicant Signature

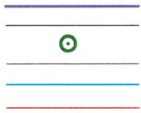
Date

(Please print name)

(OVER)

EXISTING PLAN SYMBOLS

PROPERTY LINES
TREE LINE
TREE
EDGE OF GRAVEL
EDGE OF CONCRETE
EDGE OF BITUMINOUS



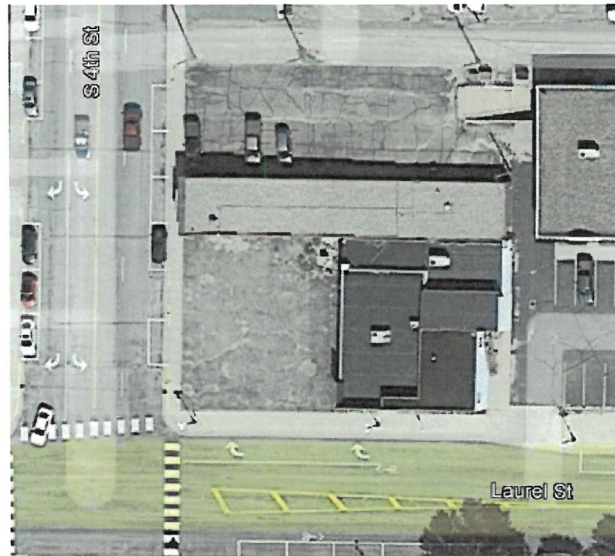
SCALE



Emily Fairbanks

411 LAUREL ST, BRAINERD, MN, 56401

CONSTRUCTION PLANS FOR CONCRETE, & BITUMINOUS PAVING



PROJECT LOCATION MAP



PROJECT LOCATION
COUNTY: CROW WING

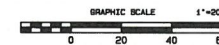
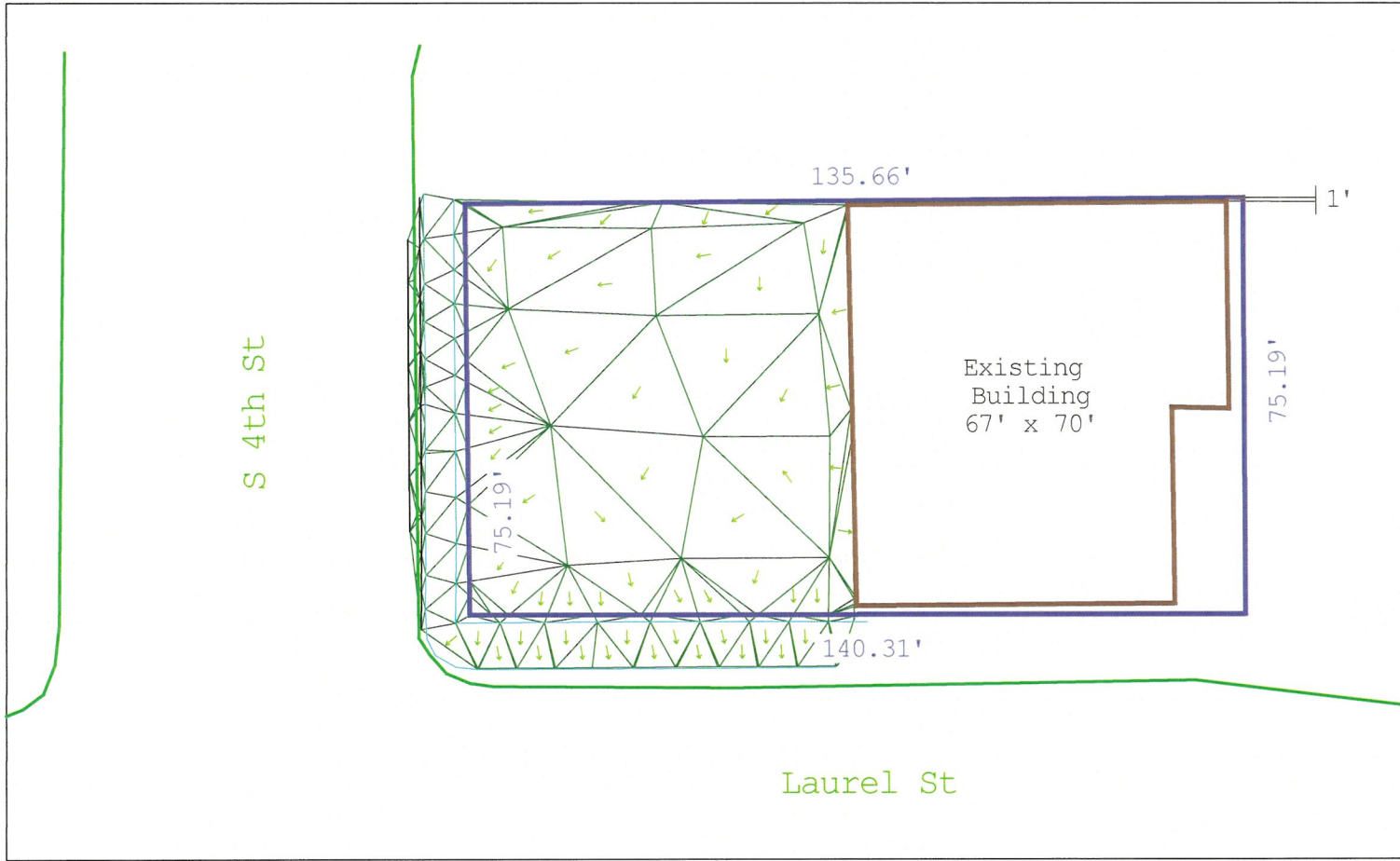
INDEX
1 TITLE SHEET
2 EXISTING CONDITIONS
3 SITE PLAN
4 STRIPING PLAN

PREPARED BY:

ANDERSON BROTHERS CONSTRUCTION
11325 STATE HWY 210
BRAINERD, MN
56401



3/19/2026



ANDERSON BROTHERS
11325 STATE HWY 210
BRANERD, MN
56401

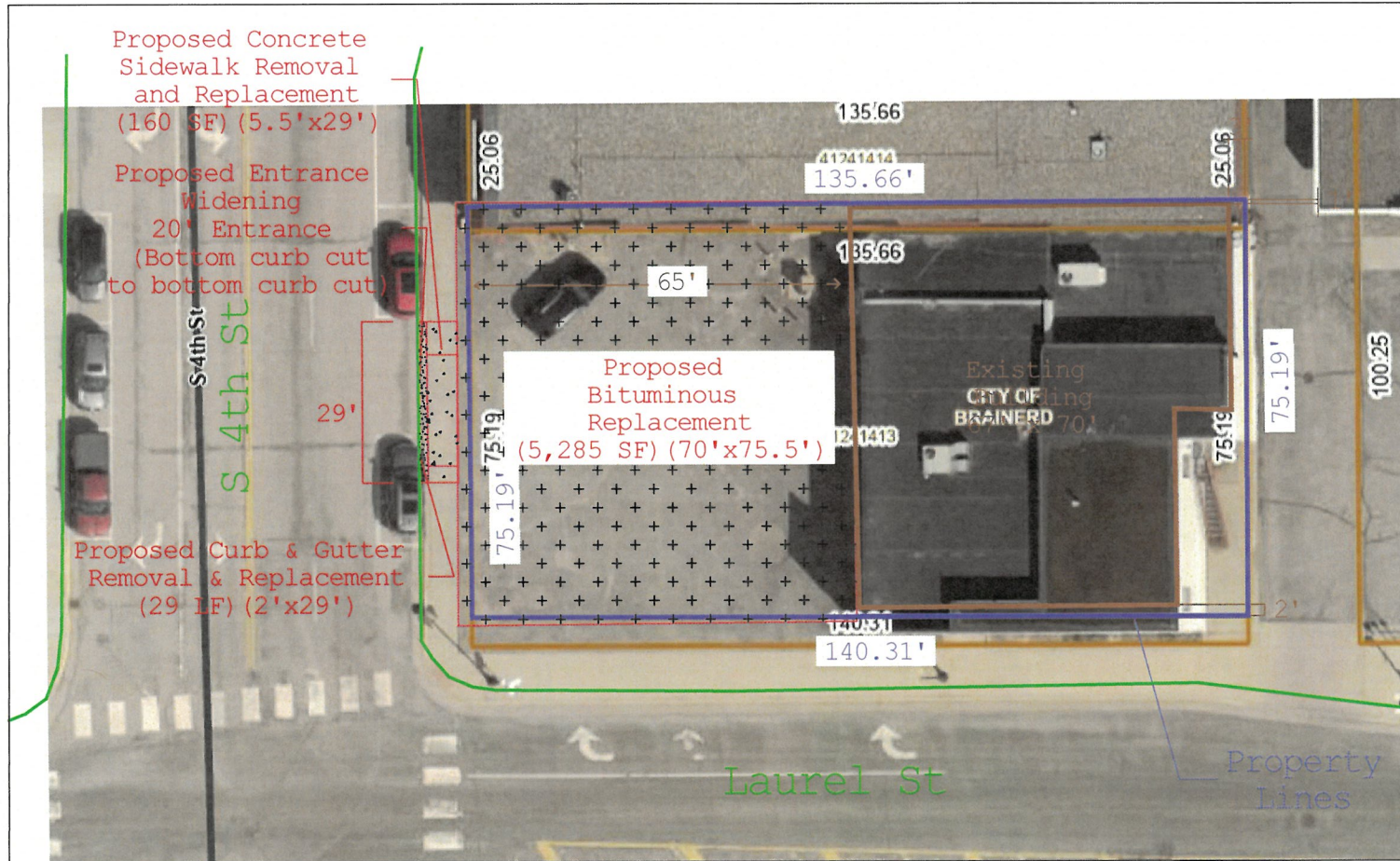


411 LAUREL ST,
BRANERD, MN, 56401

EXISTING
CONDITIONS

SHEET: 2
OF: 4

Emily Fairbanks
411 Laurel St, Brainerd, Mn, 56401



ANDERSON BROTHERS
11325 STATE HWY 210
BRANERD, MN
56401

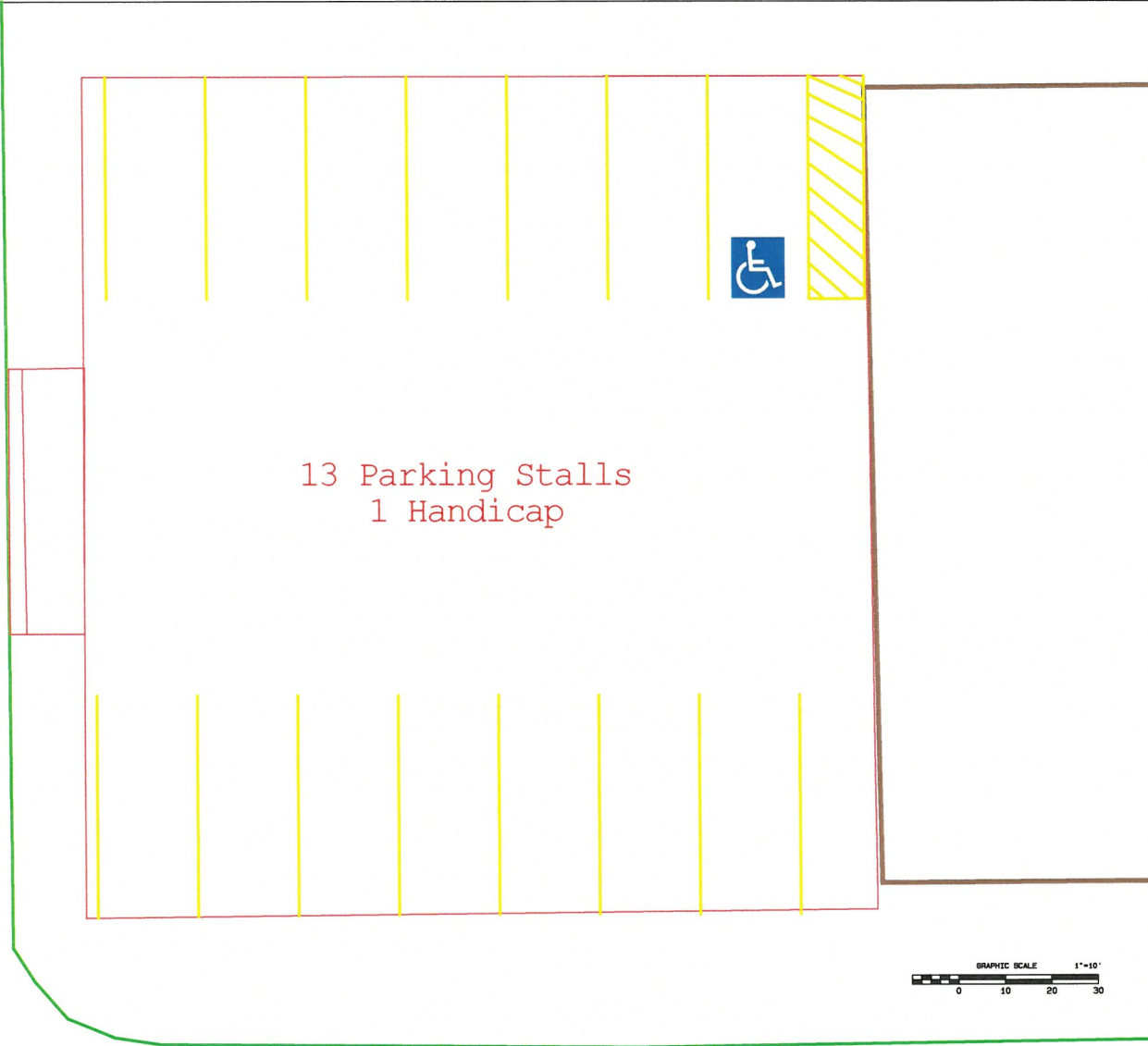


411 LAUREL ST,
BRAINERD, MN, 56401

SITE
PLAN

SHEET: 3
OF: 4

S 4th St



13 Parking Stalls
1 Handicap

GRAPHIC SCALE 1"=10'
0 10 20 30

Laurel St



ANDERSON BROTHERS
11325 STATE HWY 210
BRANERD, MN
56401

411 LAUREL ST,
BRANERD, MN, 56401

STRIPING
PLAN

SHEET: 4
OF: 4

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Emily Fairbanks on behalf of HIT LLC has submitted a variance request for 411 Laurel Street, Brainerd, MN 56401. This property is located in the TC (Town Central) Zoning District. The purpose of this request is to expand the entrance to the parking lot with a 40' distance to the intersection to allow for incoming and outgoing traffic. The Brainerd Zoning Code requires that driveway entrances be placed 60' from intersections.

The property included in this application is described as:

PID 41241413

TOWN OF BRAINERD FIRST ADDITION LOTS 22 THRU 24 INCLUSIVE BLOCK 47

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

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, April 15th, 2026 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request.

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

Dated this 1st day of April, 2026



James Kramvik
Community Development Director

Publication Date: April 4th, 2026

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: April 15th, 2026

RE: Shoreland Ordinance

INTRODUCTION

INTRODUCTION

The Planning Commission directed staff to work with the MN DNR to investigate if lot widths and sizes are negotiable for non-riparian sewered lots in the Traditional Neighborhood and Contemporary Neighborhood Zoning Districts. The current DNR standard for lot widths and sizes are not consistent with the Brainerd Zoning Code or the City's historic development patterns. The MN DNR recommended that staff perform a survey of properties located in the shoreland district prior to making a request. In addition, staff also requested an impervious surface increase from 25% to 40%.

Staff prepared a final ordinance as directed by the Planning Commission with reduced lot widths and lot sizes with concessions in other areas of the Code. The letter to the DNR is attached to this agenda item. After review by the MN DNR, the DNR requested that in order to approve the reduced lot sizes and widths additional regulations would be necessary that would make a significant difference in overall water quality of the lake.

At the March 18th Planning Commission meeting, the Commission directed staff to further negotiate with the DNR. City staff and DNR staff agree on the following proposed higher standards and deviations.

PROPOSED DEVIATIONS

- 1) Allow for a combined 400 SQFT for patios, pools, and hot tubs in SIZ2 with an approved and implemented stormwater plan. (Section J.2 Appendix A)
- 2) Allow for reduced lot sizes and lot widths for GD Lakes for lots that are non-riparian and sewered in the Traditional Neighborhood and Contemporary Neighborhood Zoning Districts. (Sections H.I&J Appendix A)
- 3) Allow for increased impervious surface maximum requirements for lots that are non-riparian and sewered in the Traditional Neighborhood and Contemporary Neighborhood Zoning Districts. (Section H.R Appendix A)

- 4) Allow for 35' primary structures in residential districts. (Section H.5 Appendix A)
- 5) Allow for (1) guest cottage on a single-family lot that meet lot size requirements (Section J.3 Appendix A).
- 6) Allow for 35% open space for Planned Unit Developments. (Section J.5.b Appendix B)

PROPOSED HIGHER STANDARDS

- 1) Watercraft access ramps, approach roads, and access related parking areas require shoreland alteration permits and are permitted for private residential lots only on lakes without Public Accesses to help stop the spread of aquatic invasive species. (Section J.13 of Appendix A)
- 2) Prohibition on use of permeable pavement to exceed standards. (Sections J.2,3,12, and 13 Appendix A)
- 3) Requiring that a lot must be at least 100 feet from the OHWL to qualify as a non-riparian lot. (Section H Appendix A)
- 4) Riparian properties may exceed 15% impervious surface with an approved and implemented stormwater plan. (Section I.2 Appendix A)
- 5) Riparian properties may exceed 20% impervious surface with a no maintenance shoreline buffer. Impervious surface additions of 160 square feet or less per year are exempt. Reconstruction projects 400 SF or more per year on riparian properties exceeding 20% impervious surface also require a no maintenance shoreline buffer. (Section J.8 Appendix A)
- 6) Limit water orientated accessory structures in SIZ1 to 120 SQFT with a 20-foot setback. (Section J.5 Appendix A)
- 7) Enhanced riprap provisions. (Section J.9 Appendix A)
- 8) All guest cottages or guest quarters require a no maintenance buffer. (Section J.3.b Appendix A)

STAFF RECOMMENDATION

Staff recommend the Planning Commission review the draft ordinance and direct staff to hold a public hearing at the May 20th Planning Commission meeting.

**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).

Guest Cottage. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Guest Quarter. A structure located above a garage used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

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 and deleted language struck out 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.

Building Height. The vertical distance to be measured from the ~~average-lowest~~ grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on pitched or hip roof.

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 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

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. 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		
A	General Development Lakes (list here and designate on official Zoning map)	Rice Lake: 18-145 Gilbert Lake: 18-320 Unnamed Basin Lake: 18-537
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 4 U U Unnamed L lake: 18-535
Rivers and Streams		
D	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
E	Remote Rivers (list stream names here and show boundaries of district on official zoning map)	Whitley's Creek (M-100) <u>T45N R30W Sect 16,17</u>
F	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 – Buffalo Creek (M-098) <u>T44 R30W Sect 2,3,11</u>
G	All protected watercourses in the City of Brainerd indicated on the Official Protected Waters Inventory List for Crow Wing County, a copy of which is hereby adopted by reference. https://files.dnr.state.mn.us/waters/watermgmt_section/pwi/CROW_PWILIST.PDF	

H. **S Zoning District Dimensional Standards.** The following dimensional requirements shall apply to all shorelands of all public waters within the city. Lots must be at least 100 feet from the OHWL to qualify as a non-riparian lot.

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	Remote River
A Riparian Lot Size - Unsewered (minimum)						
Single Family	80,000 SF	40,000 SF	40,000 20,000 SF	(no minimum)	(no minimum)	(no minimum)
Duplex	120,000 SF	80,000 SF	40,000 SF	(no minimum)	(no minimum)	(no minimum)
Triplex	160,000 SF	120,000 SF	60,000 SF	(no minimum)	(no minimum)	(no minimum)
Quad	200,000 SF	160,000 SF	80,000 SF	(no minimum)	(no minimum)	(no minimum)
B Riparian Lot Frontage on All Roads and Water Frontage - Unsewered (minimum)						
Single Family	200'	150'	100'	200'	100'	300'
Duplex	300'	225'	180'	300'	150'	450'
Triplex	400'	300'	260'	400'	200'	600'
Quad	500'	375'	340'	500'	250'	750'
C Non-riparian Lot Size – Unsewered (minimum)						
Single Family	80,000 SF	40,000 SF	40,000 SF	(no minimum)	(no minimum)	(no minimum)
Duplex	160,000 SF	80,000 SF	80,000 SF	(no minimum)	(no minimum)	(no minimum)
Triplex	240,000 SF	120,000 SF	120,000 SF	(no minimum)	(no minimum)	(no minimum)
Quad	320,000 SF	160,000 SF	160,000 SF	(no minimum)	(no minimum)	(no minimum)
D Non-riparian Lot Frontage on All Roads and Water Frontage - Unsewered (minimum)						
Single Family	200'	150'	150'	200'	100'	300'
Duplex	400'	265'	265'	300'	150'	450'
Triplex	600'	375'	375'	400'	200'	600'
Quad	800'	490'	490'	500'	250'	750'
E Riparian Lot Size - Sewered (minimum)						
Single Family	40,000 SF	20,000 SF	15,000 SF	(no minimum)	(no minimum)	(no minimum)
Duplex	70,000 SF	35,000 SF	26,000 SF	(no minimum)	(no minimum)	(no minimum)
Triplex	100,000 SF	50,000 SF	38,000 SF	(no minimum)	(no minimum)	(no minimum)
Quad	130,000 SF	65,000 SF	49,000 SF	(no minimum)	(no minimum)	(no minimum)
F Riparian Lot Frontage on All Roads and Water Frontage - Sewered (minimum)						
Single Family	125'	75'	75'	200'	75'	300'
Duplex	225'	135'	135'	300'	115'	450'
Triplex	325'	195'	195'	400'	150'	600'
Quad	425'	255'	255'	500'	190'	750'
G Non-riparian Lot Size - Sewered (minimum)						
Single Family	20,000 SF	15,000 SF	10,000 SF	(no minimum)	(no minimum)	(no minimum)
Duplex	35,000 SF	26,000 SF	17,500 SF	(no minimum)	(no minimum)	(no minimum)
Triplex	52,000 SF	38,000 SF	25,000 SF	(no minimum)	(no minimum)	(no minimum)
Quad	65,000 SF	49,000 SF	32,500 SF	(no minimum)	(no minimum)	(no minimum)
H Non-riparian Lot Frontage on All Roads and Water Frontage - Sewered (minimum)						

	Single Family	125'	75'	75'	200'	75'	300'
	Duplex	220'	135'	135'	300'	115'	450'
	Triplex	315'	190'	190'	400'	150'	600'
	Quad	410'	245'	245'	500'	190'	750'
I	Non-riparian Lot Size - Sewered CN & TN Zoning Districts						
	Single Family	20,000 SF	15,000 SF	7,000 SF	(no minimum)	(no minimum)	(no minimum)
	Duplex	35,000 SF	26,000 SF	10,000 SF	(no minimum)	(no minimum)	(no minimum)
	Triplex	52,000 SF	38,000 SF	13,000 SF	(no minimum)	(no minimum)	(no minimum)
	Quad	65,000 SF	49,000 SF	16,000 SF	(no minimum)	(no minimum)	(no minimum)
J	Non-riparian Lot Frontage on All Roads and Water Frontage - Sewered CN & TN Zoning Districts (minimum)						
	Single Family	125'	75'	50'	200'	75'	300'
	Duplex	220'	135'	75'	300'	115'	450'
	Triplex	315'	190'	100'	400'	150'	600'
	Quad	410'	245'	125'	500'	190'	750'
K	Dwelling units per acre requirements in the underlying zoning district shall not apply to the Shoreland Overlay District.						
Building Setback Standards		Natural Environmental Lakes	Recreational Development Lakes	General Development Lakes	Forested Rivers	Tributary Streams	Remote River
Building setback from ordinary high-water mark (minimum)							
G	Unsewered Structures	150'	100'	75'	150'	100'	200'
	Sewered Structures	150'	75'	50'	100'	75'	100'
H	Front Yard Setback	Dimensional standards regulated by underlying zoning district.					
I	Side Yard Setback	Dimensional standards regulated by underlying zoning district.					
J	Rear Yard Setback	Dimensional standards regulated by underlying zoning district.					
Additional Structure Setbacks							
K	Top of Bluff (feet) (minimum)	30'					
L	Unplatted Cemetery (feet) (minimum)	50'					
M	Right-of-way line of federal, state, or county highway (feet) (minimum)	50'					
N	Right-of-way line of town road, public street, or other roads not classified	20'					
Sewage System Setback Standards from OHW (MINIMUM)							
O	Sewage systems setback	150'	75'	50'	100'	75'	150'
Other Standards							
P	Properties may exceed 20% impervious surface with an approved and implemented stormwater plan approved by the City Engineer.						
Q	Impervious Surface Coverage (maximum)	25%					
R	Impervious Surface Coverage (maximum) Non-riparian Sewered CN & TN Zoning Districts	40%					
S	All <u>primary</u> structures in residential districts height (feet) (maximum)	25-35'					

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. Impervious Surface Standards.

a. On riparian lots with total impervious surface coverage that exceeds 15%, a stormwater management plan shall be prepared by the applicant or their designated agent pursuant to the stormwater management plan design guide and worksheet provided by the Department and be submitted to the Department for approval prior to issuance of a permit and shall be effectively implemented subject to the following:

i. Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.

ii. The Department shall conduct an on-site inspection of stormwater management system to ensure compliance with the approved stormwater management plan.

iii. The Zoning Administrator shall have the discretion to determine whether an engineered stormwater plan is required. A determination by the Zoning Administrator that an engineered stormwater plan is necessary shall be made in writing on a form approved by the City Engineer for this purpose.

4-b. On lots with total impervious surface coverage that exceeds 20% a no maintenance shoreline buffer is required pursuant to the standards in the Vegetative Mitigation Section of this Code.

2.3. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, may not be placed within bluff impact zones.

3.4. 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.

4.5. 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.

5.6. High Water Elevations. Structures must be placed 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.

6.7. 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	Transition Rivers
Single residential	P	P	P	P	P	P
Duplex, triplex, quad residential	C	P	P	P	P	P
Guest Cottage	P	P	P	P	P	P
Commercial	C	P	P	C	P	C
Residential PUD	C	C	C	C	C	C
Water-dependent (Resorts are also Commercial PUDs)	C	C	C	C	C	C
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	C
Solar Power Facilities (principal land use)	C	C	C	C	C	C
Parks & historic sites	C	C	C	C	C	C
Public, semipublic	C	P	P	C	P	C
Industrial	N	C	C	C	C	N

Agricultural: cropland and pasture	P	P	P	P	P	P
Agricultural feedlots: New	N	N	N	N	N	N
Agricultural feedlots: Expansion or resumption of existing	C	C	C	C	C	C
Forest management	P	P	P	P	P	P
Forest land conversion	C	C	C	C	C	C
Extractive use	I	I	I	I	I	I
Mining of metallic minerals and peat	I	I	I	I	I	I

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. 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. One guest cottage ~~or guest quarter~~ may be allowed on lots meeting or exceeding the ~~duplex-single-family~~ lot area and width dimensions presented in this Code, provided the following standards are met:
 - i. For lots exceeding the minimum lot dimensions of ~~duplex-single family~~ lots, the guest cottage ~~or guest quarter~~ must be located within an area equal to the smallest ~~duplexsingle family~~-sized lot that could be created including the principal dwelling unit;
 - ii. ~~A guest cottage or guest quarter must not cover-exceed more than 700 square feet of landlivable area, surface and must not exceed 25 feet in height; and~~
 - iii. ~~A guest cottage must not exceed 15 feet in height.~~
 - ii-iv. ~~A guest quarter must not exceed 35 feet in height.~~
 - v. ~~A guest cottage or guest quarter must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.~~
 - vi. ~~All properties with a new guest cottage or guest quarter shall provide a no maintenance buffer in accordance with the Vegetative Mitigation Section of this Code.~~
 - iii-vii. ~~No more than one (1) guest cottage or guest quarter shall be allowed per single-family residential lot.~~
 - iv-viii. ~~Lots which contain a two-, three-, four- or multi-family dwellings shall not be allowed a guest cottage or guest quarter.~~
 - c. 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.
- 4. 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.
- 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".
- 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.

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

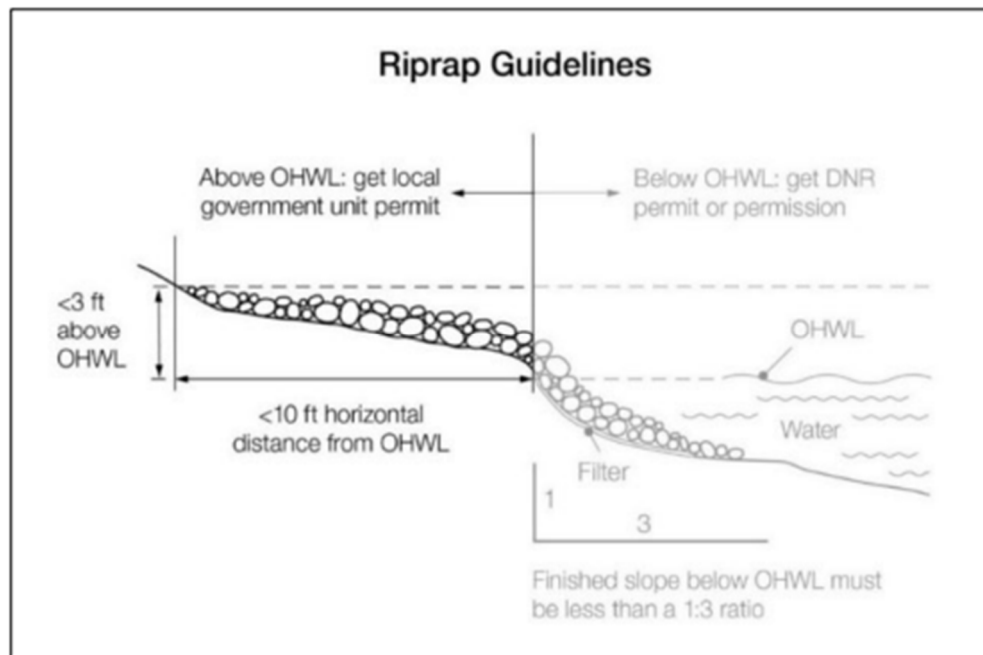
1. **Decks.** Construction of new decks shall require a shoreland alteration permit, building permit, and comply with the following standards:
 - a. Decks adjacent to dwellings shall meet structure setbacks in Table 515-2-22.1 of this Section.
 - b. A 4-foot walkway located beyond the minimum required 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.
 - d. *Setbacks of decks.* Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:
 - i. The structure existed on the date the structure setbacks were established;
 - ii. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - iii. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
 - iv. The deck is constructed primarily of wood or composite material, and is not roofed or screened.
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 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 stormwater management plan. ~~approved by the City Engineer;~~
 - e. The combined footprint of patios, swimming pools and hot tubs in SIZ 2 may not exceed 400 square feet;
 - f. Not be more than one foot above natural ground level.
 - g. Permeable pavers are considered impervious.

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. Permeable pavers are considered impervious.
 - 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 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 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. Vegetative Mitigation

- a. To protect water quality and safeguard sensitive areas, on-site vegetative mitigation may be required for:
 - i. A variance granted to the standards of this ordinance;
 - ii. Issuance of any conditional use permit or interim use permit where evaluation and assessment by the Planning Commission / Board of Adjustment determines the need for additional environmental protection;
 - b. A no maintenance shoreline buffer shall be required for the issuance of a permit on riparian lots that exceeds 20% total lot impervious coverage subject to the following regulations:
 - i. Vegetation shall be maintained at a minimum of 8 inches high.
 - ii. A no maintenance shoreline buffer shall constitute a minimum of 70% of the total shoreland width.
 - iii. The following widths shall be required for land located landward from the ordinary high watermark for no maintenance shoreline buffers:
 - a. General Development Lakes: 10 feet
 - b. Recreational Development Lakes: 15 feet
 - c. Natural Environmental Lakes: 20 feet
 - d. Tributary Streams: 10 feet
 - e. Forested Rivers & Remote Rivers: 20 feet
 - iii. This Section applies to reconstruction projects 400 SF or more in one year for riparian lots that exceed 20% total lot impervious coverage.
 - a. Reconstruction includes demolition and reconstruction of primary and accessory structures.
 - b. Reconstruction does not include new siding, re-roofing, replacement of deck boards, etc...
 - iv. Impervious surface additions of 160 square feet or less per year are exempt from this Section.
- 8.9. 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 and landward of the ordinary high water level with a permit in situations where bio-engineering practices (vegetation) are not feasible.
- k. Permit approval for rock riprap landward of the ordinary high water level shall require establishment of a no maintenance shoreline buffer pursuant to the standards in the Vegetative Mitigation Section of this Code.

9-10. **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 Regulations.

40.11. **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 200 feet 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.
 - h. Applications for all properties to move larger quantities of dirt for all public water classifications in SIZ2 shall be processed as conditional uses.
 - iii. **Wetland Fill.** No wetland fill shall be allowed in SIZ 2 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.
- e. **Upland Fill in the Rear Lot Zone (RLZ).** Dirt moving activities in the rear lot zone shall require shoreland alteration permits and meet the following standards and meet the following standards unless the activity is exempt in this Code:
 - i. For residential properties in the shoreland district: A maximum of 100 cubic yards of dirt moving may be permitted per calendar year.
 - ii. For commercial and industrial properties in the shoreland district the following standards shall apply:
 - a. General Development Lakes: 100 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.
 - b. Recreational Development Lakes: 100 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width.
 - c. Natural Environment Lakes: 100 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width.
 - d. Natural Environment – Special Shallow Lakes: 100 cubic yards of dirt moving may be permitted for each 250 feet of shoreline width.
 - e. Forested Rivers: 100 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.
 - f. Tributary Streams: 100 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width.
 - g. Total cubic yards of dirt moving in RLZ includes that placed as a sand blanket, if applicable.
 - h. Applications for all properties to move larger quantities of dirt for all public water classifications in RLZ shall be processed as conditional uses.
 - iii. **Wetland Fill.** No wetland fill shall be allowed in RLZ except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.
- f. **General Dirt Moving Standards.** All dirt moving activities shall comply with the following standards.
 - i. No more than one dirt moving permit shall be allowed on the same property in any three-year period. This limitation shall apply to each of the SIZ1, SIZ2 and RLZ areas separately.
 - ii. Soil used as fill shall be free of state-regulated contaminants.

- iii. Exposure of bare ground. Dirt moving must be designed to ensure that the smallest amount of bare ground is exposed for the shortest period of time.
 - iv. Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.
 - v. Permanent vegetative coverage shall be established within 21 days of the completion of construction, or when vegetation establishment is not possible, other protective measures such as erosion control fabric or mulch blankets shall be installed until permanent vegetation can be established.
 - 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.
- 44.12. 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.
- 42.13. 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 SIZ1, 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.
 - c. The maximum impervious surface limits for the lot shall not be exceeded. Permeable pavers are considered impervious.
- 43.14. 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 stormwater management provisions of this Code.
- f. The maximum impervious surface limits for the lot are not exceeded. Permeable pavers are considered impervious.

~~14.15.~~ **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.

~~15.16.~~ **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.

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)
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.
 - 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 st 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 st	50
2 nd	100
3 rd	200
4 th	200
5 th	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~~35 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.

Minnesota Department of Natural Resources – Ecological & Water Resources
1601 Minnesota Drive
Brainerd, MN 56401

April 9, 2026

James Kramvik
Community Development Director
501 Laurel Street
Brainerd, MN 56401

RE: Review of City of Brainerd's Revised Proposed Implementation Flexibility Requests

Dear James:

We have reviewed the City of Brainerd's revised requests on 3/30/2026 seeking implementation flexibility pursuant to Minnesota Rules 6120.2800 subp. 3. The revisions are the result of additional considerations made between DNR and City of Brainerd staff following feedback generated at the 3/18/2026 Planning Commission meeting. The DNR has 60 days from the date of receipt to approve or deny the request(s) pursuant to Minnesota Rule 6120.2800 subp. 3 D(1).

Summary of City's requests

As we understand, the city's specific revised requests appear to be the following:

- On non-riparian General Development lake lots within the sewered Contemporary Neighborhood (CN) and Traditional Neighborhood (TN) zoning districts, reduce lot sizes in the following ways:
 - Single family: from state minimum 10,000 sq. ft to a proposed 7,000 sq. ft
 - Duplex: from a state minimum 17,500 sq. ft to a proposed 10,000 sq. ft
 - Triplex: from a state minimum 25,000 sq. ft to a proposed 13,000 sq. ft
 - Quad: from a state minimum 32,500 sq. ft to a proposed 16,000 sq. ft
- On non-riparian General Development lake lots within the sewered Contemporary Neighborhood (CN) and Traditional Neighborhood (TN) zoning districts, reduce lot widths in the following ways:
 - Single family: from state minimum 75' to a proposed 50'
 - Duplex: from a state minimum 135' to a proposed 75'
 - Triplex: from a state minimum 190' to a proposed 100'
 - Quad: from a state minimum 245' to a proposed 125'
- On non-riparian General Development lake lots within the sewered Contemporary Neighborhood (CN) and Traditional Neighborhood (TN) zoning districts, increase impervious surface maximums in the following way:
 - From a state maximum 25% to a proposed 40% allowance.
- On all riparian lots within the Shoreland Overlay District:
 - Allow for a total combination of 400 sq. ft patio, pool, and/or hut tub in SIZ 2 where state minimum standards do not allow for structures to be anywhere within the structural setback

from the OHW of the particular shoreland classified lake or river (unless as a water-oriented accessory structure as defined by state shoreland rules).

- On all lots within the shoreland overlay district, allow guest cottages (max. 15 ft tall) and guest quarters (max. 35 ft tall) meeting the following provisions:
 - Must be located on existing lots of record that meet minimum size and width requirements for single-family lots. This exceeds minimum state rules requirements that guest cottages only be allowed on duplex-sized lots.
- Allow for 35' total height of structures in residential areas in the shoreland overlay district, where the state's maximum allowance is 25'.
- Allow for 35% open space for Planned Unit Developments within the shoreland overlay district where the state's minimum allowance is 50%.

In exchange, the City proposes to offset the above-mentioned deviations with higher standards in the following ways:

- Require an approved and implemented stormwater management for all patio/hot tub/pool permits >250 sq. ft in size located in SIZ 2.
- Require stormwater management plans to be submitted and implemented on all permits whose properties exceed 15% impervious surface coverage
- Only allow watercraft access ramps, approach roads, and access related parking areas (with a permit) on lakes without public access.
- Prohibit the use of permeable pavement to exceed local standards.
- Require that a lot must be at least 100 feet from the OHWL to qualify as non-riparian.
- Require no maintenance buffers on 70% of the width of shoreline lots to be implemented on all permits whose properties exceed 20% impervious surface coverage. The following projects will be exempt from the above requirement:
 - a. All permit requests totaling less than 160 sq. ft in size per-year.
 - b. Reconstructions of existing structures of less than 400 sq. ft in size per-year.
- Limit the size of water-oriented accessory structures to 120 sq. ft and minimum 20 ft from OHW.
- Enhance riprap standards consisting of the following:
 - a. Requiring that riprap may only be approved if both erosion is present and bioengineering practices are not feasible.
 - b. Requiring that any approved riprap must also include the establishment of a no-maintenance buffer pursuant to the Vegetative Mitigation section of the city's code.

Summary of DNR's Response

During review, we looked at two separate areas of consideration: (1) whether the specific areas of flexibility were warranted and reasonable, and (2) whether the specific off-setting higher standards being proposed were clear and offered high-enough degrees of environmental protection to fully offset proposed deviations. The DNR offers the following response and next steps regarding these two analyses:

- (1) Are the specific flexibility requests warranted and reasonable?
 - a. DNR RESPONSE: yes, all areas of flexibility requests are warranted and reasonable given the information the City provided about existing lot dimensions and impervious coverage and analysis of the extent of existing development.

- b. NEXT STEPS: Proceed with requesting implementation flexibility identified in the City's 3/30/2026 request letter.
- (2) Are the off-setting higher standards clear and offer a high enough degree of environmental protection to fully offset proposed deviations?

DNR RESPONSE: Yes. The City's proposed off-setting standards identify clear implementation strategies for increasing the amount of natural shorelines in the City, which are a priority for improving water quality in the State of Minnesota. Property conditions closest to the water greatly influence water quality and are the first and last defense to protect lake quality.

- c. NEXT STEPS: Plan to receive formal recommendation for approval from the Planning Commission and make any final language adjustments. After making those adjustments, please send to me for additional review. If all looks good, we can provide a formal conditional approval letter so that the City can proceed with formal approval processes. We look forward to continuing to work with the City of Brainerd as it works towards our shared goals of establishing reasonable standards that both accommodate future development all while protecting the City's shoreland area.

Sincerely,

Jacob Frie
Area Hydrologist
MN DNR – Division of Ecological and Water Resources

CC:

Darrin Hoverson, DNR District Manager
Ordinance.review.dnr@state.mn.us

To: Jacob Frie, Area Hydrologist, Minnesota DNR
From: City of Brainerd
Date: March 30, 2026
Re: Request for Implementation Flexibility – Brainerd Shoreland Ordinance

Mr. Frie,

In preparation of the City of Brainerd's draft shoreland overlay zoning ordinance being sent to the DNR for final review, this correspondence is intended to document the City's request for implementation flexibility in accordance with Minnesota Rules 6120.2800 Subp. 3. Flexibility from the State's shoreland rule provisions are requested due to unique characteristics of land in Brainerd that abuts public water bodies.

The shoreland areas are primarily along three public water bodies in Brainerd (Rice Lake, Gilber Lake, and the Mississippi River) and are nearly fully developed. Allowing flexibility for development and redevelopment along the shoreland, specifically in the Traditional and Contemporary Neighborhood Zoning Districts, will result in new restoration efforts, improved management of stormwater runoff, and enhanced stewardship of the lakes. The City is specifically requesting an increase impervious surface maximum requirements and reduced lot dimensional standards for non-riparian sewer lots in the subject zoning districts. Details containing all the requested special standards/flexibility are contained in an accompanying attachment. The attachment also includes offsetting/higher standards in exchange for the requested flexibility.

The City looks forward to continue working with the DNR on establishing reasonable standards that both accommodate future development and protects Brainerd's shoreland. Please contact me if you have any questions 218-454-3408.

Thank you,

James L. Kramvik

Community Development Director

PROPOSED HIGHER STANDARDS

Watercraft access ramps, approach roads, and access related parking areas require shoreland alteration permits and are permitted for private residential lots only on lakes without Public Accesses to help stop the spread of aquatic invasive species. (Section J.13 of Appendix A)

Prohibition on use of permeable pavement to exceed standards. (Sections J.2,3,12, and 13 Appendix A)

Requiring that a lot must be at least 100 feet from the OHWL to qualify as a non-riparian lot. (Section H Appendix A)

Riparian properties may exceed 15% impervious surface with an approved and implemented stormwater plan. (Section I.2 Appendix A)

Riparian properties may exceed 20% impervious surface with a no maintenance shoreline buffer. Impervious surface additions of 160 square feet or less per year are exempt. Reconstruction projects 400 SF or more per year on riparian properties exceeding 20% impervious surface also require a no maintenance shoreline buffer. (Section J.8 Appendix A)

Limit water orientated accessory structures in SIZ1 to 120 SQFT with a 20 foot setback. (Section J.5 Appendix A)

Enhanced riprap provisions. (Section J.9 Appendix A)

All guest cottages or guest quarters require a no maintenance buffer. (Section J.3.b Appendix A)

PROPOSED DEVIATIONS

Allow for a combined 400 SQFT for patios, pools, and hot tubs in SIZ2 with an approved and implemented stormwater plan. (Section J.2 Appendix A)

Allow for reduced lot sizes and lot widths for GD Lakes for lots that are non-riparian and sewered in the Traditional Neighborhood and Contemporary Neighborhood Zoning Districts. (Sections H.I&J Appendix A)

Allow for increased impervious surface maximum requirements for lots that are non-riparian and sewered in the Traditional Neighborhood and Contemporary Neighborhood Zoning Districts. (Section H.R Appendix A)

Allow for 35' primary structures in residential districts. (Section H.S Appendix A)

Allow for (1) guest cottage on a single family lots on lots that meet lot size requirements (Section J.3 Appendix A).

Allow for 35% open space for Planned Unit Developments. (Section J.5.b Appendix B)

STATISTICAL ANALYSIS

Staff reviewed one hundred twenty-one properties located in northeast Brainerd that are non-riparian sewerage lots located in the Rice Lake Shoreland Overlay District. Rice Lake is considered a General Development Lake, which means any property located within 1,000 FT of the ordinary high-water level is in the shoreland overlay district and is subject to additional requirements.

properties statistics:

Lot frontage (mean) - 77.94 FT

Lot frontage (mode) - 50 FT (52 properties)

Lot area (mean) - 12,128.82 SF

Lot area (mode) - 6,500 SF – 7,500 SF (59 Properties)

Impervious surface (mean) - 3196.51 SF

Impervious surface % (mean) - 31.48%

Properties Exceeding 40% - 20 Properties