

CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, June 20, 2022 @ 7:30pm

The public is invited to attend these meetings in person

Attend by phone **City Council**: 1-844-992-4726 Meeting Access Code: 2482 583 8378

Attend by phone: **Personnel and Finance Committee 6:45 PM**: 1-844-992-4726 Meeting
Access Code: 2490 666 8819

Attend by phone **Safety and Public Works Committee 7:00 PM**: 1-844-992-4726 Meeting
Access Code: 2495 324 8301

Meeting is also streamed live on YouTube: www.youtube.com/CityOfBrainerdMN

1. Call To Order - 7:30pm

2. Roll Call

____ T. Erickson ____ M. O'Day ____ K. Stunek ____ G. Johnson
____ D. Pritschet ____ T. Stenglein ____ K. Bevans ____ Mayor
Badeaux

3. Pledge Of Allegiance

4. Approval Of Agenda - Voice Vote

5. Consent Calendar

NOTICE TO PUBLIC - all matters listed are considered routine by the Council and will all be enacted by one (1) motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to be ADOPTED BY ROLL CALL

A. **Approval Of Bills**

Documents:

MAY 2022 PREPAID INVOICE REGISTER.pdf
062022 COUNCIL AP INV REGISTER.pdf

B. **Approval Of Minutes**

Documents:

2022-06-06 CC Draft.pdf

C. Approval Of Licenses

Contractor Licenses- 7

Documents:

20220620 Contractor Licenses.pdf

D. Department Activity Reports

Police Chief

Finance Director

IT/GIS Director

Community Development Director

Documents:

Council Dept Report IT 2022-05 20220620.pdf

2022-05 PD Monthly Report.pdf

CDD Report - June 2022.pdf

E. Ratify The Promotion Of David Nelson To The Water Service Worker Position

Documents:

Consent - Ratify the Promotion of David Nelson to Water Service Worker Position.pdf

6. Community Member Of The Month

Emily Rolfson & Meta Mandich

Documents:

Community Member of the Month.pdf

7. Council Committee Reports

A. Personnel And Finance Committee 6:45 PM

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726 Access Code: 2490 666 8819

Documents:

6-20 PF Agenda.pdf

1. Consider Cable Channel Agreement With CLC

Documents:

PEG Channel Agreement.pdf

2. Consider Shared Services Agreement With Crow Wing County

Documents:

PF - CWC Agreement Agenda Request.pdf

3. Consider Declaring Lakes Area Music Festival Annual Event A Community Festival

Documents:

PF - LAMF Temp Lic Request.pdf

4. Consider Request For ARPA Funds For EDA

Documents:

PF - ARPA Request.pdf

5. Discussion On Use Of ARPA Funds For Public Works Projects

Documents:

ARPA Funds Discussion.pdf

6. Update On Request For Funds To Be Returned From Lakes Area Media Collaborative

Documents:

Update on LAMC.pdf

B. Safety And Public Works Committee 7:00 PM

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726 Access Code: 2495 324 8301

Documents:

6-20 SPW Agenda.pdf

1. Approve Agreement Amendment For Improvement 19-02 - Cuyuna Lakes State Trail Road And Parking Lot Improvements

Documents:

Imp 19-02 Agreement Amendment.pdf

2. Approve Change Order 1 For Improvement 19-02 - Cuyuna Lakes State Trail NP Center Segment

Documents:

Imp 19-02 Change Order 1.pdf

3. Approve Cooperative Construction Agreement With The State Of Minnesota For The Highway 25 Bridge Project - SP 1811-35 (TH 25=018)

Documents:

MnDOT Cooperative Construction Agreement.pdf

4. Resolution - Authorizing An Agreement With The State Of Minnesota To Provide Public Transportation Services In The Year 2023

Documents:

SPW - Transit Agenda Request.pdf

8. Unfinished Business

A. Final Reading Proposed Ordinance 1532- An Ordinance Amending Brainerd City Charter

Hold/Dispense with the Final Reading

Public Hearing

Approval/Denial of Ord 1532

Documents:

MA - Charter Ordinance 1532.pdf

B. Final Reading Proposed Ordinance 1533- An Ordinance Amending Brainerd City Charter

Hold/Dispense with Final Reading

Public Hearing

Approval/Denial of Ord 1533

Documents:

MA - Charter Ordinance 1533.pdf

C. Call For Applicants - Informational

(Application Information at www.ci.brainerd.mn.us/boards/)

Mayor Recommended: (terms to expire on 12/31 of said year)

Cable TV Advisory Committee – 2 terms (Expire 2022) 1 term (Expire 2024)

Charter Commission – 1 term (Expire 2022) 1 term (Expire 2025)

Rental Dwelling License Board of Appeals – 2 terms (Expire 2022)

Mayor Recommended: (terms to expire 09/07 of said year)

Economic Development Authority (EDA) – 1 term (Expire 2022) 1 term (Expire 2026)

Council President Recommended: (terms to expire 12/31 of said year)

Planning Commission—1 term (Expire 2023)

Ad Hoc Committees – Applicants Needed

Water Tower Fundraising Committee – 1 position

9. New Business

A. Consideration Of Variance From Setback Standards - 521 N 9th St.

Documents:

MA - Variance - 521 N 9th St.pdf

B. Consideration Of Variance From Setback Standards - 704 Norwood St.

Documents:

MA - Variance - 704 Norwood St.pdf

C. First Reading- Interim Ordinance 1534- Instituting A Moratorium On On The Conversion Of Dwellings To Green Space Or Surface Parking In The R-1 Zone

Documents:

MA -ORD 1534 - Residential Demolition.pdf

D. First Reading - Proposed Ordinance No. 1535 - Amending City

Code Section 515: Zoning Code And The Official Zoning Map

Documents:

MA - ORD 1535 - Amending Section 515.pdf

10. **Public Forum**

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

11. **Staff Reports**

(Verbal: Any Updates since Packet)

12. **Mayor's Report**

13. **Council Member Reports**

14. **Adjourn To City Council And Public Utilities Commission Joint Workshop On Monday, June 27, 2022 At 5:00 P.m.**

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"

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 05/01/2022 - 05/31/2022

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
MAR 22/LIB 71081	BRAINERD PUBLIC UTILITIES 2/24/22-3/24/22 LIBRARY UTILITIES 211-5500-43381	04/01/2022 pziemer	05/04/2022	1,217.95 1,217.95	0.00	Paid	Y 05/04/2022
MAR 22/PD 71082	BRAINERD PUBLIC UTILITIES 2/24/22-3/24/22 POLICE DEPT UTILITIES 225-2120-43381	04/01/2022 pziemer	05/04/2022	4,174.53 4,174.53	0.00	Paid	Y 05/04/2022
MAR 22/CITY 71083	BRAINERD PUBLIC UTILITIES 2/24/22-3/24/22 CITY UTILITIES 101-1940-43381 101-1940-43381 101-9200-43381 101-9200-43381 236-3180-43381 401-1003-43380	04/01/2022 pziemer	05/04/2022	1,457.23 1,088.97 206.65 24.61 36.66 36.00 64.34	0.00	Paid	Y 05/04/2022
MAR 22/FD 71084	BRAINERD PUBLIC UTILITIES 2/24/22-3/24/22 FIRE DEPT UTILITIES 225-2220-43381	04/01/2022 pziemer	05/04/2022	2,591.68 2,591.68	0.00	Paid	Y 05/04/2022
MAR 22/PARKS 71085	BRAINERD PUBLIC UTILITIES 2/24/22-3/24/22 PARKS UTILITIES 230-5200-43381	04/01/2022 pziemer	05/04/2022	3,154.76 3,154.76	0.00	Paid	Y 05/04/2022
4/27/22 71181	BRAINERD PUBLIC UTILITIES APRIL 2022 COBRA REMITTANCE 101-0000-22800	04/27/2022 pziemer	05/04/2022	1,325.92 1,325.92	0.00	Paid	Y 05/04/2022
8000092166-0/4/22-CH 71317	CENTERPOINT ENERGY 3/17/22-4/14/22 CITY HALL UTILITIES 101-1940-43380	04/22/2022 pziemer	05/06/2022	462.44 462.44	0.00	Paid	Y 05/06/2022
8000092166-0/4/22-ST 71318	CENTERPOINT ENERGY 3/17/22-4/14/22 STREET DEPT UTILITIES 235-3100-43380	04/23/2022 pziemer	05/06/2022	914.03 914.03	0.00	Paid	Y 05/06/2022
8000092166-0/4-22-FD 71319	CENTERPOINT ENERGY 3/17/22-4/14/22 FIRE DEPT UTILITIES 225-2220-43380 225-2220-43380	04/23/2022 pziemer	05/06/2022	527.83 327.65 200.18	0.00	Paid	Y 05/06/2022

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
8000092166-0/4-22 PD 71320	CENTERPOINT ENERGY 3/17/22-4/14/22 POLICE DEPT UTILITIES 225-2120-43380	04/22/2022 pziemer	05/06/2022	130.05 130.05	0.00	Paid	Y 05/06/2022
8000092166-0/4-22 AX 71321	CENTERPOINT ENERGY 3/17/22-4/14/22 ANNEX UTILITIES 101-1940-43380	04/23/2022 pziemer	05/06/2022	334.94 334.94	0.00	Paid	Y 05/06/2022
8000092166-0/4-22 LB 71322	CENTERPOINT ENERGY 3/17/22-4/14/22 LIBRARY UTILITIES 211-5500-43380	04/23/2022 pziemer	05/06/2022	761.50 761.50	0.00	Paid	Y 05/06/2022
8000092166-0/4-22 PK 71323	CENTERPOINT ENERGY 3/17/22-4/14/22 PARKS UTILITIES 230-5200-43380	04/23/2022 pziemer	05/06/2022	219.30 219.30	0.00	Paid	Y 05/06/2022
21043682/IT 71467	CONSOLIDATED TELEPHONE CO CTC PHONE SERVICE IT 5/12/22-6/11/22 101-1800-43321	05/12/2022 pziemer	05/18/2022	1,110.43 1,110.43	0.00	Paid	Y 05/18/2022
21043682/ADMIN 71468	CONSOLIDATED TELEPHONE CO 5/12/22-6/11/22 ADM PHONE SERVICE 101-1400-43321	05/12/2022 pziemer	05/18/2022	3.30 3.30	0.00	Paid	Y 05/18/2022
21043682/TRANSIT 71469	CONSOLIDATED TELEPHONE CO 5/12/22-6/11/22 TRANSIT PHONE/INTERNET 203-9000-43321	05/12/2022 pziemer	05/18/2022	8.43 8.43	0.00	Paid	Y 05/18/2022
21043682/PD 71470	CONSOLIDATED TELEPHONE CO 5/12/22-6/11/22 POLICE DEPT PHONE/INT 225-2120-43321 225-2120-43309	05/12/2022 pziemer	05/18/2022	128.30 109.55 18.75	0.00	Paid	Y 05/18/2022
21043682/STREETS 71471	CONSOLIDATED TELEPHONE CO 5/12/22-6/11/22 STREET PHONE/INTERNET 235-3100-43321	05/12/2022 pziemer	05/18/2022	49.06 49.06	0.00	Paid	Y 05/18/2022
21043682/PARKS 71472	CONSOLIDATED TELEPHONE CO 5/12/22-6/11/22 PARKS PHONE/INTERNET 230-5200-43321	05/12/2022 pziemer	05/18/2022	49.08 49.08	0.00	Paid	Y 05/18/2022

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21043682/ENG 71473	CONSOLIDATED TELEPHONE CO 5/12/22-6/11/22 ENG PHONE/INTERNET 101-1700-43321	05/12/2022 pziemer	05/18/2022	0.73 0.73	0.00	Paid	Y 05/18/2022
21043682/CD 71474	CONSOLIDATED TELEPHONE CO 5/12/22-6/11/22 COM DEV PHONES/INTERP 101-2400-43321 101-2400-43321 101-1940-43321	05/12/2022 pziemer	05/18/2022	59.67 6.03 0.48 53.16	0.00	Paid	Y 05/18/2022
21043682/FD 71479	CONSOLIDATED TELEPHONE CO 5/12/22-6/11/22 FIRE DEPT PHONE/INTERP 225-2220-43321	05/12/2022 pziemer	05/18/2022	68.75 68.75	0.00	Paid	Y 05/18/2022
22 - DEFERMENT ADDTL 71249	CWC RECORDER 41250875 - STEGORA 2022 DEFERMENT 101-9200-43350	05/03/2022 pziemer	05/03/2022	46.00 46.00	0.00	Paid	Y 05/03/2022
9904846017/HR 71314	VERIZON WIRELESS HR PHONE 3/24-4/23 101-1400-43321	04/23/2022 pziemer	05/06/2022	46.21 46.21	0.00	Paid	Y 05/06/2022
9904846017/PARKS 71315	VERIZON WIRELESS PARKS PHONE 3/24-4/23 230-5200-43321	04/23/2022 pziemer	05/06/2022	86.22 86.22	0.00	Paid	Y 05/06/2022

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
# of Invoices:	25	# Due:	0	Totals:	18,928.34	0.00	
# of Credit Memos:	0	# Due:	0	Totals:	0.00	0.00	
Net of Invoices and Credit Memos:					18,928.34	0.00	

--- TOTALS BY GL DISTRIBUTION ---

101-0000-22800	OTHER LIABILITIES	1,325.92
101-1400-43321	TELEPHONE	49.51
101-1700-43321	TELEPHONE	0.73
101-1800-43321	TELEPHONE	1,110.43
101-1940-43321	TELEPHONE	53.16
101-1940-43380	UTILITIES	797.38
101-1940-43381	BPU UTILITIES	1,295.62
101-2400-43321	TELEPHONE	6.51
101-9200-43350	LEGAL PUBLICATIONS	46.00
101-9200-43381	BPU UTILITIES	61.27
203-9000-43321	TELEPHONE	8.43
211-5500-43380	UTILITIES	761.50
211-5500-43381	BPU UTILITIES	1,217.95
225-2120-43309	COMPUTER TECHNICAL SUPPORT	18.75
225-2120-43321	TELEPHONE	109.55
225-2120-43380	UTILITIES	130.05
225-2120-43381	BPU UTILITIES	4,174.53
225-2220-43321	TELEPHONE	68.75
225-2220-43380	UTILITIES	527.83
225-2220-43381	BPU UTILITIES	2,591.68
230-5200-43321	TELEPHONE	135.30
230-5200-43380	UTILITIES	219.30
230-5200-43381	BPU UTILITIES	3,154.76
235-3100-43321	TELEPHONE	49.06
235-3100-43380	UTILITIES	914.03
236-3180-43381	BPU UTILITIES	36.00
401-1003-43380	UTILITIES	64.34

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Inv Ref#	Description	Entered By					Post Date
GL Distribution							
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			4,746.53	0.00		
	203 - TRANSIT FUND			8.43	0.00		
	211 - LIBRARY FUND			1,979.45	0.00		
	225 - PUBLIC SAFETY FUND			7,621.14	0.00		
	230 - PARK & RECREATION FUND			3,509.36	0.00		
	235 - STREET & SEWER FUND			963.09	0.00		
	236 - PARKING LOT FUND			36.00	0.00		
	401 - CONSTRUCTION FUND			64.34	0.00		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			1,325.92	0.00		
	1003 - 10:03 DWNTWN MAIN CNTRACT			64.34	0.00		
	1400 - ADMINISTRATION			49.51	0.00		
	1700 - ENGINEERING			0.73	0.00		
	1800 - IT/GIS			1,110.43	0.00		
	1940 - CITY HALL			2,146.16	0.00		
	2120 - POLICE DEPARTMENT			4,432.88	0.00		
	2220 - FIRE DEPARTMENT			3,188.26	0.00		
	2400 - COMMUNITY DEVL/INSPECTION			6.51	0.00		
	3100 - S & S MAINTENANCE			963.09	0.00		
	3180 - PARKING LOTS EXPENSE			36.00	0.00		
	5200 - PARK MAIN/ADMINISTRATION			3,509.36	0.00		
	5500 - LIBRARY-BUDGETED			1,979.45	0.00		
	9000 - TRANSIT FUND			8.43	0.00		
	9200 - CITY-WIDE			107.27	0.00		

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306548 71840	ACE HARDWARE EXPANDING FOAM 237-3190-42220	06/06/2022 pziemer REPAIR & MAINT	06/22/2022	21.57 21.57	21.57	Open	N 06/22/2022
306567 71844	ACE HARDWARE 200' TAPE MEASURE 237-3190-42220	06/06/2022 pziemer REPAIR & MAINT	06/22/2022	31.49 31.49	31.49	Open	N 06/22/2022
306576 71848	ACE HARDWARE TWO STROKE OIL 235-3100-42220	06/07/2022 pziemer REPAIR & MAINT	06/22/2022	48.54 48.54	48.54	Open	N 06/22/2022
306500 71875	ACE HARDWARE CHAIN PASS 2/0 ZNC 50' MILLS FIELD 230-5200-42221	06/03/2022 pziemer R&M-ATHLETIC FIELD MAINT	06/22/2022	37.66 37.66	37.66	Open	N 06/22/2022
306577 71876	ACE HARDWARE SINGLE CUT KEY, 5 GALLON GAS CAN 230-5200-42220	06/07/2022 pziemer REPAIR & MAINT	06/22/2022	65.89 65.89	65.89	Open	N 06/22/2022
306622 71877	ACE HARDWARE PICK-UP TOOL 36" X2 230-5200-42220	06/08/2022 pziemer REPAIR & MAINT	06/22/2022	48.58 48.58	48.58	Open	N 06/22/2022
306666 71880	ACE HARDWARE MULCH - DOWNTOWN PLANTERS 401-1003-43430	06/09/2022 pziemer MISCELLANEOUS	06/22/2022	15.96 15.96	15.96	Open	N 06/22/2022
306693 71891	ACE HARDWARE VACTOR DRAIN PLUG REROUTE HARDWARE 237-3190-42220	06/09/2022 pziemer REPAIR & MAINT	06/22/2022	13.00 13.00	13.00	Open	N 06/22/2022
306676 71910	ACE HARDWARE PAPER TOWELS 225-2220-42210	06/09/2022 pziemer OPERATING SUPPLIES	06/22/2022	8.99 8.99	8.99	Open	N 06/22/2022
306687 71921	ACE HARDWARE MULCH FOR DOWNTOWN PLANTS 401-1003-43430	06/09/2022 pziemer MISCELLANEOUS	06/22/2022	3.99 3.99	3.99	Open	N 06/22/2022

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306710 71922	ACE HARDWARE GRASS SEED - STREET DEPT 235-3100-42220	06/10/2022 pziemer	06/22/2022	161.98 161.98	161.98	Open	N 06/22/2022
306554 71923	ACE HARDWARE GGP FOUNTAIN - PVC PLUG 230-5200-42220	06/06/2022 pziemer	06/22/2022	3.59 3.59	3.59	Open	N 06/22/2022
306657 71965	ACE HARDWARE KWP - WATER LINE REPAIR 230-5200-42220	06/09/2022 pziemer	06/22/2022	14.79 14.79	14.79	Open	N 06/22/2022
306668 71966	ACE HARDWARE SNAP SPRING FOR BATTING CAGE NETS 230-5200-42221	06/09/2022 pziemer	06/22/2022	10.77 10.77	10.77	Open	N 06/22/2022
306813 71970	ACE HARDWARE STREET GARAGE AIR FILTERS/SLEDGE HAMMER 235-3100-42220	06/14/2022 pziemer	06/22/2022	88.41 88.41	88.41	Open	N 06/22/2022
306757 71989	ACE HARDWARE CREDIT - RETURN PICK-UP TOOL 230-5200-42220	06/13/2022 pziemer	06/22/2022	(24.29) (24.29)	(24.29)	Open	N 06/22/2022
K06723 71990	ACE HARDWARE MMP - LED BULBS 230-5200-42220	06/10/2022 pziemer	06/22/2022	26.98 26.98	26.98	Open	N 06/22/2022
10001472194-01 71917	ACTIVE NETWORK, LLC SOFTWARE USAGE FEE -3RD QTR 2020 230-5200-43309	05/01/2022 pziemer	06/22/2022	1,000.00 1,000.00	1,000.00	Open	N 06/22/2022
1000147492 71918	ACTIVE NETWORK, LLC SOFTWARE USAGE FEE 1ST QTR 2021 230-5200-43309	05/01/2022 pziemer	06/22/2022	1,000.00 1,000.00	1,000.00	Open	N 06/22/2022
1000147493 71919	ACTIVE NETWORK, LLC SOFTWARE USAGE FEE 2ND QTR 2021 230-5200-43309	05/01/2022 pziemer	06/22/2022	1,000.00 1,000.00	1,000.00	Open	N 06/22/2022

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1000147494 71920	ACTIVE NETWORK, LLC SOFTWARE USAGE FEE 3RD QTR 2021 230-5200-43309	05/01/2022 pziemer	06/22/2022	1,000.00 1,000.00	1,000.00	Open	N 06/22/2022
6574215287706 71861	ADVANCE AUTO PARTS OIL FILTER AND COOLANT FOR CITY HALL 101-1940-42220	06/01/2022 pziemer	06/22/2022	23.59 23.59	23.59	Open	N 06/22/2022
6574216488040 71906	ADVANCE AUTO PARTS TRUCKS 8 & 9 CABIN AIR FILTERS 235-3100-42220	06/13/2022 pziemer	06/22/2022	24.48 24.48	24.48	Open	N 06/22/2022
657421688040 71907	ADVANCE AUTO PARTS TRUCKS 8 & 9 CABIN AIR FILTERS 235-3100-42220	06/13/2022 pziemer	06/22/2022	0.00 24.48	0.00	Void	N 06/22/2022
6574216488041 71980	ADVANCE AUTO PARTS TRACTOR 110 CABIN AIR FILTER 235-3100-42220	06/13/2022 pziemer	06/22/2022	12.24 12.24	12.24	Open	N 06/22/2022
6574216688121 71982	ADVANCE AUTO PARTS TRACTOR 110 MOWER BELTS 235-3100-42220	06/15/2022 pziemer	06/22/2022	60.04 60.04	60.04	Open	N 06/22/2022
5/26/22 72004	ALL FRIED UP SPLASH PAD GRAND OPENING 400-9050-45510-21:30	05/26/2022 pziemer	06/22/2022	137.00 137.00	137.00	Open	N 06/22/2022
110014 71926	AMERICAN STEEL SUPPLY INC CAMPGROUND FIRE PIT RING 230-5280-42220	05/26/2022 pziemer	06/22/2022	391.96 391.96	391.96	Open	N 06/22/2022
2530012719 71825	ARAMARK UNIFORM SERVICES RUGS AND OVERALLS 235-3100-43430	06/02/2022 pziemer	06/22/2022	81.70 81.70	81.70	Open	N 06/22/2022
2530015259 71905	ARAMARK UNIFORM SERVICES RUGS AND OVERALLS 235-3100-43430	06/09/2022 pziemer	06/22/2022	113.53 113.53	113.53	Open	N 06/22/2022

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INUS075668 71862	AXON ENTERPRISE, INC. UNIFORM BELT CLIPS 225-2120-41113	05/26/2022 pziemer	06/22/2022	125.20 125.20	125.20	Open	N 06/22/2022
P52134424 71863	BATTERIES PLUS BATTERIES 225-2120-42210	06/06/2022 pziemer	06/22/2022	51.72 51.72	51.72	Open	N 06/22/2022
52022 71883	BLUE SKY TRANSIT MAY 2022 THIRD PARTY SERVICES 203-9000-42212 203-9000-43401 203-9000-43440	05/31/2022 pziemer	06/22/2022	96,731.72 6,248.62 982.54 89,500.56	96,731.72	Open	N 06/22/2022
6/15/22 71999	BOSER, BRITTNEY REIMB MILEAGE - REGION 5 HUMAN RESOU 101-1400-43330	06/15/2022 pziemer	06/22/2022	33.58 33.58	33.58	Open	N 06/22/2022
0000000038 71892	BRAINERD FAMILY YMCA 2ND QTR 2022 PARKS & REC PROGRAMMING 230-5200-43300	06/01/2022 pziemer	06/22/2022	2,500.00 2,500.00	2,500.00	Open	N 06/22/2022
7549 71827	BRAINERD LAKES SEWER, LLC MAY 2022 RENTAL - MMP FIELD/ROTARY P 230-5200-43410 230-5215-42210	05/31/2022 pziemer	06/22/2022	360.00 230.00 130.00	360.00	Open	N 06/22/2022
46841 71864	BRAINERD MEDICAL SUPPLY FIRST AID SUPPLIES 225-2120-42209	06/03/2022 pziemer	06/22/2022	17.85 17.85	17.85	Open	N 06/22/2022
125628 71987	BRAINERD PIPE SUPPLY PIPES AND SUPPLIES 238-3160-42220	06/07/2022 pziemer	06/22/2022	1,616.56 1,616.56	1,616.56	Open	N 06/22/2022
MAR 22/STREETS 71909	BRAINERD PUBLIC UTILITIES 2/24/22 - 3/24/22 STREET DEPT UTILIT 235-3100-43381	05/01/2022 pziemer	06/22/2022	24,179.48 24,179.48	24,179.48	Open	N 06/22/2022
MAY 22/STREETS 71911	BRAINERD PUBLIC UTILITIES 4/24/22 - 5/24/22 STREET DEPT UTILIT 235-3100-43381	05/27/2022 pziemer	06/22/2022	24,053.19 24,053.19	24,053.19	Open	N 06/22/2022

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MAY 22/LIBRARY							
71912	BRAINERD PUBLIC UTILITIES	05/27/2022	06/22/2022	1,600.48	1,600.48	Open	N
	4/24/22 - 5/24/22 LIBRARY UTILITIES pziemer						06/22/2022
	211-5500-43361 INS - GENERAL LIABILITY			1,600.48			
MAY 22/FIRE							
71913	BRAINERD PUBLIC UTILITIES	05/27/2022	06/22/2022	1,775.55	1,775.55	Open	N
	4/24/22 - 5/24/22 FIRE DEPT UTILITIES pziemer						06/22/2022
	225-2220-43381 BPU UTILITIES			1,775.55			
MAY 22/POLICE							
71914	BRAINERD PUBLIC UTILITIES	05/27/2022	06/22/2022	3,935.91	3,935.91	Open	N
	4/24/22 - 5/24/22 POLICE DEPT UTILITIES pziemer						06/22/2022
	225-2120-43381 BPU UTILITIES			3,935.91			
MAY 22/CITY							
71915	BRAINERD PUBLIC UTILITIES	05/27/2022	06/22/2022	1,449.47	1,449.47	Open	N
	4/24/22 - 5/24/22 CITY UTILITIES pziemer						06/22/2022
	101-1940-43381 BPU UTILITIES			1,090.51			
	101-1940-43381 BPU UTILITIES			175.45			
	101-9200-43381 BPU UTILITIES			24.61			
	101-9200-43381 BPU UTILITIES			34.73			
	236-3180-43381 BPU UTILITIES			36.00			
	401-1003-43380 UTILITIES			88.17			
MAY 22/PARKS							
71916	BRAINERD PUBLIC UTILITIES	05/27/2022	06/22/2022	5,846.09	5,846.09	Open	N
	4/24/22 - 5/24/22 PARKS DEPT UTILITIES pziemer						06/22/2022
	230-5200-43381 BPU UTILITIES			5,671.82			
	230-5280-43380 UTILITIES			78.39			
	230-5280-43380 UTILITIES			10.09			
	230-5280-43380 UTILITIES			85.79			
6/14/22							
71983	BRAINERD PUBLIC UTILITIES	06/15/2022	06/22/2022	109,318.46	109,318.46	Open	N
	REMIT LOST THRU 6/14/22 pziemer						06/22/2022
	251-9360-43467 REMIT LOCAL SALES TAX COLLECT			109,318.46			
S 529							
71908	BRAINERD TRUCK AND TRAILER LLC	06/10/2022	06/22/2022	37.40	37.40	Open	N
	VACTOR SEAL INSTALLER pziemer						06/22/2022
	237-3190-42220 REPAIR & MAINT			37.40			
B21-0010							
71808	BRIDGES OF HOPE	06/06/2022	06/22/2022	500.00	500.00	Open	N
	BD Bond Refund pziemer						06/22/2022
	101-0000-20701 P&Z ESCROWS			500.00			
15461576-00							
71841	BROCK WHITE CO LLC	05/24/2022	06/22/2022	342.34	342.34	Open	N
	SOD STRAW ROLLS pziemer						06/22/2022
	235-3125-42220 LAWNSCAPING FABRIC			342.34			

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399580-00 71889	CHAMBERLAIN OIL COMPANY VACTOR BLOWER PUMP 237-3190-42220	06/08/2022 pziemer	06/22/2022	204.95 204.95	204.95	Open	N 06/22/2022
	REPAIR & MAINT						
399580-01 72000	CHAMBERLAIN OIL COMPANY AIR COMPRESSOR HYDRAULIC 235-3100-42220	06/15/2022 pziemer	06/22/2022	204.45 204.45	204.45	Open	N 06/22/2022
	REPAIR & MAINT						
JUNE 2022 71950	COMMUNITY ACTION REMIT JUNE 2022 LEVY PAYMENT 101-9200-43460	06/14/2022 pziemer	06/22/2022	7,666.42 7,666.42	7,666.42	Open	N 06/22/2022
	REMIT COMMUNITY ACTION LEVY						
21062034 71931	CONSOLIDATED TELEPHONE CO 6/12-7/11 CAMPGROUND PHONE/INTERNET 230-5280-43321	06/12/2022 pziemer	06/22/2022	277.30 277.30	277.30	Open	N 06/22/2022
	TELEPHONE						
21056287 71945	CONSOLIDATED TELEPHONE CO 6/12-7/11 AIRPORT PHONE/INTERNET 260-9020-43321	06/12/2022 pziemer	06/22/2022	642.01 642.01	642.01	Open	N 06/22/2022
	TELEPHONE						
21056560/IT 71956	CONSOLIDATED TELEPHONE CO 6/12/22 - 7/11/22 IT PHONE/INTERNET 101-1800-43321	06/12/2022 pziemer	06/22/2022	1,109.67 1,109.67	1,109.67	Open	N 06/22/2022
	TELEPHONE						
21056560/ADMIN 71957	CONSOLIDATED TELEPHONE CO 6/12/22 - 7/11/22 ADMIN PHONES 101-1400-43321	06/12/2022 pziemer	06/22/2022	2.82 2.82	2.82	Open	N 06/22/2022
	TELEPHONE						
21056560/ENG 71958	CONSOLIDATED TELEPHONE CO 6/12/22-7/11/22 ENG PHONE 101-1700-43321	06/12/2022 pziemer	06/22/2022	0.58 0.58	0.58	Open	N 06/22/2022
	TELEPHONE						
21056560/COM DEV 71959	CONSOLIDATED TELEPHONE CO 6/12/22 - 7/11/22 COM DEV/CITY HALL 101-2400-43321 101-1940-43321	06/12/2022 pziemer	06/22/2022	64.07 10.91 53.16	64.07	Open	N 06/22/2022
	TELEPHONE						
	TELEPHONE						
21056560/TRANSIT 71960	CONSOLIDATED TELEPHONE CO 6/12/22-7/11/22 TRANSIT PHONES 203-9000-43321	06/12/2022 pziemer	06/22/2022	9.55 9.55	9.55	Open	N 06/22/2022
	TELEPHONE						

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21056560/POLICE DEPT							
71961	CONSOLIDATED TELEPHONE CO	06/12/2022	06/22/2022	131.51	131.51	Open	N
	6/12/22-7/11/22 POLICE DEPT PHONES/INT	pziemer					06/22/2022
	225-2120-43321	TELEPHONE		131.51			
21056560/FIRE							
71962	CONSOLIDATED TELEPHONE CO	06/12/2022	06/22/2022	68.75	68.75	Open	N
	6/12/22-7/11/22 FIRE DEPT PHONE/INT	pziemer					06/22/2022
	225-2220-43321	TELEPHONE		68.75			
21056560/STREETS							
71963	CONSOLIDATED TELEPHONE CO	06/12/2022	06/22/2022	49.27	49.27	Open	N
	6/12/22-7/11/22 STREET DEPT PHONES/INT	pziemer					06/22/2022
	235-3100-43321	TELEPHONE		49.27			
21056560/PARKS							
71964	CONSOLIDATED TELEPHONE CO	06/12/2022	06/22/2022	49.08	49.08	Open	N
	6/12/22-7/11/22 PARKS PHONE/INTERNET	pziemer					06/22/2022
	230-5200-43321	TELEPHONE		49.08			
TRX 119 PARKS							
71831	CUB FOODS - BRAINERD	05/25/2022	06/22/2022	49.95	49.95	Open	N
	CONCESSIONS - CHEESE SLICES	pziemer					06/22/2022
	230-5204-42210	OPERATING SUPPLIES		49.95			
TRX 205 - PD							
71865	CUB FOODS - BRAINERD	06/06/2022	06/22/2022	26.53	26.53	Open	N
	USE OF FORCE TRAINING SUPPLIES	pziemer					06/22/2022
	225-2120-43330	PROFESSIONAL DEVELOPMENT		26.53			
TRX 95 - PARKS							
71884	CUB FOODS - BRAINERD	06/02/2022	06/22/2022	15.70	15.70	Open	N
	CONCESSIONS - AU JUS	pziemer					06/22/2022
	230-5204-42210	OPERATING SUPPLIES		15.70			
ICR 21000194							
71977	CWC ATTORNEY	06/15/2022	06/22/2022	102.40	102.40	Open	N
	ICR 21000194	pziemer					06/22/2022
	223-0000-22800	OTHER LIABILITIES		102.40			
5154							
71890	CWC HIGHWAY DEPT	06/01/2022	06/22/2022	4,926.95	4,926.95	Open	N
	MAY 2022 TRANSIT FUEL	pziemer					06/22/2022
	203-9000-42212	MOTOR FUELS		4,926.95			
#22-6974-C1							
71847	CWC RECORDER	06/01/2022	06/22/2022	184.00	184.00	Open	N
	COND USE PERMIT, PERMIT, PERMIT, VAR	pziemer					06/22/2022
	101-2400-43350	PRINTING/LEGAL PUBLICATION		46.00			
	101-2400-43350	PRINTING/LEGAL PUBLICATION		46.00			
	101-2400-43350	PRINTING/LEGAL PUBLICATION		46.00			
	101-2400-43350	PRINTING/LEGAL PUBLICATION		46.00			

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5098/CITY HALL							
71833	CWC TREASURER	06/01/2022	06/22/2022	7,425.00	7,425.00	Open	N
	JUNE 2022 SHARED SERVICES	pziemer					06/22/2022
	101-9200-43300	PROFESSIONAL SERVICES		7,425.00			
5098/LIBRARY							
71834	CWC TREASURER	06/01/2022	06/22/2022	625.00	625.00	Open	N
	JUNE 2022 SHARED SERVICES	pziemer					06/22/2022
	211-5500-42220	REPAIR & MAINT		625.00			
5139							
71895	CWC TREASURER	05/31/2022	06/22/2022	19,919.96	19,919.96	Open	N
	LETG RMS BASE FEE QTY 17 MOBILEs	pziemer					06/22/2022
	225-2120-43309	COMPUTER TECHNICAL SUPPORT		19,919.96			
1599115							
71927	DAHLHEIMER BEVERAGE	06/09/2022	06/22/2022	25.25	25.25	Open	N
	CONCESSIONS/SPECIAL EVENTS- FISHING (pziemer						06/22/2022
	230-5211-42210	OPERATING SUPPLIES		19.85			
	230-5204-42210	OPERATING SUPPLIES		5.40			
1599531							
71928	DAHLHEIMER BEVERAGE	06/10/2022	06/22/2022	377.00	377.00	Open	N
	CUSTODIAL SUPPLIES - HAND SOAP, TOILEtpziemer						06/22/2022
	230-5200-42210	OPERATING SUPPLIES		377.00			
33197							
71846	DIGITAL INK DESIGN & GRAPHICS	05/25/2022	06/22/2022	518.00	518.00	Open	N
	SPLASH PAD SIGN ON MMP BUILDING	pziemer					06/22/2022
	230-5200-42220	REPAIR & MAINT		518.00			
FBN4488417/ENG							
71933	ENTERPRISE FM TRUST	06/03/2022	06/22/2022	1,068.82	1,068.82	Open	N
	JUNE 22 ENG VEHICLE LEASES	pziemer					06/22/2022
	101-1700-43331	LEASE PAYMENTS		1,068.82			
FBN4488417/CH							
71934	ENTERPRISE FM TRUST	06/03/2022	06/22/2022	257.60	257.60	Open	N
	JUNE 22 CITY HALL VEHICLE LEASES	pziemer					06/22/2022
	101-1940-43331	LEASE PAYMENTS		257.60			
FBN4488417/COM DEV							
71935	ENTERPRISE FM TRUST	06/03/2022	06/22/2022	357.61	357.61	Open	N
	JUNE 22 COM DEV VEHICLE LEASES	pziemer					06/22/2022
	101-2400-43331	LEASE EXPENSE		357.61			
FBN4488417/PD							
71936	ENTERPRISE FM TRUST	06/03/2022	06/22/2022	8,059.06	8,059.06	Open	N
	JUNE 22 POLICE DEPT VEHICLE LEASES	pziemer					06/22/2022
	225-2120-43331	LEASED PAYMENTS		8,059.06			

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FBN4488417/FD							
71937	ENTERPRISE FM TRUST	06/03/2022	06/22/2022	1,473.58	1,473.58	Open	N
	JUNE 22 FIRE DEPT VEHICLE LEASES	pziemer					06/22/2022
	225-2220-43331	LEASED PAYMENTS		1,473.58			
FBN4488417/PARKS							
71938	ENTERPRISE FM TRUST	06/03/2022	06/22/2022	2,331.49	2,331.49	Open	N
	JUNE 22 PARKS VEHICLE LEASES	pziemer					06/22/2022
	230-5200-43331	LEASE PAYMENTS		2,331.49			
FBN4488417/STREETS							
71939	ENTERPRISE FM TRUST	06/03/2022	06/22/2022	3,226.60	3,226.60	Open	N
	JUNE 22 STREET DEPT VEHICLE LEASES	pziemer					06/22/2022
	235-3100-43331	LEASE PAYMENTS		2,600.59			
	237-3190-43331	LEASE PAYMENTS		626.01			
84327							
71824	FIRST IMPRESSION PRINTING	05/25/2022	06/22/2022	270.00	270.00	Open	N
	ELECTIONS - CURBSIDE VOTING SIGNS	pziemer					06/22/2022
	401-1410-43430	MISCELLANEOUS		270.00			
100028791							
71821	FLEETPRIDE	06/08/2022	06/22/2022	19.76	19.76	Open	N
	DUEL FOOT AIR CHUCK - LESS SALES TAX	pziemer					06/22/2022
	235-3100-42220	REPAIR & MAINT		19.76			
99475160							
71829	FLEETPRIDE	06/03/2022	06/22/2022	10.59	10.59	Open	N
	TRUCK 126 FLARED MALE ELBOW - LESS S	pziemer					06/22/2022
	237-3190-42220	REPAIR & MAINT		10.59			
100036817							
71874	FLEETPRIDE	06/08/2022	06/22/2022	63.52	63.52	Open	N
	TRUCK 126 AXLE SOCKET - LESS SALES T	pziemer					06/22/2022
	235-3170-42220	REPAIR & MAINT		63.52			
63778							
71851	FORUM COMMUNICATIONS COMPANY	05/16/2022	06/22/2022	16.87	16.87	Open	N
	MEETING NOTICE - CABLE TV ADVISORY M	pziemer					06/22/2022
	101-9200-43350	LEGAL PUBLICATIONS		16.87			
64877							
71852	FORUM COMMUNICATIONS COMPANY	05/17/2022	06/22/2022	37.35	37.35	Open	N
	NOTICE - OFFICES TO BE FILLED	pziemer					06/22/2022
	101-1410-43350	PRINTING/LEGAL PUBLICATION		37.35			
65257-1							
71853	FORUM COMMUNICATIONS COMPANY	05/27/2022	06/22/2022	82.15	82.15	Open	N
	NOH: KINNEY ALLEY VACATION	pziemer					06/22/2022
	101-2400-43350	PRINTING/LEGAL PUBLICATION		82.15			

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65263-1 71854	FORUM COMMUNICATIONS COMPANY NOTICE - WARD 1 VACANCY APPOINTMENT 101-9200-43350	05/20/2022 pziemer LEGAL PUBLICATIONS	06/22/2022	67.51 67.51	67.51	Open	N 06/22/2022
65252-1 71855	FORUM COMMUNICATIONS COMPANY ORD 1531 - STORMWATER MANAGEMENT 101-9200-43350	05/20/2022 pziemer LEGAL PUBLICATIONS	06/22/2022	19.36 19.36	19.36	Open	N 06/22/2022
65622-1 71856	FORUM COMMUNICATIONS COMPANY NOH: ORD 1530 ZONING 101-2400-43350	05/20/2022 pziemer PRINTING/LEGAL PUBLICATION	06/22/2022	66.52 66.52	66.52	Open	N 06/22/2022
56301-1 71857	FORUM COMMUNICATIONS COMPANY RFB - CUYUNA TRAIL - 2ND DAY POSTING 401-1902-43350	05/24/2022 pziemer LEGAL PUBLICATIONS	06/22/2022	217.17 217.17	217.17	Open	N 06/22/2022
58146 71858	FORUM COMMUNICATIONS COMPANY ELECTION - NOTICE OF OFFICES TO BE FL 101-1410-43350	05/01/2022 pziemer PRINTING/LEGAL PUBLICATION	06/22/2022	34.98 34.98	34.98	Open	N 06/22/2022
59638 71859	FORUM COMMUNICATIONS COMPANY ORD 15296 - ON/OFF SALE LIQUOR LICENSE 101-9200-43350	05/03/2022 pziemer LEGAL PUBLICATIONS	06/22/2022	120.82 120.82	120.82	Open	N 06/22/2022
MP3161230522 71860	FORUM COMMUNICATIONS COMPANY MAY 2022 JOB POSTINGS - CD&ENG 101-2400-43350 101-1700-43350	05/31/2022 pziemer PRINTING/LEGAL PUBLICATION PRINTING/LEGAL PUBLICATION	06/22/2022	1,100.00 550.00 550.00	1,100.00	Open	N 06/22/2022
06615144-00 71985	GOODIN COMPANY COUPLINGS 237-3190-42220	06/10/2022 pziemer SANITARY PIPE COUPLERS RESUPPLY	06/22/2022	18.86 18.86	18.86	Open	N 06/22/2022
06615144-01 71986	GOODIN COMPANY COUPLING 237-3190-42220	06/10/2022 pziemer CLAY TO PLASTIC COUPLER	06/22/2022	58.04 58.04	58.04	Open	N 06/22/2022
198579 71940	HALLMARK EMBLEMS INC CSO UNIFORM PATCHES 225-2121-41113	06/07/2022 pziemer UNIFORM ALLOWANCE	06/22/2022	404.00 404.00	404.00	Open	N 06/22/2022

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MAY 2022							
71838	HEARTLAND ANIMAL RESCUE	05/31/2022	06/22/2022	4,909.00	4,909.00	Open	N
	MAY 22 BOARDING/ADMIN FEE	pziemer					06/22/2022
	225-2700-43430	MISCELLANEOUS		3,097.00			
	225-2700-43300	PROFESSIONAL SERVICES		1,812.00			
3032667							
71866	HEARTLAND TIRE INC.	06/06/2022	06/22/2022	700.00	700.00	Open	N
	SQD 430 TIRES	pziemer					06/22/2022
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		700.00			
IN3818227							
71867	INNOVATIVE OFFICE SOLUTIONS LLC	06/08/2022	06/22/2022	26.24	26.24	Open	N
	EVIDENCE/OFFICE SUPPLIES	pziemer					06/22/2022
	225-2120-42200	OFFICE SUPPLIES		10.49			
	225-2120-42210	OPERATING SUPPLIES		15.75			
IN3825455							
71954	INNOVATIVE OFFICE SOLUTIONS LLC	06/14/2022	06/22/2022	157.27	157.27	Open	N
	TONER/RING BINDER	pziemer					06/22/2022
	225-2220-42200	OFFICE SUPPLIES		157.27			
2390665							
71947	JBT AEROTECH CORPORATION	06/09/2022	06/22/2022	33,060.60	33,060.60	Open	N
	JET BRIDGE MAINTENANCE - DOWN PAYMENT	pziemer					06/22/2022
	260-9020-43300	PROFESSIONAL SERVICES		33,060.60			
BR2022-1							
70961	KITCHIGAMI REG LIBRARY	04/07/2022	06/22/2022	43,909.00	43,909.00	Open	N
	1ST HALF 2022 LEVY & AUTOMATION REPAIR	pziemer					06/22/2022
	211-5500-43401	LIBRARY TECHNOLOGY		4,659.00			
	211-5500-43450	KITCHIGAMI REGIONAL LIBR PYMT		39,250.00			
PAY REQ 2 - 19-02							
71955	KNIFE RIVER	06/14/2022	06/22/2022	162,592.69	162,592.69	Open	N
	IMP 19-02 NP SEGMENT PAY REQ 2	pziemer					06/22/2022
	401-1902-45530	PYMTS TO CONTRACTORS		162,592.69			
6/3/22							
71868	KRAWIECKI, ISABELLE R.	06/03/2022	06/22/2022	64.00	64.00	Open	N
	UNDERCOVER ALCOHOL COMPLIANCE CHECKS	pziemer					06/22/2022
	225-2120-42210	OPERATING SUPPLIES		64.00			
036071							
72007	L & M STEEL	06/16/2022	06/22/2022	38.81	38.81	Open	N
	GRADER 112 TUBE STEEL FOR FENDER	pziemer					06/22/2022
	235-3100-42220	REPAIR & MAINT		38.81			
BFG21-0022							
71878	LAKES AREA HABITAT FOR HUMANITY	06/09/2022	06/22/2022	4,025.00	4,025.00	Open	N
	BD Bond Refund	pziemer					06/22/2022
	101-0000-20200	BFG21-0022		4,025.00			

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11839 71835	LAKES AREA LOCK & DOOR HARDWARE, IN LABOR - SERVICE CALL - KEY BROKEN IN 230-5200-42220	05/24/2022 pziemer	06/22/2022	135.00 135.00	135.00	Open	N 06/22/2022
11837 71836	LAKES AREA LOCK & DOOR HARDWARE, IN QTY 6 DND MMP MASTER KEYS 230-5200-42220	05/24/2022 pziemer	06/22/2022	48.00 48.00	48.00	Open	N 06/22/2022
11872 71843	LAKES AREA LOCK & DOOR HARDWARE, IN REKEYED CAMPGROUND SHOWER LOCKS-QTY 3 230-5280-42220	05/24/2022 pziemer	06/22/2022	272.50 272.50	272.50	Open	N 06/22/2022
JUNE 2022 71951	LAKES AREA SENIOR CENTER REMIT JUNE 2022 LEVY PAYMENT 101-9200-43461	06/14/2022 pziemer	06/22/2022	7,666.42 7,666.42	7,666.42	Open	N 06/22/2022
22753 71897	LANDSBURG LANDSCAPE NURSERY INC REPLACED MEMORIAL TREE 230-5200-42220	06/01/2022 pziemer	06/22/2022	139.99 139.99	139.99	Open	N 06/22/2022
10002612/3RD 2022 71839	LEAGUE MN CITIES INS TRUS WORK COMP CITY SHARE 3RD INSTALLMENT 280-0000-41150 101-1110-41150 225-2225-41150	06/06/2022 pziemer	06/22/2022	66,264.75 54,745.00 18.50 11,501.25	66,264.75	Open	N 06/22/2022
0011 71979	LEGIONVILLE SCHOOL SAFETY PATROL CA CAMP REGISTRATION - 2 CAMPERS 226-2160-43430	06/14/2022 pziemer	06/22/2022	800.00 800.00	800.00	Open	N 06/22/2022
190190.01-1 71828	LHB INC. WATER TOWER CONST. ADMIN THRU 4/29/22 400-1481-43300	05/31/2022 pziemer	06/22/2022	3,675.00 3,675.00	3,675.00	Open	N 06/22/2022
0300283-IN 71830	LOCATORS - SUPPLIES INC SWEATSHIRTS - STREET DEPT 235-3170-42210	06/01/2022 pziemer	06/22/2022	566.57 566.57	566.57	Open	N 06/22/2022
0300325-IN 71850	LOCATORS - SUPPLIES INC HI-VIS PPE 235-3170-42220	06/07/2022 pziemer	06/22/2022	612.52 612.52	612.52	Open	N 06/22/2022

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385107 72001	M&M EXPRESS SALES & SERVICE EXCHANGED MOWER BLADE 230-5200-42220	06/15/2022 pziemer	06/22/2022	36.72 36.72	36.72	Open	N 06/22/2022
INV9952240 71510	MARCO CISCO WEBEX - NU CLOUD MEETINGS 101-1800-43309	05/12/2022 pziemer	06/22/2022	3,038.00 3,038.00	3,038.00	Open	N 06/22/2022
41471 71946	MED COMPASS INC ARFF FIT, EXAM 260-9020-43324	06/03/2022 pziemer	06/22/2022	165.00 165.00	165.00	Open	N 06/22/2022
76135 71932	MENARDS POST MOUNTS/GREEN TREATED 4X4 235-3125-42220	06/08/2022 pziemer	06/22/2022	90.95 90.95	90.95	Open	N 06/22/2022
9188428 71819	MIDWEST MACHINERY CO CHAINSAW CHAINS, OIL AND FILES 235-3100-42220	06/07/2022 pziemer	06/22/2022	413.57 413.57	413.57	Open	N 06/22/2022
ICR 21000194 71978	MN STATE TREASURER ICR 21000194 223-0000-22800	06/15/2022 pziemer	06/22/2022	51.20 51.20	51.20	Open	N 06/22/2022
29197 71967	MOTORS-N-MORE SQD 401 - OIL CHANGE 225-2120-42221	06/13/2022 pziemer	06/22/2022	23.00 23.00	23.00	Open	N 06/22/2022
29199 71968	MOTORS-N-MORE SQD 432 - OIL CHANGE 225-2120-42221	06/13/2022 pziemer	06/22/2022	23.00 23.00	23.00	Open	N 06/22/2022
29200 71969	MOTORS-N-MORE SQD 431 - OIL CHANGE 225-2120-42221	06/13/2022 pziemer	06/22/2022	23.00 23.00	23.00	Open	N 06/22/2022
29204 71992	MOTORS-N-MORE SQD 428 - AC REPAIR 225-2120-42221	06/14/2022 pziemer	06/22/2022	491.86 491.86	491.86	Open	N 06/22/2022

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29598 72005	MR TIRE LAWN MOWER TIRES 230-5200-42220 REPAIR & MAINT	06/15/2022 pziemer	06/22/2022	21.50 21.50	21.50	Open	N 06/22/2022
513735 71823	NAPA AUTO PARTS METRIC DEEP WELL IMPACT SOCKETS AND 235-3100-42240 SMALL TOOLS	06/07/2022 pziemer	06/22/2022	212.98 212.98	212.98	Open	N 06/22/2022
502449 72006	NAPA AUTO PARTS DUEL FOOT AIR CHUCK 235-3100-42220 REPAIR & MAINT	05/01/2022 pziemer	06/22/2022	36.98 36.98	36.98	Open	N 06/22/2022
JUNE 2022 71949	NORTHLAND ARBORETUM REMIT JUNE 2022 LEVY PAYMENT 101-9200-43462 REMIT ARBORETUM LEVY	06/14/2022 pziemer	06/22/2022	7,666.42 7,666.42	7,666.42	Open	N 06/22/2022
49497 71930	NORTHLAND FIRE PROTECTION PD FIRE EXTINGUISHER SERVICE 225-2120-42209 SAFETY EQUIPMENT SUPPLIES	06/07/2022 pziemer	06/22/2022	174.70 174.70	174.70	Open	N 06/22/2022
3252646P 71820	NUSS TRUCK & EQUIPMENT TRUCK 126 WHEEL BEARING 237-3190-42220 REPAIR & MAINT	06/07/2022 pziemer	06/22/2022	61.88 61.88	61.88	Open	N 06/22/2022
3251807P 71826	NUSS TRUCK & EQUIPMENT TRUCK 103 REAR SHOCKS 235-3100-42220 REPAIR & MAINT	05/23/2022 pziemer	06/22/2022	504.88 504.88	504.88	Open	N 06/22/2022
3252562P 71849	NUSS TRUCK & EQUIPMENT TRUCK 126 WHEEL BEARING AND SEAL 237-3190-42220 REPAIR & MAINT	06/07/2022 pziemer	06/22/2022	139.98 139.98	139.98	Open	N 06/22/2022
1112761-0 71893	OFFICE SHOP PLASTIC BINDERS - ENG 101-1940-42200 OFFICE SUPPLIES	06/07/2022 pziemer	06/22/2022	35.81 35.81	35.81	Open	N 06/22/2022
1112936-0 71894	OFFICE SHOP COPY PAPER - LICENSES 101-1940-42220 REPAIR & MAINT	06/08/2022 pziemer	06/22/2022	22.90 22.90	22.90	Open	N 06/22/2022

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1113001-0 71925	OFFICE SHOP 11 X 17 LAMINATING POUCHES 230-5200-42200	06/09/2022 pziemer	06/22/2022	97.52 97.52	97.52	Open	N 06/22/2022
1647-124436 71929	O'REILLY AUTOMOTIVE STORES INC. MOWER BATTERY 230-5200-42220	06/07/2022 pziemer	06/22/2022	134.94 134.94	134.94	Open	N 06/22/2022
1647-125050 71941	O'REILLY AUTOMOTIVE STORES INC. SQD 429 - LICENSE PLATE LIGHT 225-2120-42221	06/09/2022 pziemer	06/22/2022	2.59 2.59	2.59	Open	N 06/22/2022
19387 71942	PAPER STORM DOCUMENT DESTRUCTION 225-2120-43300	06/08/2022 pziemer	06/22/2022	62.40 62.40	62.40	Open	N 06/22/2022
2984 72002	PARTY WORLD SPLASH PAD GRAND OPENING 400-9050-45510-21:30	05/28/2022 pziemer	06/22/2022	49.50 49.50	49.50	Open	N 06/22/2022
976346 71869	PAULINES TAILOR SHOP 724SK, 722, 719, 721 - UNIFORM ALTER 225-2120-41113	06/06/2022 pziemer	06/22/2022	35.00 35.00	35.00	Open	N 06/22/2022
44267 71943	PERSONNEL EVALUATION INC PROFILE - POTENTIAL HIRE 225-2120-43300	05/31/2022 pziemer	06/22/2022	40.00 40.00	40.00	Open	N 06/22/2022
BR0202 71988	PIONEER MANUFACTURING COMPANY FIELD PAINT - BALLFIELDS 230-5200-42221	05/01/2022 pziemer	06/22/2022	2,292.50 2,292.50	2,292.50	Open	N 06/22/2022
037 72003	PIT HAPPENS BBQ LLC SPLASH PAD GRAND OPENING 400-9050-45510-21:30	05/27/2022 pziemer	06/22/2022	50.00 50.00	50.00	Open	N 06/22/2022
#44 71952	SADUSKY RENOVATIONS 4/20/22-4/26/22 INSPECTION SERVICES 101-9200-43300	05/03/2022 pziemer	06/22/2022	8,559.10 8,559.10	8,559.10	Open	N 06/22/2022

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
3509036515 71842	STAPLES ADVANTAGE NOTEBOOKS/PENS/PENCILS 225-2220-42200	05/28/2022 pziemer	06/22/2022	45.68 45.68	45.68	Open	N 06/22/2022
I1571675 71870	STREICHERS PROF EQUIP 715 - TRT BODY ARMOR/VEST 225-2131-42210	06/02/2022 pziemer	06/22/2022	1,560.00 1,560.00	1,560.00	Open	N 06/22/2022
I1571781 71871	STREICHERS PROF EQUIP TRT EQUIPMENT 225-2131-42210	06/02/2022 pziemer	06/22/2022	20.99 20.99	20.99	Open	N 06/22/2022
I1571964 71872	STREICHERS PROF EQUIP 703 - UNIFORM SHIRT 225-2120-41113	06/03/2022 pziemer	06/22/2022	82.97 82.97	82.97	Open	N 06/22/2022
I1572192 71873	STREICHERS PROF EQUIP TRT EQUIPMENT 225-2131-42210	06/06/2022 pziemer	06/22/2022	1,059.98 1,059.98	1,059.98	Open	N 06/22/2022
I1573315 71997	STREICHERS PROF EQUIP 717 - UNIFORM PANTS 225-2120-41113	06/10/2022 pziemer	06/22/2022	79.98 79.98	79.98	Open	N 06/22/2022
1181 71881	SWANSON HASKAMP CONSULTING FEB, MAR, APR, MAY - EDA PROF. SVCS. 295-6510-43300 295-6510-43300 295-6510-43300 295-6510-43300	06/06/2022 pziemer	06/22/2022	10,632.00 2,658.00 2,658.00 2,658.00 2,658.00	10,632.00	Open	N 06/22/2022
1178 71882	SWANSON HASKAMP CONSULTING ZONING CODE UPDATE 400-9050-45530	06/04/2022 pziemer	06/22/2022	2,032.50 2,032.50	2,032.50	Open	N 06/22/2022
985913-0B 71993	UPPER LAKES FOODS INC CONCESSIONS - RETURNED CHEESE SAUCE 230-5204-42210	05/23/2022 pziemer	06/22/2022	(114.86) (114.86)	(114.86)	Open	N 06/22/2022
2859029 71832	VIKING COCA COLA BOTTLING CO CONCESSIONS - MMP BEVERAGES 230-5204-42210	06/01/2022 pziemer	06/22/2022	156.00 156.00	156.00	Open	N 06/22/2022

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2853767 71885	VIKING COCA COLA BOTTLING CO CONCESSIONS - BAP BEVERAGES 230-5204-42210	05/25/2022 pziemer	06/22/2022	663.75 663.75	663.75	Open	N 06/22/2022
2853768 71886	VIKING COCA COLA BOTTLING CO CONCESSIONS - BHP BEVERAGES 230-5204-42210	05/25/2022 pziemer	06/22/2022	593.75 593.75	593.75	Open	N 06/22/2022
2859031 71887	VIKING COCA COLA BOTTLING CO CONCESSIONS - BEVERAGES JCP 230-5204-42210	06/01/2022 pziemer	06/22/2022	1,298.25 1,298.25	1,298.25	Open	N 06/22/2022
2865374 71903	VIKING COCA COLA BOTTLING CO CONCESSIONS - MMP BEVERAGES 230-5204-42210	06/08/2022 pziemer	06/22/2022	184.00 184.00	184.00	Open	N 06/22/2022
2865375 71904	VIKING COCA COLA BOTTLING CO CONCESSIONS - BAP BEVERAGES 230-5204-42210	06/08/2022 pziemer	06/22/2022	133.50 133.50	133.50	Open	N 06/22/2022
2865376 71948	VIKING COCA COLA BOTTLING CO CONCESSIONS - JCP BEVERAGES 230-5204-42210	06/08/2022 pziemer	06/22/2022	133.50 133.50	133.50	Open	N 06/22/2022
2859030 71953	VIKING COCA COLA BOTTLING CO CONCESSIONS - BAP BEVERAGES 230-5204-42210	06/01/2022 pziemer	06/22/2022	1,259.25 1,259.25	1,259.25	Open	N 06/22/2022
MAY 2022 71984	VISIT BRAINERD REMIT MAY 2022 LODGING TAX 101-9200-43340	06/15/2022 pziemer	06/22/2022	3,026.51 3,026.51	3,026.51	Open	N 06/22/2022
2205-9T3574 71837	W W THOMPSON CONCRETE UNDERGROUND UTILITY MORTAR SPEC MIX 237-3190-42220	05/06/2022 pziemer	06/22/2022	44.60 44.60	44.60	Open	N 06/22/2022
2206-981930 71944	W W THOMPSON CONCRETE SIDEWALK REPAIR - YESTERDAY'S GONE - 235-3125-42220	06/13/2022 pziemer	06/22/2022	35.50 35.50	35.50	Open	N 06/22/2022

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125541 71888	WATSON COMPANY CONCESSIONS - PRETZELS 230-5204-42210	06/01/2022 pziemer OPERATING SUPPLIES	06/22/2022	651.80 651.80	651.80	Open	N 06/22/2022
125710 71896	WATSON COMPANY CONCESSIONS - CANDY, SEEDS, NAPKINS, 230-5204-42210	06/07/2022 pziemer OPERATING SUPPLIES	06/22/2022	896.14 896.14	896.14	Open	N 06/22/2022
5/3/22 71981*	WEIZENEGGER ENGEL INS REIMB 4/1/22 INSURANCE PAYMENT 260-0000-36299 260-9020-43361 260-9020-43363 260-9020-43430	05/03/2022 pziemer MISCELLANEOUS REVENUE INS - GENERAL LIABILITY INS - AUTO MISCELLANEOUS	06/22/2022	10,456.25 9,784.25 991.00 (364.00) 45.00	10,456.25	Open	N 06/22/2022
045376 71998	WEST BRAINERD AUTO SERVICE SQD 432 - TIRE CHANGE 225-2120-42221	06/15/2022 pziemer SQUAD CAR REPAIR SUPPLIES	06/22/2022	40.00 40.00	40.00	Open	N 06/22/2022
81115745/COM DEV 71971	WEX BANK MAY 2022 COM DEV FUEL 101-2400-42212	05/31/2022 pziemer MOTOR FUELS	06/22/2022	172.46 172.46	172.46	Open	N 06/22/2022
81115745/ENG 71972*	WEX BANK MAY 22 ENG DEPT FUEL 401-9030-42212 401-9030-42212	05/31/2022 pziemer MOTOR FUELS MOTOR FUELS	06/22/2022	273.97 277.41 (3.44)	273.97	Open	N 06/22/2022
81115745/FIRE 71973	WEX BANK MAY 22 FIRE DEPT FUEL 225-2220-42212	05/31/2022 pziemer MOTOR FUELS	06/22/2022	1,835.66 1,835.66	1,835.66	Open	N 06/22/2022
81115745/PARKS 71974	WEX BANK MAY 2022 PARKS DEPT FUEL 230-5200-42212	05/31/2022 pziemer MOTOR FUELS	06/22/2022	2,264.90 2,264.90	2,264.90	Open	N 06/22/2022
81115745/POLICE 71975*	WEX BANK MAY 22 POLICE DEPT FUEL 225-2120-42212 225-2120-42212	05/31/2022 pziemer MOTOR FUELS MOTOR FUELS	06/22/2022	6,423.53 6,492.52 (68.99)	6,423.53	Open	N 06/22/2022

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81115745/STREETS							
71976	WEX BANK	05/31/2022	06/22/2022	6,122.68	6,122.68	Open	N
	MAY 22 STREET DEPT FUEL	pziemer					06/22/2022
	235-3100-42212	MOTOR FUELS		5,180.54			
	237-3190-42212	MOTOR FUELS		942.14			
0001547453-IN							
71822	WEX HEALTH INC	05/31/2022	06/22/2022	42.40	42.40	Open	N
	MAY 2022 COBRA BILLING	pziemer					06/22/2022
	101-9200-43300	PROFESSIONAL SERVICES		42.40			
217414							
71845	WIDSETH SMITH NOLTING	05/27/2022	06/22/2022	1,955.00	1,955.00	Open	N
	ST & SWR REMODEL ADDITION	pziemer					06/22/2022
	400-2001-43300	PROFESSIONAL SERVICES		1,955.00			
IN000570725							
71879	ZIEGLER, INC	06/09/2022	06/22/2022	73.04	73.04	Open	N
	GRADER 112 EXTENSION SPACER	pziemer					06/22/2022
	235-3100-42220	REPAIR & MAINT		73.04			
IN000574479							
71924	ZIEGLER, INC	06/11/2022	06/22/2022	164.00	164.00	Open	N
	LOADER 114 STROBE LIGHT	pziemer					06/22/2022
	235-3100-42220	REPAIR & MAINT		164.00			
IN000579327							
71994	ZIEGLER, INC	06/16/2022	06/20/2022	157.70	157.70	Open	N
	INTAKE AIR FILTERS GRADER 112 AND 113	pziemer					06/22/2022
	235-3100-42220	REPAIR & MAINT		157.70			
IN000579377							
71995	ZIEGLER, INC	06/16/2022	06/22/2022	41.63	41.63	Open	N
	GRADER 112 OIL FILTER	pziemer					06/22/2022
	235-3100-42220	REPAIR & MAINT		41.63			
IN000579379							
71996	ZIEGLER, INC	06/16/2022	06/22/2022	22.37	22.37	Open	N
	GRADER 113 OIL FILTER	pziemer					06/22/2022
	235-3100-42220	REPAIR & MAINT		22.37			
# of Invoices:	184	# Due:	183	Totals:	752,837.64	752,837.64	
# of Credit Memos:	2	# Due:	2	Totals:	(139.15)	(139.15)	
Net of Invoices and Credit Memos:					752,698.49	752,698.49	
* 3 Net Invoices have Credits Totalling:					(436.43)		
--- TOTALS BY GL DISTRIBUTION ---							
	101-0000-20200	BFG21-0022		4,025.00			
	101-0000-20701	P&Z ESCROWS		500.00			
	101-1110-41150	WORKERS COMP		18.50			

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 06/20/2022 - 06/20/2022

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
101-1400-43321	TELEPHONE			2.82			
101-1400-43330	PROFESSIONAL DEVELOPMENT			33.58			
101-1410-43350	PRINTING/LEGAL PUBLICATION			72.33			
101-1700-43321	TELEPHONE			0.58			
101-1700-43331	LEASE PAYMENTS			1,068.82			
101-1700-43350	PRINTING/LEGAL PUBLICATION			550.00			
101-1800-43309	COMPUTER SUPPORT			3,038.00			
101-1800-43321	TELEPHONE			1,109.67			
101-1940-42200	OFFICE SUPPLIES			35.81			
101-1940-42220	REPAIR & MAINT			46.49			
101-1940-43321	TELEPHONE			53.16			
101-1940-43331	LEASE PAYMENTS			257.60			
101-1940-43381	BPU UTILITIES			1,265.96			
101-2400-42212	MOTOR FUELS			172.46			
101-2400-43321	TELEPHONE			10.91			
101-2400-43331	LEASE EXPENSE			357.61			
101-2400-43350	PRINTING/LEGAL PUBLICATION			882.67			
101-9200-43300	PROFESSIONAL SERVICES			16,026.50			
101-9200-43340	LODGING TAX REMIT/PR			3,026.51			
101-9200-43350	LEGAL PUBLICATIONS			224.56			
101-9200-43381	BPU UTILITIES			59.34			
101-9200-43460	REMIT COMMUNITY ACTION LEVY			7,666.42			
101-9200-43461	REMIT SENIOR CITIZEN LEVY			7,666.42			
101-9200-43462	REMIT ARBORETUM LEVY			7,666.42			
203-9000-42212	MOTOR FUELS			11,175.57			
203-9000-43321	TELEPHONE			9.55			
203-9000-43401	VEHICLE REPAIRS			982.54			
203-9000-43440	TRANSIT SERVICE CONTRACT PY			89,500.56			
211-5500-42220	REPAIR & MAINT			625.00			
211-5500-43361	INS - GENERAL LIABILITY			1,600.48			
211-5500-43401	LIBRARY TECHNOLOGY			4,659.00			
211-5500-43450	KITCHIGAMI REGIONAL LIBR PYMT			39,250.00			
223-0000-22800	OTHER LIABILITIES			153.60			
225-2120-41113	UNIFORM ALLOWANCE			323.15			
225-2120-42200	OFFICE SUPPLIES			10.49			
225-2120-42209	SAFETY EQUIPMENT SUPPLIES			192.55			
225-2120-42210	OPERATING SUPPLIES			131.47			
225-2120-42212	MOTOR FUELS			6,423.53			
225-2120-42221	SQUAD CAR REPAIR SUPPLIES			1,303.45			
225-2120-43300	PROFESSIONAL SERVICES			102.40			
225-2120-43309	COMPUTER TECHNICAL SUPPORT			19,919.96			
225-2120-43321	TELEPHONE			131.51			
225-2120-43330	PROFESSIONAL DEVELOPMENT			26.53			
225-2120-43331	LEASED PAYMENTS			8,059.06			
225-2120-43381	BPU UTILITIES			3,935.91			
225-2121-41113	UNIFORM ALLOWANCE			404.00			
225-2131-42210	OPERATING SUPPLIES			2,640.97			
225-2220-42200	OFFICE SUPPLIES			202.95			
225-2220-42210	OPERATING SUPPLIES			8.99			
225-2220-42212	MOTOR FUELS			1,835.66			
225-2220-43321	TELEPHONE			68.75			
225-2220-43331	LEASED PAYMENTS			1,473.58			
225-2220-43381	BPU UTILITIES			1,775.55			
225-2225-41150	WORKERS COMP			11,501.25			
225-2700-43300	PROFESSIONAL SERVICES			1,812.00			
225-2700-43430	MISCELLANEOUS			3,097.00			
226-2160-43430	MISCELLANEOUS			800.00			

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

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EXP CHECK RUN DATES 06/20/2022 - 06/20/2022

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
230-5200-42200	OFFICE SUPPLIES			97.52			
230-5200-42210	OPERATING SUPPLIES			377.00			
230-5200-42212	MOTOR FUELS			2,264.90			
230-5200-42220	REPAIR & MAINT			1,169.69			
230-5200-42221	R&M-ATHLETIC FIELD MAINT			2,340.93			
230-5200-43300	PROFESSIONAL SERVICES			2,500.00			
230-5200-43309	COMPUTER TECHNICAL SUPPORT			4,000.00			
230-5200-43321	TELEPHONE			49.08			
230-5200-43331	LEASE PAYMENTS			2,331.49			
230-5200-43381	BPU UTILITIES			5,671.82			
230-5200-43410	RENTAL EXPENSE			230.00			
230-5204-42210	OPERATING SUPPLIES			5,926.13			
230-5211-42210	OPERATING SUPPLIES			19.85			
230-5215-42210	OPERATING SUPPLIES			130.00			
230-5280-42220	REPAIR & MAINT			664.46			
230-5280-43321	TELEPHONE			277.30			
230-5280-43380	UTILITIES			174.27			
235-3100-42212	MOTOR FUELS			5,180.54			
235-3100-42220	REPAIR & MAINT			2,072.88			
235-3100-42240	SMALL TOOLS			212.98			
235-3100-43321	TELEPHONE			49.27			
235-3100-43331	LEASE PAYMENTS			2,600.59			
235-3100-43381	BPU UTILITIES			48,232.67			
235-3100-43430	MISCELLANEOUS			195.23			
235-3125-42220	LAWNSCAPING FABRIC			468.79			
235-3170-42210	OPERATING SUPPLIES			566.57			
235-3170-42220	REPAIR & MAINT			676.04			
236-3180-43381	BPU UTILITIES			36.00			
237-3190-42212	MOTOR FUELS			942.14			
237-3190-42220	REPAIR & MAINT			642.36			
237-3190-43331	LEASE PAYMENTS			626.01			
238-3160-42220	921 19TH STREET SE CULVERT REPAIR			1,616.56			
251-9360-43467	REMIT LOCAL SALES TAX COLLECT			109,318.46			
260-0000-36299	MISCELLANEOUS REVENUE			9,784.25			
260-9020-43300	PROFESSIONAL SERVICES			33,060.60			
260-9020-43321	TELEPHONE			642.01			
260-9020-43324	SAFETY TRAINING/PHYSICALS			165.00			
260-9020-43361	INS - GENERAL LIABILITY			991.00			
260-9020-43363	INS - AUTO			(364.00)			
260-9020-43430	MISCELLANEOUS			45.00			
280-0000-41150	WORKERS COMP			54,745.00			
295-6510-43300	PROFESSIONAL SERVICES			10,632.00			
400-1481-43300	PROFESSIONAL SERVICES			3,675.00			
400-2001-43300	PROFESSIONAL SERVICES			1,955.00			
400-9050-45510-21:30	CAPITAL - LAND			236.50			
400-9050-45530	CAPITAL - OTHER			2,032.50			
401-1003-43380	UTILITIES			88.17			
401-1003-43430	MISCELLANEOUS			19.95			
401-1410-43430	MISCELLANEOUS			270.00			
401-1902-43350	LEGAL PUBLICATIONS			217.17			
401-1902-45530	PYMTS TO CONTRACTORS			162,592.69			
401-9030-42212	MOTOR FUELS			273.97			

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 06/20/2022 - 06/20/2022

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 22/23

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			55,838.14	55,838.14		
	203 - TRANSIT FUND			101,668.22	101,668.22		
	211 - LIBRARY FUND			46,134.48	46,134.48		
	223 - DRUG FORFEITURE			153.60	153.60		
	225 - PUBLIC SAFETY FUND			65,380.71	65,380.71		
	226 - SCHOOL PATROL FUND			800.00	800.00		
	230 - PARK & RECREATION FUND			28,224.44	28,224.44		
	235 - STREET & SEWER FUND			60,255.56	60,255.56		
	236 - PARKING LOT FUND			36.00	36.00		
	237 - SANITARY SEWER FUND			2,210.51	2,210.51		
	238 - STORM SEWER FUND			1,616.56	1,616.56		
	251 - LOCAL OPTION SALES TAX			109,318.46	109,318.46		
	260 - AIRPORT FUND			44,323.86	44,323.86		
	280 - PACKAGE INSURANCE FUND			54,745.00	54,745.00		
	295 - EDA FUND			10,632.00	10,632.00		
	400 - CAPITAL PROJECTS FUND			7,899.00	7,899.00		
	401 - CONSTRUCTION FUND			163,461.95	163,461.95		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			69,207.85	69,207.85		
	1003 - 10:03 DWNTWN MAIN CNTRACT			108.12	108.12		
	1110 - MAYOR & COUNCIL			18.50	18.50		
	1400 - ADMINISTRATION			36.40	36.40		
	1410 - ELECTIONS			342.33	342.33		
	1481 - HISTORIC WATER TOWER REPA			3,675.00	3,675.00		
	1700 - ENGINEERING			1,619.40	1,619.40		
	1800 - IT/GIS			4,147.67	4,147.67		
	1902 - 19:02 CLST CONNECTION			162,809.86	162,809.86		
	1940 - CITY HALL			1,659.02	1,659.02		
	2001 - STREET REMODEL/ADDITION			1,955.00	1,955.00		
	2120 - POLICE DEPARTMENT			40,560.01	40,560.01		
	2121 - COMMUNITY SERVICE			404.00	404.00		
	2131 - TACTICAL TEAM			2,640.97	2,640.97		
	2160 - SCHOOL PATROL EXPENSE			800.00	800.00		
	2220 - FIRE DEPARTMENT			5,365.48	5,365.48		
	2225 - PAID ON-CALL FIRE DEPT			11,501.25	11,501.25		
	2400 - COMMUNITY DEVL/INSPECTION			1,423.65	1,423.65		
	2700 - ANIMAL CONTROL			4,909.00	4,909.00		
	3100 - S & S MAINTENANCE			58,544.16	58,544.16		
	3125 - SNOW REMOVAL			468.79	468.79		
	3160 - STORM SEWER EXPENSE			1,616.56	1,616.56		
	3170 - TRAFFIC CONTROL			1,242.61	1,242.61		

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 06/20/2022 - 06/20/2022

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 23/23

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
GL Distribution							
--- TOTALS BY DEPT/ACTIVITY ---							
3180	- PARKING LOTS EXPENSE			36.00	36.00		
3190	- SANITARY SEWER EXPENSE			2,210.51	2,210.51		
5200	- PARK MAIN/ADMINISTRATION			21,032.43	21,032.43		
5204	- CONCESSIONS			5,926.13	5,926.13		
5211	- SPECIAL EVENTS PROGRAM			19.85	19.85		
5215	- ADULT SOFTBALL			130.00	130.00		
5280	- CAMPGROUND			1,116.03	1,116.03		
5500	- LIBRARY-BUDGETED			46,134.48	46,134.48		
6510	- ECONOMIC DEVELOPMENT AUTH			10,632.00	10,632.00		
9000	- TRANSIT FUND			101,668.22	101,668.22		
9020	- AIRPORT M & O			34,539.61	34,539.61		
9030	- CONSTRUCTION PROJ-MISC			273.97	273.97		
9050	- CAPITAL PROJECTS-MISC			2,269.00	2,269.00		
9200	- CITY-WIDE			42,336.17	42,336.17		
9360	- LOCAL OPTION SALES TAX			109,318.46	109,318.46		

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:30 P.M. by Council President Bevans.

Upon roll call, the following members were noted as present: Erickson, O'Day, Stunek, Johnson, Stenglein, and Bevans. Mayor Badeaux was also noted as present. Council Member Pritschet was noted as absent.

Council President Bevans opened the meeting with the Pledge of Allegiance to the flag.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND JOHNSON TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills- Approved**
- B. Approval of Minutes of the Regular City Council Meeting held on May 16th, 2022- Approved**
- C. Approval of Licenses- Approved**
- D. Department Activity Reports- Approved**
- E. 2021 Audits for BPU and Brainerd HRA**
- F. Ratify the Reclassification of Andy Moody to Water Plant Operator**

Upon roll call, Council Members Erickson, O'Day, Stunek, Johnson, Stenglein, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Council Committee Reports

Personnel and Finance Committee

League of Minnesota Cities Insurance Trust (LMCIT) Premium Renewal March 2022- February 2023

Committee Chair Johnson stated that the increase was within the budgeted increase.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO APPROVE THE INSURANCE RENEWAL FROM THE LMCIT FOR MARCH 1, 2022 – FEBRUARY 28, 2023, AS PRESENTED WITH THE ADDITION OF INCREASED CYBER SECURITY INSURANCE AT AN ADDITIONAL COST OF \$2,184.

Accept Resignation of Firefighter Bickel

Committee Chair Johnson stated that Firefighter Bickel will be missed as he was a very effective employee, he got a promotion with his full-time job and feels he is unable to fulfill the obligations of the position.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED TO ACCEPT THE RESIGNATION OF PAID ON-CALL FIREFIGHTER ANDREW BICKEL EFFECTIVE 5/2/2022.

Ratify Hiring of 2022 Interns and Temporary/ Seasonal Employees

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO RATIFY THE HIRING OF THE 2022 SUMMER TEMPORARY EMPLOYEES AS PRESENTED ON THE ATTACHED LISTING.

Ratify the Promotion of James Kramvik as the Community Development Director

Committee Chair Johnson stated that this motion also authorizes the backfilling of an Assistant Planner which is needed.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED TO RATIFY THE PROMOTION OF JAMES KRAMVIK TO THE COMMUNITY DEVELOPMENT DIRECTOR POSITION EFFECTIVE JUNE 7, 2022, AND THAT HE BE PLACED ON STEP 2 AT A RATE OF \$40.97 PER HOUR ON THE COMMUNITY DEVELOPMENT DIRECTOR WAGE GRID; FURTHER TO DIRECT STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE ASSISTANT PLANNER POSITION.

Discussion of Prosecution Agreement

Committee Chair Johnson stated that the current agreement was for 3 years signed in 2019. The City needs to notify Severson Porter within 6 months of the expiration.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO AUTHORIZE STAFF TO PROVIDE WRITTEN NOTICE TO SEVERSON PORTER TO RENEW THE CURRENT CONTRACT PRIOR TO JULY 1ST.

Consider Request from the Employee Wellness Committee for the Employee Appreciation Event

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED TO APPROVE THE REQUEST FROM THE WELLNESS COMMITTEE TO CLOSE CITY FACILITIES FROM 11:30 AM TO 1:00 PM ON SEPTEMBER 14TH.

Update on City Engineer/ Public Works Director Hiring Process

Committee Chair Johnson stated that three applicants were chosen to interview for the position. The lodging allocation is standard for administrators and department heads who have to travel in for an interview.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO AUTHORIZE A LODGING REIMBURSEMENT FOR THE CITY ENGINEER/ PUBLIC WORKS DIRECTOR APPLICANTS FOR UP \$200 THE NIGHT BEFORE THEIR INTERVIEWS THAT WILL BE HELD ON JUNE 22, 2022.

Update on the Request for Funds to be Returned from Lakes Area Media Collaborative

Committee Chair Johnson stated that there has not been a response from Lakes Area Media Collaborative.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO DIRECT STAFF TO DRAFT ANOTHER LETTER TO LAKES AREA MEDIA COLLABORATIVE REQUESTING THE FUNDS BE RETURNED; FURTHER TO SEND THE LETTER TO THE BOARD MEMBERS AS WELL AS THE EXECUTIVE DIRECTOR.

Safety and Public Works

Event/Alley Closure Application- Shep's on 6th Elbow Convention

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON DULY CARRIED, TO APPROVE THE ATTACHED APPLICATION UNDER THE CONDITIONS LISTED IN THE APPLICATION.

Event/ Parking Lot Closure- Lakes Area Skatepark Association Pop-Up Skatepark

Committee Chair O'Day stated that this is a second event for the Lakes Area Skatepark Association. There will be a food truck and be a fundraiser for the association for a future skatepark.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE EVENT/ PARKING LOT CLOSURE FOR THE LAKES AREA SKATEPARK ASSOCIATION FOR THEIR POP-UP SKATE PARK EVENT UNDER THE CONDITIONS THAT ALL SIGNS BE REMOVED AFTER THE EVENT AND COORDINATOR FILLS OUT A FOOD TRUCK APPLICATION WITH NECESSARY ATTACHMENTS.

Approve Bids for Improvement 19-02- Cuyuna Lakes State Trail West Segment

Committee Chair O'Day stated that it was confirmed with the MNDNR that the alternate 1 segment of trail between S 8th Street and the spur line trail is not eligible for reimbursement of funding through the DNR. However, prices came in very favorable for this project and it makes sense to finish the connection at the risk of never completing it if it is not approved at this time.

Interim City Engineer Sandy stated the funds would come from local construction fund 401.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE BIDS AS PRESENTED AND AWARD THE CONSTRUCTION CONTRACT FOR IMPROVEMENT 19-02 - CUYUNA LAKES STATE TRAIL WEST SEGMENT TO DECHANTAL EXCAVATING IN THE TOTAL AMOUNT BASE BID PLUS ALTERNATE 1 IN THE AMOUNT OF \$630,162.

Approve Testing Services Contract for Improvement 21-10- Greenwood Street Reconstruction Project

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO ACCEPT THE QUOTE AND AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH ITT IN THE TOTAL AMOUNT OF \$4,215.00.

Unfinished Business

Final Reading- Proposed Ordinance 1531- An Ordinance Replacing Sections 720 and 725 Brainerd City Code

Interim City Engineer Sandy stated that this is a repeal and replace of sections 720 and 725 to be in line with the MS4 permit.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO CONDUCT THE FINAL READING OF PROPOSED ORDINANCE NO. 1531 AN ORDINANCE REPLACING SECTIONS 720 AND 725 BRAINERD CITY CODE AND DISPENSE WITH THE ACTUAL READING OF THE ORDINANCE.

The Chair opened the public hearing at 7:47 p.m.

No one came forward.

The Chair closed the public hearing at 7:47 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO ADOPT ORDINANCE 1531- AN ORDINANCE REPLACING SECTIONS 720 AND 725 BRAINERD CITY CODE.

ORDINANCE 1531

Upon roll call, Council Members Erickson, O'Day, Stunek, Johnson, Stenglein, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, TO ADOPT A RESOLUTION FOR SUMMARY PUBLICATION.

RESOLUTION 22:22

Upon roll call, Council Members Erickson, O'Day, Stunek, Johnson, Stenglein, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Approve Settlement Agreement with Gustafson Properties of Brainerd, LLC

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE ATTACHED SETTLEMENT AGREEMENT AS PRESENTED AND AUTHORIZE STAFF TO EXECUTE THE SETTLEMENT.

Public Hearing and Resolution-Petition to Vacate Alley Submitted by My Neighbor to Love- Alley Blocks M and E, West Brainerd

Interim City Engineer Sandy stated that the public hearing was set by adopted Resolution 21:22. Upon due notice the Council can grant the vacation or not. The developer submitted a site plan.

The Chair opened the public hearing at 7:49 p.m.

Vicky Kinney, Lakeshore, My Neighbor to Love, stated that the alley serves no purpose to their mission and hinders plans. The organization did take seriously the recommendations by the Planning Commission recommending higher density housing. The plan is to put in three multiplex and eight single family homes on the property and allow for greenspace. The greenspace would be more beneficial than an alley that the City has to maintain.

Mike Angland, 15873 Old Stone Bridge Trail, Gustafson Properties, stated that there is a site plan sketch from the developer. The vacation would benefit of the property and is in line

with the comprehensive plan and the proposed zoning code. The vacation would allow for the most flexibility for the site.

MOVED BY COUNCIL MEMBER STENGLEIN TO ADOPT THE ATTACHED RESOLUTION, IN WHICH VACATES THE ALLEYS LYING WITHIN BLOCKS M AND E, WEST BRAINERD WHILE RESERVING RIGHTS TO AN EASEMENT FOR UTILITY PURPOSES.

The Chair declared the motion failed for lack of second.

Call for Applicants – Informational:
(Application Information at www.ci.brainerd.mn.us/boards/)

Mayor Recommended: (terms to expire on 12/31 of said year)

Cable TV Advisory Committee – 2 terms (Expire 2022) --1 term (Expire 2024)
Charter Commission – 1 term (Expire 2022) 1-term (Expire 2025)
Rental Dwelling License Board of Appeals – 2 terms (Expire 2022)

Mayor Recommended: (terms to expire 09/07 of said year)

Economic Development Authority (EDA) – 1 term (Expire 2022) – 1 term (Expire 2026)

Council President Recommended: (terms to expire 12/31 of said year)

Planning Commission—1 term (Expire 2023)

Ad Hoc Committees – Applicants Needed

Water Tower Fundraising Committee – 1 position available

New Business

First Reading- Proposed Ordinance 1532- An Ordinance

City Administrator Bergman stated that the Charter Commission reviewed several items at its May 10th meeting. The first ordinance encompasses changes to Chapter 1, 2, and 5, the information is laid out in the memo.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1532- AN ORDINANCE AMENDING THE BRAINERD CITY CHARTER DISPENSE WITH THE ACTUAL READING.

First Reading Proposed Ordinance 1533- An Ordinance

City Administrator Bergman stated that the Commission directed staff to review the language to allow distributing of funds to include one or more in reference to green space/arboretum, senior programs, and events/community action organizations. Staff brought back a recommendation to the Charter Commission to clarify both the intent of "within the city limits of Brainerd" and allowing multiple organization to receive the 1.5% of the previous years levy. The Charter Commission approved a motion to strike Chapter 3, Sections 3-5, in their entirety with further recommendation to have legal review and extend the Northland Arboretum's agreement to 5 years.

Council Member Stenglein stated that she will vote no to the second reading because she has heard a lot from constituents about the amenities from each of these organizations.

Council Member O'Day asked for clarification about the City's ability to give money to non-profit organizations if it is not in the Charter.

Attorney Langel stated that without language expressly in the Charter, you are relying on general state law in which cities do not have the authority to give money to organizations.

Council Member Johnson stated that there are legal expenditures the City can contract out with non-profits in the State of Minnesota. He also asked Council Member Stenglein to keep an open mind going into the second reading.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1533- AN ORDINANCE AMENDING THE BRAINERD CITY CHARTER DISPENSE WITH THE ACTUAL READING.

Set Joint Workshop of City Council and Public Utilities Commission

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO SET JOINT WORKSHOP OF THE CITY COUNCIL AND BRAINERD PUBLIC UTILITIES COMMISSION FOR JUNE 27, 2022, AT 5:00 P.M. IN COUNCIL CHAMBERS.

Public Forum

The Chair opened public forum at 8:03 p.m.

Nancy Cross, 12843 Eagle Dr, Lions Club, stated that the Brainerd Lions Club Celebrated its 100th birthday, the club will be having a birthday part on July 11th from 11-2 at Memorial Park and everyone is invited to attend. The Brainerd's Lions Club has given over \$1 million to non-profits in the area in the last 10 years.

The Chair closed public forum at 8:05 p.m.

Staff Report

Acting Community Development Director Kramvik stated that he is excited for the opportunity to serve as Community Development Director and delve into the economic side of the position. The Planning Commission meeting on June 15th will hold the public hearing of the potential adoption of the zoning code and zoning map.

Finance Director Hillman stated that there will be two races for the City on the primary ballot. Regardless of the City having a race on the primary ballot, the City would still need to hold a primary due to state statute. The City is seeking over 50 election judges to serve for the primary and general election, she stated that in order to achieve party balance at the polling locations at all times, staff requests that you provide your party affiliation. This information is non-public information that would only be shared with election judges in the precinct if needed. You do not have to be a resident of Brainerd to become a judge.

IT/GIS Director Strong stated that the City will not be using WebEx going forward as it is more expensive, also that they will be going away from virtual meetings except for City Council and as needed for other meetings. The cable channel is almost secured, the contract needs to be finalized and Charter is having difficulties getting hardware. The channel will be called BC³, it will be viewable on Charter, CTC, Roku, Apple TV, Amazon Fire TV, YouTube, CableCast, and the City Website.

Mayors Report

Mayor Badeaux stated that the Mississippi Landing Trailhead Park (MLT) had the groundbreaking event on June 6th. The amenities and design should be excellent. The City is actively involved in tearing out a parking lot and putting a park in its place. The parking situation will need to be adjusted to. He congratulated the Brainerd High School Softball team for making it to the State Tournament. He attended the baseball associations tournament at Jaycee's and Bane parks and congratulated them on the events. Finally, the splash pad is open he thanked contributors. He has been to the splash pad multiple times, and it is amazing to see the amount of individuals in the park. Every single time the button is pressed, there is a child using our park.

Council Member Reports

Council Member Stenglein attended the groundbreaking for MLT it was great fun.

Council Member Stunek stated that the airport received a \$14 million grant for a new Fire Department, he attended the groundbreaking and is excited for its completion.

Council Member Johnson stated that at the EDA meeting on June 2nd there was discussion around the Initiative Foundation being awarded \$4.5 million from DEED Mainstreet Revitalization Program. The EDA will be holding a special meeting on June 8th at 5:00 p.m. to develop criteria for Brainerd's earmarked funding.

Council Member O'Day congratulated Mr. Kramvik on his promotion.

Council Member Erickson stated that he is excited for the next Planning Commission and the next step toward the approval of the updated zoning code. On May 26th he attended the Northland Arboretum Board of Directors meeting and updated them on the proposed updates to the Charter and informed them of important dates coming up.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 8:18 p.m.

Jennifer Bergman
City Administrator

ALTERNATIVE ENERGY SYSTEMS LL

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
19113 NATURE RD	Plumbing Contractor	Active	MB779739	04/08/2023	2022-0032	12/31/2022

CONTRACTORS INC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
2160 W WAYZATA BLV	General Commercial	Active		12/31/2022	2022-0026	12/31/2022

CUSTOM BUILDERS INC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
12383 234TH ST	General Commercial	Active		12/31/2022	2022-0027	12/31/2022

EQUITY BUILDERS AND ROOFING LL

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
PO BOX 511	Commercial Roofing	Active	BC693854	03/31/2023	2022-0006	12/31/2022

LUNDBERG PLUMBING & HEATING I

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
1075 2ND ST NW	Mechanical	Active	MB003381	07/01/2022	2022-0063	12/31/2022
1075 2ND ST NW	Plumbing Contractor	Active	PC644439	12/31/2022	2022-0033	12/31/2022

PERFORMANCE HEATING & AC LLC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
12653 COUNTY ROAD 1	Mechanical	Active	MB003079	06/18/2022	2022-0062	12/31/2022

Total Licensees7

Population: All Records
Licensee.Status = Active AND
Licensee.DateRegistered Between 6/2/2022 12:00:00 AM AND 6/16/2022 12:00:00 AM



City of Brainerd
IT/GIS Department Monthly Report
May 2022

Projects

- Continued installation of new computers, mostly complete.
- Requested most staff bring back all city equipment taken home during pandemic, will update laptops and have available in case it is need again.
- Summer interns started – helping to get Tree Inventory data collected even without a GIS intern.
- PEG (cable TV) – CableCast equipment physically installed at CLC 5/3-5/5. Initial testing of connections. Training materials being reviewed. Meeting regularly with CLC and vendors to maintain forward progress. Items being worked on - contract language, naming, branding, promotion.
- Continued enhancements to meeting rooms to improve audio in anticipation of cable broadcast.
- Migration of park reservation/registration software underway – from RecNet to CivicRec

Software

- BS&A: support, reports, workflows, calendar syncing, etc
- Implemented a new more thorough backup process for BS&A data (SQL)
- BPU data exported out of city Laserfiche server

Hardware

- Plotter (large format printer/scanner) replaced print head, ink, other maintenance

Other

- Technical support for numerous meetings – City Council, Park Board, Planning, HRA, EDA, etc

Statistics

Emails sent: 9,073 (292/day) received 30,959 (998/day)

Cisco Secure Endpoint: 4.07M files scanned, 684K IPs scanned

YouTube – City of Brainerd channel 1,760 views, 194 hours watched

Staff: changed City Eng access



BRAINERD POLICE DEPARTMENT MONTHLY REPORT



BESTUL'S BOOYAH AWARD

Submitted by Sgt. Rosier: Officers were advised of a male party on the top ledge of the Washington Street bridge who appeared to be getting ready to jump. Prior to officers' arrival, the male got down and immediately attempted to get back onto the ledge.

Officer Boggs made contact with the male and prevented him from climbing further onto the ledge. Sgt. Rosier observed Officer Boggs to exhibit effective communication skills, empathy, and general concern for the wellbeing of the male party. Officer Boggs gained rapport with the individual to get him to agree to be transported to the emergency room for a medical evaluation.

Great work Rachel! *Booyah!*



Submitted by Deputy Chief Davis: Earlier this year Rachel became a Crisis Intervention instructor. The value of the training has become even more apparent after the last couple of years. A need was identified for this training to be shared with the department, so Rachel created a new 8-hour course from scratch and this course has now been POST approved.

Rachel instructed this course twice to our department during the month of May. Most of our POST courses are a few hours, give or take. Rachel's course is 8 hours and involves classroom lecture, scenarios, and role-players. This is quite an achievement!! Rachel, I appreciate you and all the effort you put into this. Thank you.

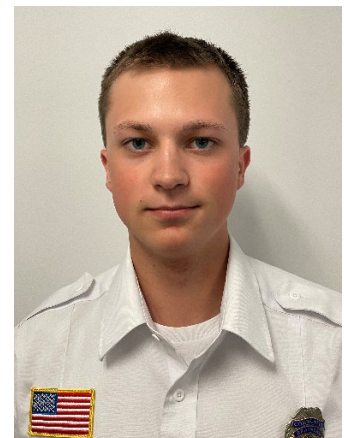
STAFFING & ASSIGNMENTS

Community Service Officer

We would like to welcome Tyson Wacker to our team. Tyson started as a Community Service Officer with the department on May 18.

Tyson is from Pipestone, Minnesota. He attended the Pipestone area High School and enjoys fishing and softball.

Tyson is currently attending Winona State University, working towards a bachelor's degree in Criminal Justice Law Enforcement. He will be fulfilling his internship while working with the Brainerd Police Department over the summer. Tyson would eventually like to do investigative work.



TRAINING & STAFF DEVELOPMENT**2022 Death and Missing Persons Investigative Conference**

Investigator Palcher and Investigator Myers attended the 2022 Death and Missing Persons Investigative Conference that was held in Breezy Point May 11th – 13th. The conference discussed the complex nature of death and missing persons investigations and the most effective investigative tools and techniques for case management, as well as identifying specific action plans to improve law enforcement's response to these cases. Participants gained knowledge that will assist them in their missing persons and death investigations. Case studies were presented.

Team Dynamics and Decision Making

Sergeant Dooley attended Team Dynamics and Decision Making training hosted by the Crow Wing County Sheriff's Office on May 11th and 12th. This course addressed how to transform groups into high functioning teams, balance the motivations of different team members, and build a willingness of members to support their leaders and organizational goals. In addition, students learned methods to manage team conflicts, build team consensus and handle difficult conversations with confidence.

FBI Multi-Disciplinary Threat Assessment Workshop

On May 18, Lieutenant Kulzer, Investigator Runde, Investigator Palcher, and School Resource Officer Selvestra attended an FBI Multi-Jurisdictional Threat Assessment Workshop in Brainerd. The presentation introduced attendees to the concepts of threat assessment and threat management, how communities can set up multi-disciplinary threat assessment teams, and how the FBI can assist their state and local partners in violence prevent.

Blue Ox Business Academy

Records Lead Miranda Halverson completed the last two sessions of the Blue Ox Business Academy in May. The Blue Ox Business Academy is a program designed for business owners, leaders and managers; newly promoted supervisors; and those pursuing new ideas and techniques to develop the skills and confidence needed to manage high performing teams. The last two session topics were Increasing Employee Engagement and Accountability and Reducing Conflict and Dealing with Difficult Employees.

EVOC & PIT

Sgt. Dooley attended EVOC refresher training at the MN Highway Safety and Research Center in St. Cloud during the month of May. This course meets and exceeds the minimum standards of the POST Board 5-year licensing requirement.

Death Notification Training

The Brainerd Police Department hosted Death Notification training sponsored by MADD Victim Services on May 19th. Notifying families about the death of a loved is one of the most difficult and emotional duties of law enforcement. Professionals who are trained in the appropriate protocol do victims a great service by minimizing additional trauma and supporting victims through the shock and grief that follow. Death notification protocols also give notifiers the skills and self-awareness to guard their own mental health. The post accredited course was presented by Dan Marose (Retired MN State Patrol Lieutenant), and Megan Helberg (Regional Program Manager, MADD MN, ND, & SD), and several of our officers had the opportunity to attend.



Department Critical Incident Training

OVERALL CALLS FOR SERVICE

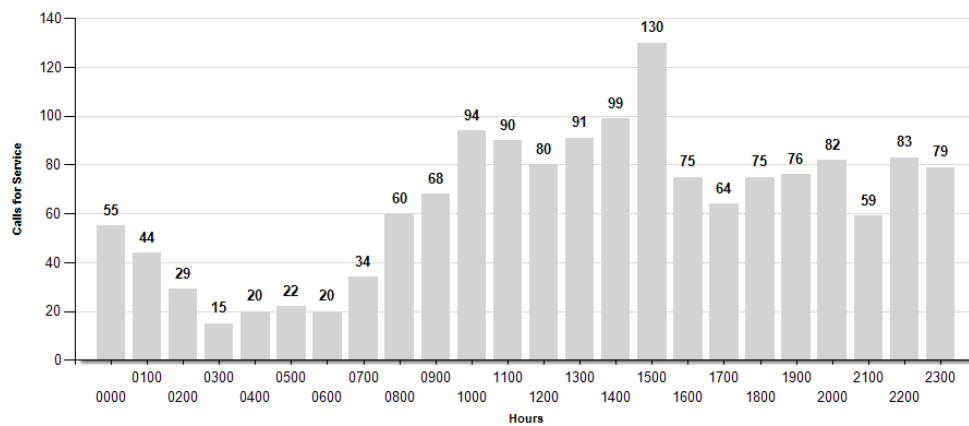
May	2022	2021
Number of Calls for Service	1544	1687



Calls for Service Hourly

5/1/2022 to 5/31/2022

Total Calls: 1594

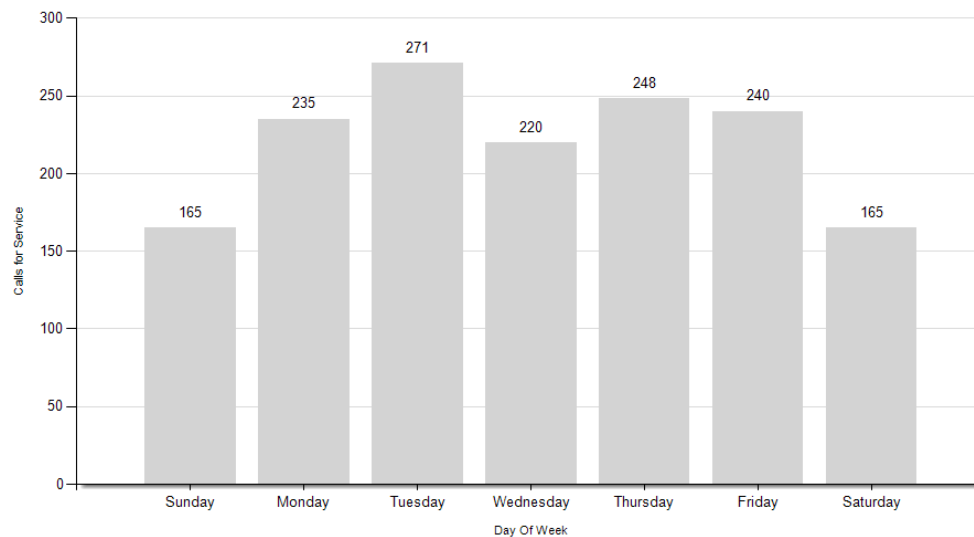


Calls for Service Day Of Week

Start Date: 5/1/2022

End Date: 5/31/2022

Total Calls: 1594



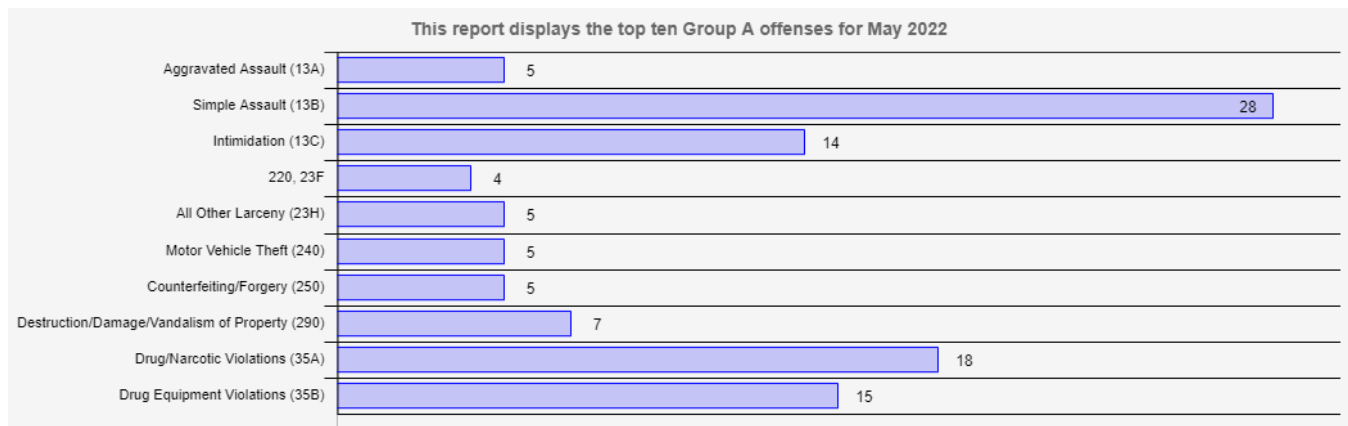
CRIME STATISTICS

Year to Date through May	2022	2021
Group A Offenses Known or Reported to Police	569	679
Group A and B Arrests	332	307

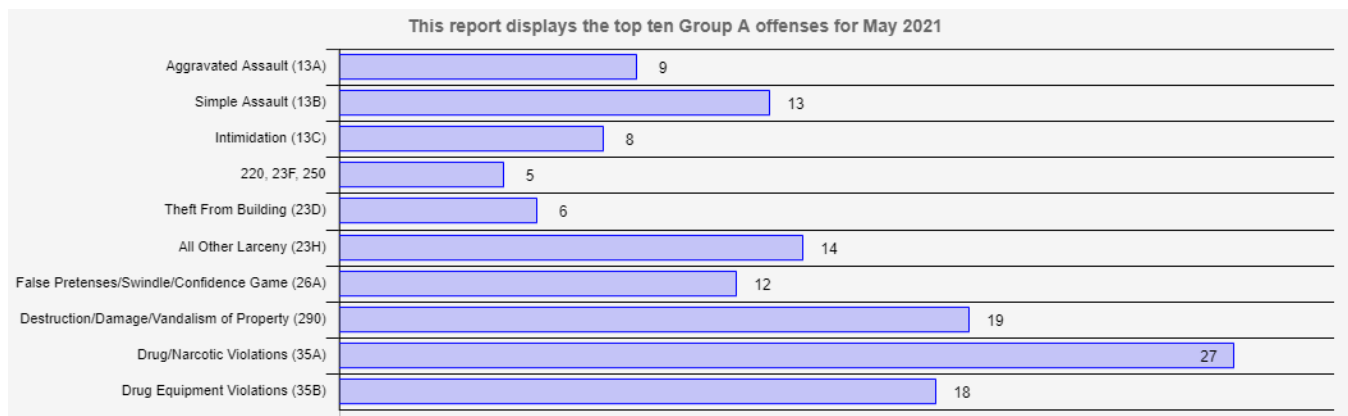
**** Note: 2022 totals do not include case files that have not yet been coded.**

TOP 10 GROUP A OFFENSES

May 2022

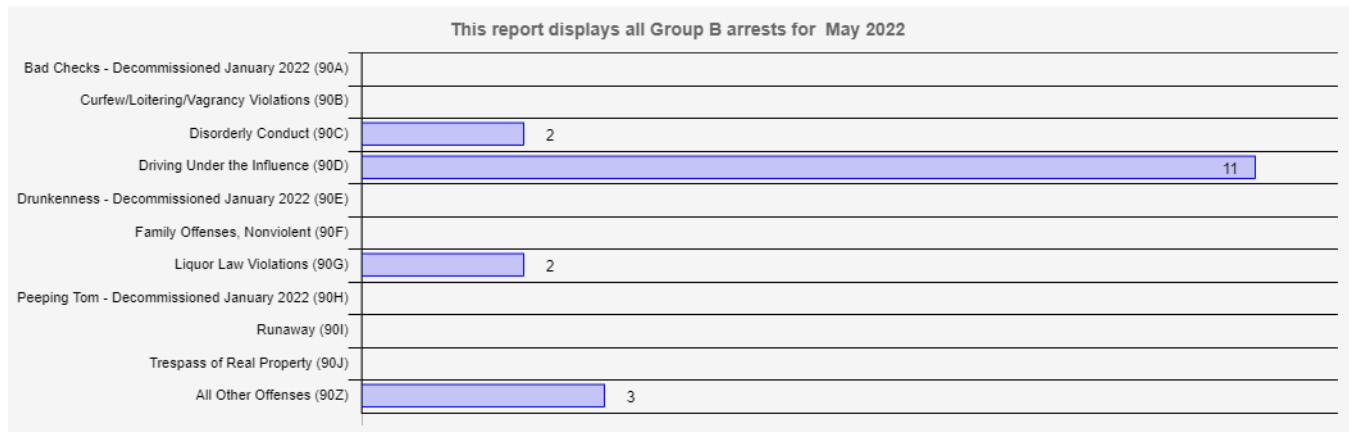


May 2021

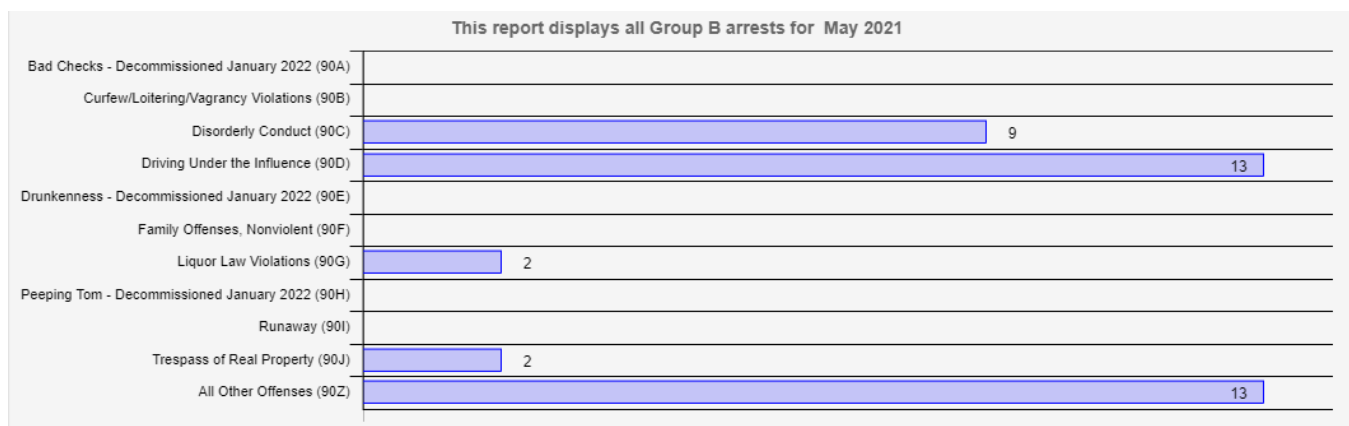


GROUP B ARREST DATA

May 2022



May 2021



CITATIONS, PARKING TICKETS, & WRITTEN WARNINGS

May	2022	2021
Citations (Inc. Parking Tickets & Written Warnings)	206	256

60 parking tickets were issued in the month of May, with the following dispositions.

2	Dismissed
46	Paid in Full
1	Partial Payments Received
11	No Payment Received

Revenue Recapture Receipts:

2021 Total:	\$ 8,528.62
2022 To Date:	\$ 4,323.00

CONDUCT ON PREMISES ACTIVITY REPORT

ICR	Date Reported	Title	Address	Summary
22005517	05/01/22	Conduct on Premises	1402 8 th Ave NE	Conduct on Premises

BODY WORN CAMERA DATA REPORT

Month	Number of Videos	Hours of Video	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
May	1804	405	706	401	13.46 Minutes	58



COMMUNITY OUTREACH

Donuts at the Senior Center

Officer Gleason, Sgt. Rosier, and Officer Middleton stopped by the Senior Center to help with the donuts one Thursday morning.

They had a great time and promise that there were donuts left after they went on their way!



Lemonade Stand

You know it is finally springtime when you start seeing entrepreneurs selling lemonade.

Officer Judd stopped in at Adelina and Kiara's lemonade stand one evening – their lemonade was perfect!



Police Department Tours

The Police Department hosted several tours during the month of May.

An officer typically starts off the tour in our meeting room, talking about the department and answering questions. The kids learn about the officer's uniform and receive a variety of handouts, including stickers, police hats, and badges.

The tour finishes in the garage with a peek at the squad cars and other police equipment. The officers enjoy having the opportunity to meet the kids and talk about the department.



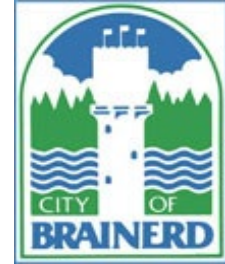
Officer Middleton & Officer Gleason with students from the Lake Region Christian School.

Head Start Fundraiser

TCC Headstart invited Safety Pup to the "Love, Laughter, and Family" end of year event that was held at the Crow Wing County Fairgrounds on May 20. The event included live music, free caricature drawings and a lot of fun. The children, aged 3-5, were thrilled to meet Officer Johnson and Safety Pup at the event.



MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: June 20, 2022

RE: Community Development Director Report

Building

The Community Development Department issued 110 building permits with a total project valuation of \$4,412,526 in the month of May. 1 permit for new single-family homes was issued in May.

Within the River-to-Rail incentive corridor, 7 permits were issued in May with a total project valuation of \$3,574 and \$479.86 in permit fees were waived.

*Note: project valuation does not include all projects as some permits, such as residential mechanical permits, have a flat fee and are not based on valuation. Therefore, the listed total project valuation is solely based on the permits whose fees are determined by valuation.

Code Enforcement

The Community Development Department conducted 148 code enforcement inspections in May.

With the adoption of Ordinance No. 1524 on April 4, Community Development staff have moved to complaint driven enforcement only.

Planning & Zoning

Staff presented the new proposed zoning code and map to the Planning Commission at the June 15th regular meeting. The Planning Commission conducted the public hearing on the proposed zoning code during their meeting on June 15 and recommended to accept the proposed zoning code as presented with all marked additions. City Council will conduct the first reading of proposed ordinance No. 1535 on June 20th. If the first reading passes, City Council will hold the second reading on July 5th and conduct a public hearing. Proposed ordinance No. 1535 which completely repeals and replaces Section 515 of the City Code and the Zoning Map would go into effect on July 18th if City Council approves the proposed ordinance.



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



COMMUNITY MEMBER OF THE MONTH

THE BRAINERD CITY COUNCIL AWARDS

**Emily Rolfson &
Meta Mandich**

For Dedication to the Children of the City of Brainerd through their Leadership
in the Splash Pad project.

Dave Badeaux
Mayor

Jennifer Bergman
City Administrator

**CITY OF BRAINERD
PERSONNEL AND FINANCE COMMITTEE
AGENDA**

June 20, 2022

6:45 PM

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726

Access Code: 2490 666 8819

1. Consider Cable Channel Agreement with CLC
2. Consider Shared Services Agreement with Crow Wing County
3. Consider Declaring Lakes Area Music Festival Annual Event a Community Festival
4. Consider Request for ARPA Funds for EDA
5. Discussion on Use of ARPA Funds for Public Works Projects
6. Update on the Request for Funds to be Returned from Lakes Area Media Collaborative



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



INCOME CONTRACT

This contract is by and between The City of Brainerd, 501 Laurel Street, Brainerd MN 56401 (hereinafter CITY) and the State of Minnesota acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Central Lakes College (hereinafter MINNESOTA STATE).

WHEREAS, the CITY has a need for a specific service; and

WHEREAS, MINNESOTA STATE, is empowered to enter into income contracts pursuant to Minnesota Statutes, Chapter 136F;

NOW, THEREFORE, it is agreed:

1. **DUTIES OF MINNESOTA STATE.** MINNESOTA STATE agrees to provide the following:
 - a. Provide a half-time MINNESOTA STATE staff position (Station Manager) that will be responsible for overseeing the operations of the PEG channel broadcasts. This position will coordinate filming/recording/streaming of City meetings and events and schedule them to be played on the PEG Channel.
 - b. Provide a secure physical location, rack space, internet connection, and electricity for the CableCast equipment.
 - c. MINNESOTA STATE students or staff will provide labor from the MINNESOTA STATE Videography Program to produce professional level broadcasts/recordings and attend the following City of Brainerd meetings/events:
 - City Council including Committee meetings – Safety & Public Works and Personnel & Finance (1st, 3rd Mondays each month at about 6:30 PM)
 - Park Board (4th Tuesday each month at 4:00 PM)
 - Planning Commission (3rd Wednesday each month at 6:00 PM)
 - Economic Development Authority (EDA) (1st Thursday each month at 7:30 AM)
 - Transportation Advisory Committee (Quarterly - Feb, May, Aug, Nov - usually 3rd Thursday at 3pm)

- Other city meetings/events as mutually agreed upon. There are occasionally special meetings which are in addition to the regular scheduled meeting above.
 - Meeting dates that fall on holidays are generally moved to the next weekday.
- d. Oversee operations and coordinate scheduling of video content on the CableCast system. Only City of Brainerd meetings/events and Central Lakes College video content shall be broadcast on the system. Other entities requesting content to be broadcast shall be reviewed and mutually agreed upon in writing by the City of Brainerd and Central Lakes College. There shall be a documented agreement with other entities which outlines type of content, scheduling frequency, and the financial contribution the other entity will pay.
 - e. Maintain video communication circuits between MINNESOTA STATE Brainerd campus and CTC and Charter/Spectrum Brainerd head-ends. These circuits will carry the video signal that the cable companies will broadcast on their system to their cable subscribers.
 - f. Coordinate with City personnel to provide training and remote access to the CableCast system.
 - g. Facilitate remote access to the CableCast system for vendors or technical support as needed.
 - h. Perform or coordinate updates of CableCast system software and hardware.
 - i. Document and share with city personnel the PEG channel standard operating procedures, processes, and system configurations.
 - j. Participate in the City of Brainerd Cable TV advisory committee meetings as appropriate.

2. **DUTIES OF CITY.** The CITY agrees to provide the following:

- a. Purchase and supply all start-up and head-end equipment, software, network connections, and any other needs associated with this venture. CableCast head-end equipment will be located at Central Lakes College, Brainerd campus.
- b. Provide access to City buildings and computer/audio/video equipment to MINNESOTA STATE personnel for purposes of filming and recording of city meetings and other events for broadcast on the PEG channel.
- c. Provide personnel as a last resort to film/record city meetings in the event that MINNESOTA STATE personnel are not available. If MINNESOTA STATE personnel are not available, MINNESOTA STATE will notify the CITY within twenty-four hours. The

CITY will then provide personnel to operate the PEG channel during the time that the MINNESOTA STATE personnel are unavailable.

3. **CONSIDERATION AND TERMS OF PAYMENT.**

- a. Consideration for all services performed and goods or materials supplied by MINNESOTA STATE pursuant to this contract shall be paid by the CITY as follows:
 - CITY will provide 50% of the previous years' cable franchise fees received by the CITY from all of its cable franchisees to MINNESOTA STATE for staffing and operational expenses of the PEG channel. This amount will be invoiced to CITY on a yearly basis on the first of July of each year.
 - Other equipment or operational expenses may be invoiced to CITY on an ad-hoc basis. Both parties shall mutually agree to such expenses prior to purchase or commitment to provide services.
- b. Terms of Payment. Payment shall be made by the CITY within 30 days of the date of the invoice presented.

4. **TERM OF CONTRACT.** This contract shall be effective on July 1, 2022, or upon the date that the final required signature is obtained by MINNESOTA STATE, whichever occurs later, and shall remain in effect until June 30, 2025, or until all obligations set forth in this contract have been satisfactorily fulfilled, whichever occurs first.

5. **CANCELLATION.** If either Party breaches this Agreement, the non-breaching Party may provide written notice of such breach. The non-breaching Party will have ninety (90) days to cure the breach to the non-breaching Party's satisfaction. If the breach is not cured to the non-breaching Party's satisfaction, this contract shall terminate at the end of the aforementioned cure period. In the event of such a cancellation, the MINNESOTA STATE shall be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed. MINNESOTA STATE will return funds to CITY, determined on a pro rata basis, if contract is cancelled prior to the end of the MINNESOTA STATE fiscal year. Upon cancellation, any hardware or software purchased with funds provided by the CITY will be returned to the CITY.

6. **AUTHORIZED REPRESENTATIVES.**

- a. The CITY'S Authorized Representative for the purposes of administration of this contract is:

Name: Jennifer Bergman

Title: City Administrator
Address: 501 Laurel Street, Brainerd MN 56401
Telephone: 218-828-2307
E-Mail: jbergman@ci.brainerd.mn.us

- b. MINNESOTA STATE 'S Authorized Representative for the purposes of administration of this contract is:

Name: Rebekah Kent Ehlebracht
Title: Dean of Brainerd Career & Technical Programs and Customized Training
Address: 501 W. College Dr, Brainerd, Minnesota 56401
Telephone: 218-855-8067
E-Mail: rebekah.kentehlebracht@clcmn.edu

Each authorized representative shall have final authority for acceptance of services of the other party and shall have responsibility to ensure that all payments due to the other party are paid pursuant to the terms of this contract.

7. **ASSIGNMENT.** Neither the CITY nor MINNESOTA STATE shall assign or transfer any rights or obligations under this contract without the prior written approval of the other party.
8. **LIABILITY.** The CITY shall indemnify, save, and hold MINNESOTA STATE, its agents and employees harmless from any and all claims or causes of action arising from the performance of this contract by the CITY or CITY'S agents or employees. This clause shall not be construed to bar any legal remedies the CITY may have for MINNESOTA STATE 'S failure to fulfill its obligations pursuant to this contract.
9. **INSURANCE.**
- a. **Workers' Compensation Insurance:** Except as provided below, CITY must provide Workers' Compensation insurance for all its employees and, in case any work is subcontracted, Contractor will require the subcontractor to provide Workers' Compensation insurance in accordance with the statutory requirements of the State of Minnesota, including Coverage B, Employer's Liability. Insurance minimum limits are as follows:
- \$100,000 – Bodily Injury by Disease per employee
\$500,000 – Bodily Injury by Disease aggregate
\$100,000 – Bodily Injury by Accident

If Minnesota Statute 176.041 exempts CITY from Workers' Compensation insurance or if the CITY has no employees in the State of Minnesota, CITY must provide a written statement,

signed by an authorized representative, indicating the qualifying exemption that excludes CITY from the Minnesota Workers' Compensation requirements.

If during the course of the contract the Contractor becomes eligible for Workers' Compensation, the Contractor must comply with the Workers' Compensation Insurance requirements herein and provide the State of Minnesota with a certificate of insurance.

- b. **Commercial General Liability Insurance:** CITY is required to maintain insurance protecting it from claims for damages for bodily injury, including sickness or disease, death, and for care and loss of services as well as from claims for property damage, including loss of use which may arise from operations under the Contract whether the operations are by the CITY or by a subcontractor or by anyone directly or indirectly employed by the CITY under the contract. Insurance minimum limits are as follows:

\$2,000,000 – per occurrence
\$2,000,000 – annual aggregate
\$2,000,000 – annual aggregate – Products/Completed Operations

The following coverages shall be included:

Premises and Operations Bodily Injury and Property Damage
Personal and Advertising Injury
Blanket Contractual Liability
Products and Completed Operations Liability
State of Minnesota named as an Additional Insured

10. **AMERICANS WITH DISABILITIES ACT COMPLIANCE (hereinafter "ADA").** The CITY is responsible for complying with the Americans with Disabilities Act, 42 U. S. C. 12101, et. seq. and regulations promulgated pursuant to it. MINNESOTA STATE IS NOT responsible for issues or challenges related to compliance with the ADA beyond its own routine use of facilities, services, or other areas covered by the ADA.
11. **AMENDMENTS.** Any amendments to this contract shall be in writing and shall be executed by the same parties who executed the original contract or their successors in office.
12. **GOVERNMENT DATA PRACTICES ACT.** The requirements of Minnesota Statutes § 13.05, subd. 11 apply to this contract. The CITY and MINNESOTA STATE must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by MINNESOTA STATE in accordance with this contract, and as it applies to all data, created, collected, received, stored, used, maintained, or disseminated by the CITY in accordance with this contract. The civil remedies of

Minnesota Statutes §13.08 apply to the release of the data referred to in this clause by either the CITY or MINNESOTA STATE.

JURISDICTION AND VENUE. This contract shall be governed by the laws of the State of Minnesota. Venue for all legal proceedings arising out of this contract, or the breach thereof, shall be located only in the state or federal court with competent jurisdiction in Crow Wing County, Minnesota or Ramsey County, Minnesota.

13. **STATE AUDITS.** The books, records, documents, and accounting procedures and practices of the CITY relevant to this contract shall be subject to examination by the contracting department and the Legislative Auditor.

14. **OTHER PROVISIONS.** (Attach additional page(s) if necessary):

NONE

The rest of this page intentionally left blank. Signature page to follow.

IN WITNESS WHEREOF, the parties have caused this contract to be duly executed intending to be bound thereby.

APPROVED:

**1. MINNESOTA STATE COLLEGES AND UNIVERSITIES,
Central Lakes College**

By (authorized signature and printed name) Hara Charlier
Title President
Date

2. CITY: The City of Brainerd

CITY certifies that the appropriate person(s) have executed the contract on behalf of CITY as required by applicable articles, by-laws, resolutions, or ordinances.

By (authorized signature and printed name) Kelly Bevans
Title City Council President
Date

By (authorized signature and printed name) Dave Badeaux
Title City of Brainerd Mayor
Date

3. AS TO FORM AND EXECUTION:

By (authorized signature and printed name) Kari Christiansen
Title Vice President of Administrative Services
Date



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



SHARED SERVICES AGREEMENT AMMENDMENT #3 BETWEEN THE CITY OF BRAINERD CROW WING COUNTY

The Amending Agreement is dated August 7, 2022 is made between the City of Brainerd ("City") and Crow Wing County ("County"). The Amending Agreement will take effect on January 1, 2023.

Background

- A. The City and County entered into an agreement beginning on January 1st, 2019 for general maintenance, technical maintenance and administrative support at building where the City has Operations for a lump sum of money.
- A. City and County to desire to amend the agreement on the terms and conditions set forth in this amending agreement.
- B. This amendment is the second amendment to the agreement.

In consideration of the City and County agreeing to amend their existing agreement, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, both parties agree to keep, perform and fulfill the conditions and agreement below:

Amendments

- 1. The agreement is amended as follows:
 - a. 5.l Labor Hours The County will keep track of all labor hours it spends on City-related projects through CMMS, and these hours will be recorded on a quarterly basis and provided to the City. Contract amount for services is based on 1,500 hours of maintenance, administrative support and utilization of County machinery and tools. Thirty percent of agreement cost is associated with administrative support, maintenance of county vehicles, grounds and snow removal equipment, tools, fuel and other costs incurred by the county. This thirty percent of agreement cost is subject to an annual cost escalator to be negotiated by the County and City during annual agreement review.
 - b. 6.b Payment The City shall pay the County a Lump of \$8,650.00 per month in exchange for the services the County provides as outlined in Section 5.

No Other Changes

- 2. Except as otherwise expressly provided in this agreement, all of the terms and conditions of this agreement remain unchanged and in full force and effect.

Our Vision: Being Minnesota's favorite place.

Our Mission: Serve well. Deliver value. Drive results.

Our Values: Be responsible. Treat people right. Build a better future.

IN WITNESS WHEREOF the County and City have executed this amending agreement as of
The date first written above.

City of Brainerd

Jennifer Bergman, City Administrator

Date

John Melson, Facilities Manager

Date

**SHARED SERVICES AGREEMENT
BETWEEN THE CITY OF BRAINERD AND
CROW WING COUNTY**

THIS AGREEMENT is made and entered into on the latest date set forth below by and between the City of Brainerd (“City”), a Minnesota municipal corporation, and Crow Wing County (“County”).

Recitals

WHEREAS, the City and the County (“the Parties”) desire to enter an Agreement whereby the County provides general maintenance, technical maintenance, and administrative support (“Services”) at buildings where the City has operations in exchange for a lump sum of money;

WHEREAS, the Parties recognize and acknowledge that the Agreement will benefit both the City and the County;

WHEREAS, Minnesota Statutes section 471.59 authorizes cities of this state and counties to enter into joint powers agreements for the joint exercise of powers.

NOW, THEREFORE, in consideration of the mutual promises set forth below, the Parties agree as follows:

1. Recitals. The above Recitals are incorporated herein.
2. Purpose. The purpose of this Agreement is set forth in the terms of the Agreement between the two parties concerning the provision of general maintenance, technical maintenance, and administrative support by the County at City buildings in exchange for a sum of money. This Agreement does not create a joint powers board.
3. Term. This Agreement lasts for a term of one calendar year beginning on January 1, 2019. The Agreement will automatically renew unless either party provides ninety (90) days’ written notice to the other party. The Payment as described in Paragraph 6 will remain the same, unless mutually agreed to by the Parties.
4. Buildings in Project Scope (“Buildings”). Unless otherwise limited in this Agreement, the County will perform Services at the following buildings:

- a. Brainerd City Hall
501 Laurel Street
Brainerd, MN 56401
 - b. Brainerd Police Department
225 East River Road
Brainerd, MN 56401
 - c. Brainerd Main Fire Station
23 Laurel Street
Brainerd, MN 56401
 - d. Brainerd Northeast Fire Station
1301 Mill Avenue
Brainerd, MN 56401
5. County Responsibilities. The County will be responsible for the following:
- a. Contracted Service Takeover. The County will negotiate, pay for, and maintain annual generator maintenance contracts, elevator service contracts, fire protection service contracts, pest control service contracts, plumbing contracts (out of scope work), boiler tuning contracts, and overhead door contracts. The County will enter into and maintain commercially reasonable contracts that do not interfere with the occupancy and ownership rights of the City.
 - b. Grounds Maintenance. The County will perform the following grounds maintenance:
 - i. Snow Removal. Includes the removal of snow from and application of deicer to sidewalks, entrances, and doorways at the Brainerd City Hall, the Brainerd Police Department, and at the Brainerd Main Fire Station. This also includes removal of snow on weekends from walkways from the emergency services buildings at the Brainerd Police Department and Brainerd Main Fire Station, consistent with the weekend snow removal the County currently performs at the Crow Wing County Sheriff's Office.

Snow removal does not include removal of snow from parking lots, except as otherwise provided pursuant to this Agreement.

The County has no obligation to perform any snow removal at the Brainerd Northeast Fire Station.

- ii. Lawn Maintenance. Includes mowing, trimming, landscape maintenance, aerating, edging, pruning, and debris removal and disposing at the Brainerd City Hall, the Brainerd Police Department, and at the Brainerd Main Fire Station.

Lawn maintenance does not include application of fertilizer, chemical weed control, or the plantings of shrubs, flowers, bushes, or trees.

The County has no obligation to perform any lawn maintenance at the Brainerd Northeast Fire Station.

- iii. Irrigation. Includes general maintenance and repair of irrigation system, including replacing or repairing sprinkler heads and water lines, electrical troubleshooting and maintenance, and annual spring start-up and fall shut-down, including blowing out systems, at all buildings under this contract.
- iv. Exterior Building Envelopes. Includes diagnosing and repairing leaks on rooftops, repairing or maintaining roof drains, caulking or sealing exterior doors and windows, and flashing repairs at all Building.
- v. Exterior and Overhead Doors. Includes door hardware repairs, re-keying locks, overhead door repair, and threshold and door adjustments or repairs at all Buildings.
- vi. Outdoor Lighting. Includes re-lamping, wiring, or otherwise repairing outdoor building-mounted lights.

- c. Electrical Systems. The County agrees to be the Master Electrician of Record the City of Brainerd for buildings under this agreement, which includes maintaining the appropriate license, organizing electrical inspections, and pulling permits on the City's behalf. In addition, the County agree to perform the following at the Buildings:

- i. Lighting Circuits. Includes repairing and re-wiring lighting circuits, ballast repairs or replacements, and re-lamping ballasts.

- ii. Power Circuits. Includes repairing or re-wiring power circuits, outlet or light switch repairs or replacements, and outlet or light switch cover repair or replacements.
- iii. Data Drops. Includes repairing or re-wiring data circuits, wiring ends on cables, and setting new data points.
- iv. Generators. Includes general monthly generator start-ups and checks per manufacturer's recommendations.
- d. General Interior Building Maintenance. The County agrees to: (1) perform painting, drywall, ceiling tile, and doors/locks/hardware repairs; (2) shampoo carpets yearly; (3) perform hard floor surface maintenance, including stripping, waxing and repairing at all of the Buildings.
- e. Plumbing. The County agrees to repair sinks, faucets, urinals, toilets, drinking fountains, water coolers, and water heaters at all Buildings.

The County is not responsible for leak repairs, but it must notify the City immediately when a leak is discovered on the City's portion of a Building.

- f. Heating, Ventilation, and Air Conditioning ("HVAC"). The County will perform the following HVAC-related activities at all the Buildings:
 - i. Air Handlers. Includes repair in relation to filters, belts, bearings, shafts, grease, motors, sensors, valves, and actuators; and also includes preventative maintenance and repairs in the spring and fall in accordance with manufacturers' recommendations.
 - ii. Radiant Heaters. Includes repairs and preventative maintenance in accordance with manufacturers' recommendations.
 - iii. Boilers. Includes repairs and preventative maintenance in accordance with manufacturers' recommendations.

The City will continue to provide routine checks on boilers.

- iv. Pumps. Includes greasing, repairs of couplings, leaks, and seals, and preventative maintenance in accordance with manufacturers' recommendations.
 - v. Rooftop Units. Includes repairs to belts, bearings, and compressors; coil cleanings; and preventative maintenance in accordance with manufacturers' recommendations.
- g. Controls. The County will provide technical support for control systems in place at the Buildings. The County will also recommend upgrades for control systems based upon its experience and expertise.
- h. Administrative Tasks. The County will:
 - i. Provide designated City personnel access to the County's Computerized Maintenance Management Software (CMMS).
 - ii. Provide administrative support time, including the initial set-ups of assets and preventative maintenance schedules for the assets in the asset management program in the Buildings.
 - iii. Assist the City in making capital equipment decisions.
 - iv. Provide monthly reports work completed via electronic reporting in the CMMS. Also, the City and County will meet quarterly for a more holistic contract review.
- i. Work Orders. The County will set up a system in which each building that is part of this Agreement will have a separate system of work orders. The Parties agree that work orders will be submitted through designated City staff provided by the City. The County will process all work orders submitted, regardless of from the County or the City, and prioritize work orders based on the severity of the work order as determined by the County. All repairs estimated to be in excess of \$1,500 must receive authorization from the appropriate supervisor or department head in both the City and the County.
- j. County Emergency Line. The County agrees that it will provide the City with access to its County emergency line, which may be used

during after-hours. City staff may make calls to the County emergency line at staff discretion.

- k. Materials. The County will keep track of all materials needed to repair City equipment and invoice the City on a quarterly basis. This invoiced amount is separate and apart from the Payment amount in Paragraph 6(b).
 - l. Labor Hours. The County will keep track of all labor hours it spends on City-related projects through the CMMS, and these hours will be recorded on a quarterly basis and provided to the City. Contract amount for services is based upon 2,080 hours of maintenance and administrative support.
6. City Responsibilities. The City will be responsible for the following:
- a. Access. The City shall give the County access to all the Buildings through the use of keys, key cards, or other tools as necessary.
 - b. Payment. The City shall pay the County a lump sum of \$10,000 per month in exchange for the services the County provides as outlined in Section 5.
 - c. Parts Budget. The City shall maintain a parts budget that will be given to the County as a line item budget number. Nothing in this subparagraph 6(c) alters the Payment amount in Paragraph 6(b).
 - d. Materials Payment. The City shall pay the invoiced amount in Paragraph 6(k) on a timely basis.
7. Termination. This Agreement shall be terminated by either party, at any time with or without cause, with 90 days' written notice delivered in person to the other party.
8. Approval. Before this Agreement shall become binding and effective it shall be approved by appropriate resolutions of the City and the County.
9. Complete Agreement. It is understood and agreed that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and all negotiations between the parties relating to the subject matter of this Agreement. Any alterations, variations or modifications of the provisions of this Agreement shall be valid only when they have been reduced to writing and duly signed by the parties.

10. Mutual Drafting. This Agreement is the result of negotiations between the parties and, accordingly, shall not be construed for or against either party, regardless of which party drafted any the Agreement or any portion thereof. The Agreement shall for all purposes be deemed to have been mutually drafted.
11. Notice. For purposes of delivery of notices herein, the notice shall be effective if personally delivered, or delivered by certified mail, to the City Administrator of the City of Brainerd, 501 Laurel Street, Brainerd, MN 56401, or for the County, to the Facilities Manager for Crow Wing County, 202 Laurel St, Brainerd MN 56401.

CITY OF BRAINERD

DocuSigned by:

33A82C815684495...

Dated: _____

ATTEST:

DocuSigned by:

57EB46F37FD6454...

CROW WING COUNTY

DocuSigned by:

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Dated: _____

ATTEST:

DocuSigned by:

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Certificate of Completion

Envelope Id: 620C2D7A1FA34C29B51944F814532D48

Status: Completed

Subject: ID #3123 Shared Services Agreement - City of Brainerd and Crow Wing County

Source Envelope:

Document Pages: 7

Signatures: 4

Envelope Originator:

Certificate Pages: 2

Initials: 0

Therese Norwood

AutoNav: Enabled

2633 Camino Ramon Ste 500

Envelopeld Stamping: Enabled

San Ramon, CA 94583

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Therese.Norwood@crowwing.us

IP Address: 207.7.154.9

Record Tracking

Status: Original

Holder: Therese Norwood

Location: DocuSign

6/6/2019 11:28:42 AM

Therese.Norwood@crowwing.us

Signer Events

Edwin L. Menk

emenk@ci.brainerd.mn.us

eSign

Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

Edwin L. Menk

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Timestamp

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Signed: 6/6/2019 11:41:18 AM

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Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Cassandra Torstenson

ctorstenson@ci.brainerd.mn.us

eSign

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Cassandra Torstenson

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Rosemary Franzen

Rosemary.Franzen@crowwing.us

Chair

eSign

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Rosemary Franzen

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Timothy J. Houle

Tim.Houle@crowwing.us

County Administrator

Crow Wing County

Security Level: Email, Account Authentication
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Timothy J. Houle

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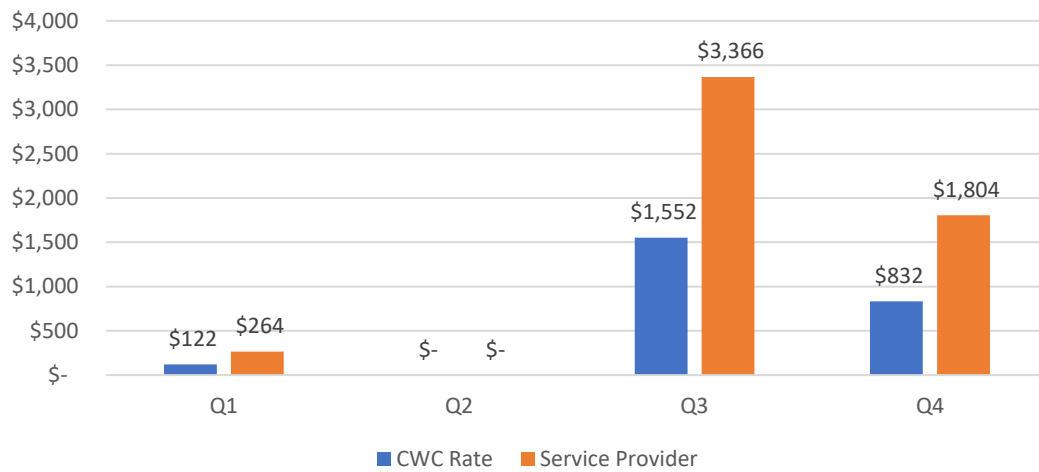
In Person Signer Events

Signature

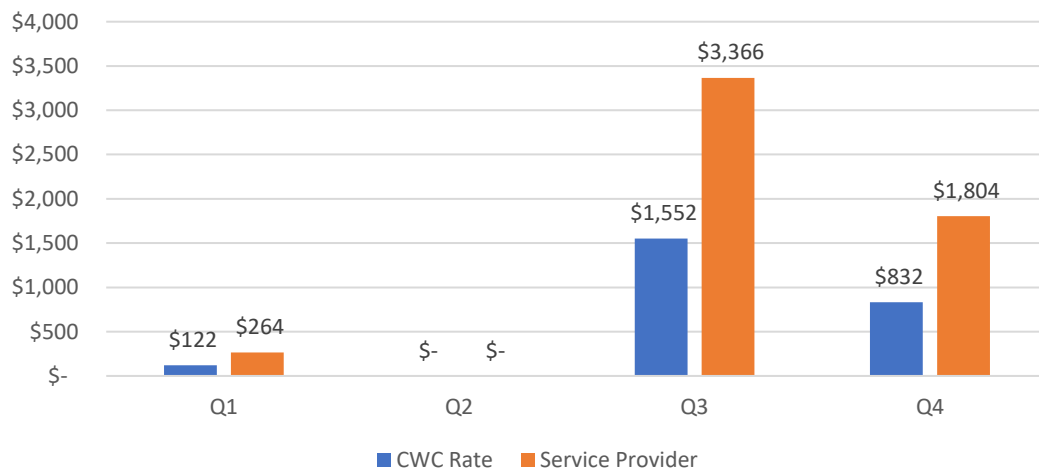
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Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/7/2019 12:50:10 PM
Certified Delivered	Security Checked	6/7/2019 1:37:01 PM
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Payment Events	Status	Timestamps

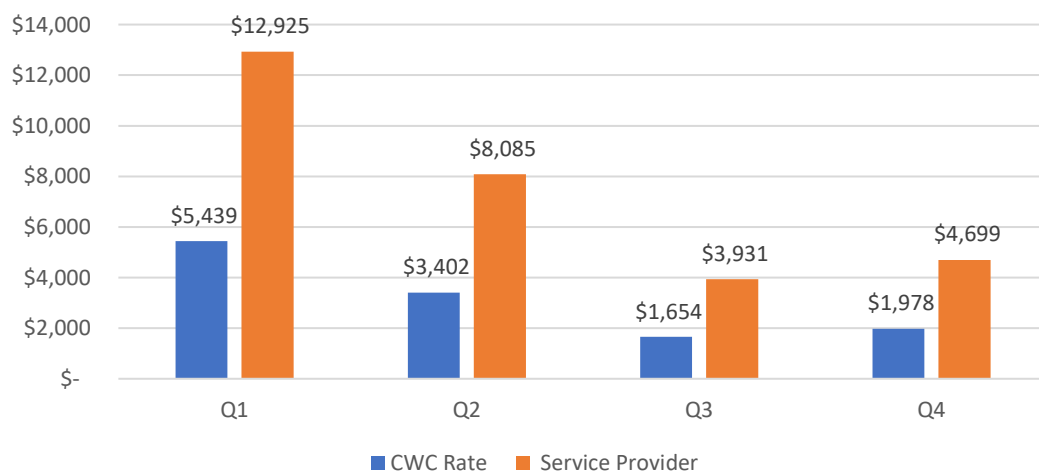
2019 Electrical Services



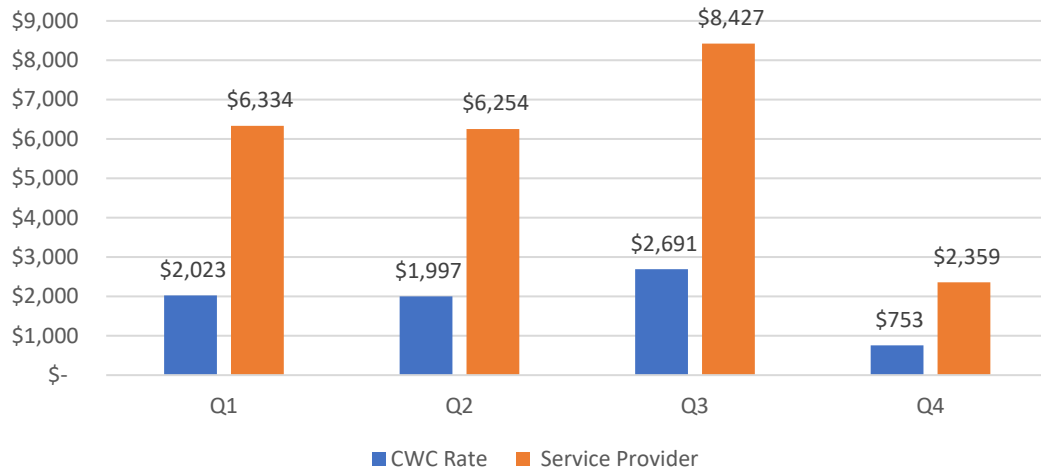
2020 Electrical Services



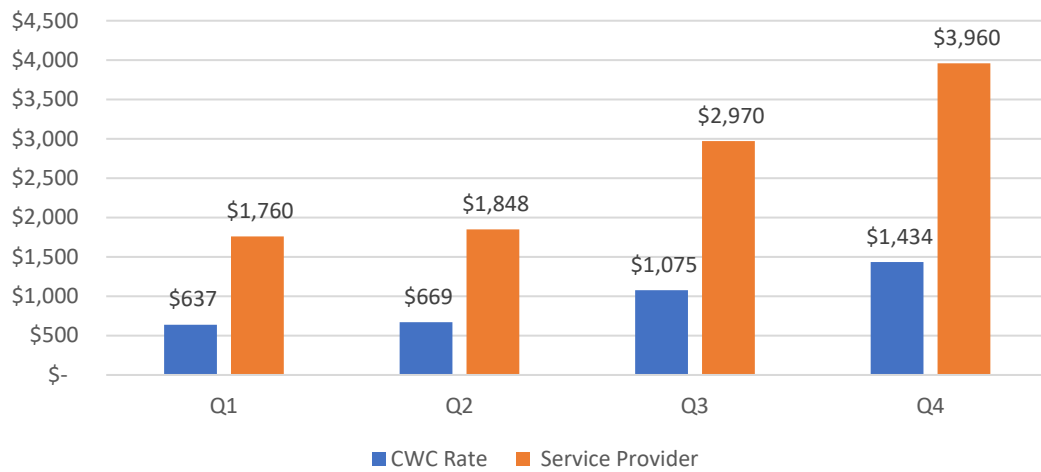
2021 Electrical Services



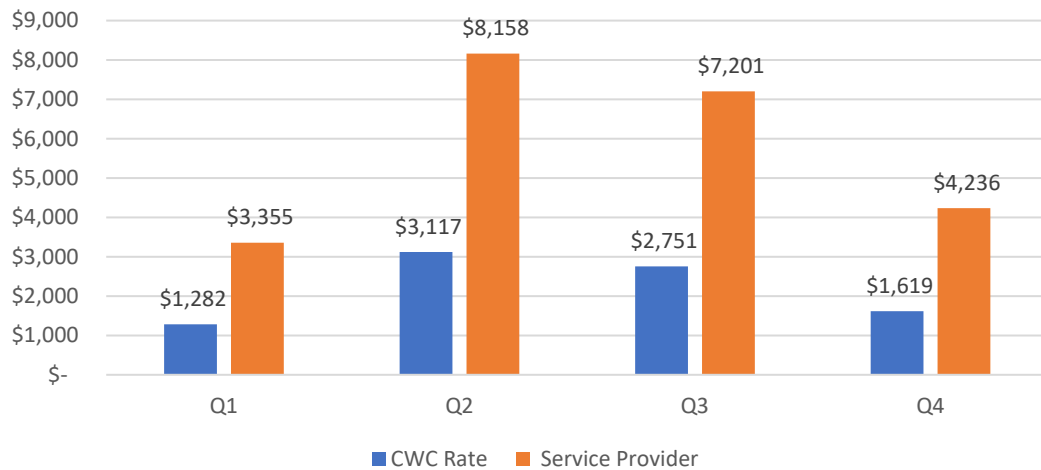
2019 HVAC Services

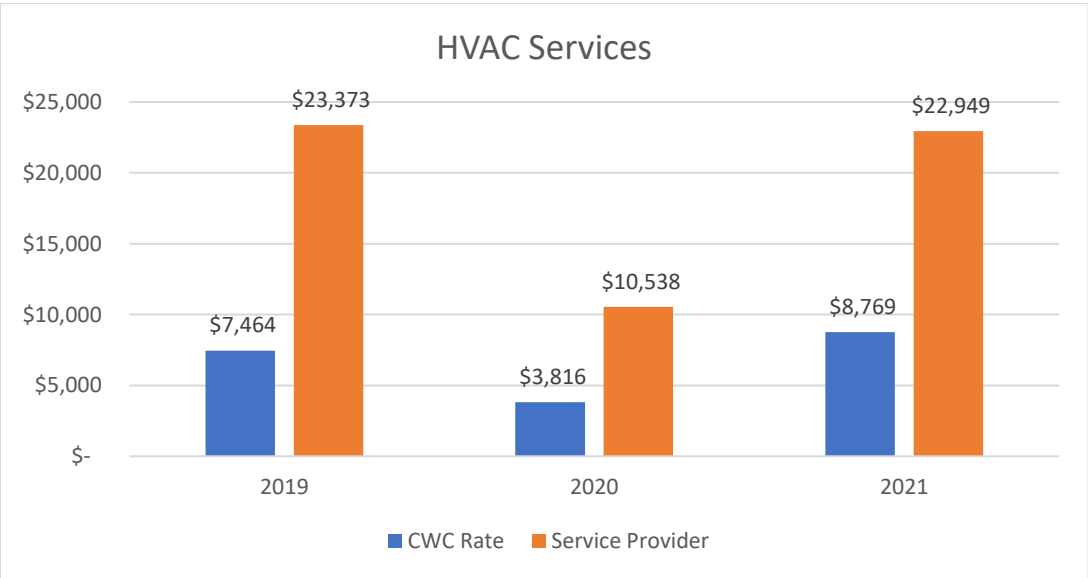
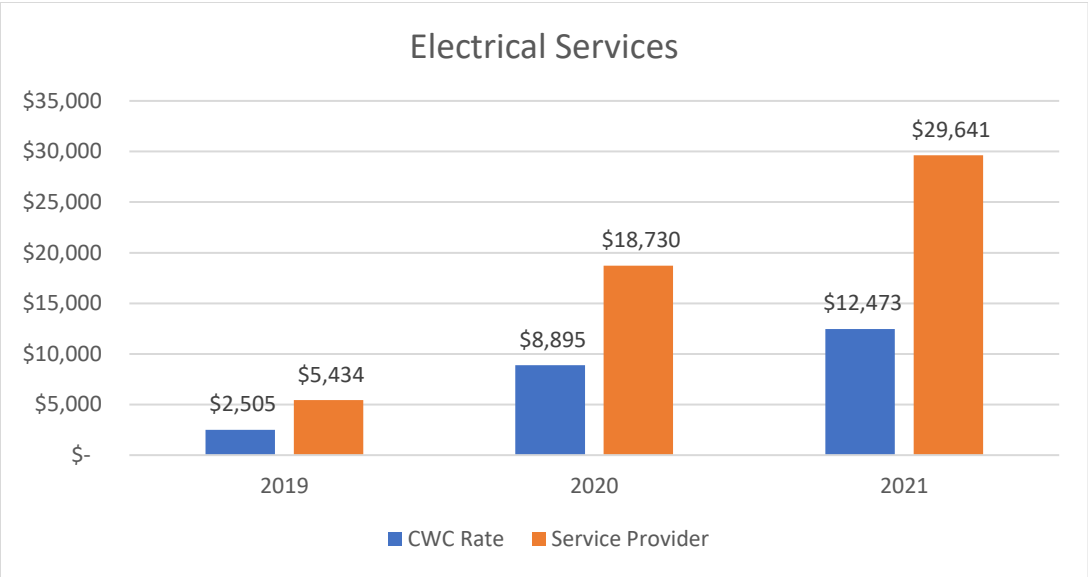


2020 HVAC Services



2021 HVAC Services







COB Shared Services 2022 Discussion

History: Original Agreement began early 2019, Amendment #1 Electrical License wording change, Amendment # 2 Reduced service hours from 2080hrs to 1500hrs based on short history and projection for 2021, Amendment #3 (proposed) for 2023 hours to remain and cost adjustment. 2021 first stable year: contract maturing, remodeling of City Hall complete and Preventative Maintenance program on all equipment implemented at all contract facilities.

Positives: Professional services (HVAC, Electrical, Locks and doors, Technical Support for previous and future facility improvements, accounting and report out of existing services, mutually beneficial.

Customer satisfaction has been reported as high.

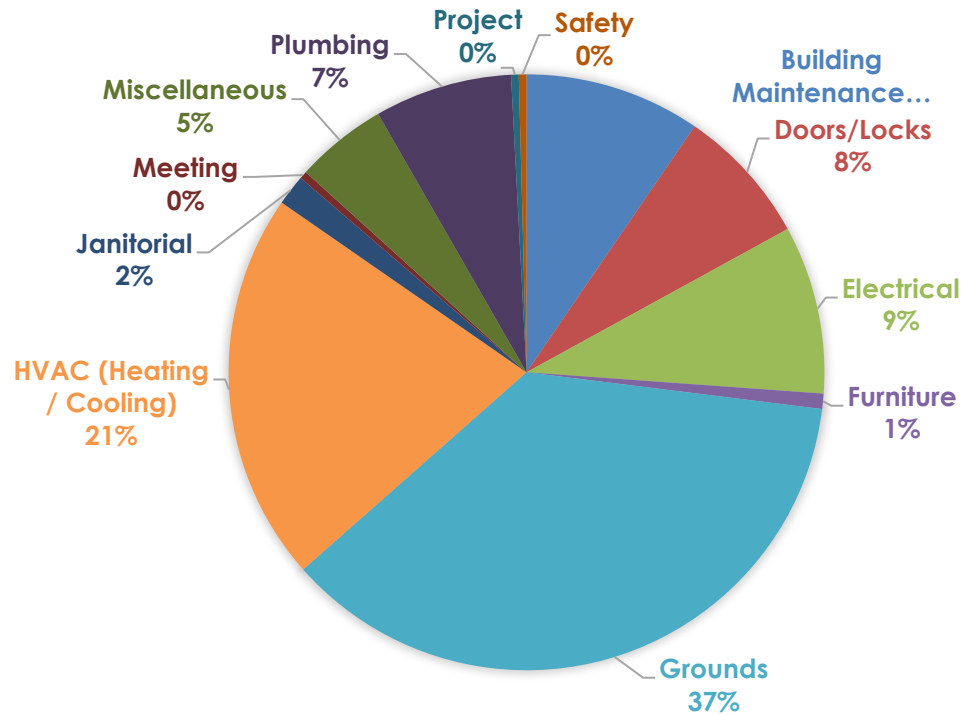
Our Vision: Being Minnesota's favorite place.

Our Mission: Serve well. Deliver value. Drive results.

Our Values: Be responsible. Treat people right. Build a better future.



2019 COMPLETE WORK ORDER SUMMARY



HOURS CONTRACTED – 2080

HOURS USED 1098.21

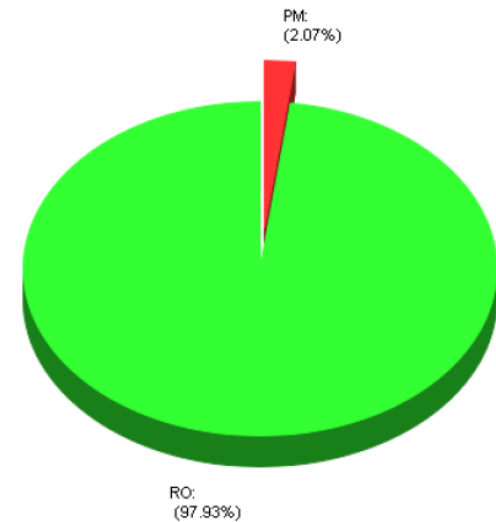
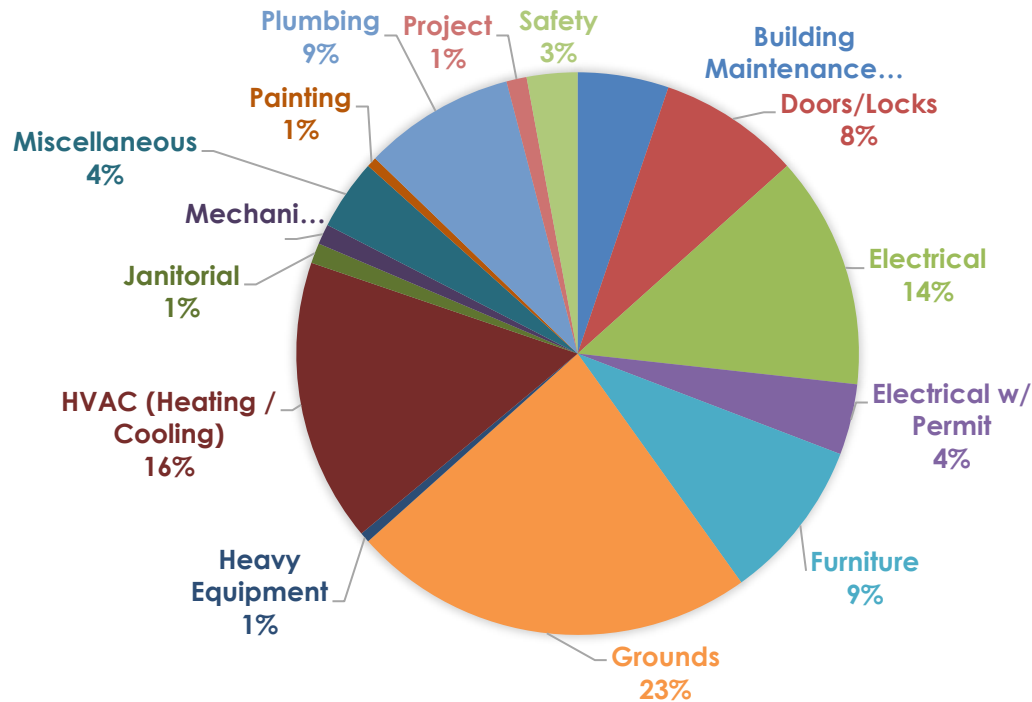
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2020 COMPLETE WORK ORDER SUMMARY



HOURS CONTRACTED – 2080

HOURS USED 1018.5

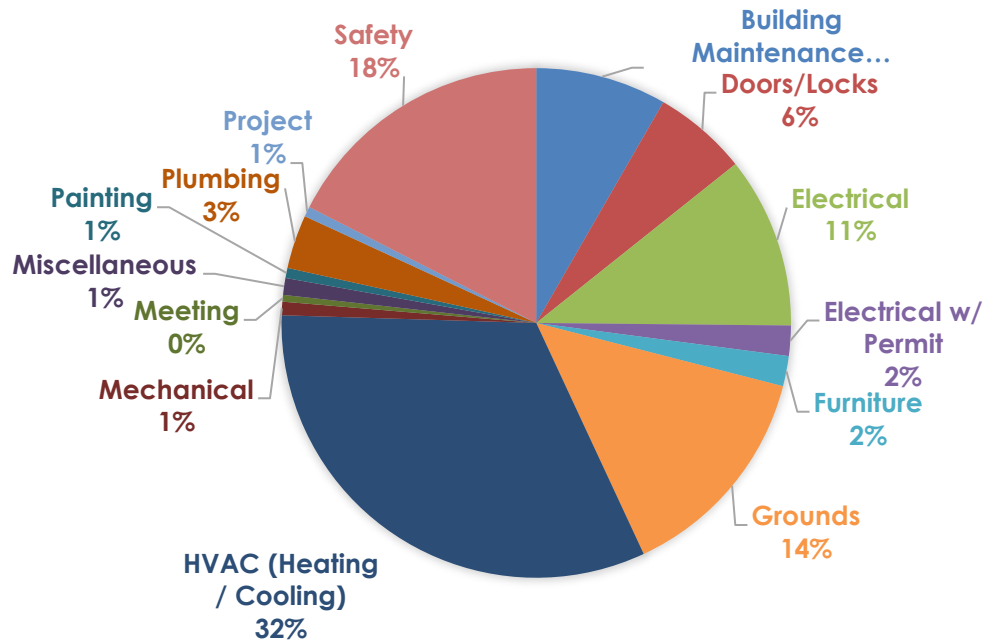
Our Vision: Being Minnesota's favorite place.

Our Mission: Serve well. Deliver value. Drive results.

Our Values: Be responsible. Treat people right. Build a better future.



2021 COMPLETE WORK ORDER SUMMARY



HOURS CONTRACTED – 1500

HOURS USED 1350.86

Our Vision: Being Minnesota's favorite place.

Our Mission: Serve well. Deliver value. Drive results.

Our Values: Be responsible. Treat people right. Build a better future.



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO



TO: Mayor and Council

FROM: Finance Director Connie Hillman

DATE: June 14, 2022

RE: Temporary Liquor License Request from Lakes Area Music Festival

The City has received applications from Lakes Area Music Festival (LAMF) for temporary liquor licenses for events to be held at the Gichi-ziibi Center for the Arts on July 29, and 30, 2022, August 6, 12, and 20, 2022. Since this is more than one event in a 30-day period, LAMF cannot obtain a temporary liquor license for the 4 events, unless the City declares the event to be a community festival. The State leaves it up to a city to determine what constitutes a community festival.

Per City Code and State Statute, a temporary liquor license can be issued to any club, charitable, religious, or other non-profit organization which has its principal location within the City of Brainerd, and has been in existence for a period of not less than three (3) years. A club, charitable, religious, or other non-profit organization can only be issued one (1) temporary liquor license in a 30-day period for up to four (4) day event and limited to a total of 12 in a year. The 30-day period does not apply for a community festival.

Per MN Statute 624.701 Subd 1, it is a misdemeanor to have alcohol on school grounds unless an individual has been issued a temporary liquor license. Therefore, the only option for LAMF to be able to serve liquor, if the School Board approves the policy change which will not occur until the July 11, 2022 meeting, is to be designated as a community festival.

A temporary liquor license requires a 30-day period to be approved by the State. This item is on the agenda for the Council to consider the annual LAMF events that runs for 24 days as a community festival; thereby, allowing LAMF to hold more than one (1) event within a 30-day period. Staff could then process the applications in a timely manner with the State but would not issue the license unless the policy was approved by the School Board on July 11.

If the designation as a community festival is not made, the applicant would like to proceed with the first application for a temporary liquor license for the July 29 – 30, 2022 event.



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Building a Better World
for All of Us®

May 10, 2022

RE: Brainerd, Minnesota
2022 Sanitary Sewer Repairs - Rotary Riverside Park
SEH No. BRDMN 156034 14.00

Honorable Mayor and City Council
c/o James Fladung, Assistant City Engineer
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Mr. Fladung:

Bids were opened via QuestCDN at 11:00 a.m. on Tuesday, May 10, 2022, for the above-referenced improvement. The low bid was submitted by Michels Corporation of Brownsville, WI. A complete tabulation of bids is enclosed.

We recommend the project should be awarded to the low bidder in the total amount of \$367,550.00.

Please contact me if you have any questions.

Sincerely,

Spencer Cossalter
Project Manager

mrh

Enclosure: Bid Tabulation
c: Scott Hedlund, SEH

x:\ae\b\brdmn\156034\1-gen\14-corr\2022.05.10 | city recommendation.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 2351 Connecticut Avenue, Suite 300, Sartell, MN 56377-2485

320.229.4300 | 800.572.0617 | 888.908.8166 fax

SEH is 100% employee-owned | Affirmative Action–Equal Opportunity Employer



TABULATION OF BIDS

PROJECT NO.: **BRDMN 156034**
 NAME: **2022 SANITARY SEWER REPAIRS - ROTARY RIVERSIDE PARK**
 OWNER: **CITY OF BRAINERD**
 BID DATE: **11:00 A.M., TUESDAY, MAY 10, 2022**

ITEM	QUANTITY	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		1 MICHELS CORPORATION		2 S.J. LOUIS COMPANIES		3 INSITUFORM TECHNOLOGIES	
				UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
1	1.00	LS	MOBILIZATION, TRAFFIC CONTROL, AND SITE SAFETY	\$30,000.00	\$30,000.00	\$20,728.00	\$20,728.00	\$150,000.00	\$150,000.00	\$84,754.60	\$84,754.60
2	1.00	LS	TEMPORARY FLOW CONVEYANCE	\$70,000.00	\$70,000.00	\$40,000.00	\$40,000.00	\$125,000.00	\$125,000.00	\$41,485.70	\$41,485.70
3	2,560.00	LF	SANITARY SEWER CLEANING AND CCTV INSPECTION	\$8.00	\$20,480.00	\$8.00	\$20,480.00	\$23.00	\$58,880.00	\$6.40	\$16,384.00
4	43.00	EA	SANITARY SEWER CHEMICAL GROUTING	\$750.00	\$32,250.00	\$850.00	\$36,550.00	\$900.00	\$38,700.00	\$834.10	\$35,866.30
5	2,560.00	LF	18-IN SANITARY SEWER CIPP LINING	\$90.00	\$230,400.00	\$75.00	\$192,000.00	\$80.00	\$204,800.00	\$166.90	\$427,264.00
6	2,560.00	KF	CONTINUOUS TEMPERATURE MONITORING AND DATA COLLECTION	\$2.00	\$5,120.00	\$3.00	\$7,680.00	\$1.20	\$3,072.00	\$1.70	\$4,352.00
7	72.00	FT	SANITARY SEWER MANHOLE LINING	\$575.00	\$41,400.00	\$577.00	\$41,544.00	\$600.00	\$43,200.00	\$542.00	\$39,024.00
8	9.00	EA	INSTALL MANHOLE FRAME SEAL	\$650.00	\$5,850.00	\$952.00	\$8,568.00	\$880.00	\$7,920.00	\$629.30	\$5,663.70
GRAND TOTAL BID					\$435,500.00		\$367,550.00		\$631,572.00		\$654,794.30

X:\AE\B\BRDMN\156034\6-bid-const\Bidding\Bid Tabulation.xlsx\BIDTAB

**60% DESIGN LEVEL
BUFFALO HILLS GULLY COST ESTIMATE
June 10, 2022**

Prepared by HR Green

ITEM NO.	MN DOT NO.	ITEM	UNIT	ESTIMATED QUANTITY	UNIT COST	TOTAL
1	2101.501	Clearing	ACRE	1.9	\$ 5,000	\$9,402
2	2101.501	Grubbing	ACRE	1.9	\$ 5,000	\$9,402
3	2104.502	Remove Concrete Apron	EA	1	\$ 410	\$410
4	2104.502	Remove Metal Apron	EA	2	\$ 230	\$460
5	2104.607	Salvage Random Riprap	CY	20	\$ 25	\$500
6	2105.501	Common Excavation	CY	250	\$ 10	\$2,500
7	2106.507	Common Embankment	CY	5036	\$ 8	\$40,289
8	2118.507	Aggregate Class 5 (CV)	CY	33	\$ 77	\$2,567
9	2451.511	Fine Filter Aggregate	CY	767	\$ 58	\$44,496
10	2451.511	Coarse Filter Aggregate	CY	23	\$ 65	\$1,505
11	2501.502	48" RCP End Section	EA	1	\$ 2,400	\$2,400
12	2501.602	Pipe Ties - Flat Bar	EA	9	\$ 160	\$1,440
13	2503.503	48" RCP CL II	LF	1,381	\$ 190	\$262,371
14	2503.503	15" CMP	LF	23	\$ 115	\$2,691
15	2503.602	Connect to Existing Storm Sewer	EA	2	\$ 1,000	\$2,000
16	2506.502	Casting Assembly	EA	20	\$ 1,000	\$20,000
17	2511.501	72-4020	LF	118	\$ 880	\$103,928
18	2511.501	84-4020	LF	21	\$ 1,100	\$23,100
19	2511.501	96-4020	LF	11	\$ 1,500	\$16,500
20	2511.507	9" Crushed, Washed Limestone (Class III RipRap)	CY	71	\$ 100	\$7,083
21	2571.524	Replacement Deciduous Tree	TREE	20	\$ 500	\$10,000
22	2573.503	Storm Drain Inlet Protection	EA	5	\$ 165	\$825
23	2573.503	Silt Fence Type HI	LF	400	\$ 6	\$2,400
24	2574.507	Common Topsoil Borrow	CY	307	\$ 25	\$7,672
25	2574.508	Fertilizer Type 4	LB	106	\$ 2	\$211
26	2575.501	Seeding	ACRE	0.9	\$ 250	\$220
27	2575.502	MNDOT Seed Mix 36-711	LB	31.3	\$ 26	\$813
28	2575.504	Sodding Type Lawn	SY	759	\$ 9	\$6,830
29	2575.604	Rolled Erosion Prevention Category 25	SY	1534	\$ 3	\$4,603
30	2575.604	Rolled Erosion Prevention Category 45	SY	2455	\$ 3	\$7,365
31	2575.604	Rolled Erosion Prevention Category 47	SY	100	\$ 6	\$600
32	2577.502	Live Stakes	EA	1200	\$ 9	\$10,800
		Subtotal				\$605,383
		Mobilization	LS	1	15%	\$90,807
		Inflation Adjustment	LS	0	0%	\$0
		Subtotal				\$696,190
		Contingency			20%	\$139,238
Opinion of Probable Cost						\$835,428





Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

Joseph J. Langel
Direct Phone: (612) 225-6837
jjl@ratwiklaw.com



June 14, 2022

Ken Dols
10053 Gilbert Trail
Brainerd, MN 56401

Chris Ford
20516 Carolyn Lane
Brainerd, MN 56401

Nancy Cross
12843 Eagle Dr.
Baxter, MN 56425

RE: City of Brainerd / LAMC
Our File No. 4034-0170

Dear Board Members:

Following communications between Mr. Henschke and the City Council last summer, I wrote a letter to Mr. Henschke dated September 20, 2021, requesting the return of funds provided to LAKES for the purpose of supporting public access television. To date, no response was received.

I wish to emphasize that the Council's request was not in jest. The Council provided a considerable amount of taxpayer funding for services that were not rendered, and it is the City's understanding from the 2021 meetings that a large fund balance remains in your account. Given that no services are being rendered, and it is anticipated that none ever will be, those funds need to be returned to the City. Please advise of your intentions within 30 days. In the event no response is received, the City will determine the next appropriate steps.

Please contact me with any questions. I look forward to hearing from you.

Regards,



Joseph J. Langel

cc: Jennifer Bergman, City Administrator (via e-mail)

RRM: 466848

Over 35 Years of Service

**CITY OF BRAINERD
SAFETY AND PUBLIC WORKS COMMITTEE
AGENDA**

June 20, 2022

7:00 PM

WebEx Teleconference Call-In Information Call Toll-

Free: 1-844-992-4726

Access Code: 2495 324 8301

1. Approve Agreement Amendment for Improvement 19-02- Cuyuna Lakes State Trail Road and Parking Lot Improvements
2. Approve Change Order 1 for Improvement 19-02- Cuyuna Lakes State Trail NP Center Segment
3. Approve Cooperative Construction Agreement with the State of Minnesota for the Highway 25 Bridge Project- SP 1811-35 (TH 25-018)
4. Resolution- Authorizing an Agreement with the State of Minnesota to Provide Public Transportation Services in the Year 2023



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



CUYUNA LAKES STATE TRAIL EXTENSION - NORTHERN PACIFIC CENTER SEGMENT
 BRAINERD, MN
 SEH NO. BRDMN 149920
 NPC DEVELOPER AGREEMENT AMMENDMENT
 ADDITIONAL TRAIL CONSTRUCTION PREP WORK

6/7/2022

SUBGRADE EX, FABRIC, SELECT GRANULAR BORROW

	STATION RANGE		LENGTH	WIDTH	WIDTH	DEPTH	VOL	VOL
	START	END	(FT)	TOP (FT)	BOTM (FT)	(FT)	(CY)	(TON)
SUBCUT & FABRIC ALONG 13TH	140+25	143+25	300	11	13	1	133	239
FABRIC THROUGH ISLAND	87+25	90+75	350	11	15	0	0	0
SUBCUT & FABRIC EAST END	31+00	34+00	300	11	15	2	289	520
FABRIC ONLY EAST END	34+00	37+50	350	11	15	0	0	0
SUBCUT & FABRIC FAR EAST END	37+50	42+50	500	11	15	2	481	866
			1800			TOTAL	903	1625

	QTY	UNIT	PRICE	TOTAL
SUBGRADE EXCAVATION (CV):	903	CY	\$ 10.00	\$ 9,030.00
PLACE SELECT GRANULAR BORROW:	1625	TON	\$ 1.50	\$ 2,437.50
INSTALL GEOTEXTILE FABRIC:	3000	SY	\$ 1.00	\$ 3,000.00
TOTAL:				\$ 14,467.50

**First Amendment
to
Cuyuna Lakes State Trail
Development Agreement**

This First Amendment is by and between the parties to the Development Agreement dated November ____, 2021: the City of Brainerd, Northern Pacific Center, LLC, and Northern Pacific Center, Inc. All abbreviations and definitions in the Agreement apply in this Amendment.

Recitals

- A. The Agreement set forth the respective duties of the parties with respect to certain improvements on the Property.
- B. During the course of constructing the improvements, it became apparent that certain soil corrections are necessary to complete the State Trail through the Property.
- C. NPC, LLC is willing to undertake the soil corrections and the City is amenable to having NPC, LLC perform the work.

Agreement

In consideration of the mutual promises set forth below, the parties hereto agrees as follows

- 1. Recitals. The Recitals set forth above are incorporated into the Agreement.
- 2. Soil Correction Work. NPC, LLC shall undertake the necessary soil correction work as determined by SEH and agreed to by NPC, LLC, in consideration for the payment of \$14,467.50, as calculated in the attached Exhibit A – Additional Trail Construction Prep Work. By undertaking said work, NPC, LLC warrants that it will perform the work in a workmanlike manner. Said soil correction work is subject to inspection and approval by SEH. Within 30 days of completion of the soil correction work and acceptance by SEH, the City shall issue payment in full to NPC, LLC.
- 3. Remaining Terms. All remaining terms of the Agreement remain as stated except as superseded by this Amendment.

Northern Pacific Center, LLC

By: _____
Michael D. Higgins, Managing Member

State of Minnesota)
) ss.
County of Crow Wing)

This instrument was acknowledged before me on the ____ day of _____,
2022, by Michael D. Higgins, as Managing Member of Northern Pacific Center, LLC on
behalf of said entity.

(stamp)

Notary Public

Northern Pacific Center, Inc.

By: _____
David J. Hutton, President

State of Minnesota)
) ss.
County of Hennepin)

This instrument was acknowledged before me on the ____ day of _____,
2022, by David J. Hutton, as President of Northern Pacific Center, Inc. on behalf of said
entity.

(stamp)

Notary Public

City of Brainerd

By: _____
Dave Badeaux, Mayor

By: _____
Jennifer Bergman, City Administrator

State of Minnesota)
) ss.
County of Crow Wing)

This instrument was acknowledged before me on the ____ day of _____,
2022, by Dave Badeaux as Mayor and Jennifer Bergman as City Administrator on behalf
of the City of Brainerd.

(stamp)

Notary Public



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Building a Better World
for All of Us®

June 14, 2022

RE: City of Brainerd, Minnesota
2022 Cuyuna Lakes State Trail NP Center
Segment - Surfacing Improvements
SEH No. BRDMN 149920 14.00

Honorable Mayor and City Council
c/o James Fladung, Assistant City Engineer
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Mayor and Members of the City Council:

Enclosed please find Change Order No. 1 for this project.

The proposed changes are in response to unsuitable soils that were encountered during construction. Upon inspection of the existing soils and review with City Staff, it was determined that additional measures should be taken for the structural longevity of the trail, and for site restoration purposes.

The estimated total quantities and costs are included in the enclosed Change Order for this work. It is our understanding that each of the items listed will be eligible for reimbursement through the DNR trail funding. Upon acceptance, please sign and return the executed copy to SEH.

Please feel free contact me if you have any questions.

Sincerely,

Casey Zins, PE
Project Engineer

mrh
Enclosures
c: Scott Hedlund, SEH

\\sehsc\projects\ael\brdmn\149920\1-gen\14-corr\2022.06.14 | city change order no. 1.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 416 South 6th Street, Suite 200, Brainerd, MN 56401-3540
SEH is 100% employee-owned | **sehinc.com** | 218.855.1700 | 866.852.8880 | 888.908.8166 fax

CHANGE ORDER NO. 1

OWNER	City of Brainerd	DATE	June 14, 2022
CONTRACTOR	Knife River Corporation – North Central		
ENGINEER	SEH	SEH No.	BRDMN 149920
Project	2022 Cuyuna Lakes State Trail Np Center Segment - Surfacing Improvements, Brainerd		

You are directed to make the following changes in the Contract Documents:

Description: Add Contract Bid Items for geotextile fabric, select granular borrow, and topsoil borrow for trail section modification and site restoration.

ITEM	DESCRIPTION	UNIT	UNIT COST	QUANTITY	AMOUNT
28	FURNISH GEOTEXTILE FABRIC TYPE 7	SY	\$2.65	3,000	\$7,950.00
29	FURNISH SELECT GRANULAR BORROW	TON	\$10.00	1,625	\$16,250.00
30	FURNISH TOPSOIL BORROW	CU YD	\$32.00	670	\$21,440.00
TOTAL					\$45,640.00

Reason for Change Order: During construction, the Contractor notified the Engineer and City Staff of questionable subgrade materials encountered in multiple locations along the trail corridor. SEH and City Staff met on-site on Monday 6/6/22 to review the existing subgrade materials. It was determined that questionable materials needed to be excavated and replaced with borrow materials, and a layer of geotextile fabric placed beneath the trail section to separate borrow material from the underlying soils. It was also determined that the existing topsoil on site would not be adequate for proper turf establishment and that topsoil borrow would be required. The plans called for salvaging and reusing existing topsoil, but the amount of reusable topsoil encountered during construction was much less than originally estimated.

ITEM	CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES	
		Substantial Completion	Ready for Final Payment
Original Contract Price:	\$375,705.98	06/15/2022	06/24/2022
Net increase (decrease) from previous Change Order No. ___ to ___:	\$0.00	-	-
Contract price prior to the Change Order:	\$375,705.98	06/15/2024	06/24/2022
Net increase (decrease) of this Change Order:	\$45,640.00	06/29/2024	07/08/2022
Contract price with all approved Change Orders:	\$421,345.98		

In accordance with the Minnesota Uniform Transaction Act, an electronic signature on this document is binding and afforded the same effect as if the document was signed by hand.

RECOMMENDED:

SEH
416 South 6th Street, Suite 200
Brainerd, MN 56401

By: 
Title: Project Engineer
Date: 06/14/2022

APPROVED:

City of Brainerd
501 Laurel Street
Brainerd, MN 56401

By: _____
Title: _____
Date: _____

ACCEPTED:

Knife River Corporation – North Central
PO Box 1333
St. Cloud, MN 56302-1333

By: 
Title: PM
Date: 6-14-22



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

Memo

To: Eric Schiller
Project Manager

From: for Malaki Ruranika
Cooperative Agreements Engineer

Date: June 2, 2022

Subject: Proposed Coop. Const. Agree. No. 1050703
City of Brainerd
S.P. 1811-35 (T.H. 25=018)
Fed. Proj. STBG 1823(017)
City maintenance of T.H. 25 construction.

Transmitted herewith is a proposed agreement with the City of Brainerd. This agreement provides for maintenance by the City of roadway, trail, bridge aesthetics, wooden fence, and storm sewer construction to be performed on T.H. 25 within the corporate City limits.

Present this agreement to the City Council for their approval and execution that includes original signatures of the City Council authorized City officers on the agreement. Also required is a resolution passed by the City Council authorizing its officers to sign the agreement on its behalf. A suggested form of such resolution is enclosed.

Electronic signatures are being encouraged. Please be advised that if electronic signatures are being utilized, that signatories must not lock the document and all parties must sign in succession on the same document. The City Council's resolution must be attached to the pdf prior to any electronic signatures. Please remove the sample resolution if the City is providing their own resolution.

The executed agreement and resolution should be forwarded to this office as soon as possible after the City has signed. A copy will be returned to the City when fully executed.

Please send me a copy of your letter transmitting the agreement to the City for approval.

cc: File

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
AND
CITY OF BRAINERD
COOPERATIVE CONSTRUCTION
AGREEMENT**

State Project Number (SP):	<u>1811-35</u>
Trunk Highway Number (TH):	<u>25=018</u>
Federal Project Number:	<u>STBG 1823(017)</u>
Bridge Number:	<u>18010</u>

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and the City of Brainerd, acting through its City Council ("City").

Recitals

1. The State will perform grading, bituminous surfacing, ADA improvements, and Bridge No. 18010 construction and other associated construction upon, along, and adjacent to Trunk Highway No. 25 from 8th Avenue Northeast to 500 feet east of Red Pine Road according to State-prepared plans, specifications, and special provisions designated by the State as State Project No. 1811-35 (TH 25=018) ("Project"); and
2. The State has included in its contract roadway, trail, bridge aesthetics, wooden fence, and storm sewer construction and the City is willing to maintain the roadway, trail, bridge aesthetics, wooden fence, and storm sewer after completion of the construction; and
3. Agreement No. 1048900 between the State and BNSF Railway Company will address flagging, inspector/coordinator services, and temporary construction access on the Project; and
4. A separate agreement between the State and Crow Wing County will address the detour on the Project; and
5. Minnesota Statutes § 161.20, subdivision 2 authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purposes of constructing, maintaining, and improving the trunk highway system.

Agreement

1. Term of Agreement; Survival of Terms; Plans; Incorporation of Exhibits

- 1.1. **Effective Date.** This Agreement will be effective on the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.
- 1.2. **Expiration Date.** This Agreement will expire when all obligations have been satisfactorily fulfilled.
- 1.3. **Survival of Terms.** All clauses which impose obligations continuing in their nature and which must survive in order to give effect to their meaning will survive the expiration or termination of this Agreement, including, without limitation, the following clauses: 3. Maintenance by the City; 6. Liability; Worker Compensation Claims; Insurance; 8. State Audits; 9. Government Data Practices; 10. Governing Law; Jurisdiction; Venue; and 12. Force Majeure.
- 1.4. **Plans, Specifications, and Special Provisions.** Plans, specifications, and special provisions designated by the State as State Project No. 1811-35 (TH 25=018) are on file in the office of the Commissioner of

Transportation at St. Paul, Minnesota, and incorporated into this Agreement by reference ("Project Plans").

1.5. **Exhibits.** Exhibit A - Maintenance is attached and incorporated into this Agreement.

2. Construction by the State

2.1. **Contract Award.** The State will advertise for bids and award a construction contract to the lowest responsible bidder according to the Project Plans.

2.2. **Direction, Supervision, and Inspection of Construction.**

- A. **Supervision and Inspection by the State.** The State will direct and supervise all construction activities performed under the construction contract, and perform all construction engineering and inspection functions in connection with the contract construction. All contract construction will be performed according to the Project Plans.
- B. **Inspection by the City.** The construction covered under this Agreement will be open to inspection by the City. If the City believes the construction covered under this Agreement has not been properly performed or that the construction is defective, the City will inform the State District Engineer's authorized representative in writing of those defects. Any recommendations made by the City are not binding on the State. The State will have the exclusive right to determine whether the State's contractor has satisfactorily performed the construction covered under this Agreement.

2.3. **Plan Changes, Additional Construction, Etc.**

- A. The State will make changes in the Project Plans and contract construction and will enter into any necessary addenda and change orders with the State's contractor that are necessary to cause the contract construction to be performed and completed in a satisfactory manner.
- B. The City may request additional work or changes to the work in the plans as part of the construction contract. Such request will be made by an exchange of letter(s) with the State. If the State determines that the requested additional work or plan changes are necessary or desirable and can be accommodated without undue disruption to the project, the State will cause the additional work or plan changes to be made. The State reserves the right to invoice the City for the cost of any construction contract addenda and any additional City requested work and plan changes, including associated construction engineering, before the completion of the contract construction.

2.4. **Satisfactory Completion of Contract.** The State will perform all other acts and functions necessary to cause the construction contract to be completed in a satisfactory manner. Acceptance by the State of the completed contract construction will be final, binding, and conclusive upon the City as to the satisfactory completion of the contract construction.

3. Maintenance by the City

Upon completion of the project, the City will provide the following without cost or expense to the State:

- 3.1. **Roadways.** Maintenance of the access road shown in Exhibit A. Maintenance includes, but is not limited to, snow, ice, and debris removal, resurfacing, seal coating, and any other maintenance activities necessary to perpetuate the access road in a safe and usable condition according to accepted City maintenance practices.
- 3.2. **Storm Sewers.** Routine maintenance of storm sewer facilities construction shown in Exhibit A. Routine maintenance includes, but is not limited to, removal of sediment, debris, vegetation and ice from grates and catch basins, and any other maintenance activities necessary to preserve the facilities and to prevent

conditions such as flooding, erosion, or sedimentation, this also includes informing the District Maintenance Engineer of any needed repairs.

- 3.3. *Trails.*** Maintenance of any trail construction, including any pedestrian curb ramps and the trail on Bridge No. 18010, as shown in Exhibit A. Maintenance includes, but is not limited to, snow and ice control/removal, sweeping and debris removal, patching, crack repair, pavement replacement, vegetation control, signing, pavement markings, and any other maintenance activities necessary to perpetuate the trail in a safe and usable condition.
- 3.4. *Bridge No. 18010 Aesthetics.*** The City will own and perform maintenance and repair of aesthetic elements on Bridge No. 18010: City emblem on pilasters and any elements later added to the bridge. Maintenance and repair includes, but is not limited to, painting, graffiti removal, emblem replacement, and any other maintenance activities necessary to perpetuate the aesthetic elements in a safe, usable, and aesthetically acceptable condition.
- 3.5. *Future Responsibilities.*** Upon completion of the wooden fence construction, the City will accept ownership, full and total responsibility, and all obligations and liabilities arising out of or by reason of the use, operation, maintenance, repair, and reconstruction of the wooden fence and all of the facilities constructed as part of this Agreement, without cost or expense to the State.
- 3.6. *Additional Drainage.*** No party to this Agreement will drain any additional drainage volume into the storm sewer facilities constructed under the construction contract that was not included in the drainage for which the storm sewer facilities were designed, without first obtaining written permission to do so from the other party. The drainage areas served by the storm sewer facilities constructed under the construction contract are shown in a drainage area map, Exhibit "Drainage Area", which is on file in the office of the State's District Hydraulics Engineer at Baxter and is incorporated into this Agreement by reference.

4. Authorized Representatives

Each party's Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

4.1. The State's Authorized Representative will be:

Name, Title: Michael Ginnaty, District Engineer (or successor)
 Address: 7694 Industrial Park Road, Baxter, MN 56425
 Telephone: (320) 293-8548
 E-Mail: mike.ginnaty@state.mn.us

4.2. The City's Authorized Representative will be:

Name, Title: Jennifer Bergman, City Administrator (or successor)
 Address: 501 Laurel Street, Brainerd, MN 56401
 Telephone: (218) 828-2307
 E-Mail: jbergman@ci.brainerd.mn.us

5. Assignment; Amendments; Waiver; Contract Complete

- 5.1. *Assignment.*** No party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other party and a written assignment agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office.

- 5.2. Amendments.** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.
- 5.3. Waiver.** If a party fails to enforce any provision of this Agreement, that failure does not waive the provision or the party's right to subsequently enforce it.
- 5.4. Contract Complete.** This Agreement contains all prior negotiations and agreements between the State and the City. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

6. Liability; Worker Compensation Claims; Insurance

Each party is responsible for its own acts, omissions, and the results thereof to the extent authorized by law and will not be responsible for the acts, omissions of others, and the results thereof. Minnesota Statutes § 3.736 and other applicable law govern liability of the State. Minnesota Statutes Chapter 466 and other applicable law govern liability of the City. Each party is responsible for its own employees for any claims arising under the Workers Compensation Act.

7. Nondiscrimination

Provisions of Minnesota Statutes § 181.59 and of any applicable law relating to civil rights and discrimination are considered part of this Agreement.

8. State Audits

Under Minnesota Statutes § 16C.05, subdivision 5, the City's books, records, documents, accounting procedures, and practices relevant to this Agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

9. Government Data Practices

The City and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the City under this Agreement. The civil remedies of Minnesota Statutes §13.08 apply to the release of the data referred to in this clause by either the City or the State.

10. Governing Law; Jurisdiction; Venue

Minnesota law governs the validity, interpretation, and enforcement of this Agreement. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

11. Termination; Suspension

- 11.1. By Mutual Agreement.** This Agreement may be terminated by mutual agreement of the parties or by the State for insufficient funding as described below.
- 11.2. Termination for Insufficient Funding.** The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the performance of contract construction under the Project. Termination must be by written or fax notice to the City.
- 11.3. Suspension.** In the event of a total or partial government shutdown, the State may suspend this Agreement and all work, activities and performance of work authorized through this Agreement.

12. Force Majeure

No party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance), if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a party's reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

[The remainder of this page has been intentionally left blank]

CITY OF BRAINERD

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

DEPARTMENT OF TRANSPORTATION

Approved:

By: _____
(District Engineer)

Date: _____

COMMISSIONER OF ADMINISTRATION

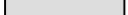
By: _____
(With Delegated Authority)

Date: _____

INCLUDE COPY OF RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.

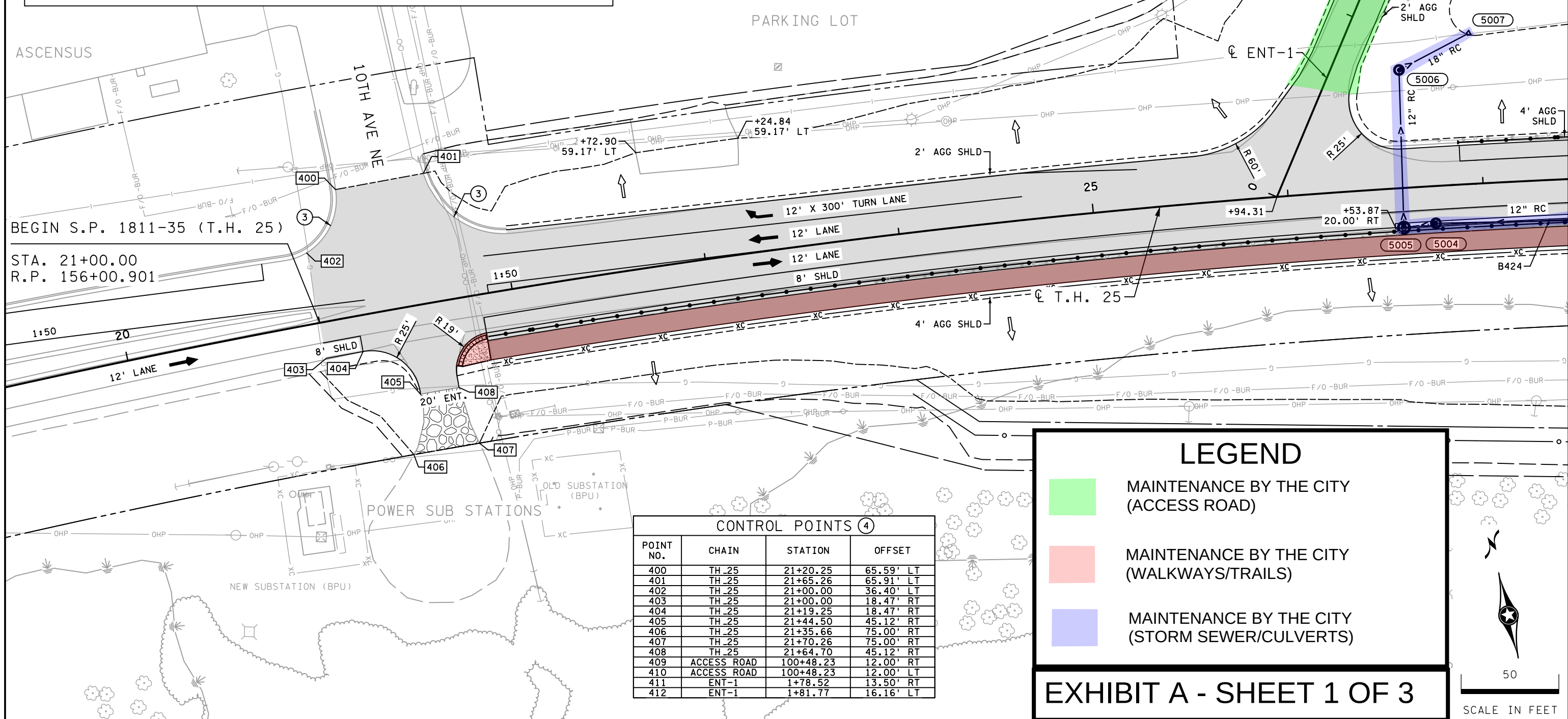
**EXHIBIT A - MAINTENANCE
AGREEMENT NO. 1050703**

LEGEND

- | | | | |
|---|-------------------------------------|---|---|
| ——— | CONSTRUCTION LIMITS | ●——●——● | PROPOSED GUARDRAIL (1) |
| ——— | LIMITS OF DISTURBANCE | ➔ | TRAFFIC FLOW DIRECTION |
| ---- | INPLACE RIGHT-OF-WAY | ➞ | SURFACE FLOW DIRECTION |
| ——— | TEMPORARY EASEMENT | —  — | DELINEATED WETLANDS (AREA OF ENVIRONMENTAL SENSITIVITY) |
|  | PROPOSED ROAD/DRIVEWAY PAVEMENT (2) | ----- | PROPOSED DITCH BOTTOM |
|  | PROPOSED TRAIL PAVEMENT (2) | —xc— | WIRE FENCE DESIGN 60V-9322 |
|  | AGGREGATE SURFACING (CV) CLASS 1 |  | CONTROL POINT (4) |
|  | 6" CONCRETE WALK (5) |  | CATCH BASIN/MANHOLE/APRON LABEL |
| ——>—— | STORM SEWER | —— - —— | RIGHT-OF-WAY |
| | | —— o —— | ACCESS CONTROL |

KEY NOTES:

- ① FOR GUARDRAIL DETAILS, SEE SHEET 102.
- ② FOR PAVEMENT DETAILS, SEE TYPICAL SECTIONS.
- ③ PAVE TO EDGE OF INPLACE CURB & GUTTER.
- ④ CONTROL POINTS REPRESENT EDGE OF GUTTER OR BIT. PAYMENT.
- ⑤ FOR ADA DETAILS, SEE SHEET 106.



LEGEND

- MAINTENANCE BY THE CITY
(ACCESS ROAD)
 - MAINTENANCE BY THE CITY
(WALKWAYS/TRAILS)
 - MAINTENANCE BY THE CITY
(STORM SEWER/CULVERTS)

EXHIBIT A - SHEET 1 OF 3

CONTROL POINTS ④			
POINT NO.	CHAIN	STATION	OFFSET
400	TH .25	21+20.25	65.59' LT
401	TH .25	21+65.26	65.91' LT
402	TH .25	21+00.00	36.40' LT
403	TH .25	21+00.00	18.47' RT
404	TH .25	21+19.25	18.47' RT
405	TH .25	21+44.50	45.12' RT
406	TH .25	21+35.66	75.00' RT
407	TH .25	21+70.26	75.00' RT
408	TH .25	21+64.70	45.12' RT
409	ACCESS ROAD	100+48.23	12.00' RT
410	ACCESS ROAD	100+48.23	12.00' LT
411	ENT-1	1+78.52	13.50' RT
412	ENT-1	1+81.77	16.16' LT

50
SCALE IN FEET

DRAWN BY: MKR						
DESIGNED BY: MKR						
CHECKED BY: MJS						
	NO	DATE	BY	CKD	APPR	REVISION
PATH & FILENAME: Q:\20Proj\200426\500 Drawings\Civil\Construction Plans\cd181135_cp.01.dgn						

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

SIGNATURE: Matthew J. Settergren DATE: 5/12/2022
PRINTED NAME: MATTHEW J. SETTERGREN LIC. NO: 52169



MINNESOTA DEPARTMENT OF TRANSPORTATION

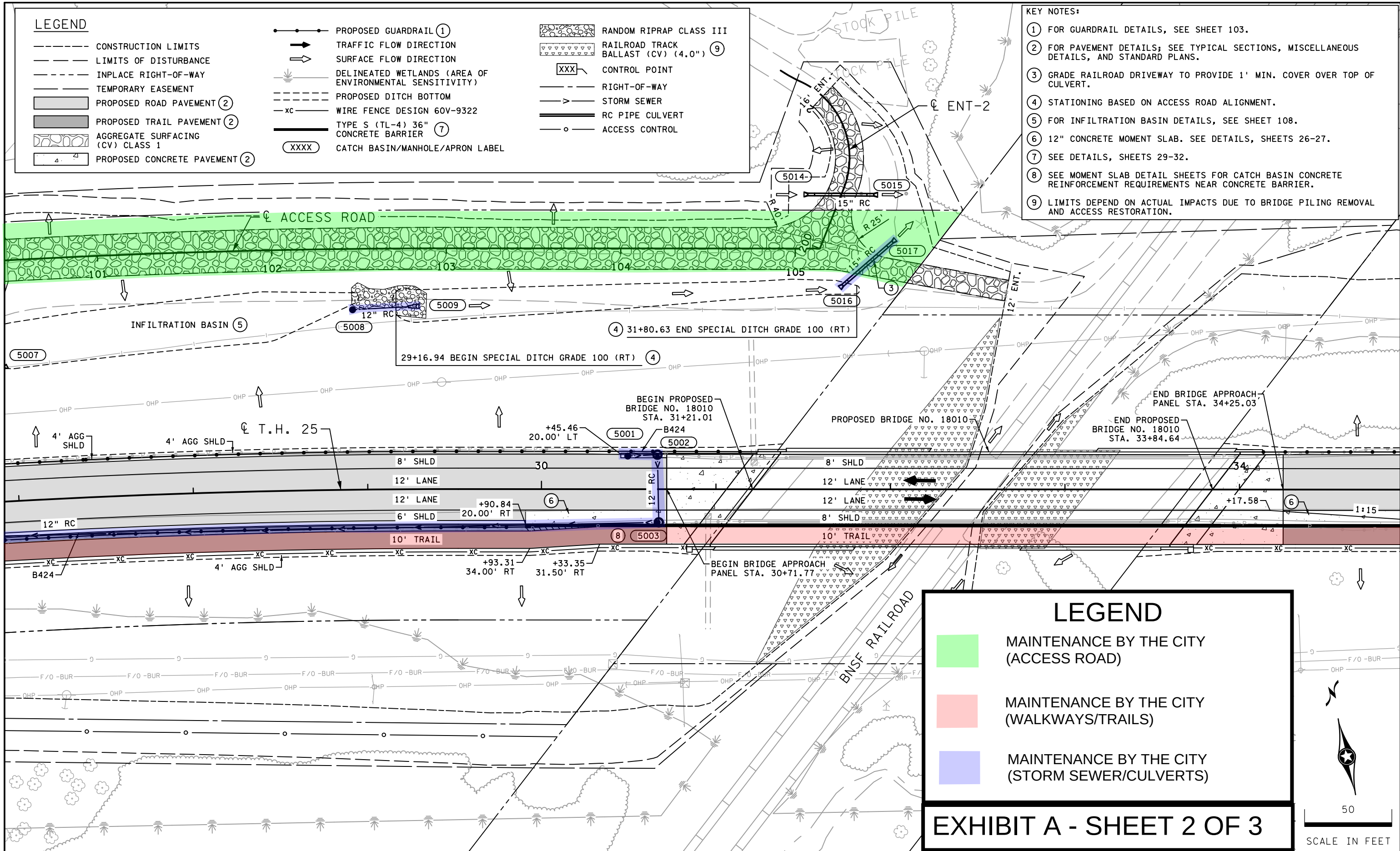
MN STATE
PROJECT NO:

1811-35 (T.H. 25)

CONSTRUCTION & DRAINAGE PLAN

SHEET NO. 93 OF 117 SHEETS

PLOTTED/REVISED: 5/3/2022



DRAWN BY: MKR										I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.																				MINNESOTA DEPARTMENT OF TRANSPORTATION										CONSTRUCTION & DRAINAGE PLAN									
DESIGNED BY: MKR																																																	
CHECKED BY: MJS																				SIGNATURE:  DATE: 5/12/2022 PRINTED NAME: MATTHEW J. SEITTERGREN L.I.C. NO: 52169										MN STATE PROJECT NO: 1811-35 (T.H. 25)										SHEET NO. 94 OF 117 SHEETS									
NO DATE BY CKD APPR REVISION																																																	
PATH & FILENAME: Q:\20Pro\200426\500 Drawings\Civil\Construction Plans\cd181135.op_02.dgn																																																	

CONTROL POINTS ④				
POINT NO.	CHAIN	STATION	OFFSET	
600	28TH_ST	503+26.90	26.90'	LT
601	28TH_ST	503+10.00	29.25'	LT
602	28TH_ST	503+00.00	29.43'	LT
603	28TH_ST	502+67.85	28.26'	LT
604	28TH_ST	502+44.54	29.11'	LT
605	28TH_ST	502+35.20	29.00'	LT
606	28TH_ST	501+69.66	23.67'	LT
607	28TH_ST	501+50.00	23.67'	LT
608	28TH_ST	503+29.51	17.81'	RT
609	28TH_ST	502+66.69	16.39'	RT
610	28TH_ST	502+35.96	15.23'	RT
611	28TH_ST	501+69.66	11.00'	RT
612	28TH_ST	501+50.00	11.00'	RT

KEY NOTES:

- ① FOR GUARDRAIL DETAILS, SEE SHEET 104.
- ② FOR PAVEMENT DETAILS, SEE TYPICAL SECTIONS.
- ③ TRANSITION FROM B424 C&G TO B624 C&G FROM 28TH STREET STA. 503+45.57 TO STA. 503+35.84.
- ④ CONTROL POINTS REPRESENT EDGE OF GUTTER OR EDGE OF TRAIL.
- ⑤ FOR ADA DETAILS, SEE SHEET 107.
- ⑥ 12" CONCRETE MOMENT SLAB. SEE DETAILS, SHEETS 27-28.
- ⑦ SEE DETAILS, SHEETS 29-32.
- ⑧ SEE SHEET 99 FOR DETAILS.

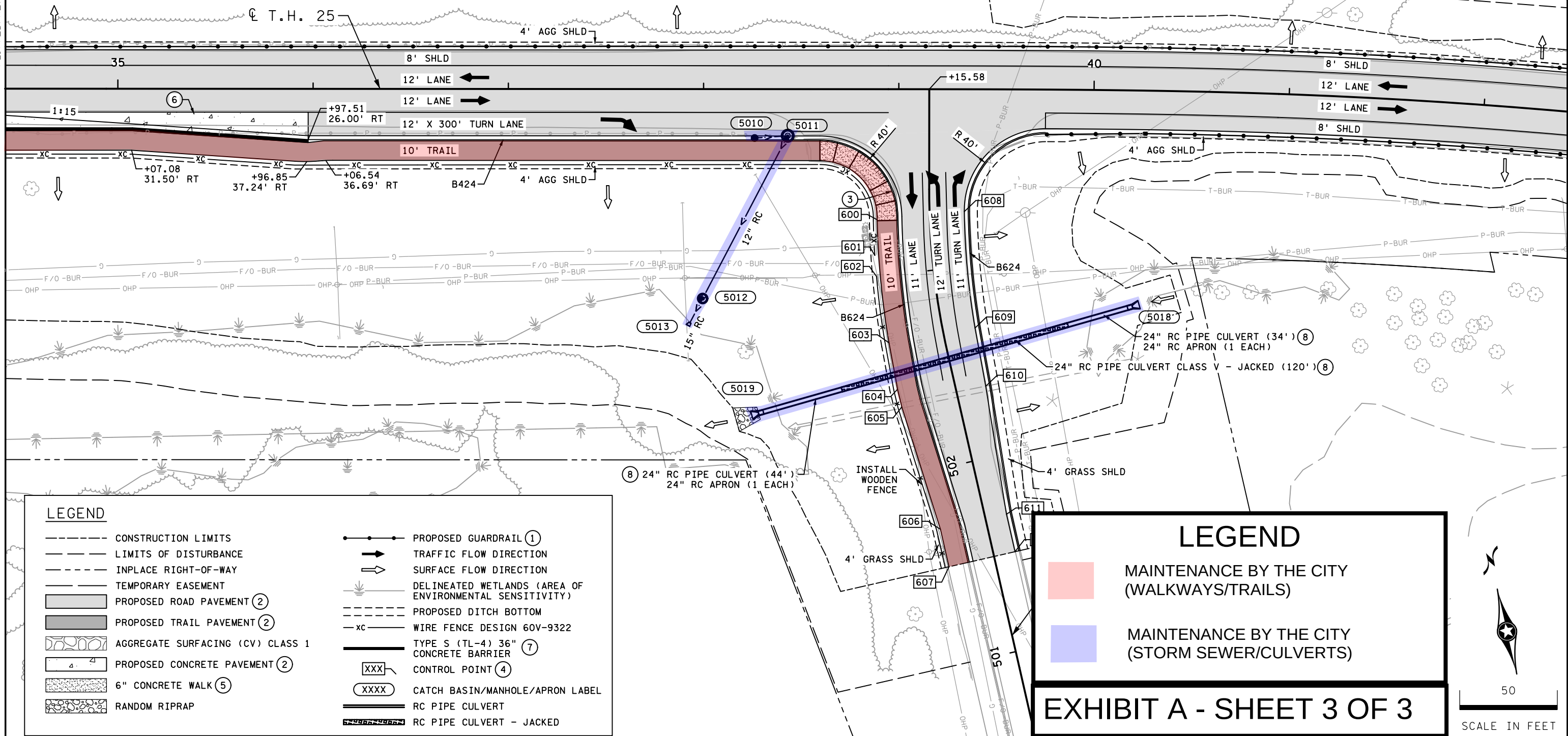


EXHIBIT A - SHEET 3 OF 3

50
SCALE IN FEET

DRAWN BY: MKR						
DESIGNED BY: MKR						
CHECKED BY: MJS						
	NO	DATE	BY	CKD	APPR	REVISION
PATH & FILENAME: <i>Q:\20Proj\200426\500 Drawings\Civil\Construction Plans\cd181135_cp_03.dgn</i>						

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

SIGNATURE: Matthew J. Settergren DATE: 5/12/2022
PRINTED NAME: MATTHEW J. SETTERGREN LIC. NO: 52169



MINNESOTA DEPARTMENT OF TRANSPORTATION

MN STATE
PROJECT NO:

1811-35 (T.H. 25)

CONSTRUCTION & DRAINAGE PLAN

SHEET NO. 95 OF 117 SHEETS

R E S O L U T I O N
NO _____

**COOPERATIVE CONSTRUCTION AGREEMENT WITH
THE STATE OF MINNESOTA DEPARTMENT OF TRANSPORTATION FOR
SP 1811-35 – TRUNK HIGHWAY 25 BRIDGE NO. 9099 REPLACEMENT OVER BNSF RAILWAY**

WHEREAS, MnDOT and the City of Brainerd have been working cooperatively on the development of the replacement of Bridge No. 9099 on State Highway 25 over the BNSF Railway, and;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRAINERD, MINNESOTA;

That the City of Brainerd enter in MnDOT Agreement No. 1050703 with the State of Minnesota, Department of Transportation for the following purposes:

1. To provide for routine maintenance by the City upon, along, and adjacent to Trunk Highway No. 25, the limits of which are defined in said Agreement.

Adopted this _____ day of _____, 2022

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

RESOLUTION

NO _____

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF MINNESOTA TO PROVIDE
PUBLIC TRANSPORTATION SERVICES IN THE YEAR 2023**

BE IT RESOLVED, that the City of Brainerd enters into an Agreement with the State of Minnesota to provide public transportation services in Crow Wing County and selected areas of Cass County in 2023; and,

BE IT RESOLVED, that the City of Brainerd agrees to provide a local share of 5 percent of the total operating cost and 10 percent of the total capital costs; and,

BE IT RESOLVED, that the City of Brainerd agrees to provide 100 percent of the local share necessary for expenses that exceed funds available from the State; and,

BE IT FURTHER RESOLVED, that the City of Brainerd authorizes the Mayor and the City Administrator to execute the aforementioned Agreement and any amendments thereto.

Adopted this _____ day of _____, 2022

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

ORDINANCE
No. 1532

AN ORDINANCE AMENDING THE CITY CHARTER

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Chapter One is amended as follows, with underlined language added and deleted language struck out.

CHAPTER ONE

NAME, BOUNDARIES, POWERS AND DIVISIONS

2. The City shall be divided into four wards in accordance with state law. ~~That the Council be empowered to divide the City of Brainerd by ordinance into four (4) wards as equal in size and population as practicable. The Council must, within 60 days after each U.S. decennial census, readjust the boundaries of the four (4) wards provided there is a 10% or more deviation in population among said wards and if the Council does not do so, the Charter Commission of the City of Brainerd is empowered to do so.~~
 - d. ~~FIRST WARD: All of the territory south of the main line of the Burlington Northern Santa Fe Railroad and east of the Mississippi River beginning at the mainline railroad tracks and following said River south to the south City limits/Woodland Hills Lane, thence east to Greenwood Street, thence south to the centerline of the South 6th Street/Business Highway 371, thence northeast to the centerline of County Road 117, thence east to the centerline of the Spur Line Trail, thence north to the centerline of Willow Street, thence west to the centerline of South 6th Street/Business Highway 371, thence north to the centerline of Rosewood Street, thence east to the centerline of South 7th Street, thence north to the centerline of Quince Street, thence east to the centerline of the Spur Line Trail, thence north to the mainline railroad tracks of the Burlington Northern Santa Fe Railroad, thence west to the Mississippi River to the point of beginning.~~
 - b. ~~SECOND WARD: All of the territory within the City limits west/northwest of the Mississippi River, and, southeast of the Mississippi River commencing at the intersection of the centerline of the Mississippi River and the main line of the Burlington Northern Santa Fe Railroad, thence east along the railroad tracks to the centerline of North 8th Street, thence north to the centerline of Washington Street, thence east to the centerline of North 10th Street, thence north to the centerline of Grove Street, thence east to the centerline of North 11th Street, thence north along North 11th Street to the centerline of Evergreen Avenue, thence northeast to the Public Access driveway, thence north along the driveway to the centerline of the Mississippi River.~~

- c. ~~THIRD WARD: All of the territory north of the main line of the Burlington Northern Railroad and east of a line commencing at the intersection of the Burlington Northern Santa Fe main line track and the centerline of North 8th Street, thence north along North 8th Street to the centerline of Washington Street, thence east to the centerline of North 10th Street, thence north to center line of Grove Street, thence east to the centerline of North 11th Street, thence north to the centerline of Evergreen Avenue, thence northeast to the Public Access Driveway, thence north along the driveway to the centerline of the Mississippi River, thence northeasterly along the centerline of the Mississippi River to the east City limits.~~
- d. ~~FOURTH WARD: All of the territory South of the main line of the Burlington Northern Railroad and east of a line commencing at the intersection of the Burlington Northern Santa Fe main line track and the centerline of the Spur Line Trail, thence south to the centerline of Quince Street, thence west to the centerline of South 7th Street, thence south to the centerline of Rosewood Street, thence west to the centerline of South 6th Street/Business Highway 371 thence south to the centerline of Willow Street, thence east to the centerline of the Spur Line Trail, thence south to the centerline of County Road 117, thence west to the centerline of South 6th Street/Business Highway 371, thence south to the south City limits.~~

SECTION TWO: Chapter Two is amended and renumbered as follows, with underlined language added and deleted language struck out.

CHAPTER TWO

OFFICERS AND ELECTIONS

14. At the first meeting in January of the City Council after the regular City election it shall proceed to elect by ballot from its members ~~number~~ a President and Vice-President. The President shall preside over the meetings of the City council and appoint all standing and temporary committees thereof, and during absence of the Mayor from the City, or the Mayor's inability for any reason to discharge the duties of the office, the said President shall exercise all the powers and discharge all the duties of the Mayor.
36. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance or Resolution define the circumstances wherein such deferments may be made.
- ~~36-37.~~ No appropriation shall be made without a vote of a majority of all the members of the City Council in its favor, which shall be taken by ayes and nays vote, and entered among the proceedings of the Council. No vote of the City Council shall

be reconsidered or rescinded at any meeting unless there shall be present at such meeting as large a number of Council Members as were present when said vote was originally taken.

37-38. The City Council shall examine, audit, and adjust the accounts of the City at such times as it deems proper or as otherwise required by law.

38-39. The City Council shall have the power to make purchases on behalf of the City and may make purchases through such methods or designees as the Council may determine from time to time by Ordinance or Resolution. The provisions of this section shall not apply to purchases made by, or on behalf of the Public Utilities Commission or the Park Board or the departments under their control respectively.

SECTION THREE: Chapter Three is amended and renumbered as follows, with deleted language struck out.

CHAPTER THREE

FINANCES

2. Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the Mayor and countersigned by the City Administrator. All payments are to be reviewed and approved by the City Council.

The City Council shall annually levy taxes to provide for the following specifically designated fund:

A PERMANENT IMPROVEMENT FUND, for paying such portion of the cost of improving streets and ~~alleys as shall devolve upon the City, under the provisions of Subdivision (11) of this Section 46.~~ For the support of this fund the City Council shall annually levy on taxable property of the City taxes to an amount not to exceed 9% of the City's previous year's total levy. No part of this fund shall be used for any other purpose. ~~In anticipation of the collection of such taxes for the then current year and succeeding years, the City Council may at the proper time, and from time to time, issue and dispose of certificates of indebtedness in an aggregate amount equal to eighty (80) per cent of such levy in the then current year and estimated amount for not more than ten succeeding years;; provided, that the issuable aggregate of such certificates of indebtedness shall at no time exceed the sum of money then in the permanent improvement revolving fund under the provisions of Section 49 of the City Charter, as herewith amended, together with the additional amount of bonds that may or can be issued thereunder, added to the total of cash payments guaranteed by bonds of owners of real property abutting on such or similar street or alley improvements. These certificates shall be known as Re-paving Certificates of Indebtedness, and on~~

~~every one shall be stated the particular purpose for which it is issued or describe the specific improvement on which it is based. Such certificates shall be consecutively numbered, with date of issue, date of maturity, bear interest, payable semi-annually, have proper interest coupons attached, be signed by the Mayor, countersigned by the City Administrator, and be attested by the corporate seal; and, so far as practicable, shall be in denominations of not less than \$500.00. Whenever occasion arises for the issuance of such repaying certificates, it shall be the duty of the City Council to make requisite calculations, computations and estimates with respect to the quantity and various times of collection of taxes so levied and to be levied, and thereupon, as the circumstances may require, to issue and sell one or more of such certificates. All such certificates shall be so issued as to mature serially, on proper dates, to the end that eighty (80) per cent of the estimated tax collection for this fund in each and every year will pay the certificates as they mature, and succeeding issues shall appear in regular order following previously issued certificates; and whenever there is an unused or unappropriated margin of such eighty (80) per cent of the estimated tax collection for this fund, over and above the aggregate amount of all such certificates theretofore issued, then and under such circumstances the earliest maturing certificates of the next succeeding issue shall be made to mature at such times and in such manner as to assure payment thereof out of, and at the time of collection of, such prior unused or unappropriated margin of such eighty (80) per cent of such estimated tax collection. If in any year the taxes collected for this fund shall not be sufficient to pay the certificates maturing in that year, the deficit shall be paid from the general fund. The earliest maturing certificates of the first issue hereunder shall mature on the first day of December in the year following the year of their issuance, and the other certificates in such issue, to mature later and serially, shall be distributed in succeeding serials and follow in such order of maturity that eighty (80) per cent of the estimated tax collections, year by year, will pay such certificates in each and every year thereafter. Neither the City Council nor any officer of the City shall in any year appropriate, expend or disburse any part of this fund, or do any other act therewith, at such time or in such manner as to render the available balance thereof insufficient to pay, when due, the certificates maturing in that particular year. The City Council shall, at the proper time, and from time to time, prepare for every issue and sale of such re-paving certificates of indebtedness by appropriate resolution setting forth in sufficient detail the date of issuance, number or quantity, specific denominations, and various dates of maturity thereof, the rate of interest thereon, and the nature or character, location, extent, and approximate total cost of the particular improvement on which the same are founded. The sale of such certificates of indebtedness shall be made, conducted, and carried on in the manner provided for sales of bonds under the certain provisions of section 49 of the City Charter, as herewith amended; provided, further, that no certificate shall be sold for less than par and accrued interest.~~

SECTION FOUR: Chapter Five – Streets – is repealed in its entirety. Chapter Six – Public Utilities Commission – is renumbered as Chapter Five. Chapter Seven – The Park and Recreation Board – is renumbered as Chapter Six. Chapter Eight – Public Library Board – is renumbered as Chapter Seven. Chapter Nine – General Provisions – is renumbered as Chapter Eight.

SECTION FIVE: Upon passage, this ordinance becomes effective 90 days after its publication.

Adopted this _____ day of _____, 2022

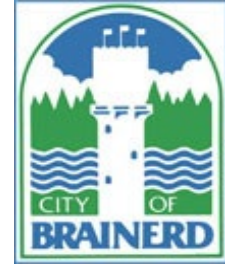
KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

MEMO



TO: Brainerd Charter Commission

FROM: City Staff

DATE: May 6, 2022

RE: Proposed Changes to Brainerd City Charter

City Staff presents the following items of the City Charter, to the Charter Commission for discussion:

- **Chapter One – Name, Boundaries, Powers and Divisions, Number 2:**

Original language:

2. That the Council be empowered to divide the City of Brainerd by ordinance into four (4) wards as equal in size and population as practicable. The Council must, within 60 days after each U.S. decennial census, readjust the boundaries of the four (4) wards provided there is a 10% or more deviation in population among said wards and if the Council does not do so, the Charter Commission of the City of Brainerd is empowered to do so.
 - a. **FIRST WARD:** All of the territory south of the main line of the Burlington Northern Santa Fe Railroad and east of the Mississippi River beginning at the mainline railroad tracks and following said River south to the south City limits/Woodland Hills Lane, thence east to Greenwood Street, thence south to the centerline of the South 6th Street/Business Highway 371, thence northeast to the centerline of County Road 117, thence east to the centerline of the Spur Line Trail, thence north to the centerline of Willow Street, thence west to the centerline of South 6th Street/Business Highway 371, thence north to the centerline of Rosewood Street, thence east to the centerline of South 7th Street, thence north to the centerline of Quince Street, thence east to the centerline of the Spur Line Trail, thence north to the mainline railroad tracks of the Burlington Northern Santa Fe Railroad, thence west to the Mississippi River to the point of beginning.
 - b. **SECOND WARD:** All of the territory within the City limits west/northwest of the Mississippi River, and, southeast of the Mississippi River commencing at the intersection of the centerline of the Mississippi River and the main line of the Burlington Northern Santa Fe Railroad, thence east along the railroad tracks to the centerline of North 8th Street, thence north to the centerline of Washington Street, thence east to the centerline of North 10th Street, thence north to the centerline of Grove Street, thence east to the centerline of North

11th Street, thence north along North 11th Street to the centerline of Evergreen Avenue, thence northeast to the Public Access driveway, thence north along the driveway to the centerline of the Mississippi River.

- c. **THIRD WARD:** All of the territory north of the main line of the Burlington Northern Railroad and east of a line commencing at the intersection of the Burlington Northern Santa Fe main line track and the centerline of North 8th Street, thence north along North 8th Street to the centerline of Washington Street, thence east to the centerline of North 10th Street, thence north to center line of Grove Street, thence east to the centerline of North 11th Street, thence north to the centerline of Evergreen Avenue, thence northeast to the Public Access Driveway, thence north along the driveway to the centerline of the Mississippi River, thence northeasterly along the centerline of the Mississippi River to the east City limits.
- d. **FOURTH WARD:** All of the territory South of the main line of the Burlington Northern Railroad and east of a line commencing at the intersection of the Burlington Northern Santa Fe main line track and the centerline of the Spur Line Trail, thence south to the centerline of Quince Street, thence west to the centerline of South 7th Street, thence south to the centerline of Rosewood Street, thence west to the centerline of South 6th Street/Business Highway 371 thence south to the centerline of Willow Street, thence east to the centerline of the Spur Line Trail, thence south to the centerline of County Road 117, thence west to the centerline of South 6th Street/Business Highway 371, thence south to the south City limits.

Revised language:

- 2. The City shall be divided into four wards in accordance with state law.

Explanation: This was the language agreed upon by the Charter Commission at the April 20, 2022 Charter Commission meeting. This allows for ease of update to the wards when needed to be reviewed after each decennial census.

- **Chapter Two – Officers and Elections #14:**

Original language:

At the first meeting of the City Council after the regular City election it shall proceed to elect by ballot from its number a President and Vice-President. The President shall preside over the meetings of the City council and appoint all standing and temporary committees thereof, and during absence of the Mayor from the City, or the Mayor's inability for any reason to discharge the duties of the office, the said President shall exercise all the powers and discharge all the duties of the Mayor.

In case the President shall be absent at any time the Vice-President shall discharge the duties of such President and act in the President's place. The President or Vice-

President while performing the duties as Mayor shall be styled "Acting Mayor", and acts performed by either when acting as Mayor, shall have the same force and validity as if performed by the Mayor.

Revised language:

At the first meeting in January of the City Council after the regular City election it shall proceed to elect by ballot from its members a President and Vice-President. The President shall preside over the meetings of the City council and appoint all standing and temporary committees thereof, and during absence of the Mayor from the City, or the Mayor's inability for any reason to discharge the duties of the office, the said President shall exercise all the powers and discharge all the duties of the Mayor.

In case the President shall be absent at any time the Vice-President shall discharge the duties of such President and act in the President's place. The President or Vice-President while performing the duties as Mayor shall be styled "Acting Mayor", and acts performed by either when acting as Mayor, shall have the same force and validity as if performed by the Mayor.

Explanation: The current language indicates the President and Vice-President would be chosen at the meeting following election, which normally would be the 2nd council meeting in November. Adding in January provides clarification and has been the City's practice and specifying that it is the members of the City Council who can serve as President and Vice-President.

- **Chapter Two – Offers and Elections; Duties of City the City Council; Insert a new number 36 and renumber thereafter.**

Original language:

Chapter 5:

8. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance define the circumstances wherein such deferments may be made.

The City Council does endorse the principal of deferment of special assessments for those citizens where the payment of said special assessments constitute a financial hardship. The Council, in accordance therewith, may defer the payment of a special assessment on homestead property owned by a person who has a financial hardship, and the payment of the assessment would create a further financial hardship.

The deferment may be granted upon an application by the owner on a form

prescribed by the County Auditor supplemented by the City Administrator to establish the qualification of the owner for said deferment. All deferments shall be subject to renewal each following year upon the filing of a similar application not later than August 15. The Council shall either grant or deny the deferment, and if it grants the deferment, the deferred assessment shall bear interest at the rate established in the Resolution adopting the assessment. If the Council grants the deferment, the Administrator shall notify the County Auditor who shall record a notice of the deferment with the County Recorder setting forth the amount of the assessment.

A hardship shall be deemed prima facie to exist when all of the following apply:

A. The applicant, his spouse and family combined shall not have an annual gross income in excess of the low-income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of application. All data necessary to confirm applicant's income shall be furnished to the City Administrator.

B. The total special assessments to be deferred exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.

C. The applicant certifies that the total assets of the applicant and spouse, exclusive of the homestead, do not exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.

D. The Crow Wing County Assessor's estimated market value of the applicant's homestead is less than the sum specified in the most current Resolution adopted by the City Council setting this amount.

Notwithstanding the foregoing provisions of this paragraph, the City Council may consider exceptional and unusual circumstances pertaining to an applicant not covered by the above standards; but any determination shall be made in a non-discriminatory manner and shall not give the applicant an unreasonable preference or advantage over other applicants.

The option to defer payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following events:

A. The death of the owner when there is no spouse who is eligible for deferment;

B. The sale, transfer, or subdivision of all or any part of the property;

C. Loss of homestead status on the property;

D. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment; or

E. Failure to file a renewal application within the time prescribed in this section.

Revised language:

36. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance or Resolution define the circumstances wherein such deferments may be made.

Explanation: State Statute 435.193 (attached) allows a city, at its discretion, to defer the payment of an assessment for any homestead property. The statute later states that a City shall adopt an ordinance or resolution establishing guidelines for determining a hardship. The City Council had adopted Ordinance No. 974 (attached), which amended the Charter, as well as Resolution 48:88 and amended by Resolutions 57:94, 71:96, 25:99, 06:05 and 54:16 (attached) establishing the criteria. At the May 2, 2022 City Council meeting, Council directed Staff to review and recommend changes to Resolution 54:16. Staff recommends removing the language of the criteria for deferment from the Charter and have in a Resolution that can be amended as deemed necessary. Also, by moving this section to Chapter 2, Chapter 5 could be eliminated.

- **Chapter Three Finances, Number 2.**

Original language:

2. Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the Mayor and countersigned by the City Administrator. All payments are to be reviewed and approved by the City Council

The City Council shall annually levy taxes to provide for the following specifically designated fund:

A PERMANENT IMPROVEMENT FUND, for paying such portion of the cost of improving streets and alleys as shall devolve upon the City, under the provisions of Subdivision (11) of this Section 46. For the support of this fund the City Council shall annually levy on taxable property of the City taxes to an amount not to exceed 9% of the City's previous year's total levy. No part of this fund shall be used for any other purpose. In anticipation of the collection of such taxes for the then current year and succeeding years, the City Council may at the proper time, and from time to time, issue and dispose of certificates of indebtedness in an aggregate amount equal to eighty (80) per cent of such levy in the then current year and estimated amount for not more than ten succeeding years; provided, that the issuable aggregate of such certificates of indebtedness shall at no time exceed the sum of money then in the permanent improvement revolving fund under the provisions of Section 49 of the City Charter, as herewith amended, together with the additional

amount of bonds that may or can be issued thereunder, added to the total of cash payments guaranteed by bonds of owners of real property abutting on such or similar street or alley improvements. These certificates shall be known as Re-paving Certificates of Indebtedness, and on every one shall be stated the particular purpose for which it is issued or describe the specific improvement on which it is based. Such certificates shall be consecutively numbered, with date of issue, date of maturity, bear interest, payable semi-annually, have proper interest coupons attached, be signed by the Mayor, countersigned by the City Administrator, and be attested by the corporate seal; and, so far as practicable, shall be in denominations of not less than \$500.00. Whenever occasion arises for the issuance of such repaying certificates, it shall be the duty of the City Council to make requisite calculations, computations and estimates with respect to the quantity and various times of collection of taxes so levied and to be levied, and thereupon, as the circumstances may require, to issue and sell one or more of such certificates. All such certificates shall be so issued as to mature serially, on proper dates, to the end that eighty (80) per cent of the estimated tax collection for this fund in each and every year will pay the certificates as they mature, and succeeding issues shall appear in regular order following previously issued certificates; and whenever there is an unused or unappropriated margin of such eighty (80) per cent of the estimated tax collection for this fund, over and above the aggregate amount of all such certificates theretofore issued, then and under such circumstances the earliest maturing certificates of the next succeeding issue shall be made to mature at such times and in such manner as to assure payment thereof out of, and at the time of collection of, such prior unused or unappropriated margin of such eighty (80) per cent of such estimated tax collection. If in any year the taxes collected for this fund shall not be sufficient to pay the certificates maturing in that year, the deficit shall be paid from the general fund. The earliest maturing certificates of the first issue hereunder shall mature on the first day of December in the year following the year of their issuance, and the other certificates in such issue, to mature later and serially, shall be distributed in succeeding serials and follow in such order of maturity that eighty (80) per cent of the estimated tax collections, year by year, will pay such certificates in each and every year thereafter. Neither the City Council nor any officer of the City shall in any year appropriate, expend or disburse any part of this fund, or do any other act therewith, at such time or in such manner as to render the available balance thereof insufficient to pay, when due, the certificates maturing in that particular year. The City Council shall, at the proper time, and from time to time, prepare for every issue and sale of such re-paving certificates of indebtedness by appropriate resolution setting forth in sufficient detail the date of issuance, number or quantity, specific denominations, and various dates of maturity thereof, the rate of interest thereon, and the nature or character, location, extent, and approximate total cost of the particular improvement on which the same are founded. The sale of such certificates of indebtedness shall be made, conducted, and carried on in the manner provided for sales of bonds under the certain provisions of section 49 of the City Charter, as herewith amended; provided, further, that no certificate shall be sold for less than par and accrued interest.

Revised language:

2. Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the Mayor and countersigned by the City Administrator. All payments are to be reviewed and approved by the City Council

The City Council shall annually levy taxes to provide for the following specifically designated fund:

A PERMANENT IMPROVEMENT FUND, for paying such portion of the cost of improving streets and alleys. For the support of this fund the City Council shall annually levy on taxable property of the City taxes to an amount not to exceed 9% of the City's previous year's total levy. No part of this fund shall be used for any other purpose.

Explanation: The first item is formatting. The Permanent Improvement Fund was left in the Charter to maintain a levy for road improvements. All funds collected from this levy are transferred into the Construction Fund (401). The other language remaining was eliminated with other changes to the charter such as the references to Subdivision 11 Section 46 and Section 49. The rest of the section talks about certificates and issuing debt. To Staff' knowledge, 100% of this fund's balance has been transferred and used to maintain streets and alleys and the City issues debt under the sections of state statute that apply, such as 429 bonds.

- **Chapter Three Finances, Numbers 3-5.**

Original Language:

3. That annual amount to be levied for general taxation in any year for all said funds shall not exceed the amounts as established by state statute. There shall be a levy of 1.5% of the previous year's total City levy for an entity within the city limits of Brainerd to provide community action programs and events.
4. There shall be a levy of 1.5% of the previous year's total City levy for the establishment and maintenance of a program for the benefit of senior citizens or to a subsidized non-profit senior citizens organization within the city limits of Brainerd.
5. There shall be a levy of 1.5% of the previous year's total City levy an arboretum or green space organization within the city limits of Brainerd.

Revised Language

3. That annual amount to be levied for general taxation in any year for all said funds shall not exceed the amounts as established by state statute. There shall be a levy of 1.5% of the previous year's total City levy for one or more

entities located entirely within the city limits of Brainerd to provide community action programs and events.

4. There shall be a levy of 1.5% of the previous year's total City levy for the establishment and maintenance of programs for the benefit of senior citizens or to a subsidized non-profit senior citizens organization(s) located entirely within the city limits of Brainerd.
5. There shall be a levy of 1.5% of the previous year's total City levy for one or more arboretum or green space organizations located entirely within the city limits of Brainerd.

Explanation: At the April 20th meeting, the Charter Commission discussed the intent of the language "within the city limits of Brainerd." A motion was made to send back to the Council that the Charter Commission's intent with "within the city limits" means that the money levied be spent on entities fully within the city of Brainerd. Therefore, to clarify the intent, we are proposing amending the language to state: "entirely within the city limits of Brainerd" in Chapter Three, Sections 3, 4 and 5.

The Charter Commission also made a motion to allow the distributing of funds to include one or more in reference to green space organizations, senior programs and community action organizations. Therefore, we have also clarified that by adding the phrase "one or more" in front of organizations.

- **Chapter Five Streets**

Original Language:

1. The City Council may by a vote of two-thirds of the members thereof, vacate any highway, street, lane, or alley, or portion of either, and such power of vacating highways, streets, lanes, and alleys within the City of Brainerd is vested exclusively in the City Council and no court or other body or authority shall have any power to vacate any such highway, street, lane or alley.
2. The City Council shall have power to designate districts or portions of the streets and alleys of the City for the purpose of cleaning the same and may provide for the cleaning of such districts by a contract on such terms as shall be deemed advisable.
3. It is hereby made the duty of all owners of land adjoining any street, lane or alley in said City, to construct, reconstruct and maintain in good repair such sidewalks along the side of the street, lane or alley next to the lands of such owners respectively, as may have been heretofore constructed, or shall hereafter be constructed, or directed by the City Council to be built, and of such material and width, and upon such places and grades as the City Council may by ordinance or otherwise prescribe. Whenever the City Council shall deem it necessary that any sidewalk in the City of Brainerd shall be constructed or re-constructed, it shall by resolution direct such construction or re-construction, specifying the width thereof, and the

material of which the same is to be constructed. The publication of such resolution once in the official paper of the City shall be sufficient notice to the owners of the land along which said sidewalk is to be built to construct the same, and unless such owners shall each along each owner's respective land, construct and fully complete such sidewalks within two (2) weeks after the publication of such resolution as aforesaid, the City Council shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front. Such assessment shall be collected in the same way in all things as provided for the collection of special assessments under the provisions of Section 75 of this Charter. And the City Council may either before or after making such assessment cause such portion of such sidewalks as have not been built by the owners of such land fronting on the same and all street crossings to be built by the City, or upon contract or by any other person as the council may determine.

4. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the City Engineer to immediately repair the same in a good, substantial and thorough manner, and to report to the City Council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such report shall be filed and carefully preserved by the City Administrator. And the City Council shall once in each year, at, or as near as conveniently may be, the time of levying the yearly City taxes, assess and levy upon each of the parcels of land fronting or abutting upon sidewalks which have been repaired by the City, the cost of making such repairs. In each case such assessment for all such repairs within the year may be combined in one assessment roll and be collected as provided for in other special assessments in this Charter. In case any such sidewalk shall become so out of repair as to become dangerous and cannot be made safe without being rebuilt, and there are no funds to defray the expense of such rebuilding, it shall be the duty of the City Engineer to remove the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed and collected with the assessment for such reconstruction.
5. It shall be the duty of the City Council, before ordering the construction of any new sidewalk, to cause ground on which is to be built to be properly graded.
6. No railway company or street company shall have any right in cleaning their tracks through any part of the City or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in the City. Any such company shall be liable to any person who shall be injured by means of any obstruction caused by the company or its servants for all damages sustained.
7. It shall require a two-thirds (2/3) vote of the members elect of the City Council to determine, in the first instance to make any improvement for which a special assessment may be levied, except in respect to sidewalks, when a majority shall suffice. But this restriction shall not apply to any subsequent act of the Council touching such improvement, or the special assessment to provide means therefor.

8. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance define the circumstances wherein such deferments may be made.

The City Council does endorse the principal of deferment of special assessments for those citizens where the payment of said special assessments constitute a financial hardship. The Council, in accordance therewith, may defer the payment of a special assessment on homestead property owned by a person who has a financial hardship, and the payment of the assessment would create a further financial hardship.

The deferment may be granted upon an application by the owner on a form prescribed by the County Auditor supplemented by the City Administrator to establish the qualification of the owner for said deferment. All deferments shall be subject to renewal each following year upon the filing of a similar application not later than August 15. The Council shall either grant or deny the deferment, and if it grants the deferment, the deferred assessment shall bear interest at the rate established in the Resolution adopting the assessment. If the Council grants the deferment, the Administrator shall notify the County Auditor who shall record a notice of the deferment with the County Recorder setting forth the amount of the assessment.

A hardship shall be deemed prima facie to exist when all of the following apply:

- A. The applicant, his spouse and family combined shall not have an annual gross income in excess of the low-income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of application. All data necessary to confirm applicant's income shall be furnished to the City Administrator.
- B. The total special assessments to be deferred exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.
- C. The applicant certifies that the total assets of the applicant and spouse, exclusive of the homestead, do not exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.
- D. The Crow Wing County Assessor's estimated market value of the applicant's homestead is less than the sum specified in the most current Resolution adopted by the City Council setting this amount.

Notwithstanding the foregoing provisions of this paragraph, the City Council may consider exceptional and unusual circumstances pertaining to an applicant not covered by the above standards; but any determination shall be made in a non-discriminatory manner and shall not give the applicant an unreasonable preference or advantage over other applicants.

The option to defer payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following events:

- A. The death of the owner when there is no spouse who is eligible for deferment;
- B. The sale, transfer, or subdivision of all or any part of the property;
- C. Loss of homestead status on the property;
- D. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment; or
- E. Failure to file a renewal application within the time prescribed in this section.

Revised Language

Eliminate the Chapter. Subsequent chapters will be renumbered.

Explanation: Elimination of Chapter 5 Numbers 1-7 was discussed and agreed upon at the April 20, 2022 Charter Commission meeting. Number 8, dealing with deferred assessment, Staff has suggested above to insert a number 36 in Chapter 2.

Staff will be available at the meeting to answer any questions.



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

ORDINANCE
No. 1533

AN ORDINANCE AMENDING THE CITY CHARTER

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Chapter Three is amended as follows, with deleted language struck out.

CHAPTER THREE

FINANCES

3. ~~That annual amount to be levied for general taxation in any year for all said funds shall not exceed the amounts as established by state statute. There shall be a levy of 1.5% of the previous year's total City levy for an entity within the city limits of Brainerd to provide community action programs and events.~~
4. ~~There shall be a levy of 1.5% of the previous year's total City levy for the establishment and maintenance of a program for the benefit of senior citizens or to a subsidized non-profit senior citizens organization within the city limits of Brainerd.~~
5. ~~There shall be a levy of 1.5% of the previous year's total City levy an arboretum or green space organization within the city limits of Brainerd.~~

SECTION TWO: Upon passage, this ordinance becomes effective 90 days after its publication.

Adopted this _____ day of _____, 2022

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



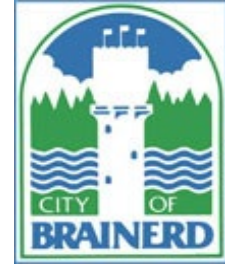
Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: June 10, 2022

RE: Variance from Setback Standards – 521 N 9th St.

Sarah Hayden Shaw has submitted a variance request at 521 N 9th St., Brainerd, MN 56401.

The requested variance is from [Section 515-54-7.B Principal Building Setbacks](#). The applicant is requesting a reduced front yard setback from 20 feet to 12 feet for an addition that will align with the existing primary structure. The proposed addition also includes a bay window that will extend an additional 2 feet into the required front yard setback.

Findings of Fact

1. 521 N 9th St. is in a R-1 (Single Family Residential) District.
2. Section 515-54-7.B lists a minimum front yard setback in R-1 Districts to be 20 feet from the property line.
 - a. The applicant is requesting that the setback requirement be reduced by 8 feet in order to match the existing primary structure setback.
3. [Section 515-7-2](#), Subdivision 3A – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance
 - i. The purpose of a R-1 (Single Family Residential) District is to “allow and preserve area in the City of quiet neighborhoods of one and two family homes, free from other uses except those which are compatible with residents of such a district.”
 - b. When the variances are consistent with the Comprehensive Plan
 - i. Staff believes this variance request is supported by Goal 3 of Chapter 3 of the Comprehensive plan which states, “ensure quality living conditions for all residents.”
 1. Policy 2 under Goal 3 states, “promote the maintenance and rehabilitation of all properties.”
4. Section 515-7-2, Subdivision 3B & Subdivision 4 – Variances may be granted when the applicant for the variances establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.
 - i. Single-family dwellings are a permitted use within R-1 districts.

- b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - i. 521 N 9th St is a historic construction that is consistent with other primary structures in the neighborhood. Alley loaded properties in this neighborhood typically have a reduced front yard setback as they were constructed before attached garages and street loaded driveways were common.
- c. The variance, if granted, will not alter the essential character of the locality.
 - i. The property is currently used as a single-family dwelling and will continue to be used as such. The adjacent primary structure has a similar reduced front yard setback

At the time of this writing, one party has contacted the Community Development Department and had no issues with this variance request.

Staff Opinion

Staff recommends approval of this variance request as staff believes the requested variance meets the requirements as outlined in Section 515-7 of the Code of Ordinances, is supported by the Comprehensive Plan, and the investment made will only improve this property, neighborhood, and the City as a whole.



City Planning Department

City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

In by May 31

Receipt # _____
Check # _____
Date Paid: _____

LAND USE APPLICATION

RESIDENTIAL

CONDITIONAL USE PERMIT
REZONING
VARIANCE
ZONING TEXT AMENDMENT
PLANNED UNIT DEVELOPMENT

☐ (\$250.00)
☐ (\$300.00)
☒ (\$250.00)
☐ (\$250.00)
☐ (\$250.00 +
\$1,000.00 escrow deposit)

COMMERCIAL

☐ (\$400.00 + \$500.00 escrow deposit)
☐ (\$500.00)
☐ (\$400.00 + \$500.00 escrow deposit)
☐ (\$400.00)
☐ (\$400.00 + \$1,000.00 escrow deposit)

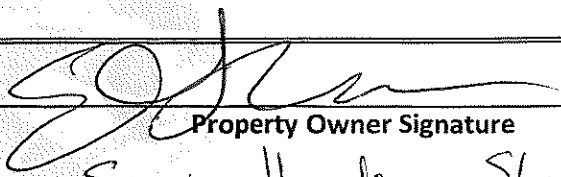
PROPERTY ADDRESS: 521 N. 9th St Brainerd

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

Property Owner Name: Sarah Hayden Shaw
Street Address: 521 N. 9th St City: Brainerd State: MN Zip Code: 56401
Phone Number: 218-760 6837 Fax: _____ E-mail: Sarah@Sage on Laurel. com

Applicant Name: (If different than Property Owner) Same
Street Address: _____ City: _____ State: _____ Zip Code: _____
Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: Variance to allow addition requested.
Exceeding front yard set back, but not exceeding
existing house set back.


Property Owner Signature
Sarah Hayden Shaw
(Please print name)

Date

Applicant Signature

Date

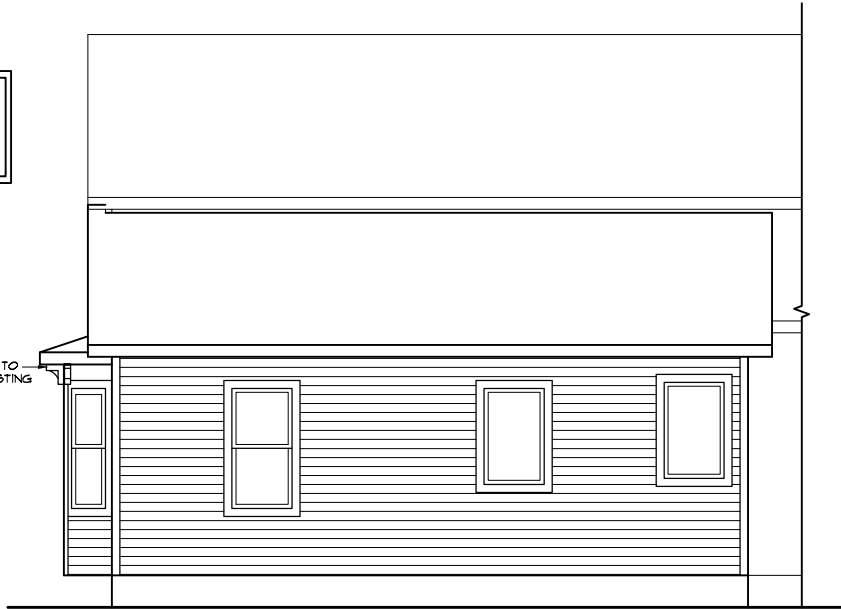
(Please print name)

(OVER)

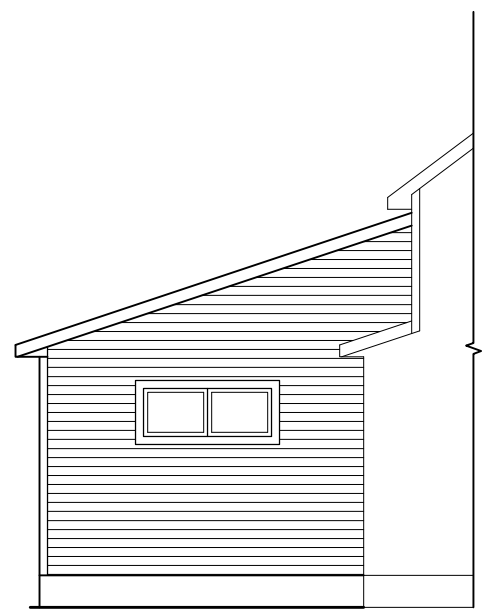
PRELIMINARY
NOT FOR CONSTRUCTION



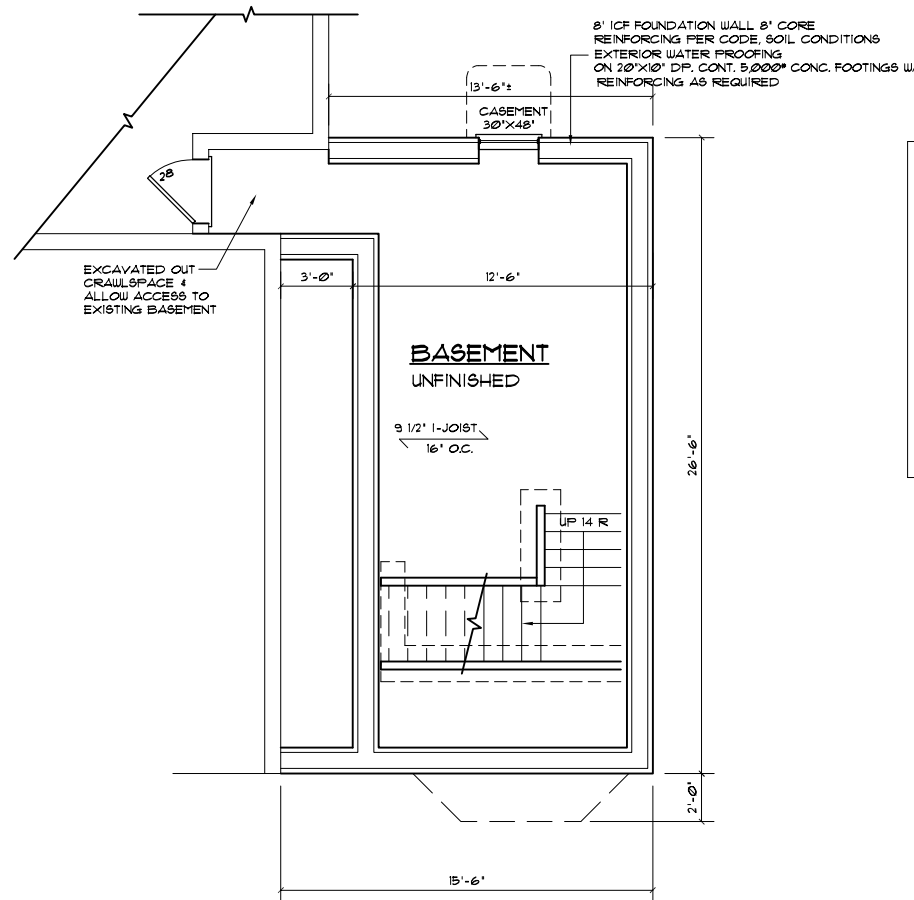
1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



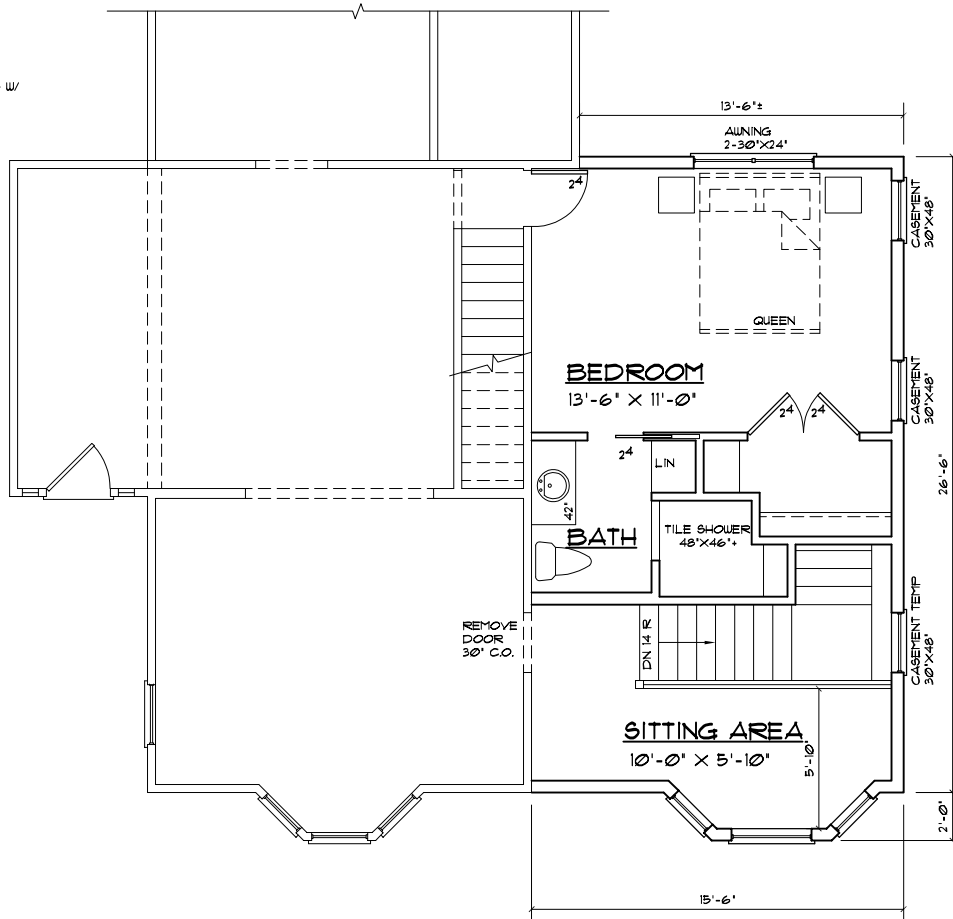
2 RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



3 BACK ELEVATION
SCALE: 1/8" = 1'-0"

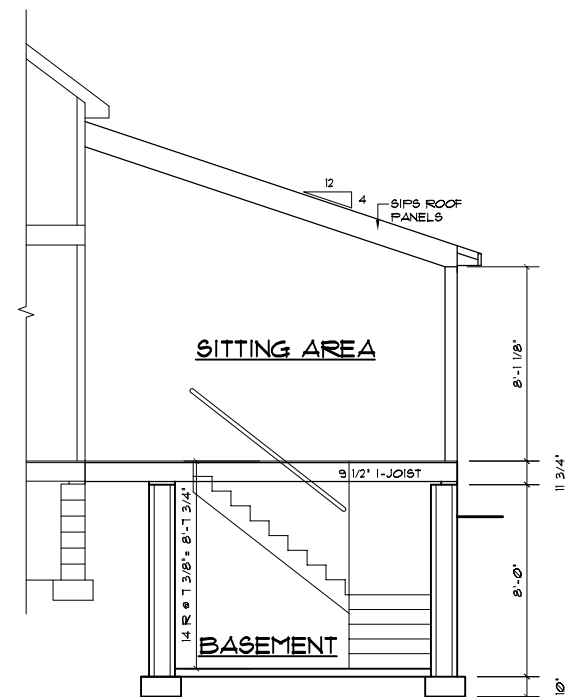


4 FOUNDATION PLAN
SCALE: 1/8" = 1'-0"



5 MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"

* NOTE: CONTRACTOR TO FIELD
VERIFY ALL EXISTING DIMENSIONS,
CONDITIONS, & EXISTING WDW. SIZES.



6 SECTION
SCALE: 1/8" = 1'-0"

DISCLAIMER OF WARRANTIES

The plans furnished herewith were prepared upon request by draftsmen who are not registered architects or professional engineers and are for INFORMATION PURPOSES ONLY. The Design Team makes NO WARRANTIES WHATSOEVER, EITHER EXPRESSED OR IMPLIED as to merchantability or fitness for a particular purpose and places any user(s) on notice that reliance upon said plans shall be at the sole risk of the user(s). The selection of correct structural materials and the application of architectural principals is a precise art, the responsibility for which rests with the builder, the owner, or the user of these plans.

THE DESIGN TEAM
Home Design Specialists

2455 12th Street SE, St. Cloud, MN 56304
Phone: (320) 252-1517 Fax: (320) 252-1518

ED & SARAH SHAW
ADDITION

ADDITION PLANS

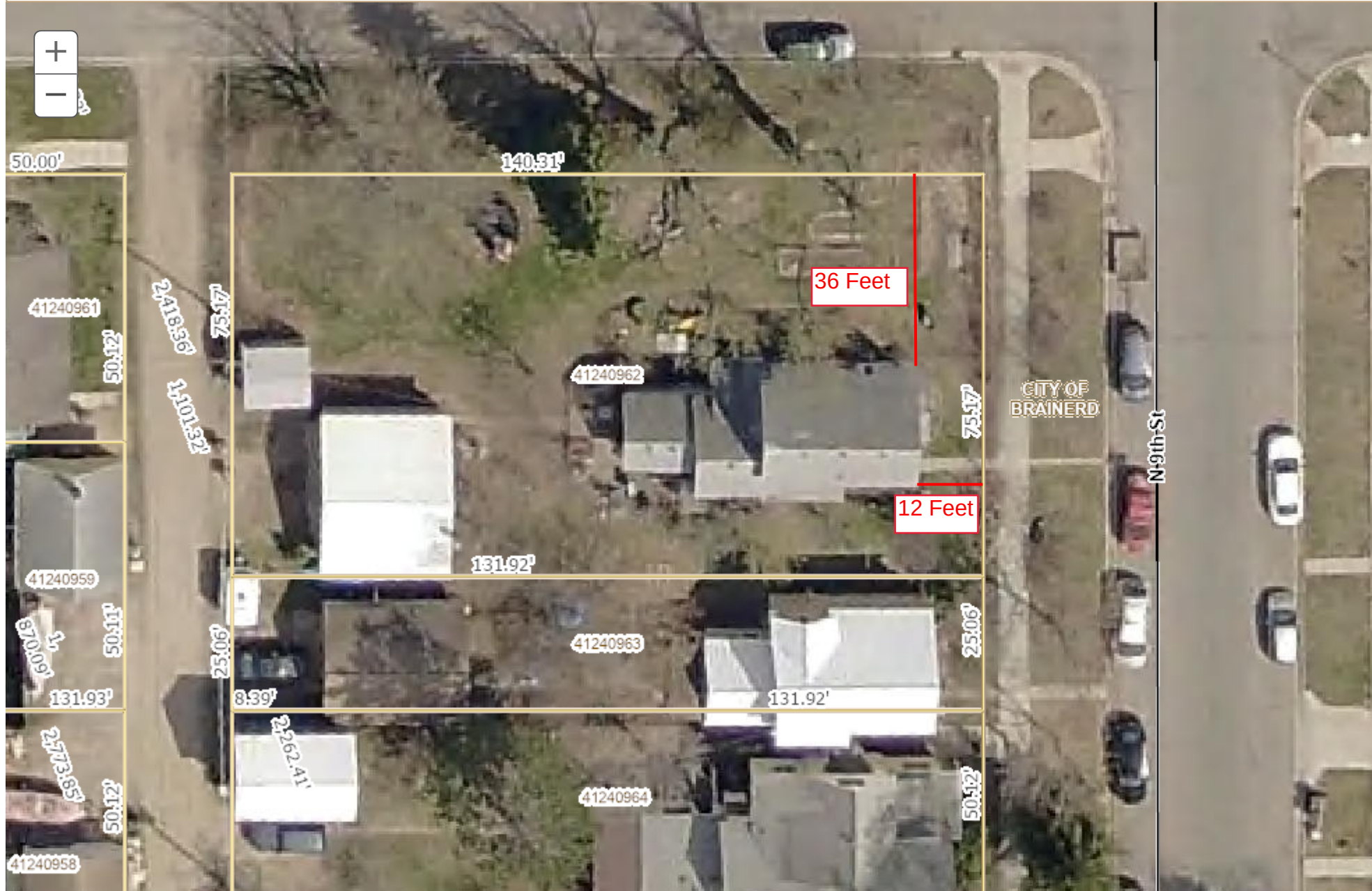
JOB NUMBER:			52422001
FILE NUMBER:			5242200120
DATE:	5/19/22	DRAFT	CHKD
REVISED:		TP	
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REVISED:			

ADDITION PLANS

A-1

COPYRIGHT 1988-CURRENT

Crow Wing County



Scale 1:

300

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Sarah Hayden Shaw has submitted a variance request at 521 N 9th St., Brainerd, MN 56401. The variance request is from *Section 515-54-7.B Principal Building Setbacks*. The applicant is requesting a reduced front yard setback from 20 feet to 11 feet for an addition that aligns with the front facade. The proposed addition also includes a bay window that will extend an additional 2 feet into the required front yard setback. The property is legally described as:

*LOTS 10 THRU 12 INCLUSIVE BLOCK 140
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41240962
Section 24, Township 45, Range 31*

The property is zoned R-1 (Single-Family Residential) District. A copy of the proposed building plan is on file for review with the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, June 15, 2022 in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the variance request.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 1st day of June 2022



James L. Kramvik
Acting Community Development Director

Publication Date: June 5, 2022



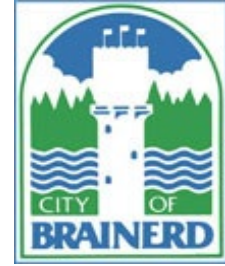
Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: June 10, 2022

RE: Variance from Setback Standards – 704 Norwood St.

Dave Bennett has submitted a variance request on behalf of Youth Investment Foundation at 704 Norwood St., Brainerd, MN 56401.

The requested variance is from [Section 515-63-7.B](#) *Lot Area and Setback Requirements*. The applicant is requesting a reduced side yard setback from 20 feet to 1 foot and a reduced rear yard setback from 20 feet to 2 feet for a proposed accessory structure.

Findings of Fact

1. 704 Norwood St. is in a B-4 (General Business) District.
2. Section 515-63-7.B lists a minimum side yard and rear yard setback in B-4 Districts to be 20 feet from the property line.
 - a. The applicant is requesting that the setback requirement be reduced by 19 feet on the side internal yard and 18 feet in the rear yard in order to construct a 24 foot x 28 foot garage. The proposed garage will be one story in height with 10 foot walls and no living quarters.
 - b. The zoning district for this parcel in the new proposed zoning map is Town Center. The proposed accessory structure would meet the setback requirements in the new proposed zoning code.
3. [Section 515-7-2](#), Subdivision 3A – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance
 - i. The purpose of a B-4 (General Business) District is to “allow more intensive commercial uses that require extensive highway access for customer contact.”
 1. The proposed accessory structure would expand the commercial use of the property as it will be used for the storage of the two timber bay vans as well as other programming-related equipment (bikes, games, etc.).
 - b. When the variances are consistent with the Comprehensive Plan
 - i. Staff believes this variance request is supported by Goal 1 of Chapter 1 of the Comprehensive plan which states, “Support mixed-use development that is focused on integration instead of the separation of land uses.”

1. Policy 2 under Goal 1 states, “Develop complete neighborhoods that meet the needs of all people within a comfortable walking or bicycling distance.”
4. Section 515-7-2, Subdivision 3B & Subdivision 4 – Variances may be granted when the applicant for the variances establishes that there are practical difficulties in complying with the Zoning Ordinance.
 - a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.
 - i. Youth Centers are a permitted use within B-4 districts.
 - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - i. 704 Norwood St. is surrounded by other properties zoned B-4. The B-4 district located south of downtown Brainerd has many non-conforming setback issues with primary and accessory structures. The new proposed zoning code and map will address the setback issues in this area of the city as the B-4 district does not characterize the conditions of the neighborhood.
 - c. The variance, if granted, will not alter the essential character of the locality.
 - i. The property is currently used as a youth center and will continue to be used as such. The adjacent primary structures are commercial uses that also have setback issues in the B-4 district.

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

Staff Opinion

Staff recommends approval of this variance request as staff believes the requested variance meets the requirements as outlined in Section 515-7 of the Code of Ordinances, is supported by the Comprehensive Plan, and the investment made will only improve this property, neighborhood, and the City as a whole.



City Planning Department

City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt # _____

Check # _____

Date Paid: _____

LAND USE APPLICATION

RESIDENTIAL

CONDITIONAL USE PERMIT ☐ (\$250.00)
REZONING ☐ (\$300.00)
VARIANCE ☐ (\$250.00)
ZONING TEXT AMENDMENT ☐ (\$250.00)
PLANNED UNIT DEVELOPMENT ☐ (\$250.00 +
\$1,000.00 escrow deposit)

COMMERCIAL

☐ (\$400.00 + \$500.00 escrow deposit)
☐ (\$500.00)
☒ (\$400.00 + \$500.00 escrow deposit)
☐ (\$400.00)
☐ (\$400.00 + \$1,000.00 escrow deposit)

PROPERTY ADDRESS:

704 Norwood St, Brainerd

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____

(attach description if lengthy) see survey

Property Owner Name: Youth Investment Foundation (Central Office)

Street Address: PO Box 316 City: Medina State: MN Zip Code: 55340

Phone Number: (763) 478-0500 Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) David Bennett

Street Address: 303 SE 15th St City: Brainerd State: MN Zip Code: 56401

Phone Number: (218) 340-3339 Fax: _____ E-mail: bennett@timberbay.org
H: 218-828-3601

Description of Request: See attached

Dave Bennett

Property Owner Signature

05/14/22
Date

Dave Bennett

(Please print name)

Dave Bennett

Applicant Signature

05/14/22
Date

Dave Bennett

(Please print name)

(OVER)



ORIENTATION OF THIS BEARING
SYSTEM IS BASED ON THE CROW WING
COUNTY COORDINATE SYSTEM

7TH STREET SOUTH

NORWOOD STREET

ALLEY

FIRST ADDITION TO THE TOWN OF BRAINERD

BLOCK 131

N 89°55' 42" E 90.00

N 00°04' 18" W 90.00

S 00°04' 18" E 90.00

S 89°55' 42" W 90.00

South line of the North 15 of lot 16

East line of the West 90 feet of Lot 14

Total Area= 8,100 Square Feet

30' Setback line

20' Setback line

30' Setback line

DECK

Existing House

Proposed Garage
672 sf

Existing Shed

Curb & Gutter

Chainlink fence

MAPPING LEGEND

- CHAINLINK FENCE — XC — XC —
- CONCRETE [Pattern]
- BITUMINOUS [Pattern]

PROPERTY BOUNDARY LEGEND

- SET IRON PIPE WITH CAP STAMPED "KRAMER 23668"
- FOUND IRON MONUMENT



REVISIONS SINCE INITIAL DATE OF	DATE



I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY REGISTERED LAND SURVEYOR
UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: *James Kramer* 05/12/2022
James Kramer, MN License No. 23668 Date

PROJECT NO. BENND2201

Surveyors Notes

The property address for the subject property is:
704 Norwood Lighthouse Southeast
Brainerd, MN 56401

The Parcel Number for the subject property is 41241027.

The current zoning classification for the subject property is General Commercial.

This survey was completed without the benefit of a title commitment or title opinion, there may be easements or other limiting factors that affect the subject property that are not shown on this survey.

Legal Description per Doc No 727946.

West 90 feet of Lots Thirteen (13), Fourteen (14), and Fifteen (15), and the West 90 feet of the North 15 feet of Lot Sixteen (16), Block One Hundred Thirty-one (131), First Addition to the Town of Brainerd.

Impervious Calculation

Total Parcel Area = 8,100 Sq. Ft.

Existing Impervious coverage

Buildings = 1,367 Sq. Ft.
Concrete = 1,153 Sq. Ft.
Total = 2,520 Sq. Ft. (31.1% Impervious Coverage)

Proposed Impervious coverage

Buildings = 2,039 Sq. Ft.
Concrete/driveway = 1,893 Sq. Ft.
Total = 3,932 Sq. Ft. (48.5% Impervious Coverage)

CERTIFICATE OF SURVEY
Topographic and Property Boundary Survey

Dave Bennet
Section 24, Township 45 North, Range 31 West
Crow Wing County, Minnesota

Variance Request Summary: 704 Norwood St.

Timber Bay is requesting a variance to setbacks for a new 24x28' garage on the Timber Bay (Youth Investment Foundation) property at 704 Norwood Street, Brainerd.

Background on Timber Bay:

Timber Bay, a ministry of Youth Investment Foundation (<https://timberbay.org>), is an organization of dedicated youth workers committed to personal, ongoing mentorship with young people. Since 1970, Timber Bay has accomplished this through a combination of camping retreats and community group gatherings throughout the upper Midwest. From the beginning, our unified focus has been to help teens discover the emotional and spiritual healing that Jesus Christ can bring to their lives. For youth, real impact that takes time and nurturing happens when a well-developed support system is in place. One-time events may be beneficial, but they are not nearly as effective as the teens having a safe, healthy community, where long-term mentors walk with them through their everyday lives. Without strong support-systems like Timber Bay, teens are more likely to make poor choices that can lead to destructive behaviors and perpetual negative cycles. The mentors of Timber Bay are present to help them overcome these obstacles and grow toward positive choices and behaviors.

The Timber Bay House on 704 Norwood Street is used for weekly after-school meetings/hangouts for teens (Jr. High and High School). It is a safe space where they can be heard. They are also provided a meal.

Proposed Project Details:

Goal:

There is currently very limited storage on the site, just one 8x10' shed. The proposed 2-car garage will be used for the storage of the two timber bay vans as well as other programming-related equipment (bikes, games, etc.). Additional concrete will be laid in front to be used for various games and recreational activities.

Stormwater:

The rest of the block is owned primarily by the Taylor Funeral Home and Brainerd YMCA. Much of their parking abuts the proposed project area, so the grassy area in and around the edge of the Timber Bay property is already taking stormwater runoff. Tim Taylor is OK with the runoff from the east side of the proposed garage running onto the grassy strip on the edge of his property, but if that ever becomes an issue, Timber Bay could gutter it elsewhere. The runoff from the western half would stay on the Timber Bay site. The YMCA also has no issues with the project.

Wetlands:

None present

Screening:

There is an existing fence on the south property line that will provide some screening. No fence is planned on the east side.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Dave Bennett on behalf of Youth Investment Foundation has submitted a variance request at 704 Norwood St., Brainerd, MN 56401. The variance request is from *Section 515-63-7: Lot Area and Setbacks Requirements*. The applicant is requesting a reduced side yard setback from 20 feet to 1 foot and a reduced rear yard setback from 20 feet to 2 feet for a proposed accessory structure. The property is legally described as:

*W 90 FT OF LOTS 13 THRU 15 INCLUSIVE BLOCK 131 AND N 15 FT OF W 90 FT OF LOT 16 BLOCK 131.
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41241027
Section 24, Township 45, Range 31*

The property is zoned B-4 (General Business) District. A copy of the proposed site plan is on file for review with the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, June 15, 2022 in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the variance request.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 1st day of June 2022



James L. Kramvik
Acting Community Development Director

Publication Date: June 5, 2022



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

**ORDINANCE
NO. 1534**

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

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Purpose.

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

SECTION TWO. Preliminary Findings.

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

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

SECTION THREE. Moratorium.

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

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

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

SECTION FOUR. Study.

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

SECTION FIVE. Effective Date.

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

Adopted this _____ day of _____, 2022

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

NOTICE OF HEARING

The City of Brainerd Planning Commission will be conducting a public hearing to consider the adoption of a revised and updated Zoning Code and Zoning Map. The revised Zoning Code and Map include new and modified zoning districts, specific use standards, and building and site design standards.

A Public Hearing will be conducted by the Planning Commission at 6:00 p.m. Wednesday, June 15, 2022, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding the proposed Zoning Code and Map. Any individual needing special accommodations please call (218) 828-2307.

Dated this 1st day of June 2022

Publication Date: June 5, 2022

A handwritten signature in dark ink, appearing to read "James L. Kramvik", written over a horizontal line.

James L. Kramvik
Acting Community Development Director

**ORDINANCE
NO. 1535**

**A SUMMARY ORDINANCE REGARDING THE REPEAL AND REPLACEMENT OF
CHAPTER 515 - BRAINERD ZONING ORDINANCE**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Purpose and Findings.

1. The City Council adopted the 2035 Comprehensive Plan in 2020 and its purpose is to guide the land use and development policy for the City over the next 15-years; and
2. Chapter 515 - Brainerd Zoning Ordinance - is one of the City's official controls to manage and regulate land use and is required to be consistent the City's adopted Comprehensive Plan.
3. After significant study, discussion and research the City prepared comprehensive revisions to Chapter 515 that include new and reorganized sections; and
4. Based on the revisions identified in Chapter 515, the City's Official Zoning Map must be revised to reflect the changes and updates contained within the Chapter; and
5. The City determined that to implement the Comprehensive Plan it would be most clear to fully repeal and replace Chapter 515 and to adopt the revised Zoning Map.

SECTION TWO: Exception

1. The City acknowledges that certain developments within the City are not complete and that the revisions contained in the revised Chapter 515 would adversely affect their completion.
2. Any pending development or project with formal land use approval shall not be subject to the revised regulations contained in Chapter 515; and
3. The City identifies the following developments, and future phases on land owned by the same, as of the effective date of this Ordinance excepted from the revisions:
 - a. Brainerd Oaks
 - b. Northtown
 - c. Serene Pines
 - d. Dal Mar Estates

SECTION THREE: Repeal and Replacement.

4. Notice is hereby given that on June 20, 2022 and July 5, 2022 the City Council conducted the required readings of this Ordinance and the revisions contained in Chapter 515 and the Official Zoning Map consistent with the City Charter.

5. Notice is hereby given that this Ordinance repeals and replaces in its entirety Chapter 515 – Brainerd Zoning Ordinance - and the Official Zoning Map.

6. Further, given the length of the revisions associated with the full replacement of Chapter 515 this summary ordinance has been prepared for publication and is approved by the City Council as authorized by State law.

7. Notice is hereby given that a printed copy of the whole ordinance, include the revised Official Zoning Map, is available for inspection by any person during the City's regular office hours or on the City's website.

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

Adopted this _____ day of _____, 2022

KELLY BEVANS
President of the Council

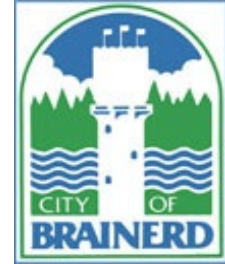
Approved this _____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: June 10, 2022

RE: Discussion of Residential Uses in the Public/ Semi-Public (PSP) District
Public Hearing and Recommendation for Proposed Zoning Code and Map

Public/ Semi-Public (PSP) Residential Use Discussion

Planning Commission directed staff at the May 18th, 2022 Planning Commission meeting to create a report on the potential of residential uses in the Public/ Semi-Public (PSP) District. The new proposed zoning code's Appendix A: Table of Uses does not currently allow for any residential uses in the PSP district. Prior to the May 18th zoning code discussion, staff was approached with questions about the possibility of a multi-family residential development at the YMCA property located at 602 Oak St, which is currently proposed as PSP. Upon further review of the PSP District with Swanson Haskamp Consulting, staff believes the omission of residential uses in the PSP District is an oversight that should be corrected in the new proposed zoning code.

Uses Allowed in the (PSP) District that may need Residential Housing

- College and universities
- Hospitals
- Places of worship & related buildings
- Community centers

Staff Recommendations

Staff recommends adding single family detached dwelling unit, single family attached dwelling unit (2-4 units), multi-family attached dwelling units (5+units), and senior housing to the table of uses in the PSP District. Staff also recommends that any residential use must be accessory to the principal public-semi-public use and must obtain a Conditional Use Permit. Such use may not be separated from the principal use without an amendment to the CUP and may require rezoning. All principal uses must be identified as a public-semi-public use on the Table of Uses.

Public Hearing and Recommendation for Proposed Zoning Code and Map

After 15 months of dedicated work and 2 months of revisions the final draft of the proposed zoning code is complete and ready to be considered for adoption. Per Minnesota State Statute and the City of Brainerd City Code, a public hearing must be conducted prior to the amendment of any City ordinance. As it is the Zoning Code and Zoning Map that are being amended, the public hearing shall be conducted by the Planning Commission. Once the public hearing has been conducted, the Planning Commission may consider recommending adoption of the proposed zoning code to the City Council.

The Notice of Hearing for the public hearing on the proposed zoning code is attached and was published on Sunday, June 5, 2022. Prior to the public hearing being held, Community Development Director Kramvik will provide a brief presentation, summarizing the proposed Zoning Code and the revisions that have been made over the past two months.

The final drafts of the proposed zoning code and zoning map are attached.

Staff Recommendations

Staff recommends conducting the public hearing on the proposed zoning code and then voting to recommend adoption of the proposed zoning code to the City Council with the changes to the PSP District (515-2-17.B Permitted Uses and the Appendix A: Table of Uses).

City of Brainerd, MN
Chapter 515 ZONING (DRAFT for PUBLIC HEARING)

TABLE OF CONTENTS

515-1 TITLE

515-1-1	Title and Application
515-1-2	Intent and Purpose
515-1-3	Relationship to Comprehensive Plan
515-1-4	Minimum Requirements
515-1-5	Conformance with this Ordinance
515-1-6	Separability
515-1-7	Authority

515-2 ZONING DISTRICTS

515-2-1	Summary
515-2-2	Zoning Districts Established
515-2-3	Base Zoning Districts
515-2-4	Rural Living Zoning Districts (RL-1 and RL-2)
515-2-5	Garden Living Zoning District (GL)
515-2-6	Contemporary Neighborhood 1 (CN-1)
515-2-7	Contemporary Neighborhood 2 (CN-2)
515-2-8	Traditional Neighborhood 1 (TN-1)
515-2-9	Traditional Neighborhood 2 (TN-2)
515-2-10	Traditional Neighborhood 3 (TN-3)
515-2-11	Town Center (TC) District
515-2-12	Main Street Zoning District (MS)
515-2-13	General Commercial (GC)
515-2-14	Commercial Corridor District (CC)
515-2-15	Maker & Employment District (ME)
515-2-16	General Industrial Zoning District (GI)
515-2-17	Public Semi-Public District (PSP)
515-2-18	Park District (P)
<u>515-2-19</u>	<u>Brook Street Industrial Overlay District (BSI-O)</u>
515-2-20	Manufactured Home Overlay District (MH-O)

City of Brainerd, MN
Chapter 515 ZONING (DRAFT for PUBLIC HEARING)

515-2-21 Planned Unit Development (PUD) District

515-3 ALLOWED USES

- 515-3-1 Uses
- 515-3-2 Uses Not Provided for in this Ordinance
- 515-3-3 Use Specific Regulations
- 515-3-4 Adult Establishments
- 515-3-5 Animal Hospital, Veterinary Clinic or Kennel
- 515-3-6 Auto Dealership
- 515-3-7 Auto and Truck Repair (including body shops)
- 515-3-8 Auto Wrecking or Salvage Yard
- 515-3-9 Bed and Breakfasts
- 515-3-10 Brew Pub/Brewery (off-sale, on-sale, taproom, tasting room), Cidery, Microdistillery, Cocktail Room)
- 515-3-11 Bulk Liquid Storage
- 515-3-12 Coal, Tar, Creosote, Concrete or asphalt processing
- 515-3-13 Commercial Car Wash
- 515-3-14 Commercial Day Care Facilities
- 515-3-15 Commercial Green House
- 515-3-16 Commercial Riding Stables
- 515-3-17 Drive-through Business
- 515-3-18 Essential Services
- 515-3-19 Home Businesses
- 515-3-20 Hospitality Business – hotels, motels, conference centers
- 515-3-21 Mini Self-storage
- 515-3-22 Mining and Extraction
- 515-3-23 Model Homes
- 515-3-24 Motor Vehicle Fuel Sales
- 515-3-25 Nursing Homes
- 515-3-26 Outdoor Dining

City of Brainerd, MN
Chapter 515 ZONING (DRAFT for PUBLIC HEARING)

- 515-3-27 Outdoor Service, Sale and Rental
- 515-3-28 Outdoor Storage
- 515-3-29 Outdoor Wood Burning Furnaces, Placement and Operation
- 515-3-30 Parking Lots
- 515-3-31 Recreational Vehicle Storage and other Temporary Vehicles
- 515-3-32 Refuse/garbage collection, recycling and incineration
- 515-3-33 Senior Housing
- 515-3-34 Short-term Rentals
- 515-3-35 Signs
- 515-3-36 Specialty Food Shop
- 515-3-37 Storage, Utilization or Manufacture of Materials that Could Decompose by Detonation
- 515-3-38 Temporary/Seasonal Outdoor Sales and Promotional Events
- 515-3-39 Transient Food Unit
- 515-3-40 Truck Terminals
- 515-3-41 Warming Shelters
- 515-3-42 Wireless Antennas and Towers

515-4 GENERAL BUILDING DEVELOPMENT AND DESIGN STANDARDS

- 515-4-1 General Building Design Provisions applicable to all Zoning Districts
- 515-4-2 Building Design Standards
- 515-4-3 Height.
- 515-4-4 Mechanical Equipment Screening
- 515-4-5 High Water Elevation
- 515-4-6 Accessory Buildings, Uses and Equipment
- 515-4-7 Site Design Standards
- 515-4-8 Outdoor Lighting
- 515-4-9 Landscaping, Green Space and Screening Requirements
- 515-4-10 General Landscaping Improvement Standards
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515-4-13 Off-street Loading

515-5 RULES AND ADMINISTRATION.

515-5-1 Zoning Administrator Duties and City Staff

515-5-2 Conditional Use Permits

515-5-3 Interim Use Permits

515-5-4 Variances

515-5-5 Site Plan and/or Building Plan Review

515-5-6 Zoning Amendments, Map or Text

515-5-7 Planned Unit Development – Overlay Zoning District

515-5-8 Building Permits and Certificates of Occupancy

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515-5-10 Non-Conforming Lots, Buildings, Structures and Uses

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515-6 RULES AND REGULATIONS.

515-6-1 Rules

515-6-2 Definitions

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515-1 TITLE

515-1-1 Title and Application.

This Chapter shall be known, cited and referred to as the “Brainerd Zoning Ordinance” except as referred to herein, where it shall be known as “this Ordinance.”

515-1-2 Intent and Purpose.

- A. Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.
- B. This Ordinance shall divide the City into Base Zoning Districts and Overlay Districts that establish regulations for location, erection, construction, reconstruction, alteration and use of structures and land.
- C. Protect neighborhoods.
- D. Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.
- E. Provide adequate light, air, and convenience of access to property.
- F. Prevent congestion in the public rights-of-way.
- G. Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.
- H. Protect and preserve the natural environment of the City.
- I. Encourage the protection of historic and aesthetic resources in the City.
- J. Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.
- K. Provide for compatibility of different land uses.
- L. Provide for administration of this Ordinance.
- M. Establish penalties for violation of this Ordinance.
- N. To define powers and duties of the Zoning Administrator, City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to this Ordinance.

515-1-3 Relationship to Comprehensive Plan. It is the policy of the City of Brainerd that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Comprehensive Plan, as developed and amended from time to time by the City Council of the City. The City Council recognizes the Comprehensive Plan as the policy guide for responsible regulation of land use and development in accordance with the policies and purpose herein set forth.

515-1-4 Minimum Requirements.

- A. In the interpretation of the City, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare of the community.
- B. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

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515-1-5 Conformance with this Ordinance.

- A. Except as this Ordinance specifically provides, no structure shall be erected, converted, enlarged, reconstructed, or altered; and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Ordinance.
- B. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

515-1-6 Separability. It is hereby declared to be the intention that the provisions of this Ordinance which are separable in accordance with the following:

- A. If any court of competent jurisdiction shall judge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall judge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures.

515-1-7 Authority.

This Chapter ("Ordinance") is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, and Sections 462.351 to 462.363.

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515-2 ZONING DISTRICTS

515-2-1 Summary. This Section establishes the Zoning Districts and their corresponding dimensional standards and regulations in the City. All parcels within the City are zoned with a Base Zoning District and may also be zoned within an Overlay District. The Special Districts are assigned to a specific project or Character Area and must relate to the Base District Zoning.

515-2-2 Zoning Districts Established.

A. **Table of Established Base, Overlay and Special Zoning Districts.** The following table is provided to summarize and identify the Zoning Districts in the City. The table is organized by Character Area which describes the dominant development pattern and use of the area. The following Character Areas are established: Agricultural and Rural, Contemporary Residential, Traditional Neighborhood, Downtown, Commercial and Industrial, and Special Districts. The Overlay Districts and Special Districts may be present in any of the Character Areas.

Table 515-2-1.1. Zoning Districts, District Type and Character Areas.

District Type	Zoning District	Abbreviation
Base	Character Area: Agricultural and Rural Districts	
	Rural Living 1	RL-1
	Rural Living 2	RL-2
	Garden Living	GL
Base	Character Area: Contemporary Residential Districts	
	Contemporary Neighborhood 1	CN-1
	Contemporary Neighborhood 2	CN-2
Base	Character Area: Traditional Neighborhood Districts	
	Traditional Neighborhood 1	TN-1
	Traditional Neighborhood 2	TN-2
	Traditional Neighborhood 3	TN-3
Base	Character Area: Downtown Districts	
	Town Center	TC
	Main Street	MS
Base	Character Area: Commercial and Industrial Districts	
	General Commercial	GC
	Commercial Corridor	CC
	Makers + Employment	ME
	General Industrial	GI
Base	Character Area: Public Uses	
	Park	P
	Public Semi Public	PSP
Overlay	PUD or Overlay Districts	Overlay
	Manufactured Home Overlay District	MH-O
	Planned Unit Development	PUD

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515-2-3 Base Zoning Districts

A. **Assigned Base Zoning Districts.** All parcels, lots and land within the City are zoned with a Base District designation. The Base Districts establish and assign dimensional standards for all lots, improvements, subdivisions and other uses as described and regulated within this Ordinance. A parcel of land, development or contiguous area may be subject to an Overlay District which may assign additional dimensional standards and rules as described in other applicable Sections or Chapters of the City Code.

Table 515-2-3.1. Summary of Dimensional Standards for Base Districts.

Zoning District	Rural Living		Garden Living	Contemporary Neighborhood		Traditional Neighborhood			Town Center	Main Street	General Commercial	Commercial Corridor	Makers + Employment	General Industrial	Public Semi-Public
Abbreviations	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	TC	MS	GC	CC	ME	GI	PSP
Density (DU/AC)	4 DU/40 AC	Max. 1 DU/AC	2 DU/AC to 1 DU/AC	3-5 DU/AC	4-12 DU/AC	4-9 DU/AC	9-20 DU/AC	9-20 DU/AC up to 45	20+ DU/AC	20 + DU/AC	NA	NA	NA	NA	NA
Lot Size (New Lot)	2.0 Min.	32,670 SF	15,000-43,560 SF	10,000-21,780 SF	Up to 15,000 SF	5,000-7,500 SF	4,000 SF Min.	20 AC (new)	NA	NA	15,000	None	12,000	24,000	1.0 AC
Frontage on Public Street	300' Min.	150'	80' Min.	75' – 90'	65' – 80'	50' – 60'	45' Min.	Per Regulating Plan	Required	Required	100'	Required	80'	100'	NA
Lot Coverage (Maximum)	25%	25%	25%	50%	60%	60%	75%	Per Regulating Plan	100%	100% (80% Live/Work)	90%	90%	100%	100%	90%
Principal Building Height (Maximum)	35'	35'	35'	35'	35'	35'	35'	Per Regulating Plan	45'	45'	35'	35'	35'	35'	35'

B. **Base Zoning District Exceptions and Considerations.** The following exceptions and considerations are provided for all Base Zoning Districts. Dimensional Standards specific to Base Zoning Districts are provided in Sections [515-2-4 through 515-2-18] of this Ordinance.

C. **Base Zoning District Standards for Utility Services (Water and Sewer).** The dimensional standards for each lot or parcel are determined by the type of utility service present or available. The following standards shall apply:

1. **Buildable Area.** The minimum Buildable Area for lots or parcels not served by water and sewer shall have a minimum of 0.75 acres of contiguous land outside all required setbacks.
2. There is no minimum Buildable Area if municipal or public water and sewer is available, and the lot or parcel is served by the municipal system. The Building Area shall be deemed all area within a lot outside required yard setbacks.

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515-2-4 Rural Living Zoning Districts (RL-1 and RL-2)

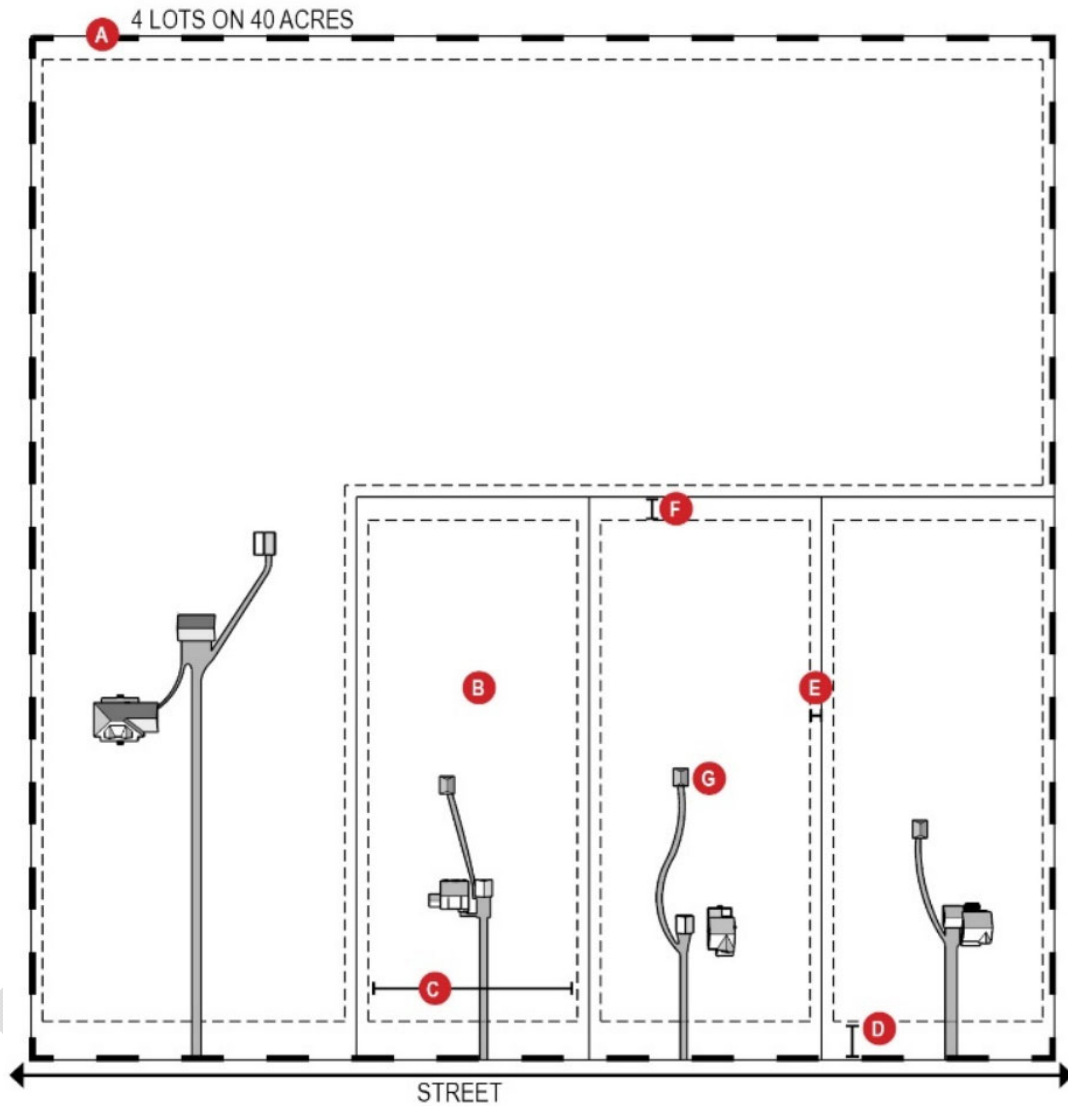
- A. **Purpose of Rural Living Zoning Districts.** The RL Districts are intended for areas where Urban Services are not presently available. Lands zoned RL-1 do not currently have Urban Services, but future subdivision may occur when the expansion of Urban Services is economical. Lands zoned RL-2 are served by private well and septic and there are no plans for future expansion of Urban Services to the property.
- B. **Permitted Uses.** See Appendix A: Table of Uses.
- C. **RL-1 and RL-2 Zoning District Dimensional Standards.** Table 515-2-4.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-4.1. RL-1 and RL-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
		RL-1
		RL-2
A	Lot Size (minimum) Density (maximum)	1 Acre 4 DU/40 Acre
B	Buildable Area (minimum)	0.75 Acre
C	Lot Frontage on All Roads (minimum)	150'
Principal Building & Attached Accessory Building Standards		
D	Front Yard Setback (minimum)	50'
E	Side Yard Setback (minimum)	15'
F	Rear Yard Setback (minimum)	30'
	Accessory Building SF, attached	Counts towards Total Allowable SF
	Accessory Building Number, attached	Does not count towards Permitted Number
Accessory Building Standards		
G	Location, detached	Behind Principal Building
	Side Yard Setback / Ag Use, detached (minimum)	15'/100'
	Rear Yard Setback / Ag Use, detached (minimum)	30'/100'
	Total Allowable Accessory Building SF/ Ag Use	4,000 SF or 10% whichever is less/unlimited Ag Use
	Total Number of Permitted Accessory Buildings/Ag Use	3/up to 2 Additional for Ag Use
	▪ Exception if no Attached Accessory Building is present, total Number Permitted	4
	Accessory Dwelling Unit (ADU) (attached or detached)	Permitted
	▪ Maximum size of ADU (attached or detached)	650 SF
Coverage and Height Standards		
	Impervious Surface Coverage (maximum)	25%
	Principal structure height/accessory (maximum) See Section [515-4-3]	35'
	Accessory structure height (maximum)	Up to 35' but may not exceed height of principal structure
	Ag Accessory structure height (maximum)	No limit

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Figure 515-2-4.1. RL-1 Density and Lot Dimensional Standards Diagram.



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515-2-5 Garden Living Zoning District (GL)

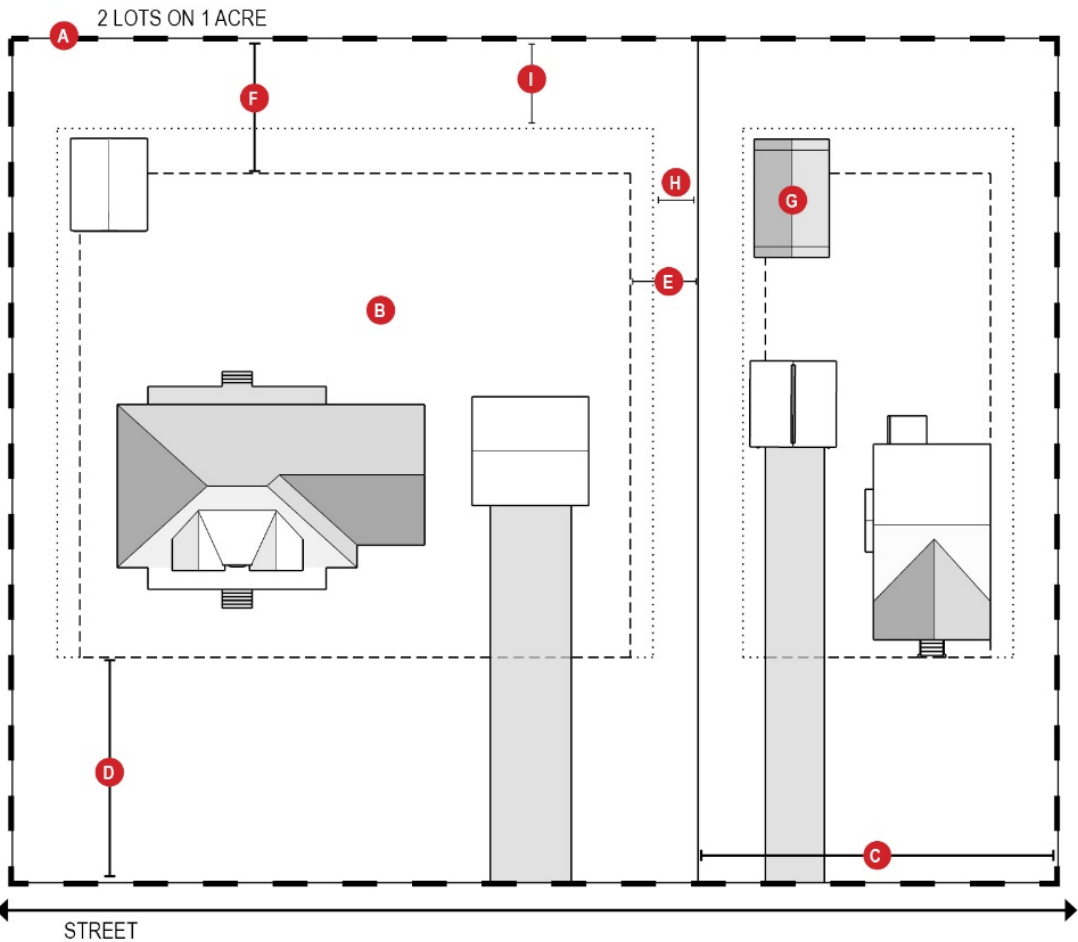
- A. **Purpose of Garden Living Zoning District.** The GL Zoning District is intended for areas where Urban Services are available, and lots and parcels are served by public water, sewer, stormwater, streets and other public infrastructure. Lands zoned Garden Living are predominantly developed with single-family detached buildings and supporting accessory uses.
- B. **Permitted Uses.** See Appendix A: Table of Uses.
- C. **GL Zoning District Dimensional Standards.** Table 515-2-5.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-5.1. GL Dimensional Standards – Density, Lot Size, Coverage and Height Standards.

Lot Dimensions		
A	Lot Size (range) Density (range)	15,000 SF – 43,560 SF (1 Acre) 2 DU/Acre – 1 DU/Acre
B	Buildable Area	Area outside of all yard setbacks, and outside OHWL or Shoreland Setback for Riparian Lot
C	Lot Frontage on All Roads (minimum) Lot Frontage on cul-de-sac (minimum)	80' 45'
Principal Building & Attached Accessory Building Standards		
D	Front Yard Setback (minimum)	50'
E	Side Yard Setback (minimum)	15'
F	Rear Yard Setback (minimum)	30'
	Accessory Building SF, attached	Counts towards Total Allowable SF
	Accessory Building Number, attached	Does not count towards Permitted Number
Accessory Building Standards		
G	Location, detached	Riparian – Permitted in Front of Principal Building must be setback a minimum of 25' Non-Riparian – Behind Principal Building
H	Side Yard Setback, detached	10'
I	Rear Yard Setback, detached	20'/or if Riparian Shoreland Overlay Standards Apply
	Total Allowable Accessory Building SF	1,500 SF or 5%, whichever is greater
	Total Number of Permitted Accessory Buildings	3
	▪ Exception if no Attached Accessory Building is present, Number Permitted	4
	Accessory Dwelling Unit (ADU), attached or detached	Permitted
	▪ Maximum size of ADU (attached or detached)	650 SF
Coverage and Height Standards		
	Impervious Surface Coverage (maximum)	35%
	Principal structure height (maximum) See Section [515-4-3]	35'
	Accessory structure height (maximum)	Up to 35' but may not exceed height of principal structure

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Figure 515-2-5.1. GL Density and Lot Dimensional Standards Diagram



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515-2-6 Contemporary Neighborhood 1 (CN-1)

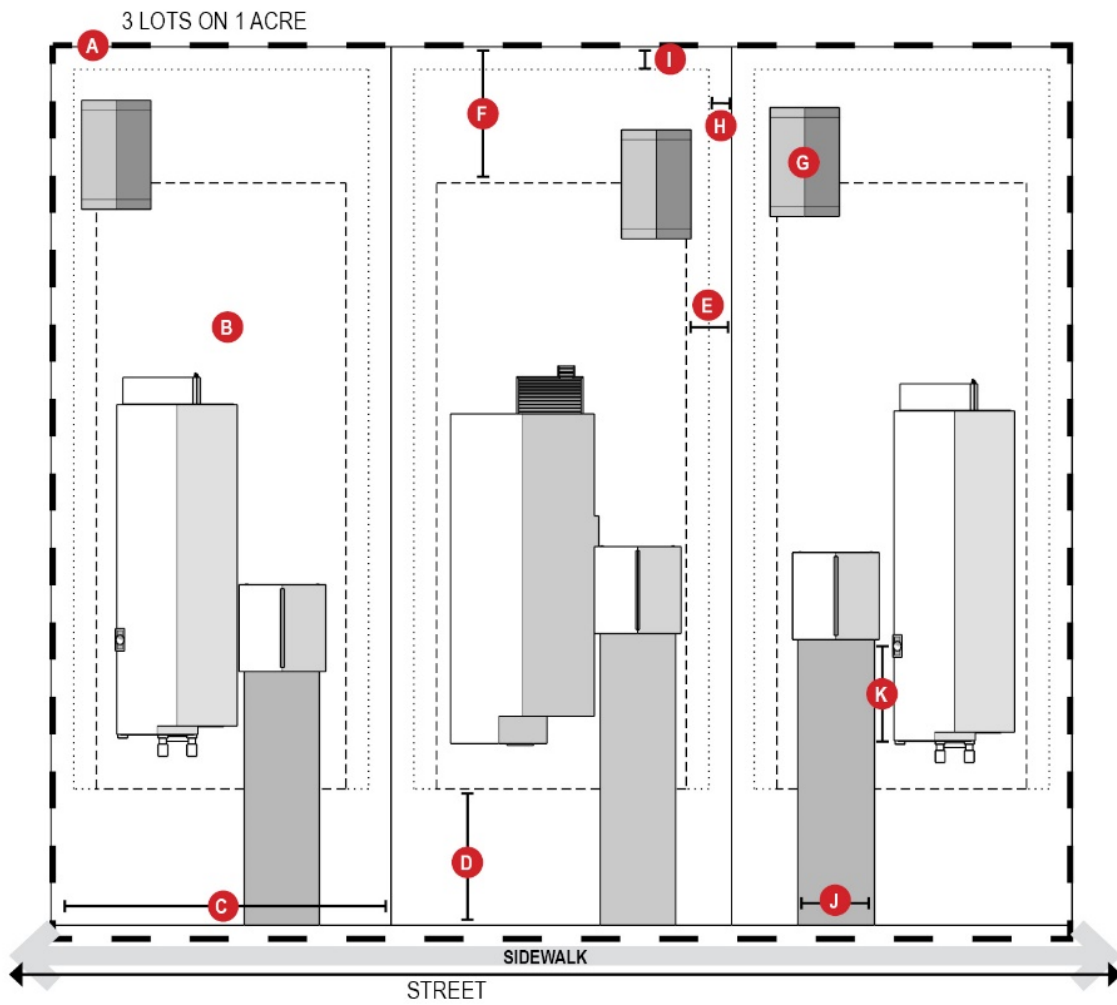
- A. **Purpose of Contemporary Neighborhood 1 Zoning District.** The purpose of the CN-1 Zoning District is intended for predominantly single-family detached residential uses and associated accessory uses. Lots in this District are typically developed with front-loaded garages, with larger private yard spaces. The lots are wider with principal structures setback and connected to public right-of-way with a private driveway.
- B. **Permitted Uses.** See Appendix A: Table of Uses.
- C. **CN-1 Zoning District Dimensional Standards.** Table 515-2-6.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-6.1. CN-1 Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
A	Lot Size (range) Density (range)	10,000 SF – 21,780 SF 3 – 5 DU/AC
B	Buildable Area (minimum)	Outside all setbacks
C	Lot Frontage on All Roads (range)	75'-90'
Principal Building & Attached Accessory Building Standards		
D	Front Yard Setback (minimum)	30'
E	Side Yard Setback (minimum)	10'/20' corner
F	Rear Yard Setback (minimum)	30'
	Accessory Building SF, attached	Counts towards Total Allowable SF
	Accessory Building Number, attached	Does not count towards Permitted Number
Accessory Building Standards		
G	Location	Behind principal building
H	Side Yard Setback (minimum)	5' /10' corner
I	Rear Yard Setback (minimum)	5'
	Total Allowable Accessory Building SF	1,500 SF or 10%, whichever is greater
	Total Number of Permitted Accessory Buildings	2
	▪ Exception if no Attached Accessory Building is present, total Number Permitted	3
	Accessory Dwelling Unit (ADU)	Permitted on Corner lot, by CUP on interior lot
	▪ Size of ADU (maximum)	650 SF
Coverage and Height Standards		
	Impervious Surface Coverage (maximum)	50%
	Principal structure height (maximum) (See Section 515-4-3)	35'
	Accessory structure height (maximum)	Up to 35' but may not exceed height of principal structure
Other Standards		
J	Driveway	Width at ROW maximum is 18'
K	Garage	Must be setback behind façade of principal structure a minimum of 5'
	Sidewalk/Trail Standards	See Subdivision Ordinance Chapter 500

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Figure 515-2-6.1. CN-1 Density and Lot Dimensional Standards Diagram



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515-2-7 Contemporary Neighborhood 2 (CN-2)

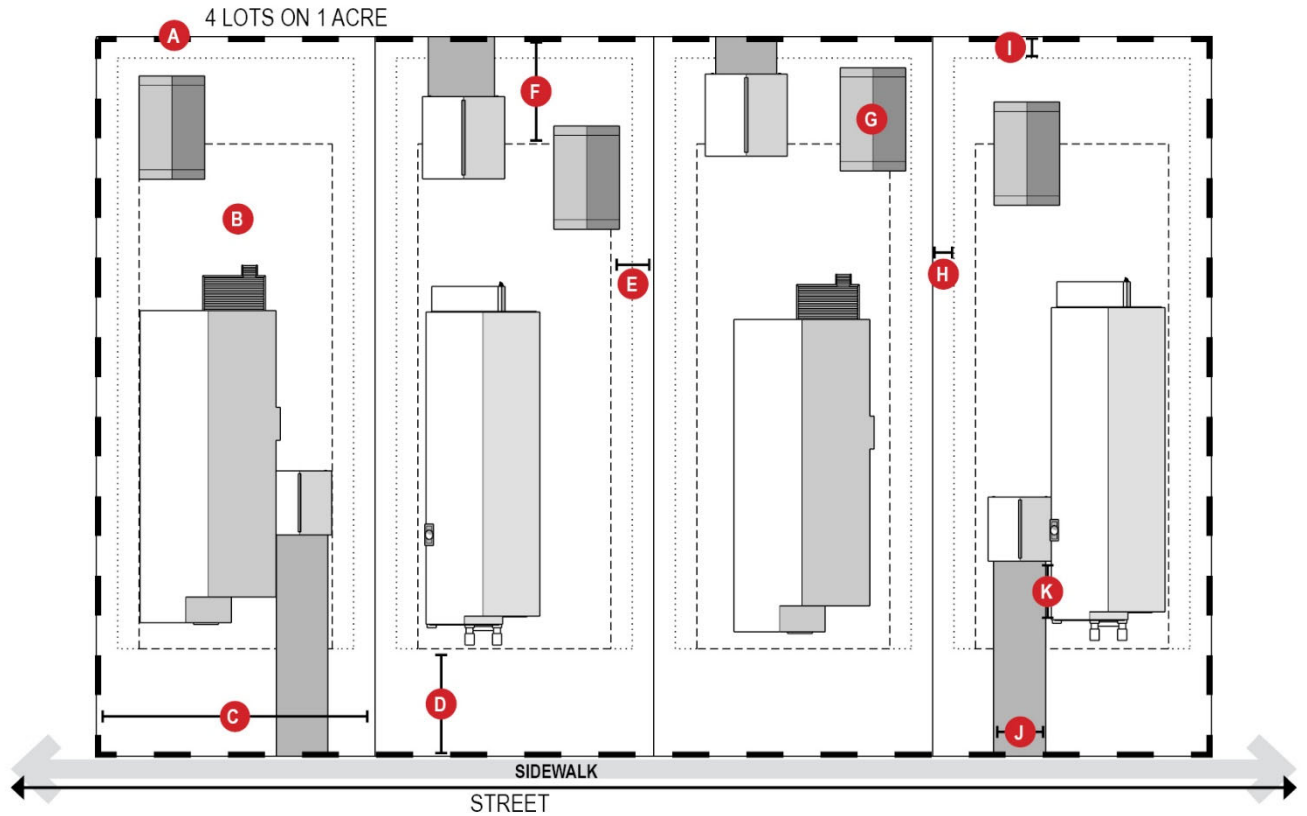
- A. **Purpose of Contemporary Neighborhood 2 Zoning District.** The CN-2 Zoning District is intended for predominantly single-family detached residential uses and associated accessory uses. Some single-family attached and multi-family uses may be present woven throughout this District. Lots in this District are typically developed with front-loaded garages and principal structures setback and connected to public right-of-way with a private driveway.
- B. **Permitted Uses.** See Appendix A: Table of Uses.
- C. **CN-2 Zoning District Dimensional Standards.** Table 515-2-7.1 identifies the Dimensional Standards for Principal and Accessory structures.

Table 515-2-7.1. CN-2 Zoning District Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
A	Lot Size (maximum) Density (range)	Up to 15,000 SF 4 – 12 DU/AC
B	Buildable Area (minimum)	Outside all setbacks
C	Lot Frontage on All Roads (range)	65' – 80' maximum
Principal Building & Attached Accessory Building Standards		
D	Front Yard Setback (minimum)	25'
E	Side Yard Setback (minimum)	10'/20' corner
F	Rear Yard Setback (minimum)	25'
	Accessory Building SF, attached	Counts towards Total Allowable SF
	Accessory Building Number, attached	Does not count towards Permitted Number
Accessory Building Standards		
G	Location, detached	Behind Principal Building
H	Side Yard Setback, detached (minimum)	5'/10' Corner
I	Rear Yard Setback, detached (minimum)	5'
	Total Allowable Accessory Building SF	750 SF or 10%, whichever is greater
	Total Number of Permitted Accessory Buildings	2
	▪ Exception if no Attached Accessory Building is present, total Number Permitted	3
	Accessory Dwelling Unit (ADU), attached or detached	Permitted on Corner lot, by CUP on interior lot
	▪ Size of ADU, attached or detached (maximum)	650 SF
Coverage and Height Standards		
	Impervious Surface Coverage (maximum)	60%
	Principal structure height (maximum) See Section 515-4-3	35'
	Accessory structure height	Up to 35' but may not exceed height of principal structure
Other Standards		
J	Driveway	If front loaded, Width at ROW maximum is 18'
K	Garage	Must be setback behind façade of principal structure a minimum of 5'
	Sidewalk/Trail Standards	See Subdivision Ordinance Chapter 500

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Figure 515-2-7.1. CN-2 Density and Lot Dimensional Standards Diagram



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515-2-8 Traditional Neighborhood 1 (TN-1)

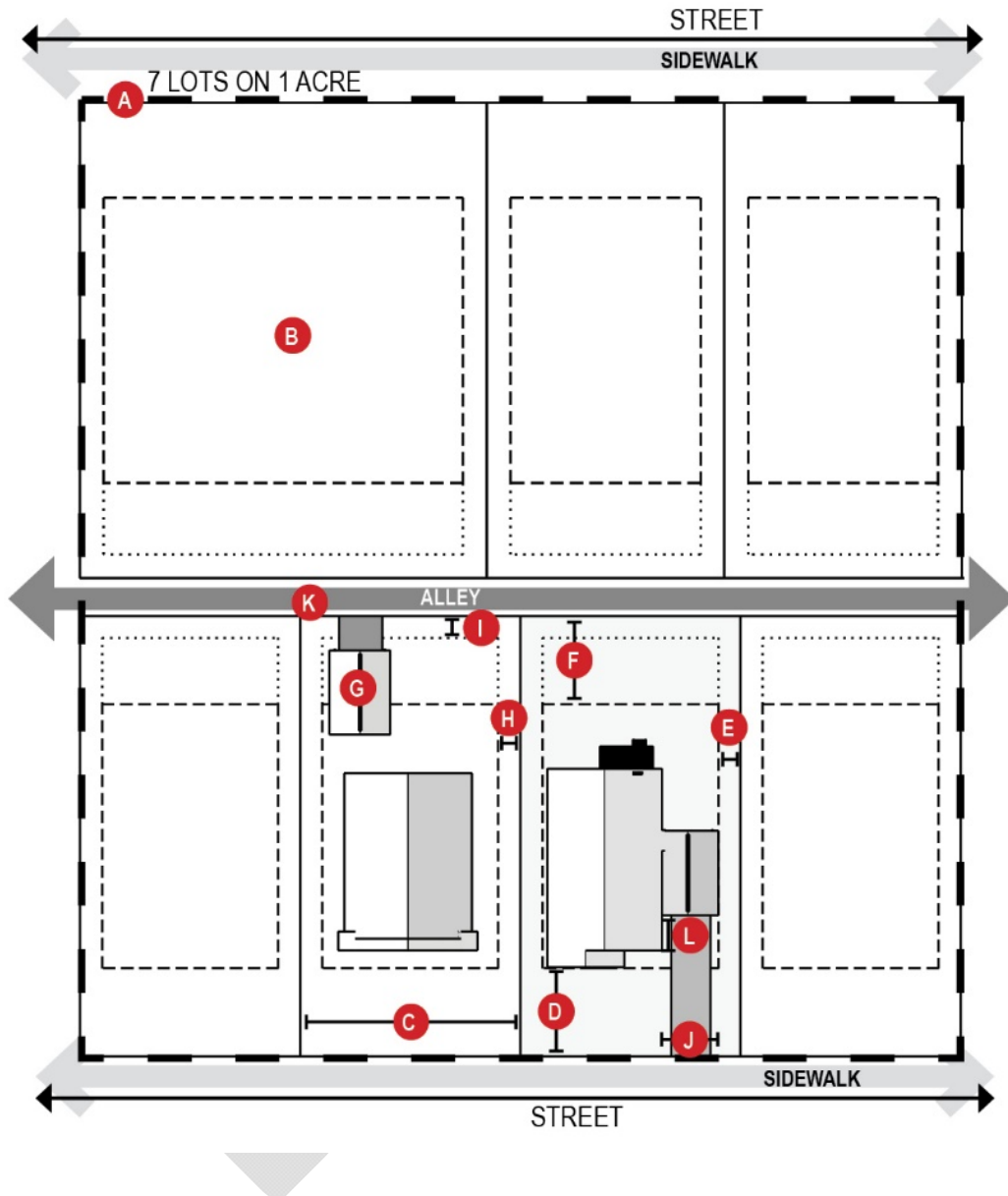
- A. **Purpose of Traditional Neighborhood 1 Zoning District.** The TN-1 Zoning District is intended to provide for a compact, pedestrian-oriented mix of residential uses. This District reinforces the existing pattern of small, connected lots, blocks and street and supports future development or redevelopment that is consistent with this pattern.
- B. **Permitted Uses.** See Appendix A: Table of Uses.
- C. **TN-1 Zoning District Dimensional Standards.** Table 515-2-8.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-8.1. TN-1 Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
A	Lot Size (range) Density (range)	5,000-7,500 SF 4-9 DU/AC
B	Buildable Area (minimum)	Outside all setbacks
C	Lot Frontage on All Roads (range)	50 – 60'
Principal Building & Attached Accessory Building Standards		
D	Front Yard Setback (range)	20' minimum/30' maximum (non riparian) If Riparian, minimum setback is average of setback of adjacent principal structures
E	Side Yard Setback (minimum)	5'/15' corner
F	Rear Yard Setback (minimum)	20'
	Accessory Building SF, attached	Counts towards Total Allowable SF
	Accessory Building Number, attached	Does not count towards Permitted Number
Accessory Building Standards		
G	Location, detached	Behind Principal Building
H	Side Yard Setback, detached (minimum)	5'/10' corner
I	Rear Yard Setback, detached (minimum)	5'
	Total Allowable Accessory Building SF	750 SF or 10%, whichever is greater
	Total Number of Permitted Accessory Buildings	2
	▪ Exception if no Attached Accessory Building is present, total Number Permitted	3
	Accessory Dwelling Unit (ADU), attached or detached	Permitted on Corner lot; CUP for interior lots
	▪ Size of ADU, attached or detached (maximum)	650 SF
Coverage and Height Standards		
	Impervious Surface Coverage (maximum)	60%
	Principal structure height (maximum) See Section 515-4-3	35'
	Accessory structure height (maximum)	Up to 35' but may not exceed height of principal structure
Other Standards		
J	Driveway	If front loaded, Width at ROW maximum is 18'
K	Alley	If present, access and garage/parking is required
L	Garage	If front loaded, must be setback behind façade of principal structure a minimum of 5'
	Sidewalk/Trail Standards	See Subdivision Ordinance Chapter 500

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Figure 515-2-8.1. TN-1 Density and Lot Dimensional Standards Diagram



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515-2-9 Traditional Neighborhood 2 (TN-2)

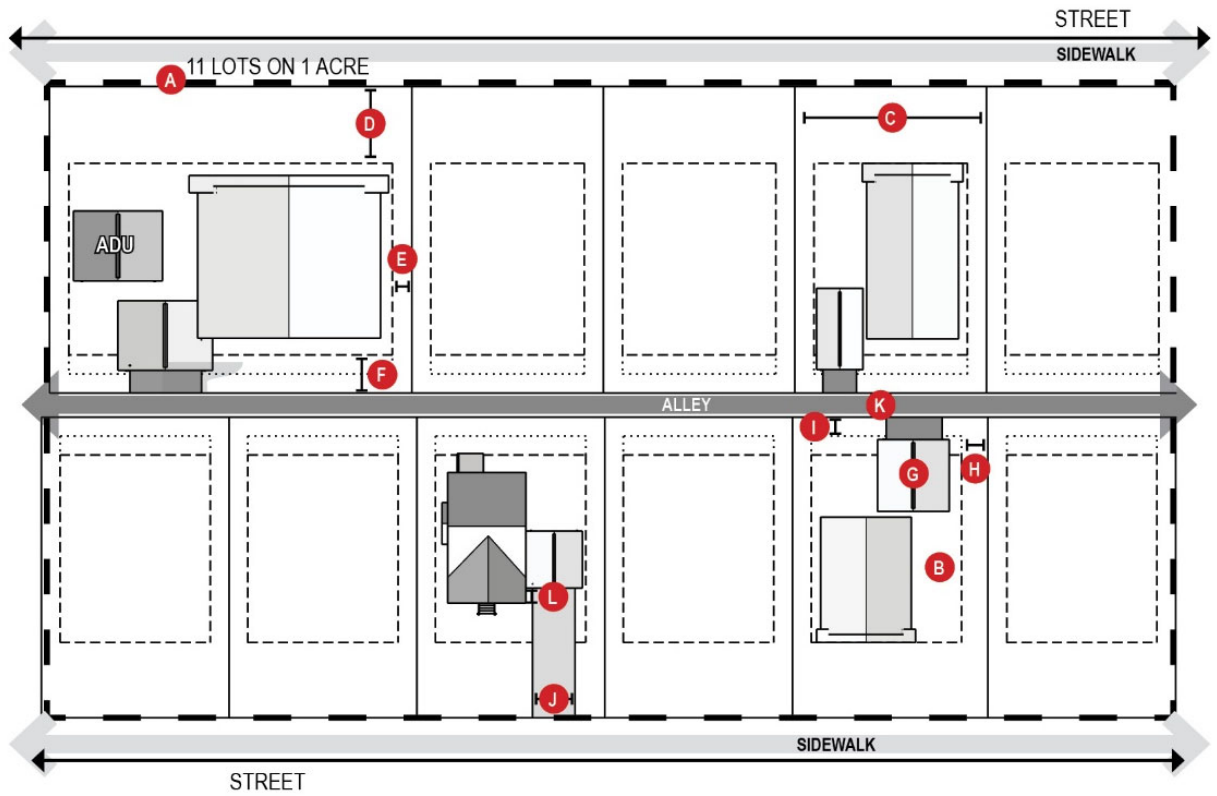
- A. **Purpose of Traditional Neighborhood 2 Zoning District.** The TN-2 Zoning District is intended to provide for compact, pedestrian-oriented mix of residential and neighborhood-serving commercial uses. This District reinforces the existing pattern of small, connected lots, blocks and street and supports development and redevelopment consistent with this pattern.
- B. **Permitted Uses.** See Appendix A: Table of Uses.
- C. **TN-2 Zoning District Dimensional Standards.** Table 515-2-9.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-9.1. TN-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
A	Lot Size (minimum) Density (range)	4,000 SF 9 – 20 DU/AC (20+ DU/AC requires CUP)
B	Buildable Area Floor Area Ratio (FAR) for commercial use	Outside of all setbacks 0.5
C	Lot Frontage on All Roads (minimum)	45'
Principal Building & Attached Accessory Building Standards		
D	Front Yard Setback (minimum)	0' - 20' if Commercial is Principal Use, 5' – 20' if Residential is Principal Use
E	Side Yard Setback (minimum)	5'/10' corner
F	Rear Yard Setback (minimum)	10'
	Accessory Building SF, attached	Counts towards Total Allowable SF
	Accessory Building Number, attached	Does not count towards Permitted Number
Accessory Building Standards		
G	Location, detached	behind Principal Building
H	Side Yard Setback, detached (minimum)	5'/10'
I	Rear Yard Setback, detached (minimum)	5'
	Total Allowable Accessory Building SF	750 SF or 10%, whichever is greater
	Total Number of Permitted Accessory Buildings	2
	▪ Exception if no Attached Accessory Building is present, total Number Permitted	3
	Accessory Dwelling Unit (ADU), attached or detached	Permitted on Corner lot, by CUP on interior lot
	▪ Size of ADU, attached or detached (maximum)	650 SF
Coverage and Height Standards		
	Impervious Surface Coverage (maximum)	75%
	Principal structure height (maximum) See Section 515-4-3	35'
	Accessory structure height	Up to 35' but may not exceed height of principal structure
Other Standards		
J	Driveway	If front loaded, Width at ROW maximum is 18'
K	Alley	If present, access and garage/parking is required
L	Garage	If front loaded, must be setback behind façade of principal structure a minimum of 5'
	Sidewalk/Trail Standards	See Subdivision Ordinance Chapter 500

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Figure 515-2-9.1. TN-2 Density and Lot Dimensional Standards Diagram



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515-2-10 Traditional Neighborhood 3 (TN-3)

- A. **Purpose of the Traditional Neighborhood-3 Zoning District.** The TN-3 Zoning District is intended to allow larger sites/parcels (typically undeveloped “greenfield” sites) to be developed as a full mixed use, traditional neighborhood that is walkable, connected by a prominent public realm and supports a wide range of residential (attached and detached), commercial and community uses. The structure of the TN-3 District provides the City and future development groups with the regulations and guidelines needed to develop a comprehensive, resilient, and walkable neighborhood. The district regulations provide the following:
1. A network of connected streets and blocks.
 2. General block sizes and configurations that support the Future Land Use plan.
 3. Maximum block perimeters that foster attractive, safe, and walkable environments, while enhancing circulation through the site.
- B. **Regulating Plan.** The TN-3 district is implemented through a Regulating Plan, approved with the rezoning to TN-3, which includes a combination of at least two of the three intensities described below and regulated by Table [515-2-10.1]. Areas must be divided into neighborhoods by the introduction of a primary thoroughfare network, and then into blocks by the completion of the streets and open spaces. As the area is subdivided to generate blocks, parcels and individual building sites, the Regulating Plan assigns intensities that may be refined with approval by the Zoning Administrator according to [E.7]. of this Section. Regulating plans, consisting of one or more maps, must show the following:
1. District boundaries.
 2. Existing infrastructure including streets, parks and open space.
 3. Thoroughfare network according to subsection [E.3.].
 4. Park/open space area.
- C. **Permitted Uses.** See Appendix A: Table of Uses.

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D. **TN-3 Zoning District Dimensional Standards.** Table 515-2-10.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-10.1. TN-3 Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
A	Lot Size (minimum) Density (range)	20 acres minimum 9 – 20 DU/Acre up to 45 DU/AC
B	Buildable Area (minimum)	Outside all Setbacks
C	Lot Frontage on All Roads (range)	45' – 100'
D	Block dimensional standards	Per Regulating Plan standards
Principal Building & Attached Accessory Building Standards		
	Front Yard Setback (range)	0 - 30'
	Side Yard Setback (minimum)	5'/10' corner
	Rear Yard Setback (minimum)	10'
	Accessory Building SF, attached	Counts towards Total Allowable SF
	Accessory Building Number, attached	Does not count towards Permitted Number
Detached Accessory Building Standards		
	Location, detached	Behind Principal Building
	Side Yard Setback, detached (minimum)	5' /10'
	Rear Yard Setback, detached (minimum)	5'
	Total Allowable Accessory Building SF	750 SF or 10%, whichever is greater
	Total Number of Permitted Accessory Buildings	2
	▪ Exception if no Attached Accessory Building is present, total Number Permitted	3
	Accessory Dwelling Unit (ADU), attached or detached	Permitted
	▪ Size of ADU (maximum)	650 SF
Coverage and Height Standards		
	Impervious Surface Coverage (maximum)	Per Regulating Plan standards
	Principal structure height (maximum) See Section 515-4-3	Per Regulating plan
	Accessory structure height (maximum)	Up to 35' but may not exceed height of principal structure
Other Standards		
	Driveway	If front loaded, Width at ROW maximum is 18'
	Alley	If present, access and garage/parking is required
	Garage	If front loaded, must be setback minimum of 5' from Principal Structure
	Sidewalk/Trail Standards	See Subdivision Ordinance Chapter 500
E	Neighborhood Park Standards	10,890 – 43,560 SF
F	Surface Parking Lot	Maximum width of 62' when fronting on a public right-of-way
	Surface Parking Lot, public edge	Surface lot exposure to a public right-of way shall have a landscape buffer or wall no less than 42" in height

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E. Regulating Plan Standards for TN-3 Zoning District.

1. Block standards.

- a. Block length must be no more than 500 feet, unless mid-block passage is provided then additional length up to 800 feet maximum is permitted.

2. Block dimensions. Block length may be adjusted up to 20% with approval from the Zoning Administrator due to topography, existing development conditions, or if the block is at the perimeter of the TN-3 regulating plan. Block lengths up to 800 feet may be approved if a mid-block pedestrian passage is provided.

- a. *Block Sizes:* Blocks shall be compact so that they are comfortably walkable and appropriate for their context.
- b. Block sizes are flexible, but the perimeter should not exceed 1,800 linear feet. An average block perimeter of approximately 1,500 feet is preferred.
- c. Exceptions may be made for natural elements such as wetlands, trees, topography, and cultural resources, to be incorporated into the site design

3. Thoroughfare standards.

- a. All thoroughfares must connect to other thoroughfares, forming a network.
- b. New thoroughfares must connect wherever possible to thoroughfares on adjacent sites. Cul-de-sacs may only be permitted by approval of the Zoning Administrator to accommodate specific site conditions.

4. Mid-block pedestrian passages.

- a. In areas with adequate vehicular capacity, pedestrian-only connections may be used mid-block and will count as a new edge in block perimeter calculations. Mid-block passage shall be a minimum of 12 feet wide.

5. Parking lot layout.

- a. In addition to the parking regulations of Section [515-4-12], parking lots in TN-3 must be laid out per Table [515-2-10.1] and must to have minimum visual impact on public rights-of-way.

6. Lot standards.

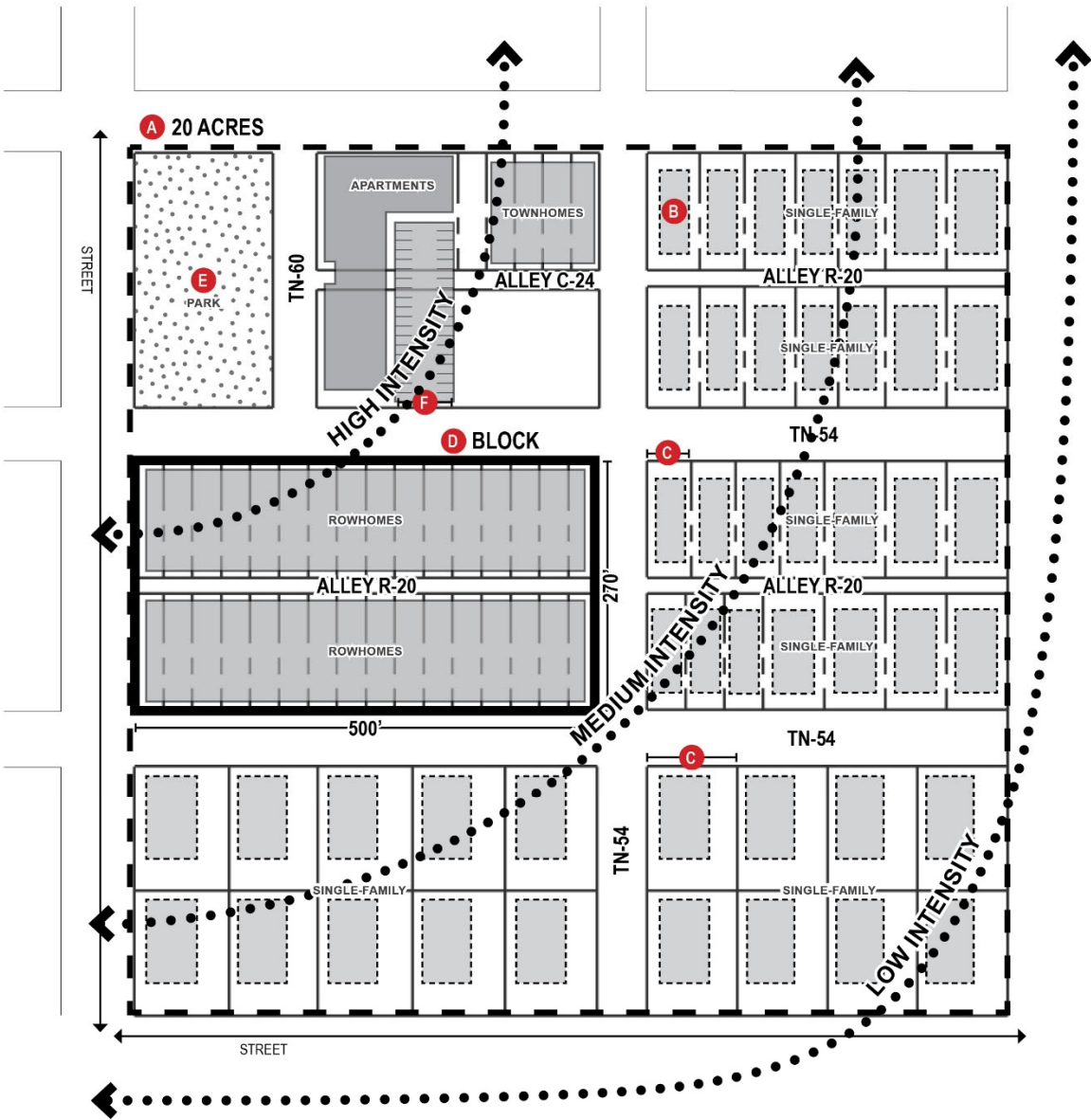
- a. Lots must have minimum and maximum widths according to Table [515-2-10.1]
- b. Each lot must have a primary frontage along a vehicular thoroughfare, except up to 20% of the parcels in a Regulating Plan may front a civic space or pedestrian passage.
- c. Where lots have multiple frontages, one frontage line must be designated as primary and any other frontage lines must be designated as secondary.

7. Intensities.

- a. TN-3 intensities are comprised of:
 - i. *Low intensity:* Consists of medium density residential areas, with a mix of uses, home occupations, and accessory buildings. It contains a wide range of building types — houses, courtyard housing, townhouses, duplexes, triplexes, small apartment buildings, and neighborhood commercial uses.
 - ii. *Medium intensity:* Consists of a mix of uses but is primarily medium to high density residential and neighborhood commercial uses.
 - iii. *High intensity:* Consists of commercial and higher density mixed-use buildings that accommodate retail, offices, institutions, and multi-family housing.

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Figure 515-2-10.1. TN-3 Lot Diagram



*See the following page and figures for street sections.

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Figure 515-2-10.2. TN-3 Residential Alley R-20

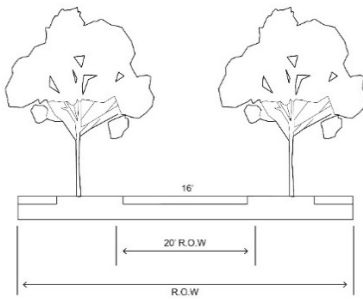


Figure 515-2-10.3. TN-3 Commercial Alley C-24

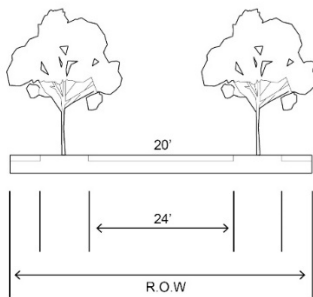


Figure 515-2-10.4. TN-3 Local Street TN-54 Parking on One Side on Two Sides.

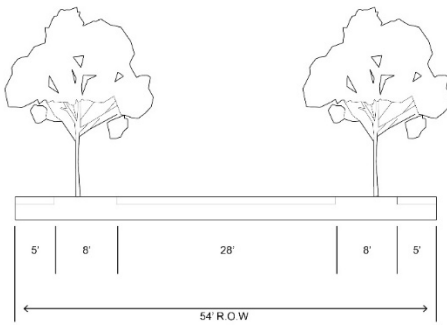


Figure 515-2-10.5. TN-3 Local Street TN-60 Parking

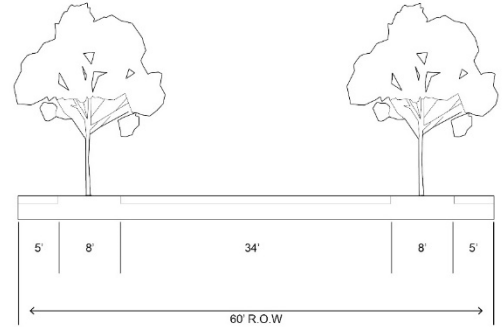
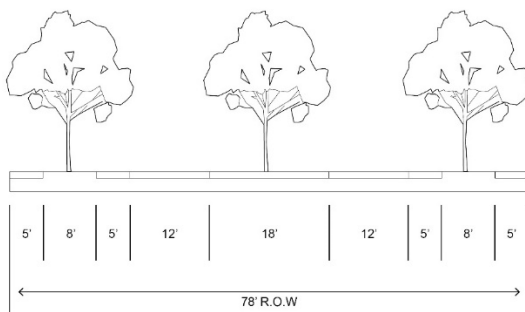


Figure 515-2-10.6. TN-3 Traditional Parkway TP-78 With Dedicated Bike Lane



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515-2-11 Town Center (TC) District

- A. **Purpose of the Town Center Zoning District.** The purpose of the TC Zoning District is to encourage the continuation of a viable, traditional downtown area by allowing retail, service, office and entertainment facilities and public and semi-public uses as well as multi-family dwelling units.
- B. **Permitted Uses.** See Appendix A: Table of Uses.
- C. **TC Zoning District Dimensional Standards.** Table 515-2-11.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-11.1. TC Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
	Lot Size	None
	Density (minimum)	20+ DU/Acre
	Lot Frontage on Public Roads	All lots must have public street frontage
Principal Building Setbacks		
A	Build-to Range	0'-10'
B	Side Yard Build-to Range	0'-10'
	Rear Yard Setback (minimum)	0'
Accessory Building Standards		
	Location	Rear 50%
	Side Yard Setback (minimum)	0'
	Rear Yard Setback (minimum)	0'
	Size (maximum)	500 SF
	Number (maximum)	1
Coverage and Height Standards		
	Impervious Surface Coverage (maximum)	100%
	Principal structure height (maximum) See Section 515-4-3	45'
Other Standards		
C	Frontage at lot corners	Corner buildings within 50' of the corner of two intersecting public roadways shall be setback 0'
D	Surface Parking Limit (minimum)	60' from Alley ROW Public Road ROW
	Frontage Building Types	• Shopfront, Common Entry and Stoop all permitted (Figure 515-2-11.3); EXCEPT • On 8th Street and 6th Street as shown on Town Center District Frontage Overlay Stoop Buildings are Prohibited (Figure 515-2-11.2). • <u>Any permitted main floor residential use shall be a minimum of two (2) stories on any façade abutting a public right-of-way. (Figure 515-2-11.3)</u>
	Town Center District Frontage Overlay Use Restrictions	• Residential Uses are prohibited on the main floor adjacent to the public right-of-way. • Residential or Ground Floor Parking may be permitted on the ground floor if not abutting the right-of-way with a CUP.
	Sight Triangle	Buildings on corner lot must be setback a minimum of 15' from the pavement edge of any public street.

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Figure 515-2-11.1. TC Density and Lot Dimensional Standards Diagram

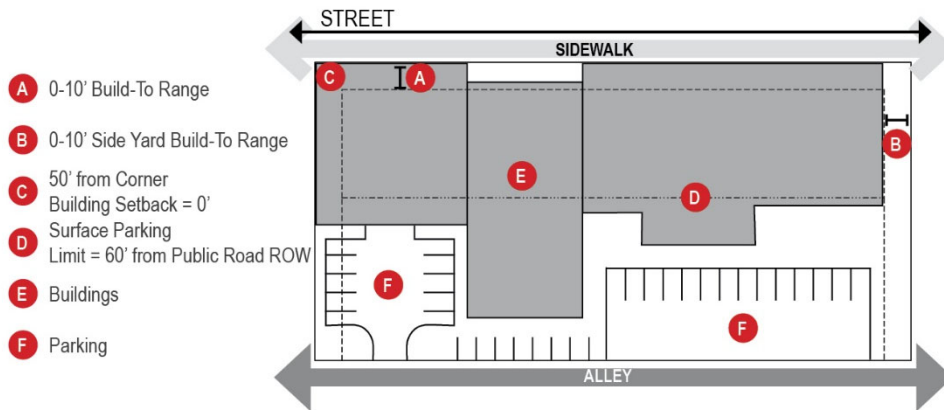


Figure 515-2-11.2. TC District Frontage Overlay

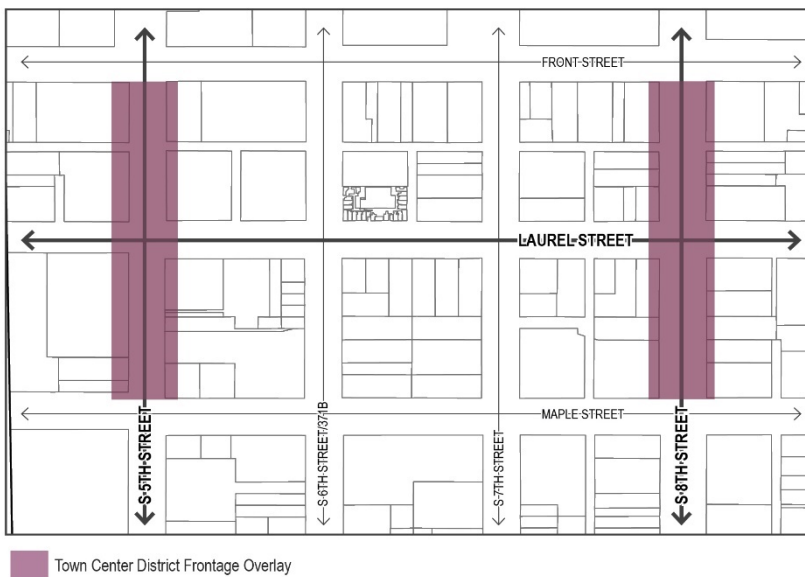


Figure 515-2-11.3. Example of TC Shopfront, Common Entry, Stoop and Two-Story Residential Building Types



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515-2-12 Main Street Zoning District (MS)

- A. **Purpose of Main Street Zoning District.** The purpose of the MS Zoning District is to encourage the continuation of a viable, traditional downtown area by allowing a mix of retail and commercial uses that physically contribute to and reinforce the well-formed, walkable development pattern.
- B. **Permitted Uses.** See Appendix A: Table of Uses.
- C. **MS Zoning District Dimensional Standards.** Table 515-2-12.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-12.1. MS Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
	Lot Size (range) Density (maximum)	Not applicable 20+ units per acre
	Lot Frontage on Public Roads	All lots must have public street frontage
Principal Building Setbacks (Minimum)		
A	Build-to Range	0-6'; A minimum of 50% of a building façade must be built to 0'
	Side Yard Setback (minimum)	0'
	Rear Yard Setback (minimum)	0'
B	Surface Parking Limit (minimum)	60' from Alley ROW <u>Public Road ROW</u>
Accessory Building Standards		
	Accessory Building	Not Permitted
Coverage and Height Standards		
	Impervious Surface Coverage (maximum)	100%
	Principal structure height (maximum) See Section 515-4-3	45'
Other Standards		
D	Frontage Required	• Shopfront or Common Entry building type required (Figure 515-2-12.3) • No Residential Use is permitted on the main/ground floor
	Sight Triangle	Buildings on corner lot must be setback a minimum of 15' from the pavement edge of any public street, <u>extending 15' from point of intersection.</u>

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Figure 515-2-12.1. MS Density and Lot Dimensional Standards Diagram

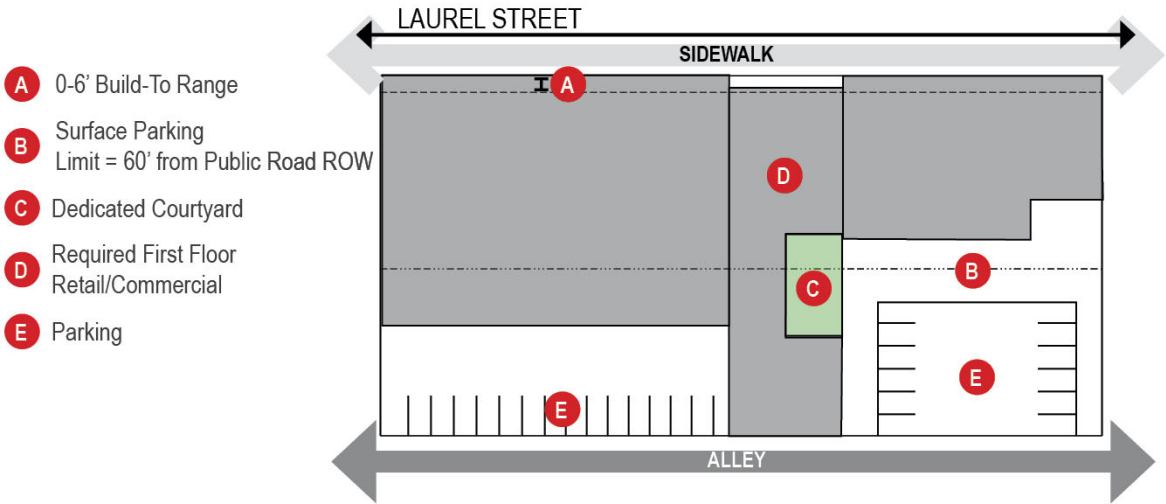
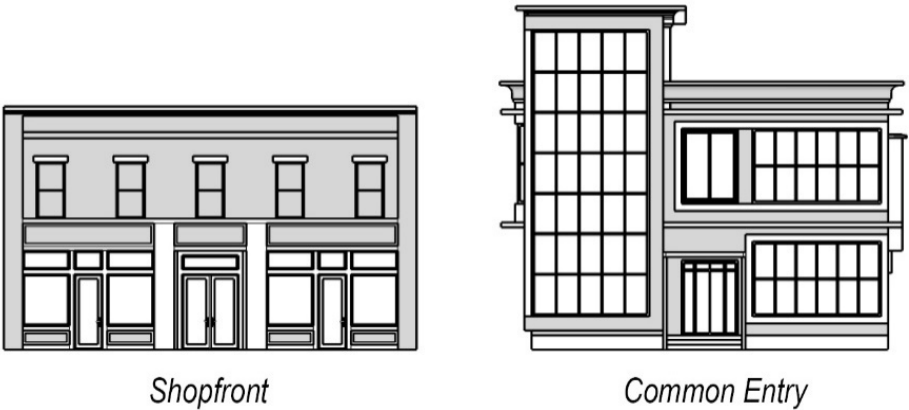


Figure 515-2-12.2. MS Example of Shopfront and Common Entry Building Types



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515-2-13 General Commercial (GC)

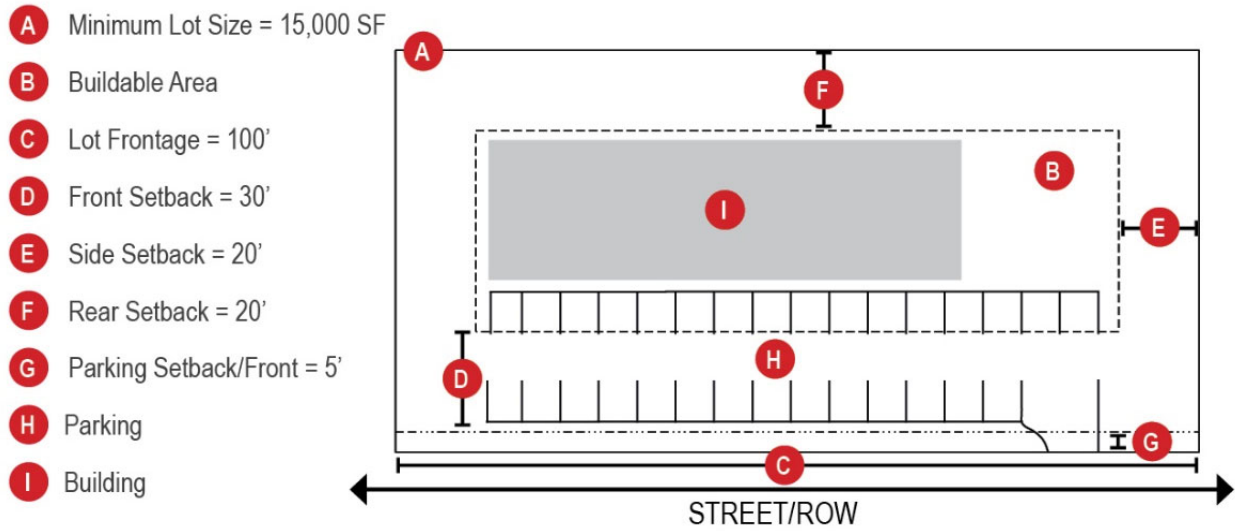
- A. **Purpose of General Commercial Zoning District.** The purpose of the GC District is to allow more intensive commercial uses that require the primary street network for access and circulation.
- B. **Permitted Uses.** See Appendix A: Table of Uses.
- C. **GC Zoning District Dimensional Standards.** Table 515-2-13.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-13.1. GC Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
A	Lot Size (minimum)	15,000 SF
B	Buildable Area (minimum)	Outside all setbacks
C	Lot Frontage on All Roads (minimum)	100'
Principal Building Setbacks		
D	Front Yard Setback (minimum)	30'
E	Side Yard Setback (minimum)	20'/30' corner
F	Rear Yard Setback (minimum)	20'
Accessory Building Standards		
	Location	Rear 50% of lot
	Side Yard Setback (minimum)	0'
	Rear Yard Setback (minimum)	0'
	Size (maximum)	500 SF
	Number (maximum)	1
Coverage and Height Standards		
	Impervious Surface Coverage (maximum)	90%
	Height (maximum) See Section 515-4-3	35'
Other Standards		
G	Parking Setback/Front (minimum)	5'

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Figure 515-2-13.1. GC Density and Lot Dimensional Standards Diagram



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515-2-14 Commercial Corridor District (CC)

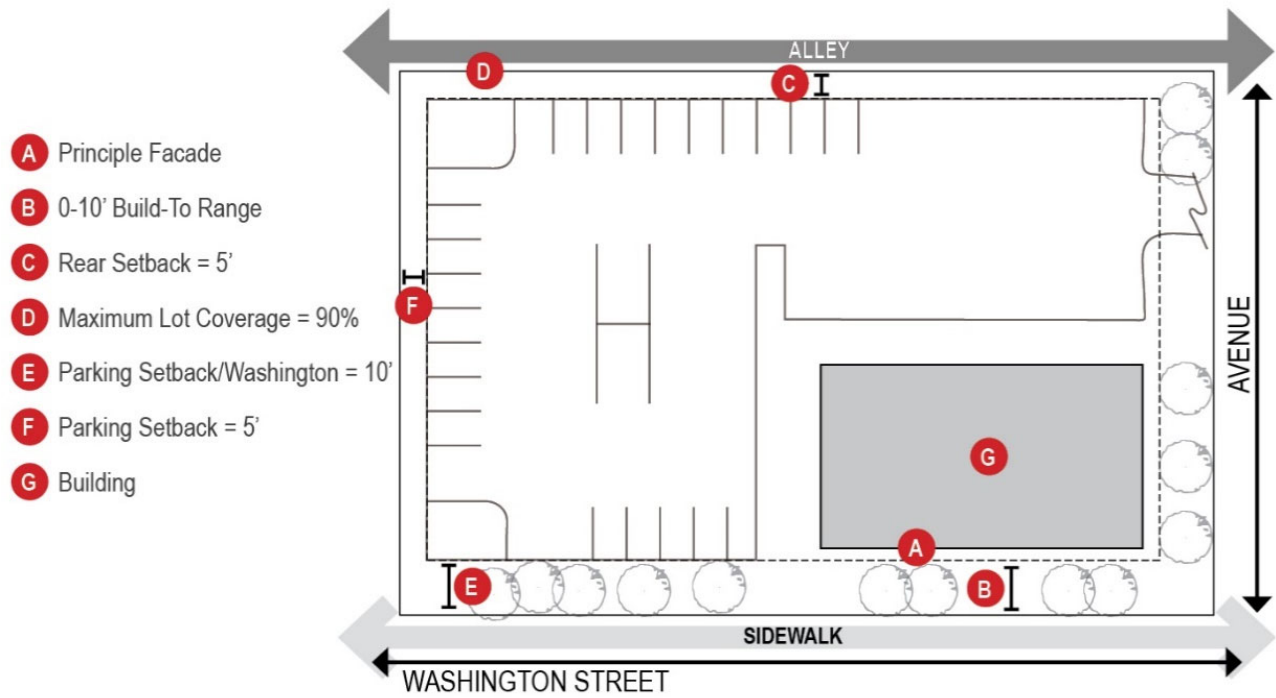
- A. **Purpose of Commercial Corridor Zoning District.** The purpose and intent of the CC District is to provide zoning regulation flexibility to permit development consistent with land use patterns along the Washington Street corridor from the river to 6th Avenue NE that support walkable development patterns and connections to the neighborhoods.
- B. **Permitted Uses.** See Appendix A: Table of Uses.
- C. **Zoning District Dimensional Standards.** Table 515-2-14.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-14.1. CC Zoning District Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
	Lot Size (minimum)	none
	Lot Frontage on All Roads (minimum)	All lots must have public street frontage
A	Frontage	Principal Façade must front onto Avenue/Street
Principal Building Setbacks		
B	Principal Façade Build-to Range (Avenue)	0-10'
	Side Yard Setback (minimum)	0'
C	Rear Yard Setback (minimum)	5'
Accessory Building Standards		
	Location	Rear 50% of Lot
	Side Yard Setback (minimum)	0'
	Rear Yard Setback (minimum)	5'
	Size (maximum)	500 SF
	Number (maximum)	1
Coverage, Glazing and Height Standards		
	Principal structure height (See Section 515-4-3)	35'
I	Principal Façade Glazing, Avenue (minimum)	65%
	Secondary Façade Glazing, Washington (minimum)	50%
D	Impervious Surface Coverage (maximum)	90%
Other Standards		
E	Parking Setback/Public Street (minimum)	10'
F	Parking Setback/Side/Rear/Alley (minimum)	5', 10' adjacent to public ROW
	Parking Fronting onto Public ROW	Minimum Screen or wall and landscape

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Figure 515-2-14.1. CC Density and Lot Dimensional Standards Diagram



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515-2-15 Makers & Employment District (ME)

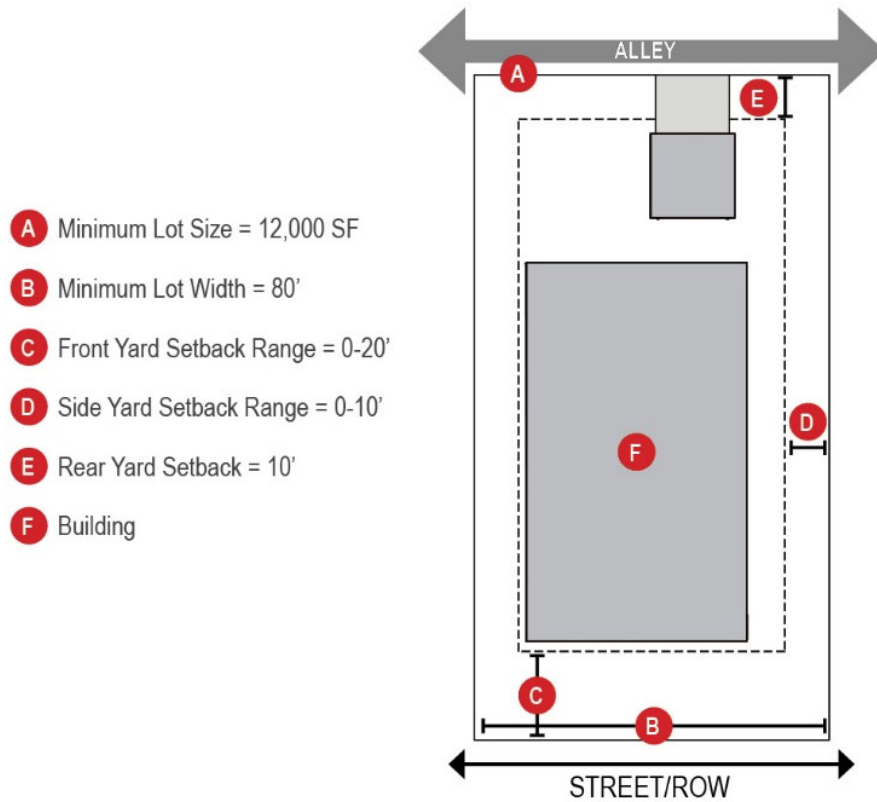
- A. **Purpose of Makers & Employment Zoning District.** The purpose and intent of the ME Zoning District is to provide for the establishment of small start-ups, incubator and craft/maker businesses that may be appropriate in smaller buildings or on smaller parcels. This District may also incorporate light industrial, general office and commercial uses.
- B. **Permitted Uses.** See Appendix A: Table of Uses.
- C. **ME Zoning District Dimensional Standards.** Table 515-2-16.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-15.1. ME Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
A	Lot Size (minimum)	12,000 SF
B	Lot Width (Frontage on Public Roads) (minimum)	80'
Principal Building Setbacks		
C	Front Yard Setback (range)	0-20'
D	Side Yard internal lot/corner lot (range)	0-10'
	Setback from adjacent residential district (minimum)	20'
E	Rear Yard Setback (minimum)	10'
Accessory Building Standards		
	Principal Structure Height (maximum) See Section [515-4-3]	35'
	Floor area (minimum)	1000 SF
Other Standards		
	Impervious Surface Coverage (maximum)	100%

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Figure 515-2-15.1. ME Lot Dimensional Standards Diagram



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515-2-16 General Industrial Zoning District (GI)

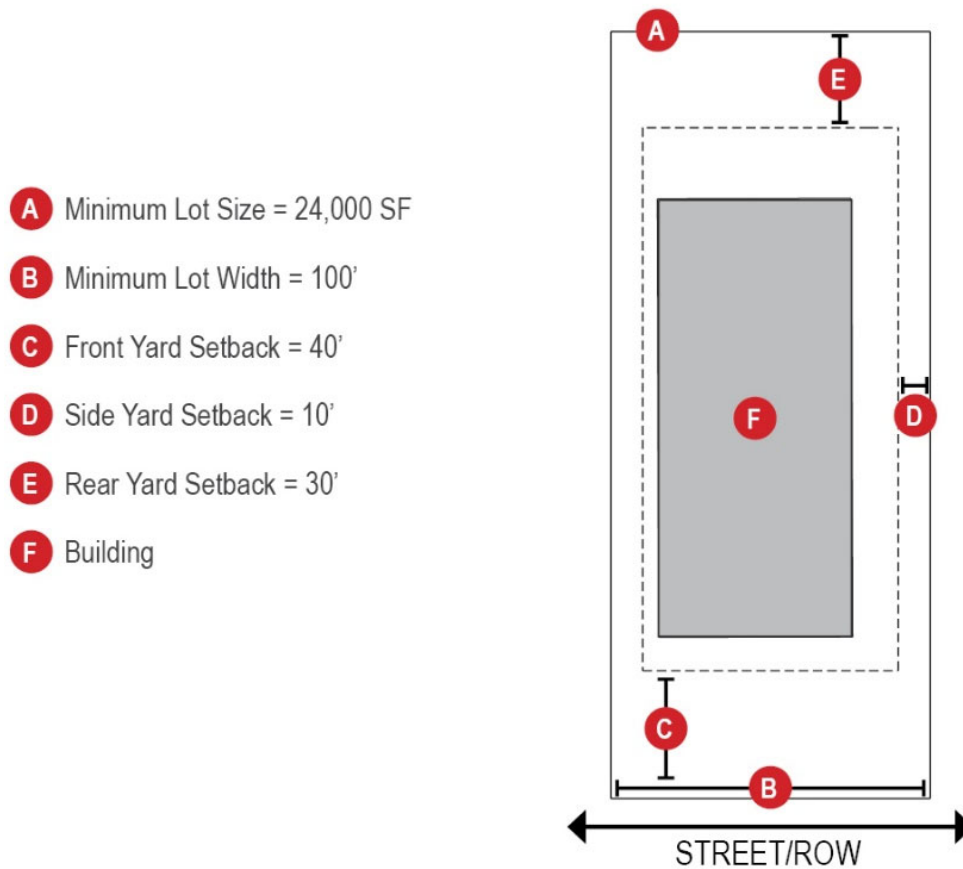
- A. **Purpose of General Industrial Zoning District.** The purpose of the GI Zoning District is to provide for the establishment of heavy industry and manufacturing development and use which because of the nature of the product or character of activity, requires isolation from residential and commercial uses.
- B. **Permitted Uses.** See Appendix A: Table of Uses.
- C. **General Industrial Zoning District Dimensional Standards.** Table 515-2-16.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-16.1. General Industrial Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
A	Lot Area (minimum)	24,000 SF
B	Lot Width (minimum) (on a public street)	100'
Principal Building Setbacks		
C	Front Yard Setback (minimum)	40'
D	Side Yard Setback internal lot/corner lot (minimum)	10'/20'
E	Rear Yard Setback (minimum)	30'
	Setback from abutting residential district (minimum)	100'
Accessory Building Standards		
	Location	Behind principal structure, or attached
	Size (maximum)	Not to exceed 30% of gross floor area
	Setbacks	Must meet all principal building setbacks
Coverage and Height Standards		
F	Floor Area (minimum)	1000 SF
	Principal Structure Height (maximum) See Section [515-4-3]	35'

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Figure 515-2-16.1. GI Lot Dimensional Standards Diagram



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515-2-17 Public Semi-Public District (PSP)

- A. **Purpose of Public Semi-Public Zoning District.** The PSP Zoning District is intended to identify lands used for community gathering spaces for purposes of education, recreation, congregation, worship, health, or similar. Lands zoned PSP contain 1.0 acres of land or provide a mix of community uses from a single facility or campus.
- B. **Permitted Uses.** See Appendix A: Table of Uses. Any residential use must be accessory to the principal public-semi-public use and must obtain a Conditional Use Permit. Such use may not be separated from the principal use without an amendment to the CUP and may require rezoning. All principal uses must be identified as a public-semi-public use on the Table of Uses.
- C. **PSP Zoning District Dimensional Standards.** Table 515-2-17.1 identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-17.1. PSP Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
	Lot Size (minimum)	1.0 Acre; or less if granted through CUP
	Lot Width (minimum) (Frontage on Public Roads)	80'
Principal Building Setbacks		
	Front Yard Setback (minimum)	20'
	Side Yard internal lot/corner lot (minimum)	10'
	Setback from adjacent residential district (minimum)	20'
	Rear Yard Setback (minimum)	10'
Accessory Building Standards		
	Location	Behind Principal Structure, or attached to principal structure
	Floor Area (maximum)	10% of Gross Floor Area
	Accessory Building Height	30', may not exceed height of principal building
Coverage and Height Standards		
	Impervious Surface Coverage (maximum)	90%
	Principal Structure Height (maximum) See Section [515-4-3]	35'

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515-2-18 Park District (P)

- A. **Purpose of Park Zoning District.** The P District is intended to identify lands that are publicly owned and are managed for active or passive recreational uses. Lands zoned Park are predominantly open space, but may include improvements such as warming housing, pavilions, parking lots, soccer fields, tennis/pickleball courts, etc.
- B. **Permitted Uses.** Passive and Active Recreational Uses.
- C. **Park Zoning District Dimensional Standards.** Table [515-2-18.1] identifies the Dimensional Standards for Principal and Accessory Structures.

Table 515-2-18.1. Park Dimensional Standards – Density, Lot Size, Coverage and Height Standards

Lot Dimensions		
	Lot Size (minimum)	None
	Lot Width (minimum) (Frontage on Public Roads)	None
Principal Building Setbacks		
	Front Yard Setback (minimum)	20'
	Side Yard internal lot/corner lot (minimum)	10'
	Setback from adjacent residential district (minimum)	20'
	Rear Yard Setback (minimum)	10'
Accessory Building Standards		
	Location	No restriction
	Floor area (minimum)	None, CUP required for any building exceeding 1,500 SF
	Accessory Building Height	May not exceed height of principal building
Coverage and Height Standards		
	Impervious Surface Coverage (maximum)	N/A
	Principal Structure Height (maximum) See Section [515-4-3]	25'

515-2-19 Brook Street Industrial Overlay District (BSI-O)

- A. **Purpose of the Brook Street Industrial Overlay District.** The purpose of the BSI-O District is to provide for the continued light industrial use of properties that are located in the City's original industrial park that is now located in an area predominantly developed with residential uses. Activities in the BSI-O must be primarily conducted internal to a structure to protect the health, safety and enjoyment of surrounding residential properties.
- B. **Permitted Uses.** The Base Zoning District of the BSI-O is ME. Appendix A: Table of Uses identifies all established uses within the ME Base Zoning District. Only the uses listed herein or, as may be determined to be similar, are permitted within the BSI-O. The business activities must be conducted internally to a structure, unless the outdoor activity is expressly permitted as an accessory use. Refer to Appendix A: Table of Uses to determine if the use permitted by-right or if a Conditional Use Permit is required:
1. Light Manufacturing
 2. Commercial/retail sales accessory to the principal manufacture, processing or wholesaling of products manufactured on, processed on or wholesaled from the premises.

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- [3. Small Engine and Boat Repair](#)
- [4. Electronics assembly and testing](#)
- [5. Research and Development Laboratories](#)
- [6. Equipment rental \(indoor\)](#)
- [7. Office Business](#)
- [8. Contractor Office](#)
- [9. Places of Worship and Related Buildings](#)
- [10. Government Buildings](#)
- [11. Essential Services](#)
- [12. Outdoor Storage accessory to a principal use with enclosed building](#)

C. Development Standards. Any business or use not established prior to the adoption of this ordinance **July XX, 2022** shall be subject to the following standards:

- [1. Section \[515-4-8\] Outdoor Lighting.](#)
- [2. Section \[515-4-9\] Landscaping, Green Space and Screening Requirements.](#)
- [3. Section \[515-4-10\] General Landscaping Improvement Standards.](#)
- [4. Section \[515-4-11\] Fence Standards.](#)
- [5. Section \[515-4-12\] Off-street Parking.](#)

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

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

B. Permitted Uses.

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

C. Accessory Uses.

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

D. Design and Operational Standards.

1. General Provisions:
 - a. All land area shall be:

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

E. Site Plan Requirements.

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

F. Design Standards.

1. Park Size. The minimum area required for a manufactured housing park designation shall be five (5) acres.
2. Individual manufactured housing site (homes 14 feet wide or less).

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3. Each manufactured housing site shall contain at least 5,000 square feet of land area for the exclusive use of the occupant:
 - a. *Width*: No less than 50 feet.
 - b. *Depth*: No less than 100 feet.
4. Each manufactured housing site shall have frontage on an approved street or roadway and the corner of each manufactured home site shall be marked and each site shall be numbered.
5. Individual manufactured housing unit site setbacks.
6. In all manufactured housing parks, no housing unit shall be located closer than ten (10) feet to its side lot lines nor closer than 30 feet to its front lot line, or within ten (10) feet of its rear lot line.
7. All accessory structures such as awnings, cabanas, storage sheds, carports, windbreaks, entryways or solar energy system shall be located no closer than three (3) feet from any property line and in no case closer than ten (10) feet to the nearest adjoining manufactured home.
8. Building Requirements.
 - a. No principal building shall exceed one (1) story or 25 feet, whichever is less.
 - b. *Accessory Buildings.*
 - i. Accessory buildings including garages shall be limited to one (1) per manufactured home lot.
 - ii. Maximum allowable floor area shall not exceed six and one-half (6½) percent of the lot size.
 - iii. Maximum Building Height: 16 feet.
 - c. Location: The manufactured home park Site Plan shall designate the locations proposed for the development of garages and/or accessory buildings on each manufactured home lot. Said accessory buildings shall comply with the following setback requirements:
 - i. No accessory building shall be located in the front yard.
 - ii. An accessory building may be located in side or rear yards. All accessory buildings shall be set back from all adjoining lots a minimum of five (5) feet. Garages may be allowed with a zero (0) lot line setback and a shared driveway when built as a double garage and shared by adjacent lots.
 - iii. Accessory buildings shall not be located within any utility easements.
 - d. On lots having a lot width of 55 feet or greater, an accessory building shall be located at least ten (10) feet from any other building or structure on the same lot. On lots having a 50 foot lot width, accessory buildings shall be located at least nine (9) feet from any building or structure on the same lot.
 - e. The unit structure is in compliance with the Guidelines for Manufactured Housing Installation, International Conference of Building Officials, 1983, as may be amended.
 - f. No manufactured home site shall be used for parking more than one (1) manufactured home.
9. Parking.
 - a. Each manufactured housing site shall have off-street parking space for two (2) automobiles. All parking stalls shall be completely on the home lot they serve.
 - b. Each manufactured housing park shall maintain additional hard surfaced off-street parking lot(s) for guests of occupants in the amount of one (1) space for each three (3) home sites.
 - c. Access drives off streets and roads to all parking spaces and unit sites shall be hard surfaced according to specifications established by the City.
10. Utilities.

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- a. All manufactured housing units shall be connected to a public water and sanitary sewer system or a private water and sewer system approved by the State Department of Health and the City.
 - b. All installations for disposal of surface storm water must be approved by the City.
 - c. All utility connections shall be as approved by the City.
 - d. The source of fuel for cooking, heating or other purposes at each manufactured housing site shall be as approved by the City.
 - e. All utilities shall be underground. There shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.
 - f. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile home equipment.
 - g. The park owner shall pay any required sewer connection fees to the City.
 - h. The park owner shall pay inspection and testing fees for utility service to the City.
 - i. Facilities for fire protection shall be installed as required by the City.
11. Internal Roads and Streets.
- a. Roads and streets shall be bituminous or concrete surfaced as approved by the City.
 - b. All roads and streets shall have a concrete (mountable, roll type) curb and gutter.
 - c. All streets shall be developed with a roadbed of not less than 28 feet in width. If parking is permitted on the street then the road bed shall be at least 36 feet in width. To qualify for the lesser sized street, adequate additional off-street parking, as determined by the City, shall be provided and demonstrated.
 - d. The manufactured home park shall have a street lighting plan approved by the City.
12. Recreation.
- a. All manufactured housing parks shall have at least 15 percent of the land area developed for recreational use (tennis courts, children's play equipment, swimming pool, golf green, etc.) developed and maintained at the owner/operator's expense.
 - b. In lieu of land dedication for public park purposes, a cash contribution as established by the City's Subdivision Ordinance, as may be amended, shall be paid to the City.
13. Landscaping.
- a. Each site shall be properly landscaped with trees, hedges, grass, fences, windbreaks and the like.
 - b. A compact hedge, redwood fence or landscaped area shall be installed around each manufactured home park and be maintained in as new condition at all times as approved.
 - c. All areas shall be landscaped in accordance with the landscaping plan approved by the Council.
14. Lighting.
- a. Artificial light shall be maintained during all hours of darkness in all buildings containing public toilets, laundry equipment, storm shelters, and the like.
 - b. The manufactured housing park grounds shall be lighted as approved by the City from sunset to sunrise.
15. Storage.
- a. Enclosed storage lockers (when provided) shall be located whether adjacent to the manufactured home in a manufactured housing park or at such other place in the park as to be convenient to the unit for which it is provided, as approved by the City.

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- b. Storage of larger items, such as boats, boat trailers, recreation vehicles, etc., shall be accommodated in a separate secured and screened area of the park, as approved by the City. No parking of such vehicles or equipment shall be permitted on the housing site.

G. Registration.

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

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

515-2-21 Planned Unit Development (PUD) Overlay District

- A. **Purpose of the Planned Unit Development Overlay District.** The purpose and intent of the PUD Overlay District is to provide for the integration and coordination of land parcels as well as the combination of various types of residential, commercial and industrial uses.
- B. **Application.** All permitted, permitted accessory, or conditional uses identified in Appendix A: Table of Uses shall be treated as potentially permitted uses within a Planned Unit Development Overlay District (PUD).
- C. **Procedure.** Whether requested as a rezoning or initially established by City action, a Planned Unit Development (PUD) Overlay District shall be established and governed subject to the procedures, conditions, standards, and amendment requirements as outlined in Section [515-5-7] of this Ordinance.

D. Established PUD Overlay Districts

1. Northern Pacific Center – Planned Unit Development (NPC-PUD). The purpose of the NPC-PUD is to allow for the development and redevelopment of the property with a mix of uses. The follow standards are established.
 - a. The standards and uses contained within the Town Center (TC) Base Zoning District shall govern the NPC-PUD district, with the modifications as noted in Table 515-2-20.1.
 - b. Development Standards. All approved Final PUD Plans shall govern the development of the property and shall be kept on file with the City Zoning Administrator.

Table 515-2-21.1. NPC-PUD Dimensional and Use Standards.

Principal Building		
	Front Yard Setback (minimum)	50'

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	Side Yard internal lot/corner lot (minimum)	10'
	Rear Yard Setback (minimum)	10'
	Number of Permitted Principal Buildings	No limit
Accessory Building Standards		
	Front Yard Setback (minimum)	Behind principal structure closest to front yard lot line
	Side Yard Setback (minimum)	10'
	Rear Yard Setback (minimum)	10'
	Number of Permitted Accessory Buildings	May not exceed the total number of Principal Buildings
	Size	1,000 SF
	Total Accessory Building SF Permitted	Unlimited
Uses Permitted		
	Appendix A: Table of Uses, TC District	All permitted, conditional and interim uses
	Recreational Centers Exceeding 30,000 SF	C
	Telecommunications Towers	AP
	Public Recreation Areas and Buildings	P
	Public/Semi-Public Recreation Areas and Community Centers	P
	Trade/Specialty Schools	C
	Light Manufacturing	C
	Radio and TV Antennas	AP
	Radio and TV Studios	AP
	Residences for Night Watchmen or Security Personnel	AP
	Warehousing	P

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ALLOWED USES.

515-3-1 Uses. This Section is intended to describe the land uses that are permitted, permitted through regulations or requirements, or that are prohibited within the City.

- A. This Section, including Appendix A: Table of Uses, is organized and classifications are assigned by Base Zoning District. Properties fully or partially contained within an Overlay District are subject to additional standards and use restrictions which are provided in the applicable Overlay District standards. The process for obtaining any required permit is provided in Section [515-5] of this Ordinance.
- B. **Table of Uses.** The Table of Uses is provided in Appendix [A] of this Ordinance. The Table of Uses is organized by Use Type and Base Zoning District. The Table of Uses classifies the identified use as either permitted, permitted through regulation or requirement, or prohibited.

515-3-2 Uses Not Provided for in this Ordinance. Whenever in any Zoning District, if a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the City Council or Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what Zoning District would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission, or property owner, upon receipt of the staff study, shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

515-3-3 Use Specific Regulations. The following performance standards are established and must be met to obtain the applicable permit as identified on the Appendix A: Table of Uses. The standards which follow are the minimum required standards, and if listed as a conditional use, additional standards or reasonable conditions may be placed on any approved permit for the requested use. All uses shall comply with the rules and regulations of the Base Zoning District, Special District and Overlay District were applicable. Any use must also meet the rules and regulations of any other applicable agencies with jurisdiction of the subject use including local, State and Federal agencies.

- A. **Minimum Standards Established.** The following Use Specific Regulations are established as minimum requirements. Any use identified on Appendix A: Table of Uses that requires an Administrative Permit, Interim Use Permit or Conditional Use Permit is subject to additional reasonable conditions as established during the applicable permitting process.
- B. **Compliance with General Building Development and Design Standards.** All uses, whether permitted or conditionally permitted, that change or alter a site must comply with the standards established by Section [515-4}, including the following specific references:
 - 1. Section [515-4-8] Outdoor Lighting.
 - 2. Section [515-4-9] Landscaping, Green Space and Screening Requirements.
 - 3. Section [515-4-10] General Landscaping Improvement Standards.
 - 4. Section [515-4-11] Fence Standards.
 - 5. Section [515-4-12] Off-street Parking.
- C. **Additional Standards for Uses abutting RL-1, RL-2, CN-1, CN-2, and TN-1 Zoning Districts.** The uses identified on the Table of Uses have been identified as reasonably permitted within a Base Zoning District.

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Some non-residential uses are permitted within predominantly residential Zoning Districts. The following additional standards are established for such uses:

1. Any non-residential use in a commercial or industrial zoning district that abuts a residential use or Residential Zoning District shall screen any abutting property line to comply with the standards established in 515-4-9 and 515-4-10. For purposes of this Section the following Residential and Non-Residential Zoning Districts are defined as:
 - a. *Residential Zoning Districts:* RL-1, RL-2, GL, CN-1, CN-2, and TN-1.
 - b. *Non-residential Zoning Districts:* CC, GC, TN-2, TC, MS, PSP, ME, and GI.

515-3-4 Adult Establishments.

A. Purpose and Intent.

1. **Findings of the City Council.** Studies conducted by the Minnesota Attorney General, the American Planning Association and cities such as St. Paul, MN; Indianapolis, IN; Alexandria, MN; Rochester, MN; Phoenix, AZ; Los Angeles, CA; Seattle, WA; have studied the impacts that adult establishments have in those communities. These studies have concluded that adult establishments have an adverse impact on the surrounding neighborhoods. Those impacts include increased crime rates, lower property values, increased transiency, neighborhood blight and potential health risks. The City Council of the City of Brainerd makes the following findings regarding the need to regulate adult establishments. The findings are based upon the experiences of other cities where such businesses have located, as studied by City staff. Based on these studies and findings, the City Council concludes:
 - a. Adult establishments have adverse secondary impacts of the types set forth above.
 - b. The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by locational requirements, licensing requirements and health requirements.
 - c. It is not the intent of the City Council to prohibit adult establishments from having a reasonable opportunity to locate in the City.
 - d. Minnesota State Statutes, Section 462.357, allows the City to adopt regulations to promote the public health, safety, morals, and general welfare.
 - e. The public health, safety, morals and general welfare will be promoted by the City adopting regulations governing adult establishments.
 - f. Adult establishments can contribute to an increase in criminal activity in the area in which such businesses are located, taxing City crime prevention programs and law enforcement services.
 - g. Adult establishments can be used as fronts for prostitution and other criminal activity. The experience of other cities indicates that the proper management and operation of such businesses can, however, minimize this risk, provided the owners and operators of such facilities are regulated by licensing or other procedures.
 - h. Adult establishments can cause or contribute to public health problems by the presence of live adult entertainment in conjunction with food and/or drink on the same premises.
 - i. The risk of criminal activity and/or public health problems can be minimized through a licensing and regulatory scheme as prescribed herein.
2. It is the purpose of this Ordinance to regulate adult establishments to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to:

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- a. Prevent additional criminal activity within the City.
 - b. Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood.
 - c. To locate adult establishments away from residential areas, schools, churches, libraries, parks, and playgrounds.
3. Prevent concentration of adult establishments within certain areas of the City.
- a. *Provisions.* The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is not the intent or effect of this Ordinance to restrict or deny access by adults to adult oriented materials protected by the First Amendment or to deny access by distributors and exhibitors of adult oriented entertainment to their intended market.

B. Applications of this Ordinance.

1. In General.
 - a. Except as this Ordinance specifically provides, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.
 - b. No adult establishment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by any ordinance of the City of Brainerd, the laws of the State of Minnesota, or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct that is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale, or distribution of specified materials to minors.
2. Existing Adult Establishments. Within twelve (12) months of the effective date of this Ordinance, any existing adult establishment shall be in compliance with all requirements of this Ordinance. Existing adult establishments are exempt from the location requirements in Section [3].
3. Location. Adult establishments are permitted uses in the General Industrial (GI) District, subject to the following requirements:
 - a. An adult use shall not be allowed within six hundred (600) feet measured in a straight line from the building or edge of leased building space to another existing adult use.
 - b. An adult use shall not be located within five hundred (500) feet measured in a straight line from the building or edge of a leased building space to the property line of any residentially zoned property.
 - c. An adult use shall not be located within one thousand (1,000) feet measured in a straight line from the building or edge of leased building space to the property line of any existing school, place of worship, library, day care, park or playground.
 - d. An adult use shall not be located within five hundred (500) feet measured in a straight line from the building or edge of a leased building space to the property line of any City owned park and recreational property.
4. Hours of Operation. No adult establishment shall be open to the public from the hours of 10:00 p.m. to 10:00 a.m., weekdays and Saturdays, nor at any time on Sundays or national holidays.
5. Operation.

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- a. Off-site Viewing. Any business operating as an adult establishment shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of Minnesota Statutes Chapter 617 or other applicable Federal or State Statutes or local ordinances.
- b. Entrances. All entrances to the business, with the exception of emergency fire exits that are not useable by patrons to enter the business, shall be visible from a public right-of-way.
6. Layout. The layout of any display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material, or any live dancers or entertainers.
7. Illumination. Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.
8. Signs. Signs for adult establishments shall comply with the City's Ordinance for signs addressed in the Ordinance Section [515-3-35]. Signs for adult establishments shall not contain representational depiction of an adult nature or graphic descriptions of the adult theme of the operation.
9. Access by Minors. No minor shall be permitted on the licensed premises. Adult goods or materials may not be offered, sold, transferred, conveyed, given or bartered to a minor, or displayed in a fashion that allows them to be viewed by a minor, whether or not the minor is on the licensed premises.
10. Additional Conditions for Adult Cabarets. The following additional conditions apply to adult cabarets:
 - a. No dancer, live entertainer or performer shall be under eighteen (18) years old.
 - b. All dancing or live entertainment shall occur on a platform intended for that purpose and which is raised at least two (2) feet from the level of the floor.
 - c. No dancer or performer shall perform any dance or live entertainment closer than ten (10) feet to any patron.
 - d. No dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.
 - e. No patron shall pay or give any gratuity to any dancer or performer.
 - f. No dancer or performer shall solicit or receive any pay or gratuity from any patron.

C. Licenses.

1. Licenses Required. All adult establishments, including any adult establishment operating at the time this Ordinance becomes effective, shall apply for and obtain a license from the City of Brainerd. A person or entity is in violation of this Ordinance if the person or entity operates an adult establishment without a valid license, issued by the City.
2. Applications. An application for a license must be made on a form provided by the City and must include:
 - a. If the applicant is an individual, the name, residence, phone number, and birth date of the applicant. If the applicant is a partnership, the name, residence, phone number, and birth date of each general and limited partner. If the applicant is a corporation, the names, residences, phone numbers, and birth dates of all persons holding more than five (5) percent of the issued and outstanding stock of the corporation.
 - b. The name, address, phone number, and birth date of the operator and manager of the adult establishment, if different from the owner's.
 - c. The address and legal description of the premises where the adult establishment is to be located.

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- d. A statement detailing any misdemeanor, gross misdemeanor, or felony convictions relating to sex offenses, obscenity, or the operation of an adult establishment or adult business by the applicant, operator, or manager, and whether the applicant, operator or manager has ever applied for or held a license to operate a similar type of business in another community. In the case of a corporation, a statement detailing any felony convictions by the owners of more than five (5) percent of the issued and outstanding stock of the corporation, and whether or not those owners have ever applied for or held a license to operate a similar type of business in another community.
 - e. The activities and types of business to be conducted.
 - f. The hours of operation.
 - g. The provisions made to restrict access by minors.
 - h. A building plan of the premises detailing all internal operations and activities.
 - i. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
 - j. A statement that the applicant is qualified according to the provisions of this Ordinance and that the premises have been or will be inspected and found to be in compliance with the appropriate State, County, and local law and codes by the health official, fire marshal, and building inspector.
 - k. The names, addresses, phone numbers, dates of birth, of the owner, lessee, if any, the operator or manager, and all employees; the name, address, and phone number of two (2) persons, who shall be residents of the State of Minnesota, and who may be called upon to attest to the applicant's, manager's, or operator's character; whether the applicant, manager, or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete accurate information of the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager insofar as credit which has been extended for the purposes of constructing, equipping, maintaining, operating, or furnishing or acquiring the premises, personal effects, equipment, or anything incident to the establishment, maintenance and operation of the business.
 - l. If the application is made on behalf of a corporation, joint business venture, partnership, or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names, addresses, and dates of birth of all individuals having an interest in the business, including partners, officers, owners, and creditors furnishing credit for the establishment, acquisition, maintenance, and furnishings of said business and, in the case of a corporation, the names, addresses, and dates of birth of all officers, general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in said operation.
 - m. Complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the building is proposed to be located or the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements, and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise.
3. Disqualifications. The City will issue a license to an applicant within thirty (30) days of the application unless one or more of the following conditions exist:

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- a. The applicant is under 21.
 - b. The applicant failed to supply all of the information requested on the license application.
 - c. The applicant gives false, fraudulent, or untruthful information on the license application.
 - d. The applicant has been convicted of a gross misdemeanor or felony or of violating any law of this state or local ordinance relating to sex offenses, obscenity offenses, or adult establishments.
 - e. The adult establishment is not in full compliance with this Code and all provisions of State and Federal law.
 - f. The applicant has not paid the required license and investigation fees.
 - g. The applicant has been denied a license by the City or any other Minnesota municipal corporation to operate an adult establishment or such license has been suspended or revoked, within the preceding twelve (12) months.
 - h. The applicant is not the proprietor of the establishment for which the license is issued.
 - i. The adult establishment premises holds an intoxicating liquor, beer or wine license.
4. Re-qualification. An applicant may qualify for an adult establishment license:
- a. After one (1) year has elapsed in the case of a previous license revocation.
 - b. After two (2) years have elapsed since the date of conviction or the date of release from confinement in the case of a misdemeanor offense.
 - c. After five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is later, in the case of a felony offense.
 - d. After five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is later, if the conviction is of two (2) or more misdemeanor offenses of combination of misdemeanor offense occurring within any twenty-four (24) month period.
5. Posting. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the adult establishment. The license shall be posted in a conspicuous place at or near the entrance to the adult establishment so that it may be easily read at any time.
6. Fees.
- a. The license fee for adult establishments is as follow:
 - i. The initial license fee shall be established by amendment to Section [1010] of the Brainerd City Code.
 - ii. An application for a license must be submitted to the City Administrator and accompanied by payment of the required license fee. Upon rejection of an application for a license, the City will refund the license fee.
7. Licenses will expire on December 31 in each year. Each license will be issued for a period of one (1) year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rated fee. In computing a pro rated fee, any un-expired fraction of a month will be counted as one month.
8. No part of the fee paid by any license will be refunded, except that a pro rata portion of the fee will be refunded in the following instances upon application to the City Council within thirty (30) days from the

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happening of one of the following events, provided that the event occurs more than thirty (30) days before the expiration of the license:

- a. Destruction or damage of the licensed premises by fire or other catastrophe.
 - b. The licensee's illness, if such illness renders the licensee unable to continue operating the licensed adult establishment.
 - c. The licensee's death.
 - d. A change in the legal status making it unlawful for the licensed business to continue.
9. An application must contain a provision in bold print indicating that withholding information or providing false or misleading information will be grounds for denial or revocation of a license. Changes in the information provided on the application or provided during the investigation must be brought to the attention of the City Council by the applicant or licensee. If such a change takes place during the investigation, it must be reported to the City Administrator in writing. A failure by an applicant or licensee to report such a change may result in a denial or revocation of a license.
10. The one-time non-refundable background investigative fee for an adult establishment license is one hundred dollars (\$100.00) and shall be charged for each person identified on the application as an owner, operation, or manager of the business and for each successor, owner, operator or manager.

D. Procedures for granting an adult establishment license. The procedures are as follow:

1. The City will conduct and complete an investigation within thirty (30) days after the City Administrator receives a complete application and all license and investigative fees.
2. If the application is for a renewal, the applicant will be allowed to continue business until the City Council has determined whether the applicant meets the criteria of this Ordinance for a renewal license.
3. If, after the investigation, it appears that the applicant and the place proposed for the business are eligible for a license, the license must be issued by the City Council within thirty (30) days after the investigation is completed. If the City Council fails to act within thirty (30) days after the investigation is completed, the application will be deemed approved.
4. A license will be issued to the applicant only and is not transferable to another holder. Each license will be issued only for the premises described in the application. A license may not be transferred to another premise without the approval of the City Council. If the licensee is a partnership or a corporation, a change in the identity of any partner or holder of more than five (5) percent of the issued and outstanding stock of the corporation will be deemed a transfer of the license. Adult establishments existing at the time of the adoption of this Section must obtain an annual license.

E. Inspection.

1. Access. An applicant or licensee shall permit health officials, representatives of the Police Department, Fire Department, Zoning Department, and Building Inspector, to inspect the premises of an adult establishment for the purpose of ensuring compliance with the law at any time it is occupied or open for business. The licensee is at all times responsible for the conduct, activity and operation of the business.
2. Refusal to Permit Inspections. A person who operates an adult establishment or his/her agent or employee commits an offense if she or he refuses to permit a lawful inspection of the premises by health officials, representatives of the Police Department, Fire Department, and Building Inspector at any time it is occupied or open for business. Refusal to permit inspections may result in non-renewal, suspension or revocation of the license as provided in [F, G and H] of this Subsection.

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3. Exceptions. The provisions of this Section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation. Temporary habitation is defined as a period of time of at least twelve (12) hours.
4. Records. The licensee must keep itemized written records of all transactions involving the sale or rental of all items or merchandise for at least one (1) year after the transaction. At a minimum, those records must describe the date of the transaction, a description of the transaction, the purchase price or rental price, and a detailed description of the item or merchandise that is being purchased or rented. These written records must be provided to the City upon request.

F. Expiration and Renewal.

1. Expiration. Each license shall expire at the end of the calendar year and may be renewed only by making application as provided in preceding subsections [C and D]. Application for renewal accompanied by a fifty dollars (\$50.00) renewal investigation fee must be made at least sixty (60) days before the expiration date.
2. Denial of Renewal. When the City denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

G. Suspension.

1. Causes of Suspension. The City may suspend a license for a period not to exceed thirty (30) days if it determines that the licensee or an employee of a licensee has:
 - a. Violated or is not in compliance with any provision of this Ordinance.
 - b. Engaged in the sale or use of alcoholic beverages while on the adult establishment premises other than at an adult hotel or motel.
 - c. Refused to allow an inspection of the adult establishment as authorized by this Ordinance.
 - d. Knowingly permitted gambling by any person on the adult establishment premises.
 - e. Demonstrated inability to operate or manage an adult establishment in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.
2. Notice. A suspension by the City shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least ten (10) days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed business premises with the person in charge thereof, or by mailing the notice by U.S. Mail to the last known address of the owner or agent authorized to receive legal notices for the business, as listed on its license application.

H. Revocation.

1. Suspended Licenses. The City may revoke a license if a cause of suspension in Subsection [G] occurs and the license has been suspended at least once before within the preceding twelve (12) months.
2. Causes of Revocation. The City may revoke a license if it determines that:
 - a. A licensee gave false or misleading information in the material submitted to the City during the application process.
 - b. A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises.
 - c. A licensee or an employee has knowingly allowed prostitution on the premises.

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- d. A licensee or an employee knowingly operated the adult establishment during a period of time when the licensee's license was suspended.
 - e. A licensee has been convicted of an offense listed in Section [C.3], for which the time period required in Section [C.4], has not elapsed.
 - f. On two (2) or more occasions within a twelve (12) month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section [C.3] for which a conviction has been obtained, and the person or persons were employees of the adult establishment at the time the offenses were committed.
 - g. A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.
- I. **Appeals.** The fact that a conviction is being appealed shall have no effect on the revocation of the license.
- J. **Exceptions.** Section [H.2.g.], does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.
- K. **Granting a License After Revocation.** When the City revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued an adult establishment license for one (1) year from the date revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. If the license is revoked under Section [H], an applicant may not be granted another license until the appropriate number of years required under this Section have elapsed.
- L. **Notice.** A revocation by the City shall be preceded by written notice to the licensee and a public hearing. The notice shall give at least ten (10) days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed premises with the person in charge thereof or by mailing the notice by U.S. Mail to the last known address of the owner or agent authorized to receive legal notices for the business, as listed on its license application.
- M. **Procedures.** Issuances, suspensions, revocations and non-renewals of adult establishment licenses are governed by the following provisions:
- 1. In the event that the City Council proposes not to renew, to revoke, or to suspend the license, the licensee must be notified in writing of the basis for such proposed revocation or suspension. The Council will hold a hearing for the purpose of determining whether to revoke or suspend the license. The hearing must be within thirty (30) days of the date of the notice. The City Council must determine whether to suspend or revoke a license within thirty (30) days after the close of the hearing or within sixty (60) days of the date of the notice, whichever is sooner. The Council must notify the licensee of its decision within that period.
 - 2. If the Council determines to suspend or revoke a license, the suspension or revocation is not effective until fifteen (15) days after notification of the decision to the licensee. If, within that fifteen (15) days, the licensee files and serves an action in State or Federal court challenging the Council's action, the suspension or revocation is stayed until the conclusion of such action.
 - 3. If the City Council determines not to renew a license, the licensee may continue its business for fifteen (15) days after receiving notice of such non renewal. If the licensee files and serves an action in State or Federal court within fifteen (15) days for the purpose of determining whether the City acted properly, the licensee may continue in business until the conclusion of the action.

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4. If the City Council does not grant a license to an applicant, then the applicant may commence an action in State or Federal court within fifteen (15) days for the purpose of determining whether the City acted properly. The applicant may not commence doing business unless the action is concluded in its favor.
5. Transfer or License. A licensee shall not transfer this license to another, nor shall a licensee operate an adult establishment under the authority of a license at any place other than the address designated in the application.
6. Severability. Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance be held invalid by a court of competent jurisdiction it shall not invalidate any other section, provision, or part thereof.
7. Effective. This Ordinance shall be effective one (1) week from and after its publication.

515-3-5 Animal Hospital, Veterinary Clinic or Kennel

A. Any Animal Hospital, Veterinary Clinic or Kennel must comply with the following minimum standards:

1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
3. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty (60) and seventy-five (75) degrees Fahrenheit.
4. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
5. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.
6. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
7. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.
8. An animal kennel in the TN-2, TN-3 and CC Zoning Districts is permitted as an accessory use to a veterinary clinic provided that:
 - a. The number of animals boarded shall not exceed twenty (20).
 - b. An indoor or outdoor exercise area shall be provided to accommodate the periodic exercising of animals boarded at the kennel.

515-3-6 Auto Dealership

A. Any Auto Dealership must comply with the following minimum standards:

1. Outdoor sales area shall be set at least five (5) feet back from all property lines, and at least 15 feet back from any Street surface.
2. Outdoor sales shall be physically defined on the site by surfacing, curbing, landscaping, or a fence barrier.
3. The boulevard portion of the street right-of-way shall not be used for parking, or storage or display of sale items.

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4. Outside sales areas must be fenced or screened from view of neighboring residential uses or abutting Residential Zoning Districts.
5. All lighting shall be hooded and downcast so that the light source is not visible from the public right-of-way or from an abutting residence.
6. All display/sales/storage areas must be paved, and must comply with any requirements of the City Engineer.
7. Required parking shall be segregated from the sales display. The area used for sales shall not take up any required parking space.

515-3-7 Auto and Truck Repair (including Body Shops)

A. Any Auto and Truck Repair business must comply with the following minimum standards:

1. All outdoor storage of vehicles shall be screened by at least a six (6) foot fence, but not in excess of eight and one-half (8½) feet in height, and shall be ninety (90) percent opaque fence.
2. Any vehicle parked or stored on the property for longer than twenty-four (24) hours shall be kept in the screened yard.
3. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a storm water drainage system and is subject to the approval of the City Engineer.
4. All painting shall be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulated matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, or successor regulations.
5. The emission of odor by a use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota regulations APC, or successor regulations.
6. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.
7. All outside storage shall be prohibited except for customer automobiles and trucks awaiting repair.

515-3-8 Auto Wrecking or Salvage Yard

A. Any Auto Wrecking or Salvage Yard uses must comply with the following minimum standards:

1. The perimeter of the yard area used for auto wrecking or salvage must be screened by a fence or compact evergreen hedge which is at least fifty (50) percent opaque and at least six (6) feet high.
2. All other yards must be screened to comply with the applicable standards stated in Section [515-4-10].
3. The outside storage area must be surfaced to control dust and drainage, which shall be subject to the approval of the City Engineer

515-3-9 Bed and Breakfasts

A. **Purpose and Intent.** The City Council recognizes that bed and breakfasts are an asset to the community and help the preservation of historic homes because the expense of owning and maintaining historic homes has made them less suitable for single family dwellings. Conversion of historic houses into multifamily uses is usually determined by the neighborhood where it is located. It is therefore the intention of the City to limit bed and breakfast uses to those homes where the use would benefit the surrounding area by allowing appropriate adaptive reuse of historic dwellings.

B. **Application.** Any bed and breakfast must comply with the following standards:

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1. At least two (2) off-street parking spaces must be provided on site for the owner and one (1) parking space for each room of a bed and breakfast unit. The parking spaces must be signed and the parking plan approved by the Zoning Administrator.
2. The dining facilities must not be open to the public and must be used exclusively by the registered guests unless allowed as a separate permitted or conditional use.
3. Bed and breakfast uses in residential areas must be located at 600 feet apart (approximately two (2) blocks).
4. An identification sign not exceeding 12 square feet may be located on the site. The sign must match the architectural features of the structure.
5. The maximum of six (6) bed and breakfast guestrooms may be established in a structure. The following lot and structure size criteria determine the number of guestrooms allowed:

Table 515-3-9.1 Bed and Breakfast Lot and Structure Size Criteria

Maximum # Guestrooms Permitted	Original Number of Bedrooms	Maximum Gross House Size Not Including Basement in Square Feet	Minimum Zoning Lot Size in Square Feet
1	2	Up to 2,499	7,500
2	3	2,500 – 2,999	10,000
3	4	3,000 – 3,499	10,000
4	5	3,500 – 4,999	15,000
5	6	5,000 up	20,000
6	7	5,000 up	20,000

- C. Maximum gross house size is determined by using the total square footage of habitable living space within the structure. The number of original bedrooms in the structure will determine the number of guestrooms that will be allowed. This determination will be made by the Building Official. In the case of a family with children the family's bedroom use must be determined before the number of permitted guestrooms are determined, and no family member must be displaced for a guestroom.
- D. Adequate lighting must be provided between the structure and parking areas for safety contiguous to residential structure.

515-3-10 Brew Pub/Brewery (off-sale, on-sale, taproom, tasting room), Cidery, Microdistillery, Cocktail Room

- A. **Brew Pub Off-Sale.** A brewer with an off-sale malt liquor license subject to the provisions of Minnesota Statutes 340A and the following:
1. No outdoor storage is permitted.
 2. No odors from the brewery facility shall be perceptible beyond the property line. If such odors occur, the brewery facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards.
- B. **Brew Pub On-Sale.** A brewer with an on-sale malt liquor license subject to the provisions of Minnesota Statutes 340A and the following:
1. No outdoor storage is permitted.
 2. The operation must comply with the requirements of [515-3-26] for Outdoor Dining.
 3. No odors from the brewery shall be perceptible beyond the property line. If such odors occur, the brewery shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards.
 4. On-site sale of wine or spirits is permitted in accord with Minnesota Statutes and Brainerd City Code XII.

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- C. **Brewery with Taproom On-Sale.** A brewer with an on-sale brewery taproom license for the “On-Sale” of malt liquor produced on the licensed premises subject to the provisions of Minnesota Statutes 340A and the following:
1. No outdoor storage is permitted.
 2. The operation must comply with the requirements of Section [515-3-26] for Outdoor Dining, if applicable.
 3. No odors from the brewery shall be perceptible beyond the property line. When such odors occur, the brewery shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards.
- D. **Brewery with Taproom Off-Sale.** A brewer with an off-sale brewery taproom license for the “off-sale” of malt liquor produced on the licensed premises subject to the provisions of Minnesota Statutes 340A and the following:
1. No outdoor storage is permitted.
 2. A taproom for malt liquor “off-sale” produced on-site shall require an “on-sale” taproom room license from the City of Brainerd, according to the City Code Section XII.
 3. Comply with the requirements of Section [515-3-26] for Outdoor Dining, if applicable.
 4. No odors from the brewery shall be perceptible beyond the property line. When such odors occur, the brewery shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards.
- E. **Microdistilleries and Cocktail Rooms.** Subject to the provisions of Minnesota Statutes 340A and the following:
1. No outdoor storage is permitted.
 2. A cocktail room shall require an “on-sale” taproom room license from the City of Brainerd, according to the City Code Section XII.
 3. Comply with the requirements of Section [515-3-26] for Outdoor Dining, if applicable.

515-3-11 Bulk Liquid Storage

- A. Any Bulk Liquid Storage use must comply with the following minimum standards:
1. All applicable Minnesota Pollution Control Agency requirements are satisfactorily met.
 2. A drainage system subject to the approval of the City Engineer shall be installed.
 3. Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting Residential Zoning Districts and public rights-of-way.
 4. Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to approval of the City Engineer.
 5. All storage tanks shall be located in the rear yard not less than 25 feet from any property boundary lines and setback 150 feet from any adjoining residential zoning district. No tanks shall be permitted in the front yard or side yard abutting public rights-of-way.
 6. Storage tanks shall be surrounded by 25 feet of open area. Storage of any kind is prohibited in said open area, except equipment incidental to the storage tank. Approved parking must be set back ten (10) feet from any storage tank.
 7. Storage tanks shall be set back from existing structures, as outlined in the Fire Code, based on tank size.
 8. All bulk storage plans and processes shall be subject to review and approval of the Fire Department.

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9. Storage tanks shall not interfere with site circulation, including but not limited to, parking, driveway, curb cuts, and loading areas.
10. A wire weave/chain link security fence shall be required around all storage tanks. The location of said fence shall be as per the Uniform Fire Code.
11. Storage sites shall be accessible by service and emergency vehicles.
12. All filling valves of the storage tanks shall be enclosed and have locking devices.
13. A warning sign shall be required for every tank and shall be placed in a conspicuous location, directly on the tank indicating a supplier's name, address, phone number, that highly flammable and dangerous material is stored therein, and that no smoking requirements must be observed or a sufficient warning to that effect. Said signage may not exceed four (4) square feet.
14. Provisions are made to control and minimize noise, air and water pollution.

515-3-12 Coal, Tar, Creosote, Concrete or Asphalt Processing

- A. Any coal, tar, creosote, concrete or asphalt processing or distillation and acid manufacturing use must comply with the following minimum standards:
1. All applicable Minnesota Pollution Control Agency requirements are satisfactorily met.
 2. A drainage system subject to the approval of the City Engineer shall be installed.
 3. Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting Residential Zoning Districts and public rights-of-way.
 4. Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to approval of the City Engineer.
 5. Provisions are made to control and minimize noise, air and water pollution.

515-3-13 Commercial Car Wash

- A. Any Commercial Car Wash, whether principal or accessor use, must comply with the following minimum standards:
1. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.
 2. Stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum 30 minute period and shall be subject to the approval of the City Engineer.
 3. Parking or car stacking space shall be screened from view of abutting Residential Zoning Districts.
 4. The entire area other than occupied by the building or plantings shall be surfaced with concrete or bituminous, subject to the approval of the City Engineer.
 5. The entire area shall have a drainage system which is subject to the approval of the City.
 6. All lighting shall be hooded and downcast so that the light source is not visible from the public right-of-way or from an abutting residence.
 7. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the City Engineer.
 8. Provisions are made to control and reduce noise.

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515-3-14 Commercial Day Care Facilities

- A. **Purpose and Intent.** The regulation of commercial day care facilities in this Ordinance is to establish standards and procedures by which day care facilities can be conducted within the City without jeopardizing the health, safety and general welfare of the day care participants and/or the surrounding neighborhood. This Section establishes the City's minimum requirements for the establishment of a day care facility which is not defined as a permitted use by State Statute or which are operated in places other than single family homes. Day care facilities defined as permitted uses by State Statutes operate in a single-family dwelling as an accessory use.
- B. **Application.** Commercial day care facilities must obtain the required permit as identified on the Appendix A: Table of Uses. In addition to the City regulation, all day care facility operations shall comply with the minimum requirements of the Minnesota Department of Health and Human Services regulations, as may be amended.
- C. **Sketch Plan.** All applications for a day care facility shall be accompanied by a Sketch Plan as described in Section [515-5-9] of this Ordinance.
- D. **General Provisions.** Day care facilities shall be allowed as a principal use, provided that the day care facilities meet all the applicable provisions of this Section.
1. **Lot Requirements and Setbacks.** The proposed site for a day care facility must have a minimum lot area as required by the applicable Base Zoning District in which it is located and as determined by the Minnesota Department of Health and Human Services. The City Council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain the public health, safety and general welfare. The day care facility must meet the minimum setback requirements of the respective Base Zoning District. The City Council may increase setback requirements if considered necessary to ensure compatibility.
 2. **Sewer and Water.** All day care facilities shall have access to municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.
 3. **Screening.** A day care facility shall provide screening along any shared property boundaries, regardless of adjacent use.
 4. **Parking.** There shall be off-street parking located separately from any outdoor play area and must comply with all applicable standards.
 5. **Loading.** Off-street loading spaces must be provided.
 6. **Signage.** All signing and informational or visual communication devices shall be in compliance with the provisions of Section [515-3-35] of this Ordinance.
 7. **Compliance with State Requirements.** The building and operation shall be in full compliance with State of Minnesota, Department of Health and Human Services regulations and be licensed accordingly.
- E. **Non-Conforming Uses.** Existing day care facilities lawfully existing on the effective date of this Ordinance may continue as non-conforming uses. Any existing day care facility that is discontinued for a period of more than one (1) year, or is in violation of the provisions of the Ordinance, under which it was initially established, shall be brought into conformity with the provisions of this Section.
- F. **Inspection.** At any and all reasonable hours, with or without notice, the City hereby reserves the right upon issuing any day care facility a Conditional Use Permit to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this Section, Ordinance, or any conditions additionally imposed.

515-3-15 Commercial Greenhouse

- A. Commercial greenhouses supporting the operations of a floral shop or licensed food establishment must comply with the following minimum standards:

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1. Structure framing shall be treated wood, aluminum, or steel and shall be covered by materials as regulated by Section [515-4-6] of this Ordinance.
2. Structure shall not exceed 15 feet in height.
3. Structure may be located on a separate lot from the establishment or floral shop it supports provided that:
 - a. The lot is within 150 feet of the principal business.
 - b. The structure shall meet the setback requirements of the Base Zoning District or 10 feet from all property lines, whichever is greater.
4. No outdoor storage is permitted.
5. Indoor storage shall be limited material incidental to the operation of a greenhouse.
6. Should the establishment or floral shop cease operations, the greenhouse must be removed within 60 days.
7. Sales shall only occur at the principal place of business that is supported by the greenhouse.

515-3-16 Commercial Riding Stables

A. Commercial riding stables must comply with the following minimum standards:

1. Minimum lot size shall be 20 acres.
2. Any building in which animals are kept, whether roofed shelter or enclosed structure, must be located a minimum of 300 feet or more from any lot line.
3. The animals shall, at a minimum, be kept in an enclosed pen or corral of sufficient height and strength to retain such animals. Said pen or corral may not be located closer than 100 feet from a lot line.
4. Compliance with all applicable Minnesota Pollution Control Agency rules.
5. Compliance with all other applicable State and local regulations pertaining to nuisance, health and safety conditions, etc.

515-3-17 Drive-through Business

A. Any drive-through, whether principal or accessory, business must comply with the following minimum standards:

1. A minimum of 120 feet of segregated automobile stacking must be provided for a single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to 60 feet per lane.
2. The stacking lane and its access must be designed to control traffic in a manner to protect the buildings and will not interfere with on-site traffic circulation or access to the required parking space.
3. No part of the public street or boulevard may be used for stacking of automobiles.
4. The stacking lane, order board intercom, and window placement shall be designed and located in such a manner as to minimize glare to abutting premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.
5. The drive-up window and its stacking lanes shall be screened from view of abutting Residential Zoning Districts and public street rights-of-way.
6. A lighting and photometric plan will be required that illustrates the drive-up service lane lighting and must demonstrate compliance with this Ordinance.

515-3-18 Essential Services

A. **Purpose and Intent.** The purpose of this Section is to provide for the installation of essential services such as telephone lines, pipelines, electric transmission lines, substations and related structures in such a manner that

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the health, safety and welfare of the City will not be adversely affected. Essential services should also be installed in cognizance of existing and projected demands for such services.

- B. Application.** All telephone lines, pipelines for local distribution, underground transmission lines, overhead electric transmission lines less than 33 KV, and related structures, which are extended to serve more than one (1) parcel and are proposed to be installed at locations other than in public right-of-way, must obtain the appropriate permit as identified on the Appendix A: Table of Uses. Approval by the City shall be based upon the information furnished in the procedural requirements as outlined in the following Section.

C. Installation Requirements.

1. Prior to the installation of any of the previous essential services, the owner of such service shall file with the City, all maps and other pertinent information as deemed necessary for the City to review the proposed project.
2. The Zoning Administrator shall review and provide recommendations regarding the project's relationship to the Comprehensive Plan and/or Ordinances and parts thereof.
3. In considering applications for the placement of essential services, as regulated in this Section, the Zoning Administrator shall consider the effects of the proposed project upon the health, safety and general welfare of the City, as existing and as anticipated; and the effect of the proposed project upon the Comprehensive Plan. In addition, the following specific performance standards shall be reviewed as they may apply to the application:
 - a. *Setbacks.* The proposed essential service shall meet required accessory setbacks for the respective zoning district.
 - b. *Parking.* If deemed necessary by the Zoning Administrator, the site must provide for required off-street parking in conformance with Section [515-4-12] of this Ordinance.
 - c. *Building Materials.* The essential service buildings must be constructed with exterior building facades that maintain a high standard of architectural and aesthetic compatibility with surrounding properties and in compliance with standards of this Ordinance.
 - d. *Screening and Landscaping.* Screening and landscaping from neighboring property shall be provided in accordance with Section [515-4-9 and 515-4-10] of this Ordinance.
 - e. *Site Access.* Direct lot access from major collector or arterial streets shall be discouraged and where possible, be provided access through shared access arrangement from an existing curb cut and driveway or a neighboring use. Direct lot access from a minor collector or local street may be allowed, provided the curb cut access complies with the standards outlined in Section [515-4-12] of this Ordinance.
 - f. Unless otherwise approved by Zoning Administrator, all equipment shall be completely enclosed in a permanent building with no outside storage.
4. If the Zoning Administrator denies issuance of the requested Administrative Permit, the applicant may appeal said decision to the Board of Zoning Appeals under the rules and procedures as set forth in Section [515-5-11] of this Ordinance.

D. Application.

1. All receiving or transmission facilities (i.e., facilities not required for local distributing network) and overhead transmission and substation lines in excess of 33 KV must obtain the appropriate permit as identified on the Appendix A: Table of Uses. The following requirements shall apply and accompany any permit application in addition to the permit requirements established in Section [515-5-2]:
 - a. Adherence to all applicable Federal Aviation Administration (FAA) and State performance standards.
 - b. The performance standards as specified in this Section are adhered to.

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- c. Any alteration of an existing use (i.e., building expansion, change/intensification in use, etc.) involving items not identified upon initial approved plans shall require the appropriate permit amendment.
2. Lots reserved specifically for essential services, whether of record, or newly subdivided, may be less than the specified dimensions of the applicable Zoning District under the following stipulations:
 - a. The lot is of sufficient dimensions to allow the setbacks from all property lines to be equal to height of the various structures on the parcel or the setback requirements of the district, whichever are greater. Lesser structure setbacks may be allowed by the City Council upon demonstration that the facility's design is such that the collapse of said structure will not endanger surrounding property. In no case shall the setbacks be reduced to less than that required by the individual districts.
 - b. Applications for subdivision of new lots under this provision are accompanied by the appropriate permit applications.
 - c. A restrictive covenant, removable by the City, is recorded against a parcel which prohibits any sale, transfer, or use other than for an essential service as defined in the City ordinances so long as the parcel is substandard in size, according to the applicable Zoning Districts.
 - d. In the event of abandonment of the essential service for any reason on the substandard lot, all equipment, structures, cables, buildings or any other improvements to the property shall be removed from said property within a period of three (3) months. At the end of three (3) months, if the above listed items have not been completely removed, the City may enter said property and remove any of the above listed items and improvements and charge said costs to the owner(s) of the property, and any such unpaid charge shall be a lien against the affected property, including any and all administrative, legal and other fees expended by the City in enforcing this provision.
 - e. Any alteration of an existing use (i.e., building expansion, change/intensification in use, etc.) involving items not identified upon approved initial plans shall require a permit amendment.

515-3-19 Home Businesses

- A. **Purpose and Intent.** The purpose of this Section is to provide specific standards for Home Businesses not meeting the criteria as established in Subsection [D]. The intent of the standards and regulations is to minimize potential adverse impacts to the surrounding neighborhood.
- B. **Application.** Subject to Section [515-5-10], Non-Conforming Lots, Buildings, Structures and Uses, and other applicable sections of this Ordinance, all occupations and businesses conducted in a home or in a residential accessory building shall comply with the provisions of this Section. This Section shall not be construed, however, to apply to home businesses and businesses related to farming operations.
- C. **Procedures.**
 1. Home Business – Permitted. Any Home Business meeting the criteria established in Subsection [D] shall be permitted, and is not subject to any special permits.
 2. Home Business – Administrative Permit. Any proposed Home Business not meeting the criteria established in Subsection [D] shall be required to obtain an Administrative Permit as shown on the Appendix A: Table of Uses.
- D. **Requirements-General Provisions.**
 1. Criteria for Permitted Home Businesses. The following criteria is established for permitted Home Businesses. All criteria must be met, or an Administrative Permit is required.
 - a. The occupation or profession must be lawful and conducted within the Principal Dwelling Unit.
 - i. Such uses include professional offices, minor repair services, photo or art studios, dressmaking, barbershops, beauty shops, or similar uses. Only articles made or services originating on the premises may be sold on the premises.

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- ii. The owner, if different than the Home Business operator, must provide written approval of the operations of the business.
 - b. Other than signs permitted in residential districts, evidence of the occupation shall not be visible from any public right-of-way. Evidence includes, but is not limited to, outdoor storage of materials, equipment or merchandise.
 - c. No traffic shall be generated by such Home Business in greater volume than would normally be expected to a residence in a residential neighborhood, and the driveway or alley access shall be designed accordingly. On-site parking area shall not exceed two (2) stalls and shall not be located in any required yard setback area. Any off-street parking area must be screened from any adjacent residential use.
 - d. No equipment, activity, or process shall be used in such Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of the lot; and such use must not endanger the health and safety of the occupants or neighborhood residents.
 - e. No accessory building shall be used for a Home Business.
 - f. Entrance to the Home Business shall be gained from within the principal building. Not more than twenty-five (25) percent of the gross floor area of the residence shall be used for this purpose.
 - g. A person having a Home Business shall provide proof of meeting the above requirements if complaints are received by the City Council.
2. Home Business not meeting any of the criteria established in (1).
- a. Any proposed Home Business not meeting the criteria established in 1., must obtain an Administrative Permit, which may include reasonable conditions to protect the health and safety of the surrounding neighborhood.
 - b. The proposed Home Business must be identified as a permitted home business type in item D.1.a.i.
 - c. The proposed Home Business must be accessory to the principal residential use, and the owner of the business must be an occupant of the subject property.
 - d. Any lawful occupation or profession engaged within a dwelling unit by the property owner and/or occupant which involves any of the following:
 - i. The storage of stock-in-trade incidental to the performance of the service.
 - ii. Repair or manufacturing which requires equipment other than that customarily found in a home.
 - iii. The employment on the premises at any one time, of not more than one (1) person who is a non-resident of the premises.
 - iv. The need for more than two (2) parking spaces, but not exceeding four (4) parking spaces, in addition to spaces required for the persons residing on the premises.
 - e. Only articles made or services provided on the premises may be sold on the premises.
 - f. An attached garage and/or an accessory building may be used.
 - g. The Home Business may not include over-the-counter sales of merchandise produced off the premises.
 - h. All such occupants shall obtain written approval of the property owner and provide evidence of such approval at the time of an application for an Administrative Permit.
 - i. The Administrative Permit may include conditions that require the expiration of the Permit upon the sale of the property, change in tenancy of the property, or an event or date as established by the Zoning Administrator.

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E. **Inspection.** The City hereby reserves the right upon issuing any Home Business Administrative Permit to inspect during reasonable hours, without notice, the premises in which the occupation is being conducted to ensure compliance with the provisions of this Section and any conditions additionally imposed.

F. **Revocations.**

1. Any Home Business Administrative Permit shall remain in effect until:
 - a. Such time as the business is not in compliance with any portion of this Ordinance, or any applicable State or Federal regulation.
 - b. Such time that there is a violation of the terms and conditions of the permit approval.
 - c. Such time as there is a change in the conditions of operation of the business as it was originally approved; including any changes in the nature of the business, any substantial change in the extent of business, any expansion of business facilities, or any other circumstances related to the business which have the potential to significantly effect surrounding properties, or which may pose a threat to the health, welfare or safety of the general public.
 - d. Such time as the license or permit expires.
2. At such time that the City has cause to believe that any of the events listed in a.-d. above have taken place, the City shall immediately notify the permit holder and owner, if different than the operator, of the allegations of violation and the necessary corrections required to bring the Administrative Permit into compliance.

515-3-20 Hospitality Business – Hotels, Motels, Conference Centers

- A. Any hotel, motel, conference/convention/reception facility must comply with the following minimum standards:
1. The hospitality business shall maintain daily written records reflecting the renting, letting, or other provisions of any of its rooms including check in and check out dates of each person over 18 years of age that rents, lets or is otherwise provided a room or occupies a room on an overnight basis. Such records shall be made available to the City of Brainerd upon request.
- B. Any extended stay hotels and motels must comply with the following requirements:
1. The City of Brainerd will be notified prior to becoming an extended stay facility.
 2. Stays are limited to 90 consecutive days.
 3. All guest rooms which have facilities for both storage and food preparation less than 300 square feet of floor area are limited to a maximum of two (2) persons per room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowed per each 75 square feet of floor area up to a maximum of four (4) persons.
 4. Kitchen facilities including a stove and oven are provided.

515-3-21 Mini Self-storage

- A. Any mini self-storage business must comply with the following minimum standards:
1. A minimum of 25 percent of the site must be open green space and landscaped in accordance with a plan approved by the City Council.
 2. No buildings shall be located closer than 25 feet to each other to allow for parking, loading, driveway, and fire lanes.
 3. No single building shall be greater than 150 feet in length.
 4. All structures are to be within 200 feet of a fire hydrant.

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5. All driveways and parking areas are to be hard (blacktop or concrete) surfaced and adequate turning radius for fire truck maneuverability is to be maintained throughout the site. Designated snow storage space is to be provided to ensure adequate and safe access during winter months.
6. Any structures having exposure to an abutting residential use, Residential Zoning District or public right-of-way, park, or similar public use areas shall be of vinyl, brick, natural stone, wood, or stucco facing material.
7. No retailing, wholesaling, manufacturing, repair, or other such activity other than storage is to occur within the self-storage, mini warehousing facility.

515-3-22 Mining and Extraction

A. **Purpose and Intent.** The purpose of this Section is to control mining, extraction, gravel and land reclamation operations so as to minimize conflicts with adjacent land uses and to ensure that the mining area is restored at the completion of the mining operation. Any lot or parcels upon which four hundred (400) cubic yards or more of material is moved or deposited shall require an Interim Use Permit as regulated by Section [515-5-3] of this Ordinance.

B. **Administration.**

1. Permit Review. The appropriate permit as identified on the Appendix A: Table of Uses must be obtained. The City Council may also require a Performance Bond or some other form of financial guarantee from the landowner to ensure that the conditions in this Section are met.
2. The following operations shall be covered by this Section.
 - a. The removal, crushing, washing, refining, borrowing, or processing of material. In stone quarries the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or stockpiling of such products on the site.
 - b. The manufacture of concrete building blocks or other similar blocks, if conducted on the site, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the mining operations.
3. Renewal of Mining Permits. As a part of the Interim Use Permit, renewal dates for the mining operation may be included if agreed upon by the applicant and the City in order to monitor the progress of the mining operation. All property owners and residents within 350 feet of the mining operation shall be notified of a proposed Mining Permit renewal request.

C. **Information Requirement.** The person or agency requesting the permit shall provide the following information in addition to the information required for a Conditional Use Permit as regulated by Section [515-5-2] of this Ordinance:

1. Name and address of person or agency requesting the Mining Permit.
2. The exact legal property description and acreage of area to be mined.
3. The following surveys of the entire site and including all areas within 350 feet of the site. All surveys shall be drawn at a scale of one (1) inch to 100 feet unless otherwise stated below:
 - a. *Survey A - Existing conditions to include:*
 - i. Contour map (two (2) foot intervals).
 - ii. Existing vegetation.
 - iii. Existing drainage and permanent water areas.
 - iv. Existing structures and existing wells.
 - b. *Survey B - Proposed operations to include:*
 - i. Structures to be erected.

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- ii. Location of sites to be mined showing depth of proposed excavation.
- iii. Location of tailings deposits showing maximum height of deposits.
- iv. Location of stationary machinery to be used in the mining operation.
- v. Location of storage of mined materials, showing maximum height of storage deposits.
- vi. Location of vehicle parking, access roads and local routes to truck routes.
- vii. Location of storage of explosives erosion and sediment control structures.
- c. *Survey C - End use plan to include:*
 - i. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.
 - ii. Location and species of vegetation to be replanted reclamation staging plan.
 - iii. Demonstration of future street access as provided for by the Comprehensive Plan.
 - iv. Demonstration of future utility access and extension locations.
 - v. Description of future land use plan consistent with the Comprehensive Plan and site's ability to accommodate such future uses.
- 4. A soil erosion and sediment control plan.
- 5. A plan for dust and noise control.
- 6. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation, location and approximate acreage of each stage, and time schedule for reclamation.
- 7. Any other information requested by the Planning Commission or City Council.

D. Performance Standards. For such operations approved after the date of adoption of this Ordinance:

- 1. General Provisions. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to minimize seeding on adjacent property. All equipment used for mining and extraction operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises, dust and vibrations adversely affecting the surrounding property.
- 2. Water Resources. The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside of the boundaries of the mining operation.
- 3. Safety Fencing. Safety fencing may be required around all or portions of the mining operation at the discretion of the City Council.
- 4. Mining Access Roads. The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety as determined by the City.
- 5. Screening Barrier. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties. A screening barrier may also be required between the mining site and any public road located within five hundred (500) feet of any mining or processing operations. The screening barrier shall be planted with a species of fast growing trees.
- 6. Setback. Processing of minerals shall not be conducted closer than one hundred (100) feet to the property line nor closer than one hundred (100) feet to any residential, commercial or industrial structures. Mining operations shall not be conducted closer than thirty (30) feet to the boundary of any zoning district where such operations are not permitted. Mining operations shall not be conducted closer than thirty (30) feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be

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conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.

7. Appearance. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dilapidated.
8. Hours of Operation. All mining operations shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. The City Council may allow operations at other hours if it can be demonstrated that the additional hours are necessary and are not detrimental to surrounding properties.
9. Access Roads. All access roads from mining operations to public highways, roads or streets or to adjoining property shall be paved or surfaced to minimize dust considerations.
10. Lighting. All exterior lighting shall be consistent with the requirements as outlined in Section [515-4-8] of this Ordinance.

E. **Land Reclamation.** All mining sites shall be reclaimed immediately after mining operations cease. Reclamation shall be complete within one (1) year, unless otherwise approved by the City Council. The following standards shall apply:

1. Within a period of three (3) months after the final termination of a mining operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of an Interim Mining Permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator. A temporary deferment may be granted by the City Council for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Such deferment may apply for only one (1) year, after which said buildings, structures, machinery and plants shall be removed.
2. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall. No finished slope shall exceed eighteen (18) percent in grade.
3. Reclamation shall begin after the mining of twenty-five (25) percent of the total area to be mined or four (4) acres whichever is less. Once these areas have been depleted of the mine deposit they shall be sloped and seeded as per the preliminary mining plan.
4. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be seeded, sodded, or planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosion.
5. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site and shall be consistent with the end use plan.

515-3-23 Model Homes

A. **Purpose and Intent.** The purpose of this Section is to permit the construction of a Model Home for purpose of marketing a new development in the City. A Model Home is permitted with the following conditions:

1. A Model Home may only be constructed after the final approval of a subdivision or Planned Unit Development.
2. The final Development Agreement must address and include any special conditions for any Model Home used for the promotion of the development.

515-3-24 Motor Vehicle Fuel Sales

A. Any business with Motor Vehicle Fuel Sales, whether principal or accessory, must comply with the following minimum standards:

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1. Installation must comply with State and City standards. Adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
2. A minimum lot area of 40,000 square feet and minimum lot frontage of 100 feet is required.
3. Architectural standards must comply with the applicable standards for commercial design construction.
4. A protective canopy structure may be located over the pump island(s) as an accessory structure. The canopy shall meet the following performance standards:
 - a. The edge of the canopy shall be 20 feet or more from the front and/or side lot line, provided that adequate traffic visibility both on-site and off-site is maintained.
 - b. The canopy shall not exceed 18 feet in height and must provide 14 feet of clearance to accommodate a semi-trailer truck passing underneath.
 - c. The canopy fascia shall not exceed three (3) feet in vertical height.
 - d. Canopy lighting shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the bottom face of the canopy. Total canopy illumination may not exceed 115 foot candles below the canopy at ground level. The fascia of the canopy shall not be illuminated.
 - e. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.
5. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that:
 - a. The canopy signs do not exceed more than 20 percent of the canopy façade facing a public right-of-way.
 - b. The canopy fascia shall not be illuminated except for permitted canopy signage.
 - c. Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.
6. Pump islands must comply with the following performance standards:
 - a. Pump islands must be elevated six (6) inches above the traveled surface of the site.
 - b. All pump islands must be set at least 30 feet back from any property line. Additionally, the setback between the pump islands curb face must be at least 24 feet.
7. Circulation and Loading. The site design must accommodate adequate turning radius and vertical clearance for a semi-trailer truck. Designated loading areas must be exclusive of off-street parking stalls and drive aisles. A site plan must be provided to illustrate adequate turning radius, using appropriate engineering templates.
8. Pedestrian Traffic. An internal site pedestrian circulation system shall be defined and appropriate provisions made to protect such areas from encroachments by parked cars or moving vehicles. In front of the principal structure, the pedestrian sidewalk must be a minimum of five (5) feet wide and clear of any obstacle or impediment. The pedestrian sidewalk may be reduced to a minimum of three (3) feet wide and clear of any obstacle or impediment when segregated from parking or drive aisles by a physical barrier that prevents vehicles from overhanging the pedestrian sidewalk.
9. Noise. Play of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated in the Brainerd City Code.

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515-3-25 Nursing Homes

- A. Nursing homes and similar group housing, not including hospitals, must comply with the following minimum standards:
1. Side yards must double the minimum requirements established in the Base Zoning District.
 2. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic that will be generated from the site.
 3. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.

515-3-26 Outdoor Dining

- A. Any outdoor dining facilities accessory to a restaurant must comply with the following minimum standards:
1. The applicant must submit a Sketch Plan and any other information that clearly demonstrates the location and type of all tables, refuse receptacles, and wait stations.
 2. Access to the outdoor dining area must be provided only through the principal building.
 3. The dining area must be screened from view from abutting Residential Zoning Districts.
 4. All lighting be hooded and downcast away from adjacent residential uses.
 5. The applicant must demonstrate that pedestrian circulation is not disrupted as a result of the outdoor dining area by providing the following:
 - a. Outdoor dining area shall be segregated from through pedestrian circulation by means of temporary fencing, bollards, ropes, plantings, or other methods, and shall be subject to review and approval by the City Council.
 - b. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
 - c. Overstory canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
 6. The dining area is surfaced with concrete, bituminous or decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.
 7. A minimum width of 36 inches shall be provided within aisles of the outdoor dining area.
 8. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be defined as Outdoor Storage between April 1 and October 31st. Any immovable or permanently fixed or attached furniture must be approved as part of the Administrative Permit.
 9. Additional off-street parking may be required pursuant to the requirements set forth in Section [515-4-12] based on the additional seating area provided by the outdoor dining area.
 10. Refuse containers are provided for self-service outdoor dining areas. Such containers shall be placed in a manner which does not disrupt pedestrian circulation, and shall be designed to prevent spillage and blowing litter.
- B. The following additional minimum standards are established for any non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar:
1. To deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a barrier at a minimum of thirty-six (36) inches made of wood, vinyl, wrought iron, brick or natural stone, planter or other approved material shall be provided.

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2. Barrier openings shall be spaced such that visibility is allowed but the passage of an alcoholic beverage through an opening to a person that is not within the non-enclosed area is prohibited.
3. The primary access and egress will be from the main premises or structure and no other access or egress will be allowed other than those required as emergency exits. The outdoor sale area will be defined or structurally constructed so as to prohibit the free passage of any person or substance beyond said area.
4. Smoking in the area, if allowed by the business owner, is permitted provided the area is in compliance with the Minnesota Freedom to Breathe Act of 2007.
5. The Building Official shall review the suitability of the area in light of the applicable fire, building, and life safety codes and the adequacy of the proposal to provide for the safety of persons on the premises.
6. There shall be no amplified live music allowed in the area except in the case of Special Event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.
7. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.

515-3-27 Outdoor Service, Sale and Rental

- A. Any outdoor services, sale and rental use must comply with the following minimum standards:
1. Outside services, sales and equipment rental connected with the principal use is limited to fifty (50) percent of the gross floor area of the principal use.
 2. Outside sales areas are fenced and screened from view of neighboring properties and any public rights-of-way.
 3. All lighting shall be hooded and downcast so that the light source shall not be visible from the public right-of-way or neighboring properties.
 4. Any dedicated sales area shall be hard surfaced to control dust and drainage.
 5. Additional standards in Town Center (TC) and Main Street (MS) Zoning Districts.
 - a. Outside services, sales, and equipment rental accessory to the principal use and limited in area to fifteen (15) percent of the gross floor area of the principal building or fifteen (15) percent of the tenant bay if it is a multiple tenant building. Outside service, sales and rental area must be located on private property and shall not intrude on the public sidewalk or boulevard.

515-3-28 Outdoor Storage

- A. **Purpose and Intent.** This Section is intended to provide regulations for outdoor storage on properties in the City. The purpose of the regulations is to ensure that any outdoor storage is not a hazard to the public health and safety, does not impair scenic views, or constitute a nuisance.
- B. **General Provisions.**
1. The City Council may order the owner of any property to cease or modify outdoor storage uses, including existing uses, provided it is found that the use constitutes a public nuisance, as described in the Brainerd City Code.
 2. Outdoor Storage is as regulated by the Appendix A: Table of Uses. Outdoor storage is not permitted in any Residential Zoning District.
 - a. In all Residential Zoning Districts, all materials, equipment and personal property shall be stored within a building or be fully screened so as not to be visible from abutting properties or right-of-way, except for the following:
 - i. Clothes lines.
 - ii. Recreational equipment (does not include recreational vehicles).

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- iii. Construction and landscaping materials or equipment currently being used on the premises (within a period of one (1) year).
- iv. Agricultural equipment and materials currently being used on the premises (within a period of one (1) year).
- v. Rear or side yard storage of firewood for the purpose of consumption only by the person or persons residing on the premises.
- vi. Off-street parking of licensed and operable passenger automobiles and pick-up trucks (does not include racing cars or stock cars) may be stored in the front yard on a designated driveway or parking area.
- vii. One (1) licensed fish house may be stored in the rear yard provided it meets the accessory building setbacks identified in the Base Zoning District. Fish houses used as storage buildings shall be treated as an accessory building and count against the number and floor area limits for the lot.

C. Non-Residential Zoning Districts.

- 1. All exterior storage shall be fully screened so as not to be visible from abutting properties and rights-of-way. All outdoor storage shall follow the standards as established Section 515-4-10.G. for screening of Parking Lots.
- 2. Screening shall be required except for the following:
 - a. Merchandise being displayed for sale in accordance with zoning district requirements.
 - b. Materials and equipment currently being used for landscaping or construction on the premises (within a period of one (1) year).
- 3. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
- 4. The storage area is fenced and secured.
- 5. The storage area is paved or surfaced to control dust and erosion.
- 6. All parking, loading and truck staging activities shall occur on site. On-street parking and loading associated with the use is prohibited.
- 7. Noises emanating from the use are in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations MPC 7030.
- 8. Outdoor storage accessory to a principal use is permitted with the following additional minimum standards:
 - a. The storage area is landscaped and screened from view of neighboring uses, residential zoning districts, and public rights-of-way per Section 20 of this Ordinance.
 - b. Storage area is fenced in a manner approved by the City.
 - c. Storage area is paved or surfaced to control dust and erosion.
- 9. All lighting shall be in compliance with Section 18 of this Ordinance.
 - a. The storage area does not take up parking space or loading space as required for conformity to this Ordinance and not in front yards.
 - b. The storage area shall not abut property zoned for residential, rural, or business use, including land in a neighboring township or city. "Abutting" includes across a street. "Abutting" does not include properties that touch only corner to corner.
 - c. The storage area shall not abut a school or a public park.
 - d. The ratio of storage area to building footprint shall not exceed three and one-half to one (3.5:1).

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- e. Storage shall not include material considered hazardous under Federal or State Environmental Law.

515-3-29 Outdoor Woodburning Furnaces, Placement and Operation

- A. The placement of any outdoor woodburning furnace must comply with the following minimum standards:
 - 1. Outdoor wood burning furnaces shall be located at 25 feet from all property lines.
 - 2. The outdoor wood burning furnace shall be located on a property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance for combustible materials.
 - 3. The outdoor wood burning furnace shall be located at least 100 feet from any building that is not served by an outdoor wood burning furnace.
 - 4. The chimney height of any new outdoor wood burning furnace shall extend at least two (2) feet above the peak of any building not served by an outdoor wood burning furnace within 300 feet.

515-3-30 Parking Lots

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

515-3-31 Recreational Vehicle Storage and other Temporary Vehicles

- A. Recreational vehicles may not be used for the storage of items in conjunction with a residential, business, commercial or industrial enterprise.
 - 1. Recreational vehicles may not be used as a residence, accessory dwelling unit, office or business on any residential lot.
- B. Temporary trailers and facilities generated by public service agencies (bookmobiles, bloodmobile, construction trailers, etc.) are a permitted use by Administrative Permit, provided that:
 - 1. The facilities are located in a manner that does not interfere with existing traffic patterns.
 - 2. The proposed temporary use is compatible with existing surrounding land uses.
 - 3. The request has a specific term for placement and removal, subject to approval by the Zoning Administrator.
- C. Temporary real estate sale/rental trailers or offices may be allowed by Interim Use Permit, provided that:
 - 1. The temporary trailer/office is located on the site of an approved project or subdivision.
 - 2. The temporary trailer/office meets all required setbacks of the underlying zoning district.
 - 3. The temporary trailer/office provides adequate parking in accordance with Section [515-4-12] of this Ordinance.
 - 4. The site is landscaped in a manner that enhances the trailer/office subject to the approval of the Zoning Administrator.

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5. The applicant shall provide a schedule for the removal of the trailer and reclamation of the site consistent with the approved Sketch Plan or subdivision.

D. Recreational Vehicle Storage. Recreational vehicles, as defined by Section [515-6-2] of this Ordinance, may be parked or stored on residential properties provided that:

1. The vehicles are property of the person or persons residing on the premises.
2. The vehicles are licensed and operable.
3. The vehicles are stored no closer than five (5) feet from side or rear lot lines.
4. Vehicles located in the front yard are parked on designated driveways or parking areas surfaced in compliance with Section [515-4-12] of this Ordinance.
5. Vehicles located in the front yard or side yard abutting a street shall not encroach on any public right-of-way, sidewalk or trail.
6. In any yard, vehicles may not be placed within ten (10) feet of the living quarters of the principal building on the adjacent lot.
7. A camper or recreational vehicle brought by a visitor may be parked or occupied for a period not to exceed thirty (30) days while visiting the resident of the property.

E. Storage on Vacant Lots. In all residential and commercial zoning districts, a vacant noncontiguous lot or parcel shall not be used for storage or parking

515-3-32 Refuse/Garbage Collection, Recycling and Incineration

A. Any refuse/garbage collection, recycling or incineration uses must comply with the following minimum standards:

1. The storage of refuse or garbage in any front yard is prohibited.
2. Vehicle parking and storage areas are screened from view of neighboring uses, abutting Residential Zoning Districts and public rights-of-way.
3. Vehicle parking/storage areas shall be hard surfaced with a bituminous material with curb and gutter to control dust and shall be screened from view of neighboring uses and public rights-of-way.
4. The site shall be maintained free of litter and any other undesirable materials and will be cleaned of loose debris on a daily basis.
5. All in bound and out bound trucks and equipment, excluding employees' personal vehicles, shall be restricted to designated routes established by the City, except for times when providing collection service to customers within the City limits.
6. The hours of operation shall be limited as necessary to minimize the effects of nuisance factors such as traffic, noise, and glare upon any existing neighboring residential uses, or residential zoning districts.
7. Provisions are made to control and minimize noise, air and water pollution.

515-3-33 Senior Housing

A. Any Senior Housing building or use must comply with the following minimum standards:

1. Not more than twenty (20) percent of the occupants may be persons 55 years of age or younger.
2. To continue to qualify for the senior housing classification, the owner or agency shall annually file with the City Clerk and/or the Zoning Administrator a certified copy of a monthly resume of occupants, listing the number of tenants by age and clearly identifying all occupants age fifty-five (55) or under.

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3. Parking areas shall be screened and landscaped from view of surrounding and abutting Residential Zoning Districts.
4. Elevator service must be provided to each floor of the building.
5. A minimum of 20 percent of the gross lot area must be dedicated as usable open space.

515-3-34 Short-Term Rentals

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

1. The maximum rental period shall not be more than 28 consecutive nights.
2. The permit holder (owner) of a short-term rental must apply for and receive an Interim Use Permit.
3. The application for an Interim Use Permit shall include:
 - a. The number of bedrooms with dimensions and all other sleeping accommodations.
 - b. The number of off-street parking spaces available to guests.
 - c. All accessory structures and outdoor recreational features available for guest use.
 - d. A pet, garbage, noise, and parking policy.
 - e. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.
4. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:
 - a. **Contact Information.** The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will be accessible to the public at all times on the City of Brainerd website.
 - b. **Occupancy.** The maximum number of guests allowed on the property.
 - c. **Vehicles.** The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles shall not be parked in any right-of-way or utility easement. No vehicle or trailer shall be parked on a street for a period of time in excess of forty-eight (48) continuous hours.
 - d. **Garbage.** Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in fly tight containers sufficient to receive all garbage which may accumulate between times of collection.
 - e. **Noise.** No person shall, between the hours of 10:00 P.M. and 7:00 A.M. congregate at, or participate in the any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person.
 - f. **Pets.** No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd. It shall be unlawful for any person to allow a dog or cat to run at large and to keep or harbor a dog that habitually barks, yelps, howls, cries, or whimpers so as to unreasonably disturb the peace and quiet of any person in the vicinity. The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.
5. The occupancy of a short-term rental shall be limited to not more than 3 people per bedroom or the occupancy set by the Building Official, whichever is less.

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6. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the building department, whichever is stricter.
7. The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).
8. Additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is not permitted.
9. The permit holder shall keep a report, detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.
10. A short-term rental shall be a licensed rental unit by the city and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshall.
11. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
12. A permit holder must post their rental license permit number on all print, poster or web advertisements.
13. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.

515-3-35 Signs

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

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

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2. The purpose and intent of this Ordinance is to:
 - a. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the City in order to promote the public health, safety, and welfare.
 - b. Maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.
 - c. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
 - d. Provide for fair and consistent enforcement of the sign regulations set for herein under the zoning authority of the City.
- B. **Effect.** A sign may be erected, mounted, displayed, or maintained in the City if it is in conformance with the provisions of this Ordinance. The effect of this Ordinance, as more specifically set for herein, is to:
 1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this Sign Ordinance.
 2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this Sign Ordinance.
 3. Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment and where the communication can be accomplished by means of having a lesser impact on the environment and the public health, safety, and welfare.
 4. Provide for the enforcement of the provisions of this Sign Ordinance.
- C. **Severability.** If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this sign Ordinance. The City Council hereby declares that it would have adopted the sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.
- D. **Permit Required.** No sign shall be erected, altered, improved, reconstructed, maintained, or moved in the City without first securing a Sign Permit from the City:
 1. The content of the message or speech displayed on the building and/or sign shall not be reviewed or considered in determining whether to approve or deny a Sign Permit.
 2. Application for an Administrative Permit shall be filed by the property owner or designated agent with the City on forms to be provided by the City.
 3. Application for a Permit shall contain the following information unless waived by the City:
 - a. Names and addresses of the applicant owners of the sign and lot.
 - b. Address at which any signs are to be erected.
 - c. Lot, block, and addition at which the signs are to be erected and the street on which they are to front.
 - d. Type and size of sign (e.g., wall sign, pylon sign, monument sign).
 - e. A Sketch Plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs, and any other physical features.
 - f. Inventory of existing on-site signage (size, height, location).
 - g. Plans, location and specifications and method of construction and attachment to the buildings or placement method of the ground.
 - h. Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and Ordinances of the City.

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- i. Written consent of the owner or lessee of any site on which the sign is to be erected.
 - j. Any Electrical Permit and/or Building Permit required and issued for the sign.
 - k. A detailed description of any electronic or electrical components that are proposed to be added to the sign.
 - l. Other information to demonstrate compliance with this and all other Ordinances of the City.
4. The Sign Permit application shall be accompanied by a fee. Fees for the review and processing of Sign Permit applications shall be imposed in accordance with the fee schedule established by City Ordinance.
 5. The City shall notify the applicant, in writing, of an incomplete application within fifteen (15) days of the date of submission.
 6. The City shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, Ordinances and applicable performance standards set forth in this Ordinance within sixty (60) days of submission of a complete application pursuant to MN State Statutes Section 15.99. If the work that is authorized under a permit has not been completed within sixty (60) days after the date of issuance, the permit shall be null and void.
 7. All signs, including electric wiring, supporting structure, guy wires or chains, shall be properly maintained and kept in safe condition. A sign or sign structure which is deteriorated, unsafe, defaced or otherwise altered shall be repaired, repainted, or replaced by the permit holder or property owner on which the sign is located.

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

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

F. Prohibited Signs. The following signs are prohibited:

1. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signs, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

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2. All signs over three hundred (300) square feet in area.
3. All off-premises signs greater than six (6) square feet in area.
4. Changeable copy signs, except as specifically allowed by Subsection [J].
5. Content classified as "obscene" as defined by Minnesota State Statutes Section [617.241].
6. Flashing or rotating signs.
7. Signs painted, attached or in any other manner affixed to trees or similar natural surfaces, or attached to utility poles, bridges, towers, or similar public structures.

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

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

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

I. General Regulations.

1. All freestanding and monument signs shall be set back three (3) feet from any property line and outside of the site visibility triangle. No portion of the sign shall extend into the public right-of-way or an easement.
2. Wall signs may extend no more than 24 inches from the building façade and may encroach into the public right-of-way where there is a zero building setback.
3. The installation of electrical signs shall be subject to the State Electrical Code. Electrical service to a freestanding sign shall be underground.
4. No sign shall be attached or be allowed to hang from any building until all necessary wall attachments have been approved by the City Building Official.
5. No signs, guys, stays or attachments shall be erected, placed, or maintained on trees nor interfere with any electric light, power, telephone or telegraph wires or the supports thereof.
6. Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver and may not interfere with or obscure traffic signs or signals. Lighting may not illuminate any adjacent properties, buildings, or streets.
7. Portable signs which are designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed are permitted within GC, CC, ME and GI Zoning Districts subject to the following:

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- a. A Sign Permit is issued for the sign that shall require a non-refundable fee as set by Ordinance, together with a bond or cash deposit is issued for the sign.
 - b. In the event the sign is not removed within two (2) business days of the permit expiration date, the bond or cash deposit shall be forfeited as a penalty.
 - c. Permits shall be for periods not to exceed 60 consecutive days of each 90 calendar day period for one premises, or a total of 120 days in a calendar year.
 - d. One (1) temporary sign is allowed on the premises at one time.
 - e. Temporary signs permitted by Subsection [D] of this Ordinance shall be exempt from the requirements of this Section.
8. No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
 9. A freestanding sign or sign structure constructed so that the faces are not back-to-back, shall not have an angle separating the faces exceeding twenty degrees (20°) unless the total area of both sides added together does not exceed the maximum allowable sign area for that District.
 10. The area within the frame of a sign shall be used to calculate the square footage except that the width of a frame exceeding twelve (12) inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six (6) inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.
 11. The top of a wall sign, including its superstructure, if any, shall be no higher than the top of the roof of the building to which such sign may be attached.
 12. Projecting signs may be allowed in commercial districts provided that:
 - a. There is a minimum of eight (8) feet of clearance under the base of the sign to the ground below.
 - b. The sign does not project more than five (5) feet beyond the wall to which it is mounted, may not project over any vehicular drive aisle or traveled portion of a public or private street and may not project over a public right-of-way except within the TC and MS Zoning Districts.
 - c. The area of the projecting sign is not more than fifty (50) percent of the maximum area allowed for an individual wall sign in the respective zoning district in Subsection [J.9 and J.10] of this Subsection.
 13. Roof signs shall be allowed in commercial and industrial districts provided that:
 - a. The height of the sign shall not exceed the height of the roof.
 - b. The sign design shall be consistent with the building character and integrated into the building architecture.
 14. Signs are not allowed to encroach into or over MnDOT right-of-way.
- J. District Regulations.** In addition to the signs allowed by this Subsection, the following signs shall be allowed within the specific Base Zoning Districts:
1. Non-residential uses within the RL, GL, CN and TN Base Zoning Districts.
 - a. Except for the uses specified in Appendix A: Table of Uses, one (1) sign shall be allowed per parcel provided that:
 - i. The total area of the sign shall not exceed thirty-two (32) square feet.

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

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7. A dimmer switch shall be installed which limits illumination brilliance of the sign during nighttime hours to no more than five hundred (500) lumens. Nighttime hours shall be considered to be from dusk to dawn.
8. Minimum height of the sign shall be eight (8) feet as measured from grade to the bottom of the sign.
 - a. Temporary signage is subject to the provisions of Subsection [D and I] of this Ordinance.
9. Within the TN-2 District the following additional regulations shall apply:
 - a. All residential use regulations in accordance with Appendix A: Table of Uses.
 - i. Each parcel shall be allowed one (1) wall sign up to two (2) square feet in area and one (1) freestanding sign up to 12 square feet in area.
 - ii. The height of a freestanding sign shall not exceed six (6) feet.
10. Within the [CC, GC, MS, TC, ME, GI] Districts the following additional regulations shall apply:
 - a. The total area of building signs displayed on a parcel shall not exceed 15 percent of the building façade on which the sign is to be located fronting not more than two (2) public streets.
 - b. A 100 square foot sign up to 25 feet tall is permitted for a parcel with street frontage of 100 feet or less.
 - i. In CC and GC Zoning Districts, one (1) square foot of sign area may be added to the permitted 100 square foot sign area for each one (1) foot of street frontage over 100 feet. A sign up to 300 square feet is permitted.
 - ii. Parcels in CC and GC Zoning Districts with more than 300 feet of street frontage may have one (1) additional sign for each additional 300 feet of street frontage. Signs shall be located at least 300 feet apart.
 - c. Sign area for parcels permitted more than one (1) sign is equal to the total feet of street frontage. If more than one (1) sign is used, the total sign area allowed shall be distributed between permitted signs.
 - d. Each sign shall be 300 feet apart and each sign may not exceed 300 square feet in area.
 - e. Signs shall be located on the street frontage for which its sign area is determined.
11. Wall, Canopy and Marquee Signs. Wall, canopy, or marquee signs may occupy up to fifteen (15) percent of a building façade fronting a public street or alley. Up to an additional 16 square feet may be used for awning signs.
12. Awning or Canopy Signs. Letters may be painted or otherwise affixed to any permissible awning or canopy as follows:
 - a. One sign per canopy fascia fronting onto a public street.
 - b. Be within the physical dimensions of the awnings or canopy fascia.
13. Accessory signs to gas sales in conjunction with automobile service stations or convenience stores are permitted provided that:
 - a. *Gasoline and Price Sign.* One (1) sign (single or double faced) per frontage on a public street, suitable for apprising persons of the total sign price per gallon. The area of such price sign shall not exceed 16 square feet on either side. Each such sign shall be affixed to the standard of a ground sign or light fixture and shall state the total price. No sign posting an incomplete price or less than the total sales price is permitted.
 - b. Signs denoting operating instructions associated with self-service gas facilities including gas pump, air supply and car washes are exempt from the maximum sign area standards of this Subsection.
14. Changeable Copy Signage.
 - a. The changeable copy sign may be a wall, freestanding, or monument sign. The changeable copy sign area shall be counted as part of the total sign area allowed within a respective Zoning District.

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- b. No more than one (1) changeable copy sign per parcel.
 - c. A dimmer switch shall be installed which limits illumination brilliance of the sign during nighttime hours to no more than five hundred (500) lumens. Nighttime hours shall be considered to be from dusk to dawn.
 - d. Minimum height of the sign shall be eight (8) feet as measured from grade to the bottom of the sign.
15. In addition to the freestanding sign allowed by this Subsection, convenience food uses with drive through facilities may display additional signs, provided that:
- a. Not more than one (1) sign is allowed.
 - b. The sign shall be single sided with an area not to exceed fifty (50) square feet.
 - c. The height of the sign shall not exceed six (6) feet including its base or pole measured from grade to the top of the structure.
 - d. The sign shall not encroach into any principal building setback and shall be located directly adjacent to the drive through aisle and oriented in such a manner so that the sign provides information to the drive through patrons only and does not impair site visibility or obstruct circulation.
16. Multiple Occupancy Commercial and Industrial Buildings including Business/Commercial Centers:
- a. Except as provided for in this Subsection, individual tenants of a multiple occupancy building within a commercial or industrial zoning district may display separate wall, canopy or marquee signs when a tenant's business has an exclusive exterior entrance subject to the following requirements:
 - i. The number of wall signs shall be limited to one (1) per tenant space, except one (1) sign per exterior wall may be displayed for the tenant of a corner suite or a suite that extends through a building this having two (2) exterior walls facing a public right-of-way.
 - ii. The total area of all wall signs shall not exceed fifteen (15) percent of the tenant bay.
 - iii. Signs shall be located on the exterior wall of the tenant space to which the Sign Permit is issued but are not required to face a public street.
 - b. In addition to wall and free-standing signs, canopy and marquee signs are allowed provided that:
 - i. Occupy up to an additional sixteen (16) square feet on a building façade fronting a public street or alley.
 - ii. Letters are painted or otherwise affixed to any permissible awning or canopy as follows:
 - a. One (1) sign per canopy fascia fronting onto a street.
 - b. Be within the physical dimensions of the awnings or canopy fascia.
 - c. Business/Commercial Centers may erect one (1) free standing sign per street frontage, not to exceed two (2) freestanding signs per site (single or double faced).
 - d. Changeable copy signs are allowed in accordance with this Subsection.

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

515-3-36 Specialty Food Shop

- A. Specialty Food Shops with, or without, a drive-up window and/or with or without outdoor seating must comply with the following minimum standards:
- 1. Coffee beans cannot be roasted on site.
 - 2. Adequate screening from abutting residential uses and landscaping must be provided.

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3. Adequate off-street parking and access must be provided on the site to serve the business. Off-street parking may be provided on lots directly abutting or directly across a public street or alley to the principal use. Off-street parking must be adequately screened and landscaped from surrounding and abutting residential uses.
4. Adequate off-street loading and service entrances must be provided.

515-3-37 Storage, Utilization or Manufacture of Materials that Could Decompose by Detonation

- A. Any storage, utilization of manufacturing of materials that could decompose by detonation must comply with the following minimum standards:
1. The use must demonstrate compliance with all applicable Minnesota Pollution Control Agency Requirements are satisfactorily met.
 2. Storage areas must be landscaped, fenced and screened from the view of neighboring uses, abutting Residential Zoning Districts and public rights-of-way.
 3. Vehicular access points shall create minimum conflict with through traffic movement and shall be subject to approval of the City Engineer.
 4. Provisions must be made to control and minimize noise, air and water pollution.

515-3-38 Temporary/Seasonal Outdoor Sales and Promotional Events

- A. Any temporary/seasonal outdoor sales and/or promotional events must comply with the following minimum standards:
1. Such activity must be targeted toward the general public which may include, but is not limited to, grand openings, warehouse sales, sidewalk sales, inventory reduction and liquidation sales, and seasonal merchandise sales.
 2. The maximum term of the event may not exceed 14 consecutive days, with a maximum of four (4) permits per calendar year for each use. Consecutive permits may be issued.
 3. No portion of the use shall take place within any public right-of-way.
 4. Parking and display areas associated with the use shall not distract or interfere with existing business operations or traffic circulation patterns.
 5. Display areas and parking spaces shall use those parking lot spaces that are in excess of the minimum required parking for the primary use of that property.
 6. The site shall be kept in a neat and orderly manner and display of items shall be as compact as possible so as to not interfere with existing business, parking or driveway operations.
 7. Sales products, trailers, temporary stands, etc. shall be located on an asphalt or concrete surface.
 8. Temporary outdoor seasonal sales uses may have one (1) on-site temporary sign not to exceed 24 square feet in area and not more than six (6) feet in height.
 9. A daily cleanup program must be reviewed and approved as part of the Permit process.

515-3-39 Transient Food Unit

- A. **Established Boundaries and Permitted Hours of Operation.** Transient Food Units are permitted to operate on any Non-Residential Zoning District as identified on Appendix A Table of Uses . Transient Food units are also permitted to operate on property owned by Central Lakes College, the Franklin Arts Center, and Independent School District 181 regardless of Base Zoning District.
1. Transient food unit hours of operation shall be limited to 7:00 am to 11:00 pm.

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- B. Relationship to other Applicable Regulations.** Property located within a PUD Overlay District shall be subject to the provisions of the Base Zoning District.
- C. Permitted Uses.** Transient food units including trucks, trailers, wagons, carts, seasonal temporary food stands, etc. are allowed on public and private property subject to the following:
1. Only food and non-alcoholic beverages can be sold.
 2. At least one (1) trash receptacle with a tight fitting lid shall be provided.
 3. Operators must clean around their unit at the end of each day.
 4. Operator cannot call attention to themselves by crying out, blowing a horn, ringing a bell, and playing music or other noise discernable beyond the unit.
 5. Units must be kept in good repair and order and have a neat appearance.
 6. Electrical cords and hookups to public utilities are not permitted.
 7. Liquids from a food unit cannot be drained onto public property.
 8. Generators must be self-contained and fully screened from view and not exceed 70 dbs.
 9. Exterior lighting that will call attention to the setup is not permitted.
 10. Follow applicable Department of Health regulations.
 11. Copies of all required state licenses and insurance coverage.
 12. One "A" frame sign not exceeding 12 square feet per side is permitted during operation.
 13. Property owner written approval is required.
 14. Units cannot be left unattended nor remain at an authorized operating location outside allowed hours of operation.
 15. Sales cannot be made to individuals parked or stopped in a public street or alley. Sales to customers on a sidewalk are not allowed.
 16. Units cannot locate within 300 feet from the property perimeter of any festival (including the Crow Wing County Fairgrounds), sporting event and civic event unless a license is issued to be a part of the festival or event.
 17. Proof of liability insurance is provided in accordance with City of Brainerd requirements.
 18. Transient food units are permitted to operate during festivals and community events provided it is approved by City of Brainerd as part of a festival and community events permit.
 19. Sales are permitted in a City park when approved by City of Brainerd Parks and Recreation Board.
 20. Maximum number of units per property:
 - a. Two (2) food trucks on lots of one-half acre or less.
 - b. Three (3) food trucks on lots between one-half acre and 1 acre.
 - c. Four (4) food trucks on lots greater than 1 acre.
 21. A primary use must be operating on the property in order for food unit operations to be allowed.

515-3-40 Truck Terminals

- A.** Any truck terminal must comply with the following minimum standards:
1. Vehicular access points must be located along arterial streets, and the minimum number of access points needed for safe ingress/egress shall be provided. The number of access point must be designed and

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constructed to create a minimum of conflict with through traffic movement. Such access locations shall be subject to review and approval by the City Engineer.

2. A drainage system subject to the approval of the City Engineer shall be installed.
3. Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting Residential Zoning Districts and public rights-of-way.
4. Provisions must be made to control and minimize noise, air and water pollution.

515-3-41 Warming Shelters

A. Any Warming Shelter must comply with the following minimum standards:

1. Operation may not exceed 16 continuous hours.
2. Facility occupancy shall not exceed 30 beds or total occupancy of facility as set by the Fire Marshall, whichever is less.
3. Facility shall be staffed during all hours of operation.
4. 24-hour contact information shall be provided to the City of Brainerd Police Department and Crow Wing County Community Services Department.
5. Except for bicycle racks, outdoor storage of equipment, furniture, personal items, or other such possessions of those using the facility is not permitted.
6. Facility shall meet all applicable building, safety, fire and health code requirements.

515-3-42 Wireless Antennas and Towers

A. **Purpose and Intent.** The purpose of this Section is to establish predictable and balanced regulations for the location and screening of wireless communications equipment in order to accommodate the growth of wireless communication systems within the City of Brainerd while protecting the public against any adverse impacts on the City's aesthetic resources and the public welfare. The provisions of the Section are intended to maximize the use of existing towers, structures, and buildings to accommodate new wireless telecommunication antennas in order to minimize the number of towers needed to serve the community.

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

Abandonment means cessation of use of a wireless support structure for wireless telecommunications activity for at least the minimum period of time specified under this article.

Accessory equipment means any equipment serving or being used in conjunction with a wireless facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Antenna means communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Base station means the equipment and non-tower supporting structure at a specific site authorized to communicate between user equipment and a communications network, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

Close mount shall mean and refer to mounting of the antenna array and or any part of the wireless facility with mounting techniques where the components do not protrude from the face of the structure by more than 18 inches.

Co-location shall mean and refer to the mounting or installation of transmission equipment for multiple

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telecommunication providers on one eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Concealed/ stealth wireless facility means any wireless facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the facility or wireless support structure is not readily apparent to a casual observer.

Eligible facilities request means a request for modification of an existing wireless tower or base station that involves co-location of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment but does not include a substantial modification.

Engineered fall zone means the area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

Equipment compound means an area surrounding or near the base of a wireless support structure within which are located wireless facilities.

Existing structure means an existing wireless support structure, that is capable of supporting the attachment of wireless facilities. The term includes, but is not limited to, electrical transmission towers, buildings, and water towers.

FCC shall mean and refer to the Federal Communications Commission or its successor.

Lattice type towers refers to the type of tower that has three or more legs that are spread at the bottom to transfer the lateral loads of the tower to the ground without the use of guy wires. The legs are connected to each other through a series of diagonal cross members that create a lattice work of steel.

Monopole means a single, freestanding pole-type structure supporting one or more antennas. For the purposes of this article, a monopole is not a tower or a utility pole.

Ordinary maintenance means ensuring that wireless facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing, and modifications that maintain functional capacity and structural integrity; for example, the strengthening of a wireless support structure's foundation or of the wireless support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color, and accessory equipment within an existing equipment compound and relocating the antennas to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include adding additional antennas or transmitter/receivers, nor making substantial modifications to existing wireless facilities.

Replacement pole means a pole of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation. Requires removal of the wireless support structure it replaces.

Roof top or exterior façade mounted facilities means the placement of the whole or part of a wireless facility on an existing building roof or exterior face.

Self-supporting tower means typically a tower that is supported without the use of guy wires. Includes lattice and monopole type towers.

Site means for towers, monopoles, or concealment type structures, other than structures in public right-of-way, referring to the current boundaries of the leased or owned property surrounding the tower, monopole, any access, or utility easements currently related to the site, and, for other eligible support structures, shall mean

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and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Substantial modification means the mounting of a proposed wireless facility or wireless facilities on a wireless support structure that substantially changes the physical dimensions of the support structure or existing wireless facilities as defined by the FCC.

Tower means a lattice-type structure, guyed or freestanding, that supports one or more antennas.

Utility pole means a structure owned and/or operated by a public utility, municipality, electric membership corporation or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

Wireless facility or *wireless facilities* means the set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling and associated equipment necessary to provide wireless telecommunications services.

Wireless support structure means a freestanding structure, such as a monopole or tower, designed to support wireless facilities. This definition does not include utility or light poles.

Wireless transmission equipment means any equipment that facilitates transmission for any authorize wireless communication service including backup power.

- C. **General Standards.** The following standards shall apply to all personal wireless service telephone, public utility, microwave, radio and television broadcast transmitting, radio and television receiving, satellite dish and short-wave radio transmitting and receiving antenna.
1. All obsolete and unused antennas and towers shall be removed within twelve (12) months of cessation of operation at the site by the antenna or tower owner, unless an exemption is granted by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associate facilities when they are abandoned, unused or become hazardous shall be submitted to the City.
 2. All antennas and towers shall be in compliance with all State Building and Electrical Code requirements and as applicable shall require related permits. Applications to erect new antennas and/or towers shall be accompanied by any required Federal, State, or local agency licenses.
 3. Structural design, mounting and installation of the antenna shall be in compliance with manufacturer's specifications and as may be necessary, as determined by the City Engineer, shall be verified and approved by a professional engineer.
 4. When applicable, written authorization for antenna and/or tower erection shall be provided by the property owner.
 5. No message shall be affixed to the antenna and/or tower structure.
 6. Antennas and/or towers shall not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety.
 7. Towers shall be painted a non-contrasting color consistent with the surrounding area such as blue, gray, brown, or silver or have a galvanized finish to reduce visual impact, unless otherwise required by a governmental agency.
 8. All antennas and towers shall be reasonably posted and secured to protect against trespass, including appropriate measures to prevent unauthorized persons from climbing any tower.

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9. Towers shall comply with all applicable Federal Aviation Administration (FAA) regulations.
10. Amateur radio towers shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Because of the experimental nature of the amateur radio service, antennas mounted on such a tower may be modified or changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.
11. Except as may be applicable in a case where a Conditional Use Permit is required, antennas and support structures for federally licensed amateur radio stations and used in the amateur radio service shall be exempt from the following: Subsections [C.10, E and G].

D. Applicability and Exemptions.

1. All legally permitted wireless telecommunications facilities constructed as permitted uses, existing on or before _____ 2017, shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing wireless telecommunications facility will require the complete facility and any new installation to comply with this Section. Any repair, maintenance or replacement of a wireless telecommunication facility that does substantially change the facility does not require an application for a Conditional Use Permit, but does require an Administrative Permit.
2. The following shall be exempt from the requirements of this Section:
 - a. Over-the-air reception devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
 - b. Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications.
 - c. Facilities exclusively for providing unlicensed spread spectrum technologies (such as IEEE 802.11A, B, G (Wi-Fi) and Bluetooth) where the facility does not require a new wireless support structure.

E. Location Standards.

1. Wireless telecommunications facilities shall be located, sited and erected in accordance with the following priorities, a. being the highest priority and i. being the lowest priority:
 - a. On existing towers, monopoles, buildings or structures on City owned property, if permitted.
 - b. On existing towers, monopoles, buildings or other structures on other property in the City.
 - c. A new concealment/stealth wireless support structure on City owned property.
 - d. A new wireless support structure on City owned property.
 - e. A new concealment/stealth wireless support structure on property in any Zoning District.
 - f. A new wireless support structure on property in the Makers + Employment (ME) or General Industrial (GI) Zoning Districts.
 - g. A new wireless support structure on property in the Commercial Corridor (CC), Town Center (TC) or General Commercial (GC) Zoning Districts.
 - h. A new wireless support structure on property in the Main Street (MS) or Traditional Neighborhood 2 (TN-2) Zoning District.
 - i. A new wireless support structure on property in the Rural Living, Garden Living, Contemporary Neighborhood or Traditional Neighborhood 2 (TN-1) Zoning Districts.
2. If the location proposed is not the highest priority location listed in A. above, the location proposed shall not be approved unless the applicant establishes that there are no sites available in a higher priority

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location that meet the requirements of this Section and the technical requirements for the proposed wireless telecommunications facility. Economic considerations shall not be a factor in determining whether a higher priority location is available.

3. An applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial practical difficulty.
4. The applicant shall submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.
5. The City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.

F. Certification, Inspection and Maintenance.

1. All towers, antenna support structures, and related equipment or structures shall be kept and maintained in good condition, order, and repair so as not to menace or endanger the life or property of any person.
2. All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the State Building Code and Federal and State law.
3. The City shall have authority to enter onto the property upon which a tower is located to inspect the tower for the purpose of determining whether it complies with the State Building Code and all other construction standards provided by the City's Code, Federal and State law. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the owner. All expenses related to such inspecting by the City shall be borne by the owner.

G. Co-Location Design Requirement. An application for a new tower 50 feet in height or less shall not be approved unless the applicant demonstrates that the antennas cannot be constructed on an existing building or structure within a one half (1/2) mile radius of a proposed tower site.

1. Any tower more than 50 feet in height shall not be approved unless the applicant demonstrates that the antennas cannot be constructed on an existing tower, building, or structure within a two (2) mile radius of the proposed tower site due to one (1) or more of the following reasons:
2. The planned equipment would exceed the structural capacity of the existing tower, building, or structure as documented by a qualified and licensed professional engineer, and the existing tower, building or structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost or the owner of the structure or building refuses to agree to the necessary reinforcement or modifications.
3. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified engineer and interference cannot be prevented at a reasonable cost.
4. Other unforeseen reasons that make it not feasible to locate the antennas upon an existing or approved tower or structure.
5. Existing or approved towers, buildings, or other structures do not exist in the search area or do not meet the needs of the user. Documentation shall be provided at the time of application clearly demonstrating why existing structures do not meet the needs of the users.
6. The applicant shall demonstrate that compliance with subparagraphs 1. through 5. above was attempted, but an agreement could not be reached.

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H. **Accessory Antennas.** The following standards shall apply to all accessory antennas including radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers.

1. Accessory antennas shall not be erected in any required yard (except a rear yard) or within public or private utility and drainage easements, and shall be set back a minimum of five (5) feet from all lot lines.
2. Guy wires or guy wire anchors shall not be erected within public or private utility and drainage easements, and shall be set back a minimum of one (1) foot from all lot lines.
3. Accessory antennas and necessary support structures, monopoles or towers may extend a maximum of 15 feet above the normal height restriction for the affected Base Zoning District, except support structures and antennas used in the amateur radio service may extend a maximum of two (2) times the normal height restriction for the affected zoning district.

I. **New Tower Design Requirements.**

1. All new towers in excess of 120 feet shall be structurally designed to accommodate at least 3 additional antenna arrays.
2. All new towers between 80 feet to 120 feet shall be structurally designed to accommodate at least 2 additional antenna arrays.
3. All new towers between 40 feet to 79 feet shall be structurally designed to accommodate 1 additional antenna array.
4. Each future antenna array shall be of sufficient design to accommodate an antenna array equal to those of a typical fully developed wireless carrier site and at least equal to the size of array the applicant is installing. Future arrays should be planned to be located as close to the applicant's antenna as possible without causing interference.
5. Each new tower shall be designed to extend an additional 20 feet in height but not exceeding the height limitations of Section [J]. Design shall include a foundation sufficient in size to accommodate the additional height and weight and a mechanical connection to fasten the extra length of tower structure. This extension can be utilized to plan for the addition one (1) of the future antenna arrays required in Subsection [G] above.
6. These co-location design requirements may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially not practical or would compromise the stealth characteristics of the tower structure.

J. **New Towers.**

1. New guyed towers are prohibited in All Zoning Districts.
2. General Industrial Zoning District.
 - a. All self-supporting and concealment/stealth type towers are allowed as a permitted use.
 - b. Maximum build height of 179 feet.
 - c. Tower setback shall be at least the distance of the engineered fall zone plus 20' or height of the tower plus 20' if no acceptable engineered fall zone documentation is presented.
 - d. Any accessory structure associated with these structures shall be located so as to comply with the applicable minimum setback requirements for the zoning district within which it is located.
 - e. Personal wireless service telephone antennas as a permitted secondary use may be located upon an existing structure or collocated on an existing tower, require Zoning Approval and comply with the following standards:

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- i. Antennas mounted on buildings or structures shall not extend more than fifteen (15) feet above the structural height of the building or structure to which they are attached.
 - ii. Wall or façade mounted antennas may not extend more than five (5) feet above the cornice line and must be constructed of a material or color which matches the exterior of the building.
 - f. At the discretion of the City, a security fence not greater than eight (8) feet in height with a maximum opacity of fifty (50) percent shall be provided around the support structure, and no-climbing security measures shall be provided on the tower or support structure.
3. General Business, Commercial Corridor, and Town Center Zoning Districts.
- a. Close mount monopoles or concealment/stealth types of towers are allowed with a Conditional Use Permit.
 - b. Maximum build height of 50 feet.
 - c. Tower setback shall be at least the distance of the engineered fall zone plus 20 feet or height of the tower plus 20 feet if no acceptable engineered fall zone documentation is presented.
 - d. Any accessory structure associated with these structures shall be located so as to comply with the applicable minimum setback requirements for the zoning district in which it is located.
 - e. Personal wireless service telephone antennas as a permitted secondary use may be located upon an existing structure or collocated on an existing tower, require Zoning Approval and comply with the following standards:
 - i. Antennas mounted on buildings or structures shall not extend more than 15 feet above the structural height of the building or structure to which they are attached.
 - ii. Wall or façade mounted antennas may not extend more than five (5) feet above the cornice line and must be constructed of a material or color which matches the exterior of the building.
 - f. At the discretion of the City, a security fence not greater than eight (8) feet in height with a maximum opacity of 50 percent shall be provided around the support structure, and no-climbing security measures shall be provided on the tower or support structure.
4. Rural Living Districts.
- a. Monopoles and concealment/stealth type of towers are allowed with a Conditional Use Permit.
 - b. Maximum build height of 179 feet.
 - c. Tower setback shall be at least the distance of the engineered fall zone or height of tower plus 20 feet if no acceptable engineered fall zone documentation is presented.
 - d. Any accessory structure associated with these structures shall be located so as to comply with the applicable minimum setback requirements for the Base Zoning District in which it is located.
 - e. Personal wireless service telephone antennas as a permitted secondary use may be located upon an existing structure or collocated on an existing tower, require an Administrative Permit and must comply with the following standards:
 - i. Antennas mounted on buildings or structures shall not extend more than 15 feet above the structural height of the building or structure to which they are attached.
 - ii. Wall or façade mounted antennas may not extend more than five (5) feet above the cornice line and must be constructed of a material or color which matches the exterior of the building.
 - f. At the discretion of the City, a security fence not greater than eight (8) feet in height with a maximum opacity of 50 percent shall be provided around the support structure, and no-climbing security measures shall be provided on the tower or support structure.
 - g. Minimum size of parent property for a new wireless support structure to be located in is 10 acres.

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5. Residential Zoning Districts.

- a. Eligible properties to build new wireless support structures are restricted to institutional and public uses within the Residential Zoning Districts.
- b. Concealment/stealth types of towers are allowed with a Conditional Use Permit.
- c. Maximum height of the tower is 40 feet.
- d. Tower Setback shall be at least the distance of the engineered fall zone plus 20 feet or the height of the tower plus 20 feet if no acceptable engineered fall zone documentation is presented.
- e. Any accessory structure associated with these structures shall be located to comply with the applicable minimum setback requirements for the zoning district in which it is located.

K. New Antennae.

1. New antennae as a permitted secondary use shall require an Administrative Permit and shall comply with the following standards:
 - a. The applicant shall demonstrate to the satisfaction of the City that location of the antennas as proposed is necessary to provide adequate portable personal wireless service telephone coverage and capacity to areas which cannot be adequately served by locating the antennas on an existing tower or support structure.
 - b. If no existing structure which meets the height requirements for the antennas is available for mounting purposes, the antennas may be mounted on a monopole tower provided that:
 - i. Towers with a maximum capacity to support two (2) antennas shall not exceed one 140 feet in height. Towers with a minimum capacity to support three (3) antennas shall not exceed 160 feet in height.
 - ii. The setback of the tower from the nearest property line is not less than the height of the antenna. Exceptions to such setback may be granted in such cases when a qualified structural engineer specifies in writing that any failure of the pole will occur within a lesser distance under all foreseeable circumstances. The setback shall not be reduced in cases where the subject site abuts a Residential Zoning District. The setback requirements shall not be reduced below the minimum accessory building setback requirements of the Base Zoning District or the failure area of the tower, whichever is greater.
 - iii. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building or cabinet is necessary for transmitting, receiving and switching equipment, it shall be situated in the side or rear yard of the principal use, meet all applicable necessary building setback requirements, and shall be screened from view by landscaping where appropriate.
 - iv. At the discretion of the City, a security fence not greater than eight (8) feet in height with a maximum opacity of 50 percent shall be provided around the support structure, as well as no climb security measures shall be provided on the tower or support structure.
 - c. Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building or cabinet is necessary for transmitting, receiving and switching equipment, it shall be situated in the side or rear yard of the principal use, meet all applicable necessary building setback requirements, and shall be screened from view by landscaping where appropriate.
 - d. At the discretion of the City, a security fence not greater than eight (8) feet in height with a maximum opacity of 50 percent shall be provided around the support structure, as well as no climb security measures shall be provided on the tower or support structure.

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L. Temporary Mobile Towers.

1. Personal wireless service antennas located upon a temporary mobile tower as a permitted secondary use may be used on an interim basis until a permanent site is constructed shall require Zoning Approval and shall comply with the following standards:
 - a. Temporary mobile towers are exempt from collocation and permanent tower structure design standards.
 - b. The termination date of the permit shall not exceed 120 days. Temporary mobile towers located on a site longer than 120 days shall require the processing of an Interim Use Permit.
 - c. Guyed towers are prohibited.
 - d. Mobile units shall have a minimum tower design wind load of 80 miles per hour, or be set back from all structures a distance equal to the height of the tower.
 - e. All towers shall be protected against unauthorized climbing.
 - f. The height of the tower shall not exceed 100 feet.

M. Commercial and Public Radio and Television Transmitting Antennas, and Public Utility Microwave Antennas.

1. Commercial and public radio and television transmitting and public utility microwave antennas shall comply with the following standards:
 - a. Such antenna shall be considered an allowed Conditional Use within the General Industrial Zoning District.
 - b. The antennas, transmitting towers, or array of towers shall be located on a continuous parcel having a dimension equal to the height of the antenna, transmitting tower, or array of towers measured between the base of the antenna or tower located nearest a property line and said property line, unless a qualified structural engineer specifies in writing that the collapse of any antenna or tower will occur within a lesser distance under all foreseeable circumstances.
 - c. Unless the antenna is mounted on an existing structure, at the discretion of the City, a fence not greater than eight (8) feet in height with a maximum opacity of 50 percent shall be provided around the support structure and other equipment, as well as no climb security measures shall be provided on the tower or structure.

515-4 GENERAL BUILDING, DEVELOPMENT AND DESIGN STANDARDS.

515-4-1 General Building Design Provisions applicable to all Zoning Districts.

- A. **Purpose and Intent.** This Section identifies general building design size requirements and exceptions to general height requirements applicable within each Base Zoning District.
- B. **Dwelling Unit Restriction.** No cellar, garage, tent, travel trailer, motor home, fish house, shall at any time be used as a dwelling unit.
1. An accessory building or basement may be used for as an Accessory Dwelling Unit (ADU) provided all of the lot requirements and dimensional standards of the Base Zoning District are met and the ADU complies with the Accessory Building Standards established in Section [515-4-6].

515-4-2 Building Design Standards.

A. **Single-Family Detached Residential Structure Standards.**

1. All single-family detached dwellings in the Rural Living, Garden Living, Contemporary Neighborhood and Traditional Neighborhood Base Zoning Districts shall meet the following design criteria:
 - a. The width of the principal residential structure shall comprise the following:
 - i. If the lot frontage is less than 75-feet, a minimum of 30% of the primary façade facing the road right-of-way must be principal structure.
 - ii. If the lot frontage is greater than 75-feet, a minimum of 40% of the primary façade facing the road right-of-way must be principal structure.
 - iii. Such width requirement shall be in addition to the minimum area per dwelling requirements established within this Ordinance.
 - b. Principal Structures must be designed to be consistent with the predominant character of the existing residential block front. The block front shall consist of all residential properties along both sides of the public or private right-of-way on which the development fronts. The block front shall be measured from intersection to intersection, to the road end, or two hundred (200) feet in either direction from the development site, whichever is nearest.
 - c. Building orientation on lots shall match the predominant orientation of other buildings along the block front.
 - d. Roofs on proposed residential structures shall be similar in slope and style to existing development and shall incorporate any or all of the following features, insofar as such features are compatible with existing development on the block front:
 - i. Dormers;
 - ii. Gabled or hipped roofs;
 - iii. Pitched roofs;
 - iv. Parapets or cornices.
 - v. Unless it is the predominant existing style on the block front, flat roofs shall not be allowed.
 - e. The exterior of the principal structure must be finished with materials that are typical of single-family construction. All edges, fasteners, and other structural elements must be finished and/or covered. Acceptable building materials include:
 - i. Hardie-board, LP, or other similar solid composite siding.
 - ii. Wood lap siding and wood shakes.

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- iii. Vinyl or aluminum siding.
 - iv. Stone and stone veneer.
 - v. Brick or other masonry with finished face.
 - vi. Other materials may be approved by the Zoning Administrator.
- f. Horizontal facades longer than twenty-five (25) feet shall be treated to reduce buildings mass and visual bulk using at least one of the following techniques:
- i. Bays or recesses (minimum depth of eighteen (18) inches);
 - ii. Window patterns;
 - iii. Contrasting materials or colors;
 - iv. Upper story setbacks;
 - v. Balconies.
2. All buildings shall be built in conformance with the State Building Code as adopted in the State of Minnesota.
3. Dwellings constructed after the effective date of this Ordinance shall have a minimum finished habitable floor area of 500 square feet.
4. All new single-family detached dwellings shall have a minimum of one (1) enclosed garage which may be either detached or attached to the principal structure.
- a. The garage shall be considered an accessory building and must comply with the standards and regulations established within the Base Zoning District.

B. Attached Single-Family Residential Structures (duplex, triplex, fourplex).

- 1. The minimum width of the principal structure of an attached single-family dwelling unit shall be fifteen (15) feet.
- 2. Attached single-family dwelling units shall have a minimum finished habitable floor area of five hundred (500) square feet.
- 3. Exceptions to minimum width or size may be approved if the structure includes front porches or decks or other additions that provide additional living space for the unit.
- 4. Any conversion of an existing single-family detached residential structure into a duplex, triplex or fourplex shall meet the lot and dimensional requirements of the Base Zoning District for the total number of units. Such conversion shall also comply with the following standards:
 - a. All conversions shall be subject to a Sketch Plan review, which shall be reviewed and approved by the Zoning Administrator. If the proposed conversion does not comply with any standards of the Base Zoning District the conversion shall be denied.
 - b. Any conversion must comply with the Minnesota State Building Code.
 - c. All parking standards and requirements as established in this Ordinance must be met for the resulting number of units.
- 5. Building Materials. Attached single-family dwelling units shall be designed to create visual interest through a variety of materials, colors, textures, installation direction or other characteristics that create articulation either between units or floors. The exterior of the principal structure must be finished with materials that are typical of single-family construction. All edges, fasteners, and other structural elements must be finished and/or covered.
- 6. Garages.

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- a. Each dwelling unit shall include, at a minimum, a one (1) enclosed garage stall, that shall have a minimum dimension of 12 feet by 20 feet.
 - b. *Dwellings Units without basements.* Each dwelling unit shall include at a minimum, a one (1) stall 16' x 20' foot garage.
7. Utilities.
- a. Separate public utility services including water and sanitary service shall be provided to each dwelling unit.
 - b. Private utilities including phone, gas, internet or other services shall be provided to each dwelling unit and management or maintenance responsibilities established within the homeowner's association.
8. Homeowners Association. A homeowners' association shall be established for all owner-occupied attached single-family developments with two or more units and townhome developments. The homeowners' association documents and covenants shall be subject to review and approval of the City Attorney. The homeowners' association shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing, and regular maintenance of private driveways and other areas owned in common when there is more than two (2) individual property owner having interest in the development and its common areas.
9. Building elevations and floor plans shall be submitted with any land use application. The plans shall clearly identify exterior building materials, colors and include a floorplan of all floors having habitable space. If a formal land use application is not required, the owner shall be required to submit a Site Plan review application as described in Section [515-5-5].
- C. **Multi-family attached dwelling units** (5 dwelling units or more): All multi-family buildings constructed within the City shall conform to the following:
1. Multiple family dwelling units shall have the following minimum floor area per unit:
- Table 515-4-2.1. Multi-Family Minimum Floor Area**
- | Unit Type | Minimum Floor Area per Unit |
|-----------------------------|---|
| Efficiency Units | 400 square feet |
| One Bedroom Units | 500 square feet |
| Two Bedroom Units | 700 square feet |
| More than Two Bedroom Units | An additional 100 square feet per bedroom |
2. Exterior Building Materials. Multi-family dwelling units shall be designed to create visual interest through a variety of materials, colors, textures, installation direction or other characteristics that create articulation either between units or floors.
- D. **Commercial Use Design Construction Standards.** All buildings constructed within TN-2, TN-3, CC, TC and GC Zoning Districts shall conform to the following:
1. Commercial buildings (principal structure) having less than 1,000 square feet of floor area may only be allowed upon approval of a Conditional Use Permit.
 2. Commercial building accents such as cloth or metal awnings, trim, banding, walls, entries or any portion of the building wall accent colors shall not exceed fifteen (15) percent of each wall area.
 3. Exposed roof materials shall comply with the Minnesota State Building Code.
 4. Exterior Building Materials – For all business and commercial districts.
 - a. New buildings constructed in the CC, TN-2, TN-3, ME and TC Zoning Districts should be consistent with the character of surrounding structures. Typical and permitted materials include: brick,

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dimensioned stone, or their replicas, rock face block, decorative concrete panels, stone, stucco, wood, glass, or Exterior Finish Installation (EFIS). Material such as metal panels, window trim, flashing, accent features and the like that make up the exterior of a building shall not exceed twenty-five (25) percent.

- b. Building additions, remodeling, replacement or reconstruction of fifty (50) percent or greater, shall conform to the standards in this Section.

5. Exterior Building Materials. The following standards shall apply in the MS Zoning District

- a. New buildings constructed in the MS Zoning District should be consistent with the historic architecture and character of surrounding structures. Permitted materials include: brick, dimensioned stone, rock faced brick, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, or glass. Brick and stone replicas and exterior finish installations (EFIS) that are designed to be similar to the historic architecture of a building may be used on not more than fifty (50) percent of a building.
- b. Building additions that increase the size of a building by more than 50 percent, or any modification to the street facing façade of the building that alters the front setback, or character shall be required to conform to the standards of this Ordinance.

E. **Industrial Use Design Construction Standards.** All buildings constructed within the General Industrial Zoning Districts shall conform to the following:

1. Principal Structures in the Industrial Zoning District with less than 1,000 square feet of floor area may only be allowed upon approval of a Conditional Use Permit.
2. Exterior Building Materials.
 - a. New buildings constructed in the GI Zoning District should be constructed using durable and lasting materials. Permitted typical materials include: brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of fifty (50) percent of street side building elevations combined.
 - b. Any structure in the Industrial District within three hundred (300) feet of Business T.H. 371, T.H. 210, T.H. 25, T.H. 18, Oak Street, or County Road 3 shall comply with the Commercial Exterior Building Material Standards established in the preceding Subsection [D].

515-4-3 Height.

A. **Exceptions.** The building height limits established within each Base Zoning Districts shall not apply to the following:

1. Farm structures such as silos.
2. Church spires.
3. Belfries.
4. Cupolas.
5. Windmills/Wind Energy Conversion Systems (WECS).
6. Solar energy devices.
7. Chimneys and smokestacks.
8. Flag poles mounted on a building.
9. Non-commercial television and radio antennae and satellite dishes not exceeding twenty (20) feet above the roof.
10. Parapet walls extending not more than three (3) feet above the limiting height of the building.
11. Elevator penthouses.

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12. Cooling towers/water towers.
13. Lighting structures for public outdoor recreational fields not exceeding eighty (80) feet in height.
14. Lighting structures for public hockey rinks not exceeding sixty (60) feet in height.
15. Telecommunication antenna and antenna towers as regulated by Section [515-3-42] of this Ordinance.
16. Poles, towers and other structures for essential services.

B. Conditional Use Permit. Building heights in excess of those standards contained in the Base Zoning District provisions and any other sections of this Ordinance may be allowed through a Conditional Use Permit, provided that:

1. Demonstrated need is established for the increase in height and said increase will not violate the intent and character of the Base Zoning District or any applicable Overlay Zoning District in which the structure is located.
2. The site is capable of accommodating the increased structure size.
3. The potential increased intensity and size of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
4. Public utilities and services are adequate.
5. The construction does not limit solar access to abutting and/or neighboring properties. A shadow study shall be required illustrating shadow encroachment on adjoining properties.
6. The provisions of Section [515-5-2] are considered and satisfactorily met.

515-4-4 Mechanical Equipment Screening.

A. Rooftop Mechanical Equipment. As viewed from ground level, within 100 feet of any public right-of-way, all mechanical equipment located on the roof shall be fully screened by a raised parapet or other architectural detail.

1. A raised parapet or other architectural feature that is an integral part(s) of the building shall be required as screening for rooftop mechanical equipment or to soften rooftop views.
2. Screening for rooftop mechanical equipment shall incorporate similar architectural features of the building and/or constructed of a material and color compatible with other elements of the building.

B. Mechanical Equipment Ground Floor. Ground mounted mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, air conditioners, and similar equipment shall be screened on all sides except those facing a building. An eighty (80) percent opacity visual screen shall exceed the vertical height of the equipment being screened by at least six (6) inches. A three (3) foot open area shall be maintained around such equipment to facilitate repairs.

515-4-5 High Water Elevation. All new buildings shall comply with building elevation regulations of the Floodplain and Shoreland Ordinance. In areas where a building or improvement is located within the Floodplain and Shoreland Overlay District, the building shall be placed at an elevation such that the lowest building opening meets the following standards:

- A. A minimum of two (2) feet above 100-year flood elevation of areas with a separate emergency overflow.
- B. A minimum of three (3) feet above the 100-year flood elevation of areas with no separate emergency overflow.
- C. The 100-year flood elevation or high-water level shall be determined by a Registered Engineer.

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515-4-6 Accessory Buildings, Uses and Equipment.

A. **Agricultural Farm Buildings.** Agricultural farm buildings, accessory to an active farm operation on a lot twenty (20) acres or larger, designed, constructed, and used to house farm implements, agricultural activities, or agricultural products shall be exempt from the requirements of this Section and accessory building standards established within the Base Zoning District.

B. **Residential Accessory Buildings, Structures and Uses.**

1. An accessory building or attached garage shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway or within five (5) feet of the principal building. Attached accessory buildings shall meet the principal building setbacks of the respective Base Zoning District.
2. No accessory building or structure shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory. A garage may be constructed if a building permit is secured for the principal building.
3. The permitted accessory building Floor Area, Height and Number is established within the Base Zoning District. All accessory buildings must comply with the following standards:
 - a. All accessory buildings must comply with the lot and dimensional standards established with the Base Zoning District.
 - b. All lot coverage and impervious surface coverage requirements must be met.
 - c. Accessory Dwelling Units are permitted, or conditionally permitted, as established within the Base Zoning District. ADU's must also comply with the Use Standards established in Section [515-4-6].

C. **Design Standards.** No plastic, canvas or vinyl tarps shall be used in the construction of any accessory buildings. All buildings over 200 square feet shall be designed to be compatible with the Principal Structure. Metal roofs are allowed provided they are constructed with standing seams and concealed or exposed fasteners. All buildings that are 200 square feet or less may include a variety of building materials, may be metal sided, but shall have a pitched roof.

D. **Commercial Accessory Buildings Use**

1. Accessory buildings shall comply with the standards established in the Base Zoning District.
2. Commercial accessory buildings shall comply with all dimensional standards established by the Base Zoning District in which the use is located.
3. Commercial accessory buildings shall be constructed of building materials to match the principal structure and comply with the building material requirements established in Section [515-4-2].

E. **Industrial Accessory Building Use.**

1. Industrial accessory buildings shall not exceed thirty (30) percent of the gross floor space of the principal building and shall comply with the standards established in the Base Zoning District.
2. Industrial accessory buildings shall comply with all dimensional standards established by the Base Zoning District.
3. Industrial accessory buildings shall be constructed of building materials to match the principal structure or with any of the following fabric material:
 - a. Teflon Coated Fiberglass (PTFE)
 - b. Silicone-Coated Fiberglass (SIPE)
 - c. Woven PTFE (EPTFE)
 - d. Ethylene Tetrafluoroethylene (ETFE)

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- e. Vinyl Coated Polyester (PVC)
- f. High-Density Polyethylene (HDPE)

F. Greenhouses.

1. The following clear material is permitted for greenhouse construction to allow radiant heat from the sun:
 - a. Glass
 - b. Rigid Polycarbonate Panels
 - c. Semi Rigid Polyethylene Panels
 - d. Rigid Fiberglass Panels
 - e. Rigid Acrylic Panels
 - f. Semi Rigid Vinyl
 - g. Flexible, rolled material such as Polyethylene, Polycarbonate, and Fiberglass.

G. Swimming Pools.

1. Purpose. The following standards are established for the installation of any in-ground swimming pool meeting the following characteristics. Single-Family detached residential and Attached single-family dwellings (duplex, triplex, or fourplex). The following shall apply to all swimming pools which are intended for accessory uses to single-family attached and detached residential uses:
 - a. A building permit shall be required for any in-ground or permanent above ground swimming pool that is over twenty-four (24) inches in depth, or over 5,000 gallon capacity.
 - b. Seasonal swimming pools twenty-four (24) inches in depth or greater must have a ground fault circuit if connected to an electrical system.
 - c. An application for the construction of swimming pools shall be on a City Application Form and accompanied by a fee established by City Council Ordinance.
2. Multi-family residential uses/Commercial Pools. For private swimming pools that are intended for and used by the occupants of a multi-family dwelling unit or commercial structure and the guests of the occupants, or for private and public clubs and organizations, the following regulations shall be met in addition to the permit application requirements.
 - a. No part of the water surface of the swimming pool shall be less than fifty (50) feet from any lot line.
 - b. No pumps, filter or other apparatus used in connection with or to service a swimming pool shall be located less than fifty (50) feet from any lot line and must be contained within an insulated building.
 - c. The pool area shall be adequately fenced to prevent uncontrolled access from the street or adjacent property. Fences shall be at least five (5) feet in height. The bottoms of the fences shall not be more than six (6) inches from the ground. Fences shall be of a non-corrosive material and shall be constructed as to be not easily climbable (chain link fences must be vinyl coated with slats for screening). All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a height not lower than forty-eight (48) inches so as to be inaccessible to small children. Prior to filling the pool, the approved fence or enclosure must be completely in place and inspected and approved by the City Building Inspector. Adequate screening including, but not limited to, landscaping shall be placed between the pool area and adjacent lot lines.
 - d. All deck areas, patios, or other similar areas used in conjunction with the swimming pool shall be located at least thirty (30) feet from any lot line.
 - e. To the extent possible, back-flush water or water from pool drainage shall be directed onto the owner's property. Draining pools into the sanitary sewer is prohibited.

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H. Refuse and Recycling Material and Containers.

1. Refuse Containers Location and Screening.

- a. Residential Structures with Four (4) or Less Units. Garbage cans, waste containers and recycling bins shall be kept in rear or side yards or indoors except on pick up days.
- b. Commercial, Industrial, and Institutional Uses, Residential Structures with More Than Four (4) Units shall comply with the following:
 - i. All refuse, recyclable materials, and associated containers shall be stored within a structure or screened by a fence or wall as viewed from all abutting property and the public right-of-way.
 - ii. All refuse and containers must be screened from view of abutting properties and the public right-of-way by a wall of at least six (6) feet in height and a minimum opaqueness of eighty (80) percent. Chain link fences with slats are prohibited.
 - iii. Storage shall be located in the rear or side yard, if possible, and shall observe all accessory building setback requirements.
 - iv. The location must be accessible for pick up hauling vehicles.
 - v. All containers, fences and walls shall be approved by the Zoning Administrator and be kept in a good state of repair with lids designed to prevent spilling and spread of debris and access by animals.

515-4-7 Site Design Standards.

A. **Purpose and Intent.** It is the purpose of this Section to outline the general rules pertaining to lot size, building placement, open space, setbacks, setback exceptions and permitted encroachments that are not identified in specific zoning districts.

B. **Minimum Lot Area Requirements.**

1. Except for non-conforming lots of record governed by Section [515-5-10] of this Ordinance, the minimum lot area and dimensional requirements shall conform to the standards of the applicable Base Zoning District and any applicable Overlay District. No lot, yard, or other open space shall be reduced in area or dimensions so as to make such lot, yard, or open space less than the minimum required by this Ordinance, and if an existing yard or other open space is less than the minimum required, it shall not be further reduced.
2. No required yard or other open space allocated to a building or dwelling unit shall be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

C. **Buildable Area.**

1. Any lot or parcel served by public water or sanitary sewer services shall require a minimum buildable area to support a principal structure that complies with the minimum dimensional and lot requirements established within the Base Zoning District that the parcel is located. The required minimum lot area shall be exclusive of road easements.
2. Any lot or parcel served by private well and sanitary septic system must contain a minimum of 0.75 acres of contiguous buildable land capable of supporting an individual septic system that complies with Minnesota Rules 7080, or successor statutes. All other minimum dimensional and lot requirements of the Base Zoning District shall be met.

D. **Building Placement and Multiple Structures.**

1. Street Obstructions. All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features or proper subdivision and land planning.
2. Principal Buildings. Except in an approved Planned Unit Development (PUD) that specifically allows it, not more than one (1) principal building shall be located on a lot or parcel.

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E. Yards.

1. Yards. No required yard or other green space allocated to a building or development area shall be used to satisfy yard, other green space, or minimum lot area requirements for any other building or development.
2. Green Space. The Base Zoning District establishes the maximum impervious surface coverage of a lot or parcel. The remaining uncovered area shall be considered Green Space.

F. Setbacks

1. Reductions. No setback or yard shall be reduced in area or dimension to make such setback or yard less than the minimum required by this Ordinance, and if the existing setback, yard or other green space as existing is less than the minimum required, it shall not be further reduced.
2. Front Setback Exception. Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one (1) adjacent structure, the front yard minimum setback shall be the average of the required setback and the setback of the adjacent structure.
3. Corner Lots and Double Frontage Lots. All lots and improvements must conform to the setback standards as established in the Base Zoning District. In the case of a lot with double frontage the primary frontage shall be established by determining the orientation of the principal structure's main entrance.
4. Traffic Visibility Setback. The visibility setback, or site triangle, shall be regulated per the Base Zoning District standards.

G. Permitted Yard Encroachments. The following structural elements or equipment shall not be considered encroachments on required yards:

1. Flag poles, sidewalks, wheelchair ramps, trees, shrubs, plants, yard lights, mailboxes, floodlights, or other sources of light illuminating authorized illuminated signs, or light standards for illuminating yards for safety and security reasons, provided the direct source of light complies with Section [515-4-8] of this Ordinance. Replacement of any item located within a public easement which has been destroyed or damaged due to accessing the easement shall be at the owner's expense.
2. Flues, belt course, bay windows, leaders, sills, pilaster, eaves, lintels, cornices, gutters, awnings, open canopies, chimneys, ornamental features, and open fire escapes, provided they do not extend more than four (4) feet into a required yard.
3. Terraces, steps, decks, uncovered porches, stoops or similar structures, which do not extend in elevation above the height of the ground floor elevation of the principal building and do not extend within two (2) feet of any lot line.
4. Decks, balconies, uncovered porches, and/or similar features, attached to the principal building which extend in elevation above the height of the ground floor elevation of the principal building provided they do not extend within ten (10) feet of the rear lot line or extend beyond side yard accessory building setbacks.
5. In rear yards, clothes lines, recreational equipment (non-vehicular), trellises, open arbors are permitted provided that they maintain a five (5) foot setback from the side and rear lot lines. No encroachment shall be permitted within existing drainage or utility easements.
6. Accessory equipment or uses including: gazebos, air conditioners, accessory antennas, sport courts, swimming pools, and trash enclosures are as regulated within this Section.
7. Fences that comply with the standards and regulations established in Section [515-4-11].
8. Essential services.

H. Zero Lot Line Subdivisions.

1. **Attached Single-Family Residential and Multi-family Residential Uses.** If existing duplex, triplex, fourplex townhouses, or apartment units are proposed to be subdivided so that each unit is on an individual

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unit or condominium basis for owner occupancy, it shall require a Planned Unit Development (PUD) according to the provisions of Section [515-5-7] of this Ordinance. Any proposed subdivision shall meet the following requirements:

- a. Prior to a duplex, triplex or fourplex building subdivision, the base lot shall meet all the requirements of the Base Zoning District in which the building is located.
 - b. There shall be no more than one (1) principal structure on a base lot in all Zoning Districts, unless otherwise permitted within an approved PUD. The principal structure on a lot created in a duplex, triplex or fourplex building subdivision will be that portion of the dwelling unit that is existing or constructed on the platted lot.
 - c. Permitted accessory uses as defined by the Base Zoning District is acceptable provided that the use meets all the dimensional and lot requirements.
 - d. A property maintenance agreement shall be arranged by the applicant and submitted to the City Attorney for review and subject to approval. The agreement shall ensure the maintenance and upkeep of the structure including but not limited to siding, roofing (type and color), fencing, driveways, maintenance, etc. and the lots to meet minimum City standards. The agreement is to be filed with the County Recorder's office as a deed restriction against the title of each unit lot.
 - e. Separate public utility service shall be provided to each subdivided lot or unit and shall be subject to the review and approval of the City Engineer.
 - f. The subdivision is to be platted and recorded in conformance to requirements of the Subdivision Ordinance.
2. Buildings may be excluded from side yard requirements if party walls are utilized or if the adjacent buildings are planned to be constructed as an integral structure and a Conditional Use Permit is secured.

515-4-8 Outdoor Lighting.

- A. **Purpose and Intent.** It is the purpose of this Section to encourage the use of lighting systems that will reduce light pollution and promote energy conservation while increasing nighttime safety, utility, security and productivity.
- B. **Exemptions.** The provisions of this Section shall not apply to the following:
1. The use of temporary outdoor lighting used during customary holiday seasons.
 2. The use of temporary outdoor lighting used for civic celebrations and promotions.
 3. Lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings or structures.
 4. Emergency lighting used by police, fire, and rescue authorities.
 5. Outdoor athletic facilities, except that lighting for such facilities, shall be shut off within ninety (90) minutes of final activity.
- C. **Non-Conforming Uses.**
1. Existing Fixtures. All outdoor lighting fixtures existing and installed prior to the effective date of this Ordinance are exempt from regulations of this Section except that the light source shall be controlled to minimize light trespass onto adjacent property. Light trespass shall not exceed one (1) foot candle at the center line of a street or four-tenths (0.4) foot candles at the property line of adjacent residential property.
 2. New Fixtures. Whenever a light fixture existing on the effective date of this Ordinance is replaced by a new outdoor light fixture, the provisions of this Section shall be satisfied.
- D. **Light Trespass.**

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1. Maximum Light Levels. Light trespass shall not exceed one (1) foot candle at the center line of a public street or four-tenths (0.4) foot candles at the property line of adjacent residential property as measured at the property line per the method outlined in this Section.
2. The foot candle level of a light source shall be measured at the property line and taken after dark with the light meter held six (6) inches above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the light intensity.

E. Performance Standards.

1. Residential Use Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:
 - a. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.
 - b. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.
 - c. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed.
 - d. Any luminaire affixed to a structure shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.
 - i. Any luminaire or light source not affixed to a structure shall be hooded and down cast to protect the night sky.
2. Business/Industrial Use Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:
 - a. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of 90 degrees or less.
 - b. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.
 - c. Architectural/historical lights that include fixtures that are not shielded, or lighting of entire facades or architectural features of a building are permitted. In no case shall the light affect adjacent property in excess of the maximum light levels defined in this Ordinance.
 - d. In GC and CC Districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a structure shall not exceed the height of the structure.
 - i. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of 20 feet may be allowed.
 - e. In TC, MS, ME Districts, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is 20 feet. A light source mounted on a structure shall not exceed the height of the structure.
 - i. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of 25 feet may be allowed.

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- f. In the GI District, the maximum height of the fixture, pole and base above the ground grade permitted for light sources is 25 feet. A light source mounted on a structure shall not exceed the height of the structure.
 - i. If the bulb/light source is fully recessed and/or shielded from view by an observer at five (5) feet above grade at the nearest property line, an increase in light source height to a maximum of 30 feet may be allowed.
- g. *Location.*
 - i. The light source of an outdoor light fixture shall be set back a minimum of three (3) feet from a street right-of-way or residential property and three (3) feet from any other property line.
 - ii. No light source shall be located on the roof unless said light enhances the architectural features of the building and is approved by an Administrative Permit.
 - iii. Direct or reflected light from high temperature processes such as combustion or welding shall not be visible from any adjoining property.
- 3. Outdoor Recreation. Outdoor commercial or public recreational uses such as, but not limited to, baseball fields, football fields, hockey rinks, and tennis courts have special requirements for nighttime lighting. In such cases, an Administrative Permit shall be required and compliance with the following:
 - a. No outdoor recreation facility shall be illuminated after 12:00 a.m. except for security lighting. Exceptions may be granted by the Zoning Administrator for special events.
 - b. Off-street parking areas for outdoor recreation uses shall meet the requirements stated for business or industrial applications as found in Section [515-4-12] of this Ordinance.
 - c. The provisions for an Administrative Permit, Section [515-5-9] of this Ordinance, are considered and satisfactorily met.
- F. **Submission of Plans.** All zoning and building applications, except single and two family residential, that include outdoor lighting shall submit the following information in addition to other information required by the Zoning Administrator:
 - 1. Sketch Plans indicating the location of all lighting devices.
 - 2. Description of the lighting devices, fixtures, lamps, supports, and reflectors. The description shall include, but is not limited to, catalog cuts by manufacturers and drawings.
 - 3. Photometric plans showing the location of each light source and the level of light (measured in foot candles) every 20 feet.

515-4-9 Landscaping, Green Space and Screening Requirements.

- A. **Purpose and Intent.** The purpose of this Section is to establish standards for general landscaping, green space and required screening applicable to all Districts. When landscape material is used for screening it shall incorporate plant types and sizes that will promote healthy landscapes. These standards are intended and designed to assure compatibility of uses and to enhance the health, safety and general welfare of the residents of the City of Brainerd.
- B. **Minimum Requirements.** The requirements in this Section are minimum requirements, and under no circumstances shall they preclude the ability of the property owner and the City from agreeing to more extensive landscaping.
- C. **Invasive Species.** The planting of any noxious weed that is prohibited by Crow Wing County, the State of Minnesota, or the United States Federal Government shall not be planted on any property within the Brainerd City Limits. Any noxious weed that is on the State of Minnesota's Eradicate List must be eradicated, meaning all of the above and below ground parts of the plant must be destroyed, as required by Minnesota Statutes, Section [18.78].

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515-4-10 General Landscaping Improvement Standards.

A. **Landscape Improvement Standards by Use.** Except as may be required or permitted in this Section, or provided by development contract or approval by the City Council, the site area remaining after providing for any required off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be landscaped using ground cover such as mulch or landscape rock, turf grass, ornamental grass, shrubs, trees other acceptable vegetation or treatment generally used in landscaping prior to the date of a Certificate of Occupancy.

1. Single-family detached and single-family attached residential uses. In addition to the specific planting requirements stated below all yards shall be started with seed or sod and required landscaping improvements installed.
2. Multi-family attached residential uses. The Main Street District is exempt from these requirements.
 - a. *General Site Landscaping.* Four (4) shrubs shall be planted per dwelling unit. Two (2) perennials can be substituted for (1) shrub. Shrubs used as required screening as identified in (b) shall not be counted in meeting these requirements.
 - b. *Privacy Screen.* Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public or private street an eighty (80) percent opacity four (4) foot high landscaped privacy screen shall be provided. The screen shall consist of a combination of trees, shrubs, berms and/or fences (no walls).
3. Non-Residential Uses.
 - a. *General Site Landscaping.* All developed portions of the site shall conform to the general landscaping requirements in this Section, except where screening is required.
 - b. *Commercial District Landscape Requirement.* One (1) shrub is required for every 300 square feet of total building floor area up to 10,000 square feet. Thereafter one (1) shrub is required for every 600 square feet in excess of 10,000 square feet. Two (2) perennials can be substituted for (1) shrub. The required plantings should be spaced around the foundation of the building and do not count towards any required screening. The Main Street District is exempt from this requirement.
 - c. *Screening.* A six (6) foot high fence or landscaped screen, providing eighty (80) percent year around opacity, shall be required wherever a non-residential use abuts directly upon land zoned for residential purposes. Berms may be used as part of the six (6) foot screen height but shall not be used to achieve more than three (3) feet of the required height. Landscape material provided along the outside of a fence or wall (except when adjacent to an alley) with maximum spacing is required as follows:

Table 515-4-10.1. Plant Spacing Requirements For Screening

Type of Landscape Screening	Planting Requirements
4' High Deciduous Shrub	1 per 4 lineal feet
4' High Evergreen Shrub	1 per 5 lineal feet
6' High Deciduous Shrub	1 per 6 lineal feet
6' High Evergreen Shrub	1 per 8 lineal feet

- d. Required screen height must be met within three (3) years of planting.
 - e. See Section [515-4-12] for parking lot requirements.
- B. **Landscape Improvements in Easement Areas.** Where possible, all landscape improvements shall be placed outside of any required drainage or utility easement. If it is not possible to avoid improvements within easement areas, the owner shall agree that any fence, wall, or trees placed upon utility easements are subject to removal at the cost of the property owner if required for the maintenance or improvement of the utility, and that if such landscape improvement is required for screening as defined in this Section that it shall be the responsibility of the owner to reinstall or plant new landscaping to meet the screening requirement..

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C. **Required Tree Planting.** Except for lots and parcels developed prior to the adoption of this Ordinance, new development shall have the following minimum landscape requirements:

1. All required tree planting plans shall have a mixture of conifer and deciduous trees.
 - a. Coniferous trees shall not be located within 50 feet of a street loaded driveway.
2. In all commercially zoned districts, new development shall include a planting rate of one (1) tree for every 100 feet of frontage along all roads. The required trees shall be planted within 10 feet of the front property line, or right-of-way line. Parking lot island tree planting requirement does not count towards this number. The Main Street District is exempt from this requirement.
3. Industrial zoned property with street frontage along Business T.H. 371, T.H. 210, T.H. 25, T.H. 18, Oak Street, or County Road 3 must meet commercial tree requirements.
4. In all Rural Living and Garden Living Base Zoning Districts new parcels or lots shall include plantings at the rate of one (1) tree per 3,000 square feet of undeveloped or open space area. Requirement does not include delineated wetland area.
5. In all Contemporary Neighborhood and Traditional Neighborhood Base Zoning Districts new lots or development shall include landscape plantings as identified in Table [515-4-10.2]. A minimum of one deciduous tree shall be planted in the front yard within 10-feet of the front property line, or right-of-way line.

Table 515-4-10.2. Required Tree Planting in CN and TN Zoning Districts

Lot width	Number of trees	Spacing on center
45-60'	1	Per each 20'
65'+	1	Per each 25'

- a. Required trees may be planted at uniform intervals, at random, or in groupings. Newly planted trees shall comply with the requirements of this Ordinance. Trees retained on site following development can be reduced from the total required plantings.
- b. Trees that shall not be planted and do not count towards the required planting include the following: Amur Maple, Black Locust, Norway Maple, Russian Olive, Siberian Elm, Poplar, and Cottonwood.

D. **Green Space.**

1. **Non-Residential Site Development and Non-Residential Site Redevelopment.** Each Base Zone District shall set a maximum impervious surface coverage as defined in Base Zoning District. The remaining area shall be considered green space which may be used for stormwater management, raingardens, wetland areas and required buffers, and landscaping. A minimum of fifty (50) percent of the required green space shall be located along the street frontage with the most traffic and visibility, or adjacent to any residential use or residentially zoned property to provide a buffer between the non-residential use or structure.

E. **Screening.**

1. Landscape Plan. Prior to approval of a building permit, a landscape plan and planting schedule shall be approved. The planting schedule shall include species, size of plantings, mature size, and site location. The landscape plan shall be developed with an emphasis upon the following areas:
 - a. The boundary or perimeter of the proposed site adjoining other property.
 - b. The immediate perimeter of the structure.
 - c. The perimeter of parking and loading areas.
2. Requirements. All landscaping incorporated in said Plan shall conform to the following standards and criteria:
 - a. All plants must at least equal the following minimum size:

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Table 515-4-10.3: Minimum Landscape Plant Standards.

		Potted/Bare Root or Balled or Burlapped
Shade Trees*		1 ½ inch diameter
Ornamental Trees (Flowering Crab, Hawthorn, etc.)		1 ½ inch diameter
Evergreen Trees		4 - 5 feet high
Tall Shrubs and Hedge Material (Evergreen or Deciduous)		2 ½ feet high (5 gallon)
Low Shrubs:	Deciduous	12 – 24 inches (2 gallon)
	Evergreen	12 – 24 inches (2 gallon)
	Spreading Evergreens	6 – 18 inches (2 gallon)
Perennials	Hardiness Zones 2-4	(1 gallon)
Type and mode are dependent upon time of planting season, availability, and site conditions (soils, climate, ground water, man-made irrigation, grading, etc.)		
* All required plantings must be of approved nursery stock.		

3. Recommended Plant Species for Screening. A Landscape Plan should incorporate a variety of different species to promote visual interest and plant resilience. The following is a list of plant species based on the required screening categories. Substitutions can be made with approval from the Zoning Administrator.

a. *Four (4) foot high plant screening approved shrubs.*

- i. Deciduous Shrubs: Spirea, Potentilla, Weigela, Honeysuckle, Ninebark, Alpine Currant, Compact Viburnum, Hydrangea, Boxwood, Dwarf Korean Lilac, Dogwood, Chokeberry, Serviceberry, Dwarf Arctic Willow, Globe Peashrub, Cotoneaster.
- ii. Evergreen Shrubs: Sea Green Juniper, Globe Arborvitae, Maney Juniper, Taunton's Yew, Mugo Pine.

b. *Six (6) foot high plant screening approved shrubs.*

- i. Deciduous Shrubs: Red Prince Weigela, Ninebark, Compact Viburnum, Hydrangea, Boxwood, Dwarf Korean Lilac, Miss Kim Lilac, Dogwood, Chokeberry, Serviceberry, Dwarf Arctic Willow, Globe Peashrub, Cotoneaster.
- ii. Evergreen Shrubs: Pyramidal Arborvitae, Techney Arborvitae, Maney Juniper, Tannenbaum Mugo Pine, Sky High Juniper, Wichita Blue Juniper.

F. Design.

1. All land area disturbed as result of development activities not planned for improvements within the property lines (or beyond, if site grading extends beyond) must be restored and revegetated with seed or sod and landscaping as approved within the Landscape Plan.
2. Newly established or created turf slopes in excess of three to one (3:1) are prohibited unless approved by the Zoning Administrator.

G. Parking Lots.

1. All exposed parking areas of ten (10) or more spaces in a front and side yard abutting a public street right-of-way shall be landscaped. Industrial zoned property is exempt from this requirement except for those business with street frontage along Business T.H. 371, T.H. 210, T.H. 25, T.H. 18, Oak Street, or County Road 3.
2. One (1) shrub shall be planted for every five (5) lineal feet of parking lot perimeter that is adjacent to a public street. Two (2) perennials can be substituted for one (1) shrub. Plants shall be two (2) feet to four (4) feet in height and designed in a way to screen the parking lot from street view.

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3. When a parking lot is across the street from a residentially zoned property, the required screen height shall be four (4) feet. Refer to Table [515-4-10.1] Plant Spacing Requirements for Screening.
4. When a parking lot is adjacent to or across an alley from a residentially zoned property, the required screen height shall be increased to six (6) feet. Refer to Table [515-4-10.2] Plant Spacing Requirements for Screening.
 - a. Alley screening requirement is only necessary when parking stalls or drive through lanes are facing a residentially zoned property.
5. A four (4) foot high wall or fence constructed of masonry, brick, wood, or vinyl may be used for required screening. The area between the parking lot and a wall or fence shall be planted with grass or established with landscape material.
6. A chain link fence with or without slats is not permitted to satisfy screening requirements.
7. Landscape material is required on the exterior, or finished side of a fence with maximum spacing required as follows:
8. Off-street parking facilities with internal parking rows of five (5) or more spaces shall incorporate irrigated landscaped islands on both ends of the row as part of the design. Landscaped islands shall be a minimum of six (6) feet wide and extend the length of the parking stall. The islands shall be contained within curbed beds. When internal parking rows contain twenty (20) or more parking stalls, landscape islands shall be provided so that there is not a continuous row of over ten (10) parking spaces.
 - a. In lieu of irrigated islands, drought tolerant plant materials may be used. Plant material information shall be provided to verify drought tolerance.
 - b. Recommended drought tolerant shrubs include: Spirea, Potentilla, Alpine Currant, Dwarf Bush Honeysuckle, Lilac, Ninebark, Juniper, Spruce.
 - c. Recommended drought tolerant perennials include: Russian Sage, Coneflower, Black Eyed Susan, Catmint, Salvia, Veronica, Yarrow, Sedum, Daylily, Ornamental Grasses.
 - d. At least fifty (50) percent of each interior landscaped area shall be covered by living plant material, such as sod shrubs, perennials, and ground cover or trees.
 - e. One (1) tree is required in every parking lot island.
 - f. It is not the intent of this Section to relieve a project from the installation of islands or peninsulas that are necessary to promote the safe and efficient flow of traffic, regardless of parking lot size.
 - g. No landscaping or screening shall interfere with drive or pedestrian visibility for vehicle entering, circulating or exiting the premises.

H. Installation and Maintenance. The following standards shall be observed where installation and maintenance of landscape materials are required:

1. Installation. Landscaping shall be installed in the manner recommended by the manufacturer. Wire and rope caging and non-degradable burlap around tree root balls shall be removed during planting.
2. Landscape Guarantee. All new plants shall be guaranteed for one (1) full year from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or shall be replaced.
3. Protection from Vehicles. Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots.
4. Seeding or Sodding/Off-Season Planting Requirements. Lots or parcels shall be established with seed or sod prior to issuance of a Certificate of Occupancy or property use. If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season.

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5. **Maintenance.** Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. A healthy, neat and orderly appearance includes proper pruning, regular mowing of lawns, and removal of all litter and the replacement of dead and unhealthy plant material. All unhealthy and dead plant material shall be replaced immediately upon notice from the City of Brainerd, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.
- a. All landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within 300 feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.
 - b. *Exception.* Some requirements of preceding Subsection (E.) may be waived if a drought tolerant landscape plan is approved and proper maintenance and management plan is established specifically for the plant schedule identified.
 - c. Maintenance of a required buffer plantings shall be the responsibility of the individual property owners or, if applicable, the homeowner's association.
 - d. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed. Replacement of landscape materials or plantings in a required buffer shall be consistent with the original screen design. All repair or replacement of plantings in a required buffer shall be done within ten (10) days of written notification from the City.

515-4-11 Fence Standards.

- A. **Permit Required.** A fence permit is required for any fence, partition, structure, wall or gate constructed within the required yard.
- B. **Fence Exemptions.** Fences which are ninety (90) percent open (barb wire, chain link, woven wire, and other similar type fences) which are used for containing non-domestic animals within the RL-1, RL-2 and GL Zoning Districts are not subject to the provisions of this Section and do not require a fence permit.
- C. **Fencing Sketch Plan.** An application for a fence permit shall be accompanied by a scaled Sketch Plan providing lot dimensions, the location of existing buildings, structures, and easements on the lot, and the location of the proposed fence. Burden of proof for property line and pin locations shall be the responsibility of the property owner.
- D. **Fence Location.** All fences or walls shall be located entirely within the property of the person or firm constructing the fence unless the owner of the adjoining property agrees, in writing, that such fence may be erected on the common property line of the respective properties.
1. No fence or wall shall be permitted on public rights-of-way.
 2. Traffic visibility requirements set forth in the Base Zoning District shall be met.
 3. No fence or wall shall obstruct natural drainage or extend within a wetland, drainage ditch, stream, or river.
 4. Fences may be constructed within utility and drainage easements with the written permission of the Zoning Administrator.
 5. Wire fences other than chain link are not permitted within five (5) feet of the property line.
 6. All fences shall be located at least four (4) feet from an alley right-of-way.
- E. **Fence Construction and Maintenance.**
1. Every fence shall be constructed in a professional manner and of substantial materials reasonably suitable for the purpose for which it is intended. The materials and design shall be compatible with other structures in the area in which the fence is located and shall not cause blight or a negative impact.

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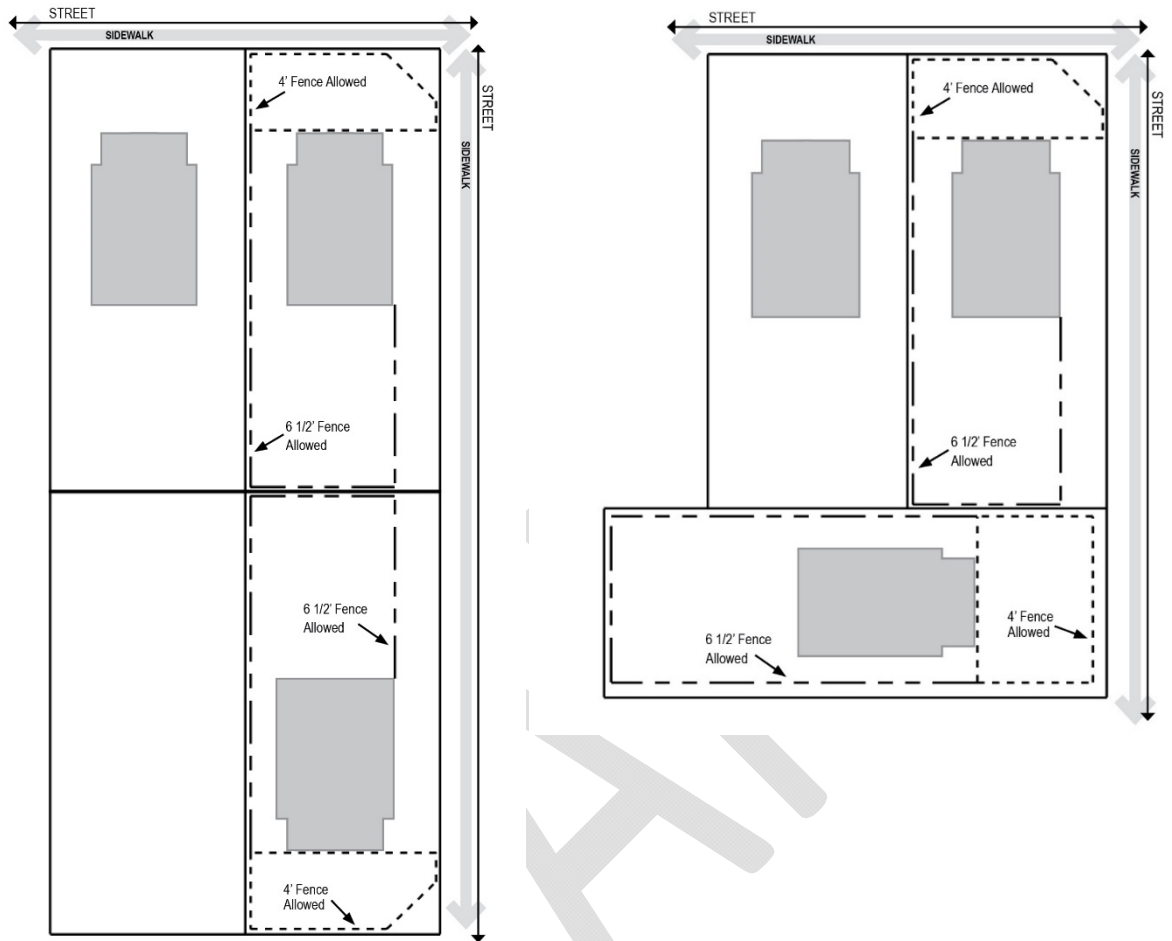
2. Every fence shall be regularly maintained and shall not become or remain in a condition of disrepair, or constitute a nuisance.
3. All posts or similar supporting devices used in the construction of fences shall face inward toward the property being fenced. That side of the fence considered to be the face shall be oriented toward abutting property or rights-of-way.
4. Electric and barb wire fences are prohibited in residential districts.
5. Within non-residential districts, barbed wire may be attached to the tops of fences with the following conditions:
 - a. Fences shall be a minimum of eight (8) feet in height exclusive of the security arm.
 - b. The security arm shall be angled in such a manner that it extends only over the property of the permit holder.
 - c. Wire security fencing shall not be permitted within the required front yard or along a property line abutting a residential use.
6. Solid walls, including retaining walls in excess of forty-eight (48) inches in height require a building permit.
7. The good or finished side shall face the neighboring property.
8. All fences that completely enclose an area shall contain a gate to provide public safety access.

F. Fence Height.

1. Fences may be located in any yard up to a height of four (4) feet.
2. Except as prohibited by Section [D] a fence up to six and one half (6½) feet high may be erected from a line extended from the front façade of the principal building to the side lot lines, and then along the side lot lines and the rear lot line (see Figure 515-4-11.1).
3. Fence height shall be measured from the adjacent ground level to the top of the fence section on the side facing the neighboring property. Fence posts above the fence section and ornamental post features are exempt from the height limits.

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Figure 515-4-11.1 Fence Height Lot Diagrams



4. Height Exceptions.

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

515-4-12 Off-Street Parking

- A. Purpose and Intent.** The regulations of off-street parking spaces within this Ordinance is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public establishing minimum requirements for off-street parking of motor vehicles in accordance with the utilization of various parcels of land or structures.

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- B. Application of Off-Street Parking Regulations.** The regulations and requirements set forth herein shall apply to all off-street parking facilities, except single-family detached and duplex dwellings, in all of the Zoning Districts of the City.
- C. Sketch Plan Drawing Necessary.** Applications for a change of use, new construction or expansion in all Zoning Districts shall be accompanied by a Site Plan drawn to scale and dimensioned and indicating the location of off-street parking, loading spaces, driveways, and curb cuts in compliance with the requirements set forth in this subdivision and Section [515-5-9] of this Ordinance.
- D. Exemptions from Parking Requirements.** All uses located within the Commercial Corridor (CC), General Commercial (GC), Town Center (TC), Main Street (MS), and General Industrial (GI) Zoning District shall be exempt from the following off-street parking requirements of this Ordinance.
- E. General Provisions.**
1. Space Reduction. Existing off-street parking spaces upon the effective date of this Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar new use.
 2. Existing Uses. Should a legal, non-conforming building, structure, or use in existence upon the effective date of this Ordinance be damaged or destroyed by fire or other cause, it may be re-established in accordance with Section [515-5-10] of this Ordinance, except that in so doing, any off-street parking or loading which existed shall be retained.
 3. Change of Use or Occupancy of Buildings. Any change of use or occupancy of any building or buildings including additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by this Ordinance.
 4. Use of Parking Area. Required off-street parking space in any district shall not be utilized for storage of goods or for the storage of vehicles which are inoperable or for sale or for rent.
 5. Accessible Parking. All parking associated with any building, structure or use shall be required to conform to the disability accessible parking standards pursuant to Minnesota State Statutes 168.021, as may be amended.
 6. Parking for Residential Uses. Off-street parking areas accessory to a residential use shall be utilized solely for the parking of passenger automobiles, recreational vehicles, and/or one (1) truck not to exceed 12,000 pounds gross weight rating for each dwelling.
 7. Use of Required Parking Facilities for Commercial and Industrial Uses. Required off-street parking spaces in commercial and industrial districts shall not be utilized for open storage, sale or rental of goods, or storage of inoperable vehicles.
- F. Calculating Space.**
1. The term “floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus ten (10) percent, except when floor plans are submitted that identify net usable floor area of the building exclusive of ancillary floor areas that do not generate parking demand (e.g., stair wells, hallways, restrooms, closets, utility rooms).
 2. When determining the number of off-street parking spaces results in a fraction, each fraction of one-half ($\frac{1}{2}$) or more shall constitute another space.
 3. In gymnasiums, places of worship and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-four (24) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements.
 4. Except as provided for under joint parking and shopping centers, should a building contain two (2) or more types of use, each use shall be calculated separately for determining the total off-street parking spaces required. Warehouse area associated with retail uses shall have parking requirements calculated separately from the retail requirements.

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G. Access and Driveway Design.

1. Collector/Minor Arterial Street Access. Access to any street shown as a collector or arterial roadway on the City's Comprehensive Plan shall require review and comment by the affected agency (County Highway Engineer or MnDOT) and City. This review shall be required prior to the issuance of any building permits. The County or City Engineer shall determine the appropriate location, size and design of each access drive and may limit the number of access drives in the interest of public safety and efficient traffic flow.
2. Street/Alley Access. Except in the case of single, two family and townhouse dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single-family detached and single-family attached dwellings, parking area design which requires backing into the public street is prohibited.
3. MnDOT Highway Access. A MnDOT permit is required to create, modify or to change an access to a State highway.
4. Curb Cut/Driveway Access Location.
 - a. No residential curb cut/driveway access shall be located less than 30 feet from the intersection of two (2) or more local street rights-of-way. Minimum distance from an intersection for commercial uses shall be 60 feet. This distance shall be measured from the intersection of lot lines. Curb cut/driveway access setbacks from the intersection of streets with higher functional classifications shall be consistent with the recommendations of the Comprehensive Plan and require approval by the City Engineer.
 - b. Street functional classification shall be defined by the City's Comprehensive Plan.
 - c. The setback measurement shall be measured from the edge of the street right-of-way to the nearest edge of the curb cut.
 - d. Driveways onto arterials and major collectors shall be prohibited where alternative street access is available. For existing lots of record, where alternative access is not available, direct access onto arterial and major collectors may be permitted, provided a Sketch Plan is submitted for review and approval of the City Engineer. Approval is also subject to the provisions of this Ordinance.
5. Residential uses in residential zoning districts may construct driveways and parking areas up to the property line but shall not encroach within drainage and utility easements.
6. Non-residential uses in residential Zoning Districts and uses in all other Zoning Districts, driveways and parking stalls shall be set back a minimum of three (3) feet from side and rear property lines. The City may allow an exception to the required setback to accommodate a shared driveway along a common property line, provided the following conditions are met:
 - a. Access easements are established and recorded over the shared driveway in favor of each affected property owner.
 - b. A maintenance agreement between the property owners is established and recorded for the shared driveway.
7. Each lot and parcel shall be entitled to at least one (1) curb cut. Lots and parcels shall be allowed one (1) curb cut access for each 125 feet of street frontage. Corner lots and parcels are allowed one (1) curb cut access plus one (1) additional curb cut access for frontages over 125 feet.
8. Curb Cut/Driveway Width. No curb cut shall exceed 30 feet in width as measured at the street right-of-way line. Commercial and Industrial properties requiring larger curb cuts to accommodate truck turning radii shall be allowed to have curb cuts up to 36 feet in width. Access to a collector or arterial roadway shall require review and approval by the City Engineer and any other affected agency.

H. Parking Surface Design Standards.

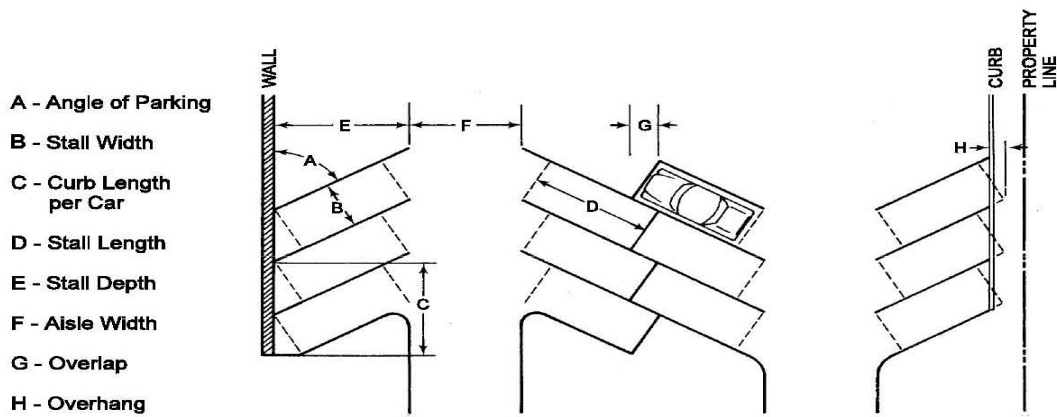
1. Parking Area Standards. Parking areas and the aisles shall be developed in compliance with the standards established in the Table [515-4-12.1] and Figure [515-4-12.1] as follows:

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Table 515-4-12.1: Parking Area Standards.

Angle of Parking (A)	Stall Width (B)	Curb Length Per Car (C)	Stall Length (D)	Stall Depth Wall to Aisle (E)	Stall Depth Interlock to Aisle	Aisle One Way (F)	Aisle Width Two Way (F)
90°	10' 0"	10' 0"	18' 0"	18' 0"	18' 0"	24' 0"	24' 0"
75°	10' 0"	9' 6"	18' 0"	20' 8"	19' 10"	21' 6"	23' 0"
60°	10' 0"	10' 5"	18' 0"	21' 0"	19' 10"	18' 0"	22' 0"
45°	10' 0"	12' 9"	18' 0"	19' 10"	17' 10"	15' 0"	22' 0"
0°	10' 0"	22' 0"	22' 0"	9' 0"	9' 0"	12' 0"	24' 0"

Figure 515-4-12.1: Parking Area Diagram.



2. **Semi-Tractor Trailer Parking.** Semi-tractor trailer parking shall be in stalls designated for such parking in terms of width and length. Parking of semis lengthwise across standard parking stalls shall be prohibited.
3. **Within Buildings.** The off-street parking requirements may be furnished by providing a space so designed within the principal building or one (1) structure attached thereto. No building permit shall be issued to convert said parking building into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this Ordinance.
4. **Grade Elevation.** Excepting driveways for single-family detached and duplex dwellings, the grade elevation of a parking area shall not exceed five (5) percent.
5. **Surfacing.**
 - a. *One- and two-family residential parking surface requirements.* An improved parking surface for residential parking in all residential districts except RL-1 and RL-2 includes concrete, bituminous (pervious or impervious), pavers (pervious or impervious), brick, Class V, pea gravel and stones. Class V, pea gravel, stone, and grass are permitted unimproved surfaces for residential uses as described in this Section.
 - i. No more than forty (40) percent of a property can be improved parking surfaces.
 - ii. Parking is permitted on an improved and unimproved surface in the rear yard.

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- iii. The width of a garage plus an additional forty (40) percent of the width of the garage can be surfaced for a driveway in the front and side/corner yards.
- iv. Parking in front and side street yards is allowed on concrete, bituminous and pavers/brick. Material such as Class V, rocks, pea gravel and stone are not allowed.
- v. A driveway without a garage shall extend into the yard alongside a dwelling twenty-four (24) feet.
- vi. Parking along an interior side of a house is permitted on an improved surface.
- b. *Multiple family and non-residential parking surface requirements.* All areas intended to be utilized for parking space and driveways shall be surfaced with concrete, bituminous, and pavers/brick. The City may allow up to twenty-five (25) percent of required parking stalls or one hundred (100) percent of seasonal or overflow parking in excess of that required to be provided as green parking with a turf surface which is supported by a City approved parking lot sub-base and turf guard fabric.
 - i. Plans for surfacing and drainage of driveways and stalls for ten (10) or more vehicles shall be submitted to the City Engineer for review and the final plans shall be subject to the City Engineer's written approval.
 - ii. Plans for surfacing and drainage of driveways shall be reviewed and approved by the Zoning Administrator prior to issuance of a building permit. Said surfacing shall be completed within one (1) year following the date of building occupancy permit.
- 6. Striping. Except for single, two family or townhouses, all parking stalls shall be marked with white or yellow painted lines not less than four (4) inches wide.
- 7. Lighting. Any lighting used to illuminate an off-street parking area shall be arranged as to reflect the light away from the adjoining property. All exterior lighting shall comply with Section [515-4-8] of this Ordinance.
- 8. Cart Storage. Retail commercial uses that have customer service carts shall be required to provide ample space for the storage of carts within off-street parking areas, subject to the approval of the Zoning Administrator. The need and specific amount of required cart storage space shall be determined as part of the Site Plan review. When required, cart storage areas shall not occupy required off-street parking space, shall be clearly delineated, and shall include facilities for cart confinement.
- I. **Maintenance.** It shall be the joint responsibility of the operator and owner of the principal use, uses and/or buildings to maintain, in a neat and clean manner, the parking space, access ways, landscaping and required screening.
- J. **Ownership.**
 - 1. Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served, except under the provisions of Sections [515-3-30] of this Ordinance.
- K. **Number of Spaces Required.** The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth.
 - 1. Auto, Boat, Trailer, Farm Equipment and Other Outdoor Sales Lots. One (1) space per four hundred (400) square feet gross sales and office floor area and of the building plus one (1) space per each two thousand (2,000) square feet of gross outdoor sales lot area.
 - 2. Auto Repair. Two (2) spaces per serving bay; the service bay is not a parking space, plus one (1) for each employee on the maximum shift.
 - 3. Boarding House. At least one and one-half (1½) parking spaces per boarding room.
 - 4. Bowling Alleys. Five (5) spaces for each alley plus additional spaces for related uses.
 - 5. Car Washes (Drive Through and Self Service). One (1) space per employee plus: Drive through: Six (6) stacking spaces. Self-service: One (1) stacking space per wash bay.

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6. Places of Worship. At least one (1) parking space for each four (4) seats based on the design capacity of the main assembly hall, plus one (1) space for each church employee. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Ordinance.
7. Community Centers, Libraries, Private Clubs, Lodges, Museums, Art Galleries. One (1) space for each three hundred (300) square feet of floor area in the principal structure.
8. Contractors' Offices, Shops and Yards. One (1) per 1,000 square feet of shop area or warehousing, plus one (1) per 300 square feet of office space.
9. Day Care Facilities.
 - a. Day care facilities serving fourteen (14) or fewer persons. In addition to residential parking requirements, one (1) space per seven (7) children capacity.
 - b. All other day care facilities. One (1) space per teacher on the largest shift, plus one (1) space per ten (10) students/children based on maximum capacity of the facility.
10. Elderly (Senior Citizen) Housing. Reservation of area equal to one (1) parking space per unit. Initial development is, however, required of only one-half (½) space per unit and said number of spaces can continue until such time as the City Council considers a need for additional parking spaces has been demonstrated.
11. Financial Institutions, Banks, Savings and Loan. Four (4) spaces for every 1,000 square feet.
12. Funeral Undertaking Establishments. At least 20 parking spaces for each chapel or parlor, plus one (1) parking space for each funeral home vehicle. Drive aisle space shall also be provided off the street for making up a funeral procession.
13. Furniture Store/Household Appliances. One (1) space per 400 square feet of gross sales floor area. One (1) space per 1,500 square feet of warehousing.
14. Garden Supply Stores, Building Material Sales in Structures. Eight (8) off-street parking spaces, plus one (1) additional space for 800 square feet of floor area over 1,000 square feet.
15. Golf Courses. Four (4) spaces per hole, plus fifty (50) percent of the requirements for any other associated use.
16. Golf Driving Ranges, Miniature Golf Courses and Other Outdoor Commercial Recreational Uses. Ten (10) off-street parking spaces plus one (1) for each two hundred (200) square feet of activity area.
17. Health Clubs. One (1) space per two (2) exercise stations (e.g., strength machine or cardiovascular) plus one (1) space per employee on the largest shift plus additional parking for ancillary uses (e.g., gymnasiums, auditoriums, offices, restaurants).
18. Hospitals. Three (3) spaces per bed.
19. Manufacturing Facilities. One (1) space for every 800 square feet of gross floor area, plus one (1) space for every company owned vehicle.
20. Motels and Hotels. One (1) space per each rental room/suite plus one (1) space for each eight (8) units, and one (1) space for each employee on any shift.
21. Motor Fuel Stations. At least four (4) off-street parking spaces plus one (1) space for each employee on duty. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance.
22. Office Buildings, Animal Hospitals and Clinics, Professional Offices and Medical Clinics. One (1) space for every 200 square feet of floor area.
23. Sales Lots. Ten (10) spaces or one (1) per 2,000 square feet gross land area devoted to sales lot, whichever is larger.

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24. Racquetball, Handball and Tennis Courts, Commercial. Not less than six (6) spaces per each court.
 25. Rest Home, Nursing Home, Convalescent Center, or Institution. One (1) space for each six (6) beds based upon maximum design capacity, plus one (1) space for each two (2) employees.
 26. Restaurants, Cafes, Private Clubs Serving Food and/or Drinks, Bars, On-Sale Nightclubs. One (1) space per 40 square feet of dining or bar area and one (1) space per 80 square feet of kitchen area.
 27. Restaurants, Fast Food. Fifteen (15) spaces per 1,000 square feet of gross floor area.
 28. Retail Sales and Service Business with Fifty (50) Percent or More of Gross Floor Area Devoted to Storage, Warehouses and/or Industry. At least eight (8) spaces or one (1) space per 200 square feet devoted to public sales or service, plus one (1) space per 500 square feet of storage area.
 29. Retail Stores and Service Establishments. At least one (1) off-street parking space per 200 square feet of floor area.
 30. Schools: Colleges and Universities. At least one (1) parking space for each two (2) students based on the design capacity plus one (1) space for each classroom. Auditorium or event space shall be subject to separate, additional calculations.
 31. Shopping Centers. Five and one half (5 ½) spaces per 1,000 square feet of gross leasable floor area (exclusive of common areas).
 32. Single Family, Duplex, and Accessory Apartments. Two (2) spaces per unit.
 33. Theaters, Civic Centers, Auditoriums, Stadiums, Sports Arenas or Similar Uses. One (1) space for each four (4) seats plus one space for each two (2) employees.
 34. Attached Single-Family Dwellings, Multi-Family and Manufactured Homes within Manufactured Home Parks. At least two and one-fourth (2 ¼) rent-free spaces per unit. In projects involving eight (8) or more units, the City may require additional clustered guest parking spaces based upon calculation of required demand.
 35. Warehousing, Storage of Handling of Bulk Goods. That space which is solely used as office shall comply with the office use requirements and one (1) space per 1,500 square feet of floor area, and one (1) space for each company owned truck (if not stored inside principal building) or one (1) space for each employee, whichever is greater.
 36. Other Uses. Other uses not specifically mentioned herein shall be determined on an individual basis by the City Council upon recommendation by the Planning Commission. Factors to be considered in such determination shall include (without limitation) the national parking standards for size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.
- L. **Parking Deferment.** The Planning Commission may allow a reduction in the number of required parking stalls for commercial, industrial, and public/semi-public uses provided that:
1. The applicant demonstrates that the proposed use will have a peak parking demand less than the required parking as defined in [K.] of this Section. Factors to be considered when reviewing the proposed parking demand shall include, but not be limited to:
 - a. Size of building.
 - b. Type of use.
 - c. Number of employees.
 - d. Projected volume and turnover of customer traffic.
 - e. Projected frequency and volume of delivery or service vehicles.
 - f. Number of company-owned vehicles.

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- g. Storage of vehicles on site.
 - 2. In no case shall the amount of parking provided be less than one-half (1/2) of the amount of parking required by this Ordinance.
 - 3. The site has sufficient property under the same ownership to accommodate the expansion of the parking facilities to meet the minimum requirements of this Ordinance if the parking demand exceeds on site supply. A proof of Parking Plan is submitted for City approval that meets the following conditions:
 - a. A Parking Plan drawn to scale for the property is submitted with the Sketch Plan and indicates that the site complies with the total parking requirements stated above and with the Parking Lot Design to the standards required by this Ordinance.
 - b. The proof of parking area is defined as that portion of the site which is not paved, but is suitably landscaped and is capable of containing the amount of parking equal to the difference between the total amount of required parking and the amount of parking required to be paved to meet the requirements of this Ordinance.
 - c. The proof of parking area shall be clearly delineated on the Parking Plan for the site.
 - d. The paved portion of the parking area shall comply with this Sections.
 - e. The proof of parking area is not used to satisfy any other landscaping, setback, or other requirement of this Ordinance and is not located in an area occupied by a building or an easement.
 - 4. The property owner is responsible for informing any subsequent owner of the proof of parking area and parking status of the property and shall record said provision with the County Recorder.
 - 5. On-site parking shall only occur in areas designed and constructed for parking in accordance with this Ordinance.
 - 6. The applicant and City enter into a development agreement, to be recorded against the subject property, which includes a clause requiring the owner to install the additional parking stalls, upon a finding of the City that such additional parking stalls are necessary to accommodate the use.
 - 7. A change of use will necessitate compliance with the applicable Zoning Ordinance standard for parking.
- M. Joint Facilities.** Required parking facilities serving two or more uses may be located on the same lot or in the same structure provided that the total number of parking spaces furnished shall be not less than the sum of the separate requirements for each use, during any peak hour parking period when the parking facility is utilized at the same time by two or more uses. Conditions required for joint use:
- 1. The proposed joint parking space is within the distance required under [M.] of this Section of the uses it will serve.
 - 2. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
 - 3. A properly drawn legal document approved by the City Council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the City Clerk.
- N. Off-Site Parking.** Any off-site parking which is used to meet the requirements of this Ordinance shall be subject to the following conditions:
- 1. Off-site parking shall be developed and maintained in compliance with all requirements and standards of this Ordinance.
 - 2. Reasonable public access from off-site parking facilities to the use being served shall be provided.
 - 3. The site used for meeting the off-site parking requirements of this Ordinance shall be under the same ownership as to the principal use being served or under public ownership.

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4. Off-site parking for multiple family dwellings shall not be located more than 400 feet from any normally used entrance of the principal building(s) served.
5. Off-site parking for non-residential uses shall not be located more than 800 feet from the main entrance of the principal building(s) being served. No more than one (1) main entrance shall be recognized for each principal building.
6. Any use which depends upon off-site parking to meet the requirements of this Ordinance shall maintain ownership and parking utilization of the off-site location until such time as on-site parking is provided or a site in closer proximity to the principal use is acquired and developed for parking.

515-4-13 Off-street Loading.

- A. **Purpose and Intent.** The regulation of off-street loading areas is to alleviate or prevent congestion of the public right-of-way to promote the safety and welfare of the public by establishing minimum requirements for off-street loading and unloading from motor vehicles in accordance with the appropriate utilization of various parcels of land or structures.
- B. **Location.**
 1. All required loading areas shall be off-street and shall be located on the same lot as the building or use to be served. A loading area shall be located at least 50 feet from the intersection of two (2) street rights-of-way and at least 50 feet from a residential district unless within a building.
 2. Loading areas shall not occupy areas within the required front yard setbacks.
 3. Each loading area shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic on both on- and off-site.
 4. Loading areas located at the front or side of a building on a corner lot shall meet the following conditions:
 5. Loading areas shall not conflict with pedestrian movement.
 6. Loading areas shall not obstruct the view of the public right-of-way from off-street parking access.
 7. Loading areas shall comply with all other requirements of this Ordinance.
- C. **Surfacing.** All loading areas and access ways shall be improved with a bituminous surface or equally durable material to control the dust and drainage approved by the City Engineer.
- D. **Accessory Use, Parking and Storage.** Any space allocated as a loading area or maneuvering area must comply with the terms of this Ordinance and shall not be used for the storage of goods, inoperable vehicles or snow, or be included as a part of the space requirements necessary to meet the off-street parking area requirements.
- E. **Screening.** All loading areas, except in the case of multiple family dwellings, shall be screened and landscaped from abutting and surrounding residential uses and the public right-of-way in compliance with Section [515-4-9] of this Ordinance.
- F. **Size.** Unless otherwise specified in this Ordinance, a required loading area shall be not less than twelve (12) feet in width, 50 feet in length and 14 feet in height, exclusive of aisle and maneuvering space. Additional loading areas shall be not less than twelve (12) feet in width and twenty-five (25) feet in length.

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515-5 RULES AND ADMINISTRATION.

515-5-1 Zoning Administrator Duties and City Staff. The City Council shall appoint one, or multiple, Zoning Administrator(s). The appointed Zoning Administrator shall have the authority to request assistance from other City Staff as needed to effectively implement this Ordinance. The Zoning Administrator shall enforce this Ordinance and shall perform the following duties:

- A. Maintain permanent and current records of this Ordinance, including but not limited to maps, amendments, variances and conditional uses.
- B. Receive, file, and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.
- C. Institute in the name of the City, any appropriate actions or proceedings against a violator as provided for.
- D. Serve as an ex-officio non-voting member of the Planning Commission.
- E. The Zoning Administrator shall work with any applicable City Staff, to enforce the provisions of this Ordinance.
- F. If the provisions of this Ordinance are being violated, the Zoning Administrator shall notify in writing the property owner or property owner and tenant if rental property for such violations pursuant to Section [515-5-11]. The City shall order discontinuance of illegal use of the land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Section to ensure compliance with or to prevent violation of provisions of this Ordinance.

G. Certificates of Zoning Compliance Required.

- 1. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
- 2. Building permits, Conditional Use Permits, or Certificates of Zoning Compliance shall be issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction.
- 3. Any use, arrangement, or construction of a structure without an approved Variance shall be deemed a violation of this Ordinance, and punishable as provided by Section [515-5-11] of this Ordinance.
- 4. The Building Official, in consultation with the Zoning Administrator, may refuse to issue a Certificate of Occupancy for any building or structure so long as any violations of this Ordinance exist on the premises or there remains any unsatisfied conditions related to any permit or Variance applicable to the premises.
- 5. Zoning Coordination. Any Zoning District amendment on land adjacent to or across a public right-of-way from an adjoining county or community shall be referred to the governing unit of the adjacent community for review and comment prior to action by the City Council granting or denying the zoning district classification change. A period of at least ten (10) days shall be provided for receipt of comments; such comments shall be considered as advisory only.

H. Land Use Application Procedures Summary.

- 1. The following Table 515-5-1.1 is provided to summarize and identify the land use application and associated process for each application as described in this Section. The requirements and standards for each land use application are provided within the following Sections and are referenced in the Table. The decision-making body review identifies the minimum requirements for processing a land use application. The City Council retains the ability to request additional review from any of its recommending bodies.

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Table 515-5-1.1. Land Use Application Review Procedures.

Land Application Review Procedures						
Procedure	Section Reference	Public Hearing	MN State Statute 15.99	If City Council is checked, they are the final decision-making body.		
Land Use Application				Staff	Planning Commission	City Council
Zoning Amendment (Text or Map)	515-5-6	X	X	X	X	X
Comprehensive Plan Amendment (Text or Map)	515-5-6	X	X	X	X	X
Variance	515-5-4	X	X	X	X	X
Appeal to a Variance or Land Use Decision	515-5-11.D.			X		X
Conditional Use	515-5-2	X	X	X	X	X
Interim Use	515-5-3	X	X	X	X	X
Site Plan Review ¹	515-5-5		X	X	X	X
Planned Unit Development (PUD)						
• Pre-Application Meeting	515-5-7.J.			X		
• General Concept Plan	515-5-7.J-K			X	X	X
• Development Stage Plan	515-5-7.M	X	X	X	X	X
• Final Plan	515-5-7.N		X	X	X	X
Administrative Permit	515-5-9		X	X		
Sketch Plan ²	515-5-9		X	X		
Environmental Review ³	NA			X		X

¹ Site Plan Review subject to public hearing, Planning Commission and City Council review when required as part of another Land Use Application process.

² Sketch Plan subject to public hearing, Planning Commission and City Council review when required as part of another Land Use Application process.

³ Environmental Review must follow Minnesota State Statutes regarding process and review timeline. This City hereby incorporates the procedures and requirements by reference.

I. Other Agency Review and Review Timelines.

1. Minnesota State Statutory Review Procedures for Land Use Applications. As identified in Table [515-5-1.1] of this Section, certain land use applications are subject to the rules of procedure and deadlines for action as established within Minnesota State Statutes. The City Council shall follow the rules and requirements as

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established by Minnesota State Statute which may be updated from time to time. The following summary of current statutory requirements is provided.

- a. *Minnesota State Statute 15.99.* Pursuant to Minnesota Statutes 15.99, a land use applicant shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. Pursuant to Minnesota Statutes 15.99, the Zoning Administrator is hereby authorized to extend the 60-day time limit by a time period not to exceed 60 additional days, provided that written notice of such extension is provided to the applicant before the end of the initial 60-day period. The reason for the extension must be provided in the extension letter and must include the date through which the extension is made. The applicant may also request an extension to the review timeline.
- b. *Minnesota State Statutes 462.358.* Certain land use applications also include the requirement that a preliminary and final plat be prepared. For applications including any plat process, Minnesota State Statutes 462.358 shall govern the review timeline. An application for a preliminary plat shall be approved or denied within 120 days from the date of a complete submission unless a time waiver is granted by the applicant. A preliminary plat may be approved with conditions or denied with written findings. An application for final plat, shall be approved or denied within 60 days from the date of the complete submission unless a time waiver is granted by the applicant. The application shall be in substantial compliance with the approved preliminary plat, including any modifications required as a condition of preliminary plat approval.

515-5-2 Conditional Use Permits.

- A. **Purpose and Intent.** The purpose of the Conditional Use Permit is to provide the City of Brainerd with the discretion and flexibility to achieve the goals and objectives of the comprehensive plan and to determine, what, if any, uses other than those specifically permitted may be suitable within the City's Zoning Districts.
 1. Conditional Uses are listed on the Appendix A: Table of Uses. Only Conditional Uses identified on the Table shall be considered and only applications that support the goals and objectives of the Comprehensive Plan; protect and enhance the City's character, serve, in a general way the needs of the citizens; and do not negatively affect the general welfare, public health and safety of the community.
 2. In determining whether or not the conditional use is to be allowed, the City may consider the nature of the adjoining land or buildings, the effect upon traffic to and from the premises, or effects on any adjoining roads and all other factors the City shall deem appropriate for consideration.
 3. If a use is deemed suitable, reasonable conditions may be applied to issuance of a Conditional Use Permit, and periodic review of said permit may be required.
- B. **Procedure.**
 1. Request for Conditional Use Permits, as provided within this Section shall be filed with the City on an official application form. Applications shall be accompanied by a fee as required by this Ordinance and shall be accompanied by an electronic copy of detailed written and graphic materials. Hard copies may be requested by the Zoning Administrator.
 2. Proof of Ownership or Authorization. The applicant shall supply proof of ownership or equitable ownership interest, a legal description and as applicable supply documented authorization from the owner(s) of the property in question to proceed with the requested Conditional Use Permit.
 3. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the City at least ten (10) days prior to the hearing. Notice of the hearing shall also be mailed to owners of property located within a three hundred and fifty (350) foot radius of the outside of the land to which the conditional use will be applicable. The notice shall include a description of the land and the proposed conditional use. Failure of a property owner to receive such a notification shall not invalidate the proceedings.

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4. A copy of the application for the proposed Conditional Use Permit within a Flood Zone shall be mailed to the Commissioner of Natural Resources and where applicable the Mississippi Headwaters Board so that the Commissioner and Board will receive at least ten (10) days notice of the hearing. Violations to send such notice are punishable under Section [515-5-11].
5. The Zoning Administrator may request the appropriate staff persons to prepare technical reports where applicable and provide general assistance in preparing a recommendation on the request.
6. Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.
 - a. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on the Appendix A: Table of Uses.
 - b. The proposed use meets the regulations and standards established in this Ordinance
 - c. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - d. The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
 - g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.
7. Conditions. In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses. Such conditions may include, but are not limited to, the following:
 - a. Increasing the required lot size or yard setback dimension.
 - b. Limiting the height, size or location of buildings.
 - c. Regulating ingress and egress to the property and the proposed structures thereon with particular references to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 - d. Regulating the street width.
 - e. Increasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location or lighting of signs.
 - g. Requiring a berm, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - h. Requiring dedication of some open or green space.
 - i. Regulating the appearance of the facilities or site so that they are harmonious with the neighborhood and City.
 - j. The following may be added as conditions to properties in a Flood Zone:

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- i. Modification of waste treatment and water supply facilities.
 - ii. Limitations on period of use, occupancy, and operation.
 - iii. Imposition of operational controls, sureties, and deed restrictions.
 - iv. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - v. Flood-proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.
- k. A copy of all decisions granting conditional uses within the Flood Zone shall be forwarded by mail to the Commissioner of Natural Resources and where applicable the Mississippi Headwaters Board within ten (10) days of such action. Violation to send such notice is punishable under Section [515-5-11].
8. Amendments. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all Conditional Use Permits issued including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate.
- a. An amended Conditional Use Permit application shall be administered in a manner similar to that required for a new Conditional Use Permit, amended Conditional Use Permits shall include requests for changes in conditions, and as otherwise described in this Ordinance.
 - b. Whenever an application for a Conditional Use Permit has been considered and denied by the City Council, a similar application for the Conditional Use Permit affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by not less than a majority vote of the full City Council.
9. Review and Enforcement. If a periodic review is included as a condition by which a Conditional Use Permit is granted, the Conditional Use Permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review. It shall be the responsibility of the Zoning Administrator to schedule such public hearings and the owner of the land having a Conditional Use Permit shall not be required to pay a fee for said review. A waiver from a public hearing for annual review of a Conditional Use Permit may be granted at the discretion of the City Council.
- a. In the event that the applicant violates any of the conditions set forth in this permit, the City Council shall have the authority to revoke the Conditional Use Permit outlined as follows:
 - b. The City shall conduct a public hearing to consider the revocation of a Conditional Use Permit. Notifications shall be distributed and published according to Subsection [B.3]. The public hearing shall be conducted by the Planning Commission, which shall make a recommendation to the City Council.
 - c. In considering revocation, the Planning Commission and the City Council shall consider compliance with the approved conditions of the Conditional Use Permit.
 - d. Following a vote by the City Council to revoke the Conditional Use Permit, the City shall file a certified copy thereof including a legal description of the property with the County Recorder and/or Registrar of Title.
 - e. Conditional Use Permits issued shall be recorded in the office of the County Recorder as per Minnesota Statutes.

C. Application.

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1. An applicant applying for a Conditional Use Permit for an accessory use to a single-family detached or single-family attached property shall fill out and submit to the Zoning Administrator a Conditional Use Permit application form and required filing fee. This form shall contain, but not be limited to, the following data unless waived by the Zoning Administrator:
 - a. Detailed legal description of the property.
 - b. Site Plan showing location of all buildings and structures with dimensions and setbacks.
 - c. Planting plan showing pathway system, width and material, screening fences with detail, lighting system, recreational feature, if any.
 - d. Landscape plan showing location, species and size of all plant material.
 - e. Drainage plan indicating catch basins and underground improvement.
 - f. Utility systems for sanitary sewer, water, gas, telephone and electric which shall all be underground for new construction.
 - g. Sites adjacent to MnDOT right-of-way shall identify the right-of-way location, dimension from the centerline of the highway to the MnDOT right-of-way line, along with existing and proposed ingress and egress.
 - h. Sites adjacent to MnDOT right-of-way shall be submitted to MnDOT for review and comment.
 - i. Off-street parking, driveways and access plan.
 - j. Off-street loading plan, if any, is necessary.
 - k. Plan for adjustment to existing rights-of-way, easements, utilities and new dedications.
 - l. Architectural plans showing elevations, entrances, heights, floor plans and material to be used on the exterior.
 - m. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
2. The applicant applying for a Conditional Use Permit, whether for a principal or accessory use, within a commercial or industrial Zoning District and for any multi-family properties shall fill out and submit to the Zoning Administrator a Conditional Use Permit application form and required filing fee.
3. Submission Materials. The submission for a Conditional Use Permit shall include the following:
 - a. Narrative describing the proposed use. The narrative should include the following, as applicable to the application:
 - i. Proposed Use
 - ii. Description of business or activity to be conducted.
 - iii. Number of employees.
 - iv. Hours of operation.
 - b. Site Plan as described in Section [515-5-5].
 - i. The Zoning Administrator shall have the authority to except any of the submission materials identified in Section [515-5-5] Information Required. The Zoning Administrator shall evaluate the proposed use and proposed improvements to determine what materials are necessary to process the proposed application.

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D. Cancellation of Conditional Use Permits.

1. Unless otherwise specified by the City Council at the time it is authorized, a Conditional Use Permit shall be null and void and expire if the applicant fails to utilize the Conditional Use Permit, or fails to fulfill all required conditions attached thereto within one (1) year from the date of its authorization, unless a petition for an extension of time in which to complete or utilize the permit has been granted by the Zoning Administrator provided that:
 - a. The extension is requested in writing and filed with the City at least thirty (30) days prior to the expiration of the executed Conditional Use Permit.
 - b. The request for extension states facts demonstrating that a good faith attempt has been made to complete or utilize the use or activity permitted in the Conditional Use Permit.
 - c. A maximum of one (1) administrative extension by the Zoning Administrator shall be granted.
 - d. The extension shall not exceed ninety (90) days from the initial Conditional Use Permit expiration date.
 - e. There shall be no charge for the filing of a petition for an administrative extension.
2. If an extension is requested exceeding 90 days, the request must be reviewed and approved by the City Council. Such extension may be granted if:
 - a. The conditions described in subsection [1.a.-c.] above are satisfied.
 - b. The extension shall not exceed one (1) year from the initial Conditional Use Permit expiration date.
 - c. The filing of a petition for extension is subject to fee requirements established by City Council resolution.

E. Performance Security.

1. Except in the case of non-income producing residential property (excluding relocated structures), upon approval of a Conditional Use Permit the City shall be provided, where deemed necessary by the City Council, with a performance security as approved by the City Attorney prior to the issuing of a Building Permit or initiation of work on the proposed improvements or development. Said security shall be non-cancelable and shall guarantee conformance and compliance with the conditions of the Conditional Use Permit and the Ordinances of the City.
2. The security shall be in the amount recommended by the Zoning Administrator based on estimated costs of labor and materials for the proposed improvements or development. Said project may be handled in stages upon the discretion of the Zoning Administrator.
3. The City shall hold the security until completion of the proposed improvements or development and a Certificate of Occupancy indicating compliance with the Conditional Use Permit and Ordinances of the City has been issued by the Building Official.
4. Failure to comply with the conditions of the Conditional Use Permit or the Ordinances of the City shall result in forfeiture of the security in whole or in part depending upon the degree of non-compliance and at the discretion of the City Council.
5. Whenever a performance guarantee is imposed by the City, the applicant shall be required to enter into a Performance Agreement with the City. This agreement is to provide authorization to the City to utilize the posted security and complete stipulated work should the applicant fail to meet the terms and conditions of the permit. Said agreement shall hold harmless the City for completion of the work and address other matters as may be determined by the City Attorney.

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515-5-3 Interim Use Permits

A. **Purpose and Intent.** The purpose and intent of allowing interim uses is:

1. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
2. To allow a use that is presently judged acceptable by the City Council, but that with development or redevelopment, may not be acceptable in the future or may be replaced in the future by a permitted or conditional use allowed within the respective Zoning District.
3. To allow a use which is reflective of anticipated long-range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.
4. To allow a use that is specific to a user and that is best managed through a time performance standard.

B. **Procedure.**

1. Existing Uses. Uses defined as Interim Uses which presently exist as a legal use or a legal non-conforming use within a respective Zoning District shall be considered approved and shall be treated as allowed uses.
2. New Uses. Uses defined as Interim Uses which do not presently exist within a respective Zoning District shall be processed according to the standards and procedures for a Conditional Use Permit as established by Section [515-5-2] of this Ordinance.

C. **General Standards.** An Interim Use shall comply with the following:

1. Existing Uses. Shall be in conformance with zoning and building standards in effect at the time of initial construction and development and shall continue to be governed by such regulations in the future.
2. New Uses:
 - a. Meets the standards of a Conditional Use Permit set forth in Section [515-5-2] of this Ordinance.
 - b. Conforms to the applicable performance standards of this Ordinance.
 - c. The use is allowed as an Interim Use on the Table of Uses.
 - d. The date or event that will terminate the use can be identified with certainty.
 - e. The use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
 - f. The user agrees to any conditions that the City Council deems appropriate for permission of the use.

D. **Termination.** An interim use shall terminate when any of the following events first occurs:

1. The date stated in the permit.
2. Upon violation of conditions under which the permit was issued.
3. Upon change in the City's zoning regulations which render the use non-conforming.
4. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective Zoning District.

E. **Cancellation of Interim Use Permits.** Unless otherwise specified by the City Council at the time it is authorized, an Interim Use Permit shall be null and void and expire if the applicant fails to utilize such Interim Use Permit and fulfill each and every condition attached thereto within one (1) year from the date of its authorization unless a petition for an extension of time in which to complete or utilize the permit has been granted by the Zoning Administrator.

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515-5-4 Variances

A. **Purpose and Intent.** The purpose of this Section is to provide for deviations from the literal provisions of this Ordinance in instances where their strict application and enforcement would cause practical difficulty to the individual property under consideration.

B. **General Provisions and Evaluation Criteria.**

1. Board of Appeals and Adjustments. The City Council shall be the Board of Appeals and the Board of Appeals and Adjustments for this City, and as provided by Minnesota Statute Section 462.354, Subd. 2 shall have the powers granted under Minnesota Statute Section 462.357, Subd. 6, as they may be amended from time to time.
2. Pursuant to Minnesota Statute Section 462.357, Subd. 6, as it may be amended from time to time, the City Council, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this Zoning Code. A variance is a modification or variation of the provisions of this Zoning Code as applied to a specific piece of property.
3. Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance and
 - b. When the variances are consistent with the Comprehensive Plan
 - c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
4. "Practical Difficulties", as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;
 - a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - b. The variance, if granted, will not alter the essential character of the locality.
 - c. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
5. Variances shall be granted for earth sheltered construction as defined in Section 216C.06, Subdivision 14, when in harmony with the Ordinance. The Board of Appeals and Adjustments may not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zone where the affected person's land is located. The Board may permit as a variance the temporary use of a one family dwelling as a two-family dwelling. The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

C. **Procedure.**

1. **Proof of Ownership or Authorization.** The applicant shall supply proof of ownership or equitable ownership interest and as applicable supply documented authorization from the owner(s) of the property in question to proceed with the requested rezoning.
2. The person applying for a Variance shall fill out and submit to the Zoning Administrator a Variance request form. Applications shall be accompanied by a fee as set by City Ordinance and shall be accompanied by an electronic copy of detailed written and graphic materials. Hard copies may be requested by the Zoning Administrator.
3. The Zoning Administrator shall refer the application to the Planning Commission for review.
4. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least ten (10) days prior to the hearing. Notice of the hearing shall also be mailed to owners of property located within three hundred fifty

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(350) feet of the outside of the land to which the Variance will be applicable. The notice shall include a description of the land and the proposed Variance. A copy of the application for the proposed Variance shall be mailed to the Commissioner of Natural Resources and where applicable the Mississippi Headwaters Board so that the Commissioner and Board will receive at least ten (10) days notice of the hearing (this only applies to applications in the Flood Zone).

5. The City Council, after receipt of the report of the Planning Commission, may grant or deny the Variance pursuant to criteria herein established. A copy of the City Council's decision and Findings-of-Fact shall be sent to the applicant. A copy of all decisions granting Variances within the Flood Zone shall be forwarded by mail to the Commissioner of Natural Resources and where applicable the Mississippi Headwaters Board within ten (10) days of such action.
6. Whenever an application for a Variance has been considered and denied by the City Council, a similar application for a Variance affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by not less than a majority vote of the full City Council.

D. Lapse of Variance.

1. Unless otherwise specified by the City, if within one (1) year after granting a Variance the use as allowed by the Variance shall not have been initiated or utilized, then such a Variance shall become null and void unless a petition for an extension of time in which to complete or utilize the Variance has been granted by the Zoning Administrator provided that:
2. The extension is requested in writing and filed with the City at least thirty (30) days prior to the expiration of the initial Variance request.
3. The request for extension states facts demonstrating that a good faith attempt has been made to complete or utilize the Variance that has been granted.
4. A maximum of one (1) extension shall be granted.
5. The extension shall not exceed ninety (90) days from the initial Variance expiration date.
6. There shall be no charge for the filing of a petition for the extension.
7. If an extension exceeding 90 days is requested, the extension must be approved by the City Council after receiving a recommendation from the Planning Commission and City Staff. The extension may be granted provided that:
 - a. The conditions described in Subsection [D.1-3] above are satisfied.
 - b. The extension shall not exceed one (1) year from the initial Variance approval date.
 - c. The filing of a petition for extension is subject to fee requirements established by City Council resolution.

E. Performance Security.

1. Upon approval of a Variance, the City shall be provided, where deemed necessary by the City Council, with a performance security as approved by the City Attorney prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the Variance and City ordinance provisions.
2. The security shall be in the amount recommended by the Zoning Administrator based on estimated costs of labor and materials for the proposed improvements or development.
3. The City shall hold the security until completion of the proposed improvements or development and a Certificate of Occupancy indicating compliance with the Variance and City Code provisions has been issued by the Building Official.

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4. Failure to comply with the conditions of the Variance or appeal and City Code provisions shall result in forfeiture of the security in whole or in part depending upon the degree of non-compliance and at the discretion of the City Council.
5. Whenever a Performance Guarantee is imposed by the City, the applicant shall be required to enter into a performance agreement with the City. This agreement is to provide authorization to the City to utilize the posted security and complete stipulated work should the applicant fail to meet the terms and conditions of the Variance. Said agreement shall hold harmless the City for completion of the work and address other matters as may be determined by the City Attorney.

515-5-5 Site Plan and/or Building Plan Review

- A. **Purpose and Intent.** The purpose of this Section is to establish a formal Site Plan and Building Plan review procedure, and to provide regulations pertaining to the enforcement of site design and construction standards. An application for Site Plan and/or Building Plan review may accompany a primary land use application or may be initiated as a separate application. When processed as part of a primary land use application no separate fee or application for Site Plan or Building Plan review is required.
- B. **Zoning Administrator Approval.** Any Site Plan and/or Building Plan application accompanying a primary land use application shall follow the review procedures as described in the applicable application. All Site Plan and/or Building Plan Review of multi-family, commercial, industrial or institutional construction shall be subject to the Information Requirements identified in subsection D. The Site Plan and/or Building Plan Review may be administratively approved if no other primary land use applications are applicable.
- C. **Exceptions to Review.** The following may be exempted from some or all of the Site Plan or Building Plan Information Requirements:
 1. New on-site construction of detached single-family or attached single-family residential structures, or uses or structures accessory thereto.
 2. Changes in the use of leasable space in single or multi-tenant buildings where the change of tenant does not intensify the use of such space nor require additional parking or result in an inability to maintain the required performance standards.
 3. Expansion of parking not related to modification, addition or enlargements to the gross floor area of an existing building.
 4. Construction of structures or buildings accessory to a permitted or conditionally permitted use within the respective zoning district when such accessory use is also permitted in said Zoning District.
- D. **Information Requirements.** The applicant applying for a Site and Building Plan approval shall fill out and submit to the Zoning Administrator an application on the official application form. Applications shall be accompanied by a fee as set by City Ordinance and shall be accompanied by an electronic copy of detailed written and graphic materials as detailed below. Hard copies may be requested by the Zoning Administrator.:
 1. Certificate of Survey prepared by a licensed land surveyor identifying the following:
 - a. Scale (engineering only) at one (1) inch equals one hundred (100) feet or less.
 - b. North point indication.
 - c. Existing boundaries with lot dimension and lot area.
 - d. Existing buildings, structures and improvements.
 - e. Easements of record.
 - f. Delineated wetland boundary, to include the OHWL of any lakes or DNR waters, if applicable.
 - g. All encroachments.
 - h. Legal description.

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2. Site Plan using the current Certificate of Survey as a base depicting the following:

- a. Name of project or development.
- b. Name and address of developer and/or owner.
- c. Name and address of engineer, architect or designer.
- d. Date of plan preparation and dates of any subsequent revisions.
- e. All proposed improvements, including:
 - i. Required and proposed setbacks.
 - ii. Location, setback and dimensions of all proposed buildings and structures.
 - iii. Location of all buildings and structures within 100-feet of the exterior boundaries of the subject property.
 - iv. Location, number, dimensions of all proposed parking stalls, loading areas and drive aisles, with curbing shown.
 - v. Location and width of all proposed street accesses and driveways.
 - vi. Location and type of all proposed lighting, including fixture details.
 - vii. Provisions for storage and disposal of waste, garbage and recyclables, including details for enclosing and screening exterior containers.
 - viii. Location of freestanding signs.
 - ix. Location of HVAC equipment whether ground mounted or roof mounted.
- f. Grading Plan (using the current Certificate of Survey as a base) depicting the following:
 - i. Existing contours at two (2) foot intervals.
 - ii. Proposed grade elevations at two (2) foot maximum intervals.
 - iii. Drainage plan, including the configuration of drainage areas and calculations.
 - iv. Spot elevations.
 - v. Surface water ponding and treatment areas.
 - vi. Erosion control measures.
 - vii. Wetland replacement plan (when applicable).
 - viii. Drainage calculations for 2-, 10-, & 100-year storm events.
 - ix. Delineated wetland boundary, to include OHWL of any lakes or DNR waters.
 - x. Date of plan preparation and dates of any subsequent revisions.
- g. Landscaping Plan using the current Certificate of Survey as a base depicting the following:
 - i. Planting schedule including symbols, quantities, common and botanical names, sizes of plant materials, root specification (bare root, balled/burlapped, potted, etc.) and special installation instructions.
 - ii. Location, type and size of all significant trees to be removed or preserved.
 - iii. Location and species of proposed plantings of all species.
 - iv. Typical sections with details of fences, walls, and planter boxes.
 - v. Typical sections with details of landscape islands, planter beds, and foundation plantings with identification of materials to be used.

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- vi. Delineation of both sodded and seeded areas with respective areas measured in square feet.
- vii. Coverage plan for underground irrigation systems, if any.
- viii. Other existing or proposed conditions that could be anticipated to affect landscaping.
- ix. Date of plan preparation and dates of any subsequent revisions.
- h. Photometric Lighting Plan, to include fixture details/cut sheets/drawings and date of plan preparation and dates of any subsequent revisions.
- i. Architectural Plans including:
 - i. Date of plan preparation and dates of any subsequent revisions.
 - ii. Architectural elevations of all principal and accessory buildings and structures (type and materials used in all exterior surfaces).
 - iii. Typical floor plans and typical room plans drawn to scale with a summary of square footage by use or activity.
- j. Utility Plan, including:
 - i. Location, sizing, and type of water and sewer system mains and proposed service connections, hydrants, valves, and manholes; or,
 - ii. Location and size of proposed primary and secondary on-site treatment systems, when allowed (if ISTS is proposed).
 - iii. Storm sewer, catch basins, invert elevation, type of castings and type of materials (refer to Engineering Manual for City standards).
 - iv. Date of plan preparations and dates of any subsequent revisions.
 - v. Estimates of forecasted water consumption.
 - vi. Location of electrical services and any transformers and meters.
- k. Other plans and information as may be required by the Zoning Administrator which may include (but not be limited to) the following:
 - i. Location, type and size (area and height) of all signs to be erected upon the subject property.
 - ii. Vicinity map showing the subject property in relation to nearby highways or major street intersections.
 - iii. Sound source control plan.
 - iv. Fire protection plan.
 - v. Proposed protective covenants or private restrictions.
 - vi. Where landscaping or man-made materials are used to provide screening from adjacent properties, a cross section shall be provided showing the perspective of the site from neighboring properties at the property line elevation.
 - vii. Traffic study.
- E. **Plan Agreements.** Any Site Plan and/or Building Plan officially submitted to the City shall be treated as a formal agreement between the applicant and the City. Once approved, no changes, modifications or alterations shall be made to any plan detail, standard or specification without prior submission of a plan modification request to the Zoning Administrator.
- F. **Enforcement.** The Zoning Administrator shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this Section has been officially documented by The Zoning Administrator.

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515-5-6 Zoning Amendments, Map or Text

A. Amendments to the Zoning Ordinance.

1. The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed; provided, however, that no such action may be taken until after a public hearing in relation thereto, at which time parties with interest and citizens shall have an opportunity to be heard. At least ten (10) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City. Any action taken pursuant to this Section shall also be in compliance and accordance with the rules and regulations of the Department of Natural Resources, State of Minnesota, the Federal Emergency Management Agency, and Mississippi Headwaters Board.
2. The Flood Plain designation on the Official Zoning Map shall not be removed from Flood Plain areas unless it can be shown that the designation is in error, or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the Flood Plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.
3. All amendments to the Flood Plain or Flood Fringe Districts of this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption.

B. Procedure.

1. Initiation. The City Council or Planning Commission may, upon their own motion, initiate a request to amend the text or the Zoning District boundaries of this Ordinance. The procedural requirements of Sections [515-4-2.B and 515-4-2.D] of this Section shall not apply to such proposed amendments except to the extent required by State Statute. Any person owning real estate or having documented interest therein, within the City may initiate a request to amend the Zoning District and Official Zoning Map boundaries or text of this Ordinance, so as to affect the said real estate.
2. Requests for rezoning (text or map) shall be filed with the City on an official application form. Applications shall be accompanied by a fee as set by City Ordinance and shall be accompanied by an electronic copy of detailed written and graphic materials. Hard copies may be requested by the Zoning Administrator.
3. Changes in the Official Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The commissioner of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.
4. Proof of Ownership or Authorization. The applicant shall supply proof of ownership or equitable ownership interest, a legal description and as applicable supply documented authorization from the owner(s) of the property in question to proceed with the requested rezoning.
5. Upon official submission of the request, the Zoning Administrator shall set a public hearing on the request for the next regularly scheduled Planning Commission meeting occurring at least ten (10) working days from such date as a notice of the hearing is published in the official newspaper. The Zoning Administrator shall mail the same notice to the owners of the property within three hundred and fifty (350) feet of the outside of the land proposed to be rezoned. The notice shall include the description of the land and the proposed changes in zoning. Failure of a property owner to receive such notification shall not invalidate the proceedings.
6. The mailed notice requirement shall be waived for a city-wide amendment initiated by the Planning Commission or City Council.
7. Upon receiving the request and any report, recommendation and written Findings-of-Fact of the Planning Commission and the Zoning Administrator, the City Council shall have the option to set and hold a public

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hearing if deemed necessary and shall make a recorded and written Findings-of-Fact, and provide these written findings to the applicant.

8. The person making the application shall be notified of the action taken. The Zoning Administrator shall maintain records of amendments to the text and Official Zoning Map of the Ordinance.
9. No application of a property owner for an amendment to the text of the Ordinance or the Zoning Map shall be considered by the Planning Commission within the one (1) year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
10. The Zoning Administrator may request the appropriate staff persons to prepare technical reports where applicable and provide general assistance in preparing a recommendation on the action.
11. The City Council and the Planning Commission shall consider possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:
 - a. The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.
 - b. The proposed use's compatibility with present and future land uses of the area.
 - c. The proposed use's effect upon the area in which it is proposed.
 - d. Traffic generation of the proposed use in relation to capabilities of streets serving the property.
 - e. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.
 - f. The City Council, the Planning Commission, and the Zoning Administrator shall have the authority to request additional information from the applicant or to retain expert testimony at the expense of the applicant, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.
 - g. If, upon receiving said reports and recommendations of the Planning Commission, the City Council finds that specific inconsistencies exist in the review process and thus the final recommendation of the City Council will differ from that of the Planning Commission, the City Council may before taking final action, refer the matter back to the Planning Commission for further consideration. The City Council shall provide the Planning Commission with a written statement detailing the specific reasons for referral. This procedure shall be followed only one time on a singular action.
 - h. Approval of a proposed text amendment shall require a majority vote of the City Council.
 - i. Approval of a proposed Zoning Map amendment which changes all or part of the existing classification of a zoning district from Residential to Commercial, Industrial, or Planned Unit Development that allows for commercial or industrial uses shall require a two-thirds (2/3) vote of the City Council.
 - j. The amendment shall not become effective until such time as the City Council approves an Ordinance reflecting said amendment and one (1) week after said Ordinance is published in the official newspaper.

515-5-7 Planned Unit Development – Overlay Zoning District

A. Purpose and Intent.

1. To encourage a more creative and efficient development of land and its improvements than is possible under the strict application of the Base Zoning District requirements such as lot sizes and building setbacks, while at the same time meeting the standards and purposes of the Comprehensive Plan for Brainerd and preserving the health, safety, and welfare of the citizens of Brainerd.
2. To allow for a mixture of residential units in an integrated and well-planned area.

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3. To allow for a mixture of commercial, general business or light industrial uses that may include residential uses in a master planned area.
4. To ensure concentration of open space into more usable areas, and the preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas.
5. Facilitate the economical provision of streets and public utilities.
6. An efficient use of land resulting in smaller networks of utilities and streets thereby lowering development costs and public investments.
7. Promotion of a desirable and creative environment that might be prevented through the strict application of the Base Zoning District and/or subdivision regulations of the City.

B. Planned Unit Development (PUD) Zoning Overlay.

1. Rezoning to Planned Unit Development (PUD). A Planned Unit Development (PUD) may include land uses from a variety of Base Zoning Districts, and may include design flexibility related to density, setbacks, building heights, lot area, lot width, etc. Any mixed-use project that does not comply with the dimensional or use standards may utilize the Planned Unit Development (PUD) Overlay Zoning District. All PUD Overlay Zoning Districts must identify the areas where flexibility from the Base Zoning District standards are established. A rezoning for a Planned Unit Development (PUD) shall be processed as outlined in Section [515-5-7] of this Ordinance and as outlined herein.

C. General Requirements. The City may approve the Planned Unit Development (PUD) only if it is found that the development satisfies all of the following standards:

1. The proposed Planned Unit Development (PUD) is in conformance with the Comprehensive Plan for Brainerd. At a minimum, the City must find that:
 - a. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities, which serve or are proposed to serve the area.
 - b. The use is reasonably related to the overall needs of the City and is compatible with the surrounding land use.
 - c. The Planned Unit Development (PUD) is an effective and unified treatment of the development possibilities on the project site and the development plans provide for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
 - d. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property, and will not be detrimental to surrounding uses.
2. The Planned Unit Development (PUD) meets one or more of the following development criteria:
 - a. A minimum of two (2) or more principal structures is proposed.
 - b. The tract is at least two (2) acres in size.
 - c. The use is consistent with the requirements of the Zoning Ordinance.
 - d. The Planned Unit Development (PUD) can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.
 - e. Each phase of the proposed development is of sufficient size, composition, and arrangement so that it's construction, marketing, and operation are feasible as a complete unit, and that provision for and construction of dwelling units and common open space are balanced and coordinated. In addition, the total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.
 - f. Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the Planned Unit Development (PUD). To evidence this finding, a written statement of financial feasibility, which is accepted by the City, shall be submitted by the applicant.

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- g. One (1) individual has been designated by the property owner(s) to be in control of the development.
- h. The Planned Unit Development (PUD) provides for architectural diversity by way of varied building types and exterior building design.
- 3. Underground Utilities. In any Planned Unit Development (PUD), all utilities, including, but not limited to, telephone, electricity, gas and cable television shall be installed underground.
- 4. Utility Connections.
 - a. *Water Connections.* Where more than one property is served from the same service line, a shut off valve must be located in such a way that each unit's service may be shut off and secured by the City, in addition to the normally supplied shut off at the street.
 - b. *Sewer Connections.* Where more than one (1) unit is served by a sanitary sewer lateral which exceeds 300-feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.
- 5. Roadways, Private.
 - a. *Design.* Private roadways within the project shall have an improved surface to 28 feet or more in width and shall be so designed as to permit the City fire trucks to provide protection to each building.
- 6. Parking. No portion of the required private road system may be used in calculating required off-street parking space or be used for parking.
- 7. Landscaping. In any Planned Unit Development (PUD), landscaping shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the final plan. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the Planned Unit Development plan.
- 8. Public services. The proposed project shall be served by the City water and sewer system and fire hydrants shall be installed at such locations as necessary to provide fire protection.
- 9. Refuse. Provision for trash pick-up shall be provided according to a plan approved by the City Council.
- 10. Best Management Practices. All Planned Unit Developments shall incorporate Best Management Practices for stormwater management as defined by Chapter 7 of the City Code, subject to review and approval of the Zoning Administrator, Planning Commission and City Council.
- 11. Sidewalks and Trails. Except as otherwise determined by the City Council, concrete sidewalks not less than five (5) feet in width and/or bituminous trails not less than eight (8) feet in width shall be provided in accordance with the following:

Table 515-5-7.1. Sidewalk/Trail Requirements.

Street Type	Sidewalk/Trail Requirements
Arterial and Major Collector Streets	Sidewalk on one side of the street and trail on opposite side of street or trails on both sides of the street*
Minor Collector and Local Streets	Sidewalk on one side of the street*
Cul-de-sacs	No requirements
*All sidewalks and trails shall be placed back from the street wherever possible to provide a green strip for tree planting and to promote pedestrian safety and reassurance	

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12. Development Agreement. Prior to a rezoning or the issuance of a building permit as part of a Planned Unit Development (PUD), the developer shall execute a development agreement with the City. The agreement shall detail all use restrictions and required improvements conditional to the Planned Unit Development (PUD) rezoning approval. The agreement shall provide for the installation within one (1) year of the off-site and on-site improvements as approved by the City Council, secured by a cash escrow or security in an amount and with conditions satisfactory to the City, to ensure the City that such improvements will be actually constructed and installed according to specifications and plans approved by the City as expressed in such agreement. The amount of the financial guarantee shall be one and one-half (1½) times the estimated cost of the improvements, or as determined by the City of Brainerd.

D. General Standards for Common Open Space. No open area may be accepted as common open space under the provisions of this Ordinance unless it meets the following standards:

1. The location, shape, size, and character of the common open space must be suitable for the planned development.
2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering the size, density, expected population, topography, and the number and type of dwellings to be provided.
3. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

E. Conveyance and Maintenance of Common Open Space.

1. All land shown on the Final Development Plan as common open space must be conveyed under one of the following methods at the discretion of the City.
 - a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
 - b. It may be conveyed to a corporation, developer, homeowner association (incorporated or non-incorporated) or trustee provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the party involved subject to covenants approved by the City Council which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
 - c. If the common open space is conveyed to a private party and is not maintained properly to standards established by the City, the City shall have the authority to maintain the property and assess the costs back to said private party.

F. Enforcement of Development Schedule/Planned Unit Development

1. Staging. The construction and provision of all the common open spaces and public and private recreational facilities that are shown on the Final Development Plan must proceed at the same rate as development. At least once every six (6) months following the approval of the Final Development Plan, the Zoning Administrator shall review all of the building permits issued for the planned development and examine the construction that has taken place on the site. If it is found that the rate of development is faster than the rate at which common open spaces and public and private recreational facilities have been constructed and provided, this information shall be forwarded to the City Council. If the developer or landowners fail to complete the open spaces and recreation areas within 60- days after the completion of the remainder of the project, the City may finish the open space areas and assess the cost back to the developer or landowner.

G. Residential Density.

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1. In order to encourage the protection of natural resources, to allow limited development in an area with unusual building characteristics due to subsoil characteristics or to encourage creative land use, a density transfer system may be allowed whereby lot sizes smaller than that normally required in a district will be allowed on the developable land in return for leaving the natural resource areas open from development. The number of dwelling units proposed for the entire site shall not exceed the total number permitted under the density indicated on the Future Land Use Plan contained in the Comprehensive Plan where the land is located. If the Planned Unit Development (PUD) contains more than one land use designation, the number of allowable dwelling units must be separately calculated for each portion of the Planned Unit Development (PUD) that is in a separate land use designation area, and must then be combined to determine the number of dwelling units allowable in the entire Planned Unit Development (PUD).
2. The number of dwelling units which may be constructed within the Planned Unit Development (PUD) shall be determined by dividing the gross acreage of the project area by the maximum allowable density as set forth in the Base Zoning District.

H. Residential Planned Unit Development Requirements.

1. It is the intent of this section to establish special requirements for the granting of a Rezoning for residential Planned Unit Development (PUD) projects which are in compliance with the density, permitted and conditional uses allowed in a specific base district including dwellings, offices and institutional uses of one or more buildings in relation to an overall design and integrated physical plan.
 - a. *Yards.*
 - i. *Setbacks, Periphery.* The front and side yard restrictions at the periphery of the Planned Unit Development (PUD) site at a minimum shall be the same as imposed in the Base Zoning District in which the subject property is located.
 - b. *Building Separation.* Buildings within the same lot shall maintain a minimum setback of the average of the building heights of the two adjacent principal buildings.
2. Townhouses, Cooperatives, Condominiums.
 - a. *Frontage.* Minimum unit lot frontage for townhouses shall be not less than 15 feet.
 - b. *Dwelling Unit.* Dwelling unit and accessory use requirements are in compliance with the Base Zoning District provisions in which the development is planned.
 - c. *Building Façade Treatment.* Facades greater than 48-feet in length shall incorporate wall plan projections or recesses having a depth of at least three (3) feet or more.
 - d. *Open Space.* Townhouse and multiple family projects shall have usable open space area equal to 40-percent of the total project site.

I. Commercial and Industrial Planned Unit Development.

1. The intent of this section is to establish special requirements for the granting of a Rezoning to allow commercial or industrial Planned Unit Development (PUD) projects which are in compliance with the permitted and conditional uses allowed in a specific district in one or more buildings in relation to an overall design and integrated physical plan.
2. Surfacing and Drainage.
 - a. *Surfacing.* The entire site other than that taken up by buildings or landscaping shall be paved with concrete, bituminous or paving brick.
 - b. *Drainage.* A drainage system subject to the approval of the City Engineer shall be installed.
 - c. *Yards.*
 - i. *Setbacks, periphery.* The front and side yard setbacks shall be the same as imposed in the Base Zoning District.

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J. Procedure for Processing a Planned Unit Development (PUD).

1. Stages of Planned Unit Development (PUD) Plan. The processing steps for a Planned Unit Development (PUD) plan are intended to provide for an orderly development and progression of the PUD plan, with the greatest expenditure of developmental funds being made only after the City has had ample opportunity for informed decisions as to the acceptability of the various segments of the whole as the PUD plan affects the public interest. The various steps represent separate applications for purpose of review, and each step is, outlined in detail in the following sections:
 - a. *Pre-Application Meeting.* Preliminary discussions.
 - b. *General Concept Plan Application.* Consideration of overall concept and plan. The concept plan review is voluntary but strongly recommended.
 - c. *Development Stage Plan Application.* One or more detailed plans as part of the whole final plan.
 - d. *Final Plan Application.* The summary of the entire concept and each Development Stage Plan in an integrated complete and final plan.
2. Pre-Application Review. Prior to the submission of any PUD Plan to the Planning Commission, the applicant shall meet with City Staff to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This may include the procedural steps for a Conditional Use Permit and/or a Preliminary Plat as necessary.
3. Neighborhood Meeting. The City may recommend the property owner/applicant hold a neighborhood meeting for informal comment and feedback prior to submitting a formal concept application.
4. General Concept Plan.
 - a. The General Concept Plan provides an opportunity for the applicant to submit an application to the City showing his basic intent and the general nature of the entire development before incurring substantial cost. This General Concept Plan serves as the basis to solicit public comment early in the project design and development process. The General Concept Plan should include the following:
 - i. Overall maximum Planned Unit Development density range.
 - ii. Proposed location of major streets and pedestrian ways.
 - iii. Proposed location and extent of public and common open space.
 - iv. Proposed location of residential and nonresidential land uses with approximate type and intensities of development.
 - v. Proposed staging and time schedule of development.
 - vi. Other special criteria for development.
5. General Concept Plan submission information.
 - a. *General Information.*
 - i. *Owner.* The landowner's name, address and telephone number and interest in the subject property.
 - ii. *Applicant.* The applicant's name, address and telephone number if different from the landowner. The applicant may designate an agent to be contacted by the City, who may speak for the applicant.
 - a. *Title.* If applicant is different than the owner, evidence that the applicant has sufficient control over the subject property to effectuate the proposed Planned Unit Development (PUD), including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

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- iii. *Consultants.* The names and addresses of all professional consultants who have contributed to the development of the Planned Unit Development (PUD) plan being submitted, including attorney, land planner, engineer and surveyor.
- iv. *Zoning.* The existing zoning classification and present use of the subject property and all lands within 500-feet of the subject property.
- v. *Map.* A single reproducible map or aerial photograph at a scale of not less than one (1) inch equals 100 feet, depicting the existing development of the subject property and all land within 500 feet thereof and showing the precise location of existing streets.
- vi. *Narrative Description.* A written statement generally describing the proposed Planned Unit Development (PUD) and the market which it is intended to serve, showing its relationship to the City's Comprehensive Plan and how the proposed Planned Unit Development (PUD) is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.
- vii. *Existing Site Conditions.* Where deemed necessary by the City, graphic reproductions of the existing site conditions at a scale of not less than one (1) inch equals 100 feet shall be submitted and shall contain the following:
 - a. Certificate of Survey showing lot dimensions, existing easements and utilities, and legal description.
 - b. Contours, minimum two (2) foot intervals.
 - c. Location, type, and extent of tree cover.
 - d. Steep slope analysis.
 - e. Location and extent of water bodies, wetlands, streams and flood plains along with corresponding zoning overlays (Shoreland and Mississippi Headwaters) within three hundred (300) feet of the subject property.
 - f. Existing drainage patterns.
 - g. Vistas and significant views.
 - h. Soil conditions as they affect development.
 - i. All of the graphics should be the same scale as the final plan to allow easy cross reference. The use of overlays is recommended for clear reference.
- viii. *General Concept Drawing.* Schematic drawing of the proposed development concept including, but not limited to, the general location of major circulation elements, public and common open space, residential and other land uses.
- ix. *Number of Units.* A statement of the estimated total number of dwelling and/or other units proposed for the Planned Unit Development (PUD) and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - a. Area devoted to residential uses.
 - b. Area devoted to residential use by building or structure or use type.
 - c. Area devoted to common open space.
 - d. Area devoted to public open space.
 - e. Approximate area devoted to streets.
 - f. Approximate area, and potential floor area, devoted to commercial uses.

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- g. Approximate area, and potential floor area, devoted to industrial or office uses.
 - x. *Staged Development.* When the Planned Unit Development (PUD) is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total Planned Unit Development (PUD) public or common open space and dwelling units to be provided or constructed during each such stage and the overall chronology of development to be followed from stage to stage.
 - xi. *Common Areas.* When the proposed Planned Unit Development (PUD) includes provisions for public or common open space or service facilities a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities is required. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted during the development stage.
 - xii. *Covenants.* General intent of any restrictive covenants that are to be recorded with respect to property included in the proposed Planned Unit Development (PUD).
 - xiii. *Market Feasibility.* Where deemed necessary by City Staff a market feasibility study including an analysis of the proposals economic impact on the City.
6. General Concept Plan Process.
- a. Applications shall be accompanied by a fee as set by City Ordinance and shall be accompanied by an electronic copy of detailed written and graphic materials. Hard copies may be requested by the Zoning Administrator. The applicant, or a representative thereof, shall appear before the Planning Commission to answer questions concerning the proposed development.
 - b. Planning Commission shall review and make a recommendation to the City Council on the General Concept Plan.
 - c. City Council reviews all recommendations and indicates its support or concerns about the General Concept Plan as presented or amended.
 - d. All feedback and recommendations shall be considered as guidance to the applicant. No formal action or binding decision is given for the General Concept Plan.
7. Optional Submission of Development Stage Plan. In cases of single stage Planned Unit Development (PUD) or where the applicant wishes to begin the first stage of a multiple stage Planned Unit Development (PUD) immediately, they may, at their option, submit a Development Stage Plan for the proposed Planned Unit Development (PUD) simultaneously with the submission of the General Concept Plan. In such cases, the applicant shall comply with all the provisions of this Ordinance applicable to submission of the Development Stage Plan. The Planning Commission and City Council shall consider such plans simultaneously and shall grant or deny Development Stage Plan approval in accordance with the provisions of this section.
- K. **Effect of General Concept Plan Approval.** Planned Unit Development concept approval only provides direction for the applicant to proceed to Planned Unit Development (PUD), Development Stage Plan submission. The concept plan approval does not convey any development rights or privileges to the applicants.
- L. **Development Stage Plan.** Development Stage Plan submissions shall depict and outline the proposed implementation of the Planned Unit Development (PUD) General Concept Plan Stage. Information from the General Concept Plan Stage may be included for background and to provide a basis for the submitted Development Stage Plan.
- 1. Application. Requests for Planned Unit Development (PUD), Development Stage, as provided within this Ordinance, shall be filed on an official application form. Applications shall be accompanied by a fee as set by City Ordinance, and shall be accompanied by an electronic copy of detailed written and graphic materials.

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Hard copies may be requested by the Zoning Administrator. The submission must fully explain the proposed change, development, or use, as follows:

a. *Site Plan/Preliminary Plat.*

- i. *Site Plan and Building Plan.* The applicant shall submit a Site Plan and Building Plans (if applicable) in accordance with Section [515-5-5] of this Ordinance. The Zoning Administrator shall have the authority to provide exceptions to the Information Required based on the General Concept Plan review. In addition to the Information Required, the following additional information must be submitted:
 - a. *Buildings.* The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area, or proposed buildings, and existing buildings which will remain, if any.
 - b. *Traffic Circulation.* Location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian and the total site coverage of all circulation elements. Sites adjacent to MnDOT right-of-way shall identify the right-of-way location, dimension from the center line of the highway to the MnDOT right-of-way line, along with existing and proposed ingress and egress.
 - c. Sites adjacent to MnDOT right-of-way shall be submitted to MnDOT for review and approval.
 - d. *Common Areas.* Location, designation and total area of all common open space.
 - e. *Public Open Space.* Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.
 - ii. *Preliminary Plat, if applicable.* A Preliminary Plat conforming to Chapter 500 of the City Code, the Subdivision Ordinance, may be required depending on the proposed PUD. The Zoning Administrator shall determine if a plat is required and shall inform the applicant during the pre-application meeting.
 - iii. *Residential Tabulation.* A tabulation indicating the number of residential dwelling units by number of bedrooms and expected population/housing profile.
 - iv. *Areas of Use.* A tabulation indicating the approximate gross square footage, if any, of commercial and industrial floor space by type of use.
- b. *Document Changes.* A statement summarizing all changes which have been made in any document, plan data or information previously submitted, together with a revised copy of any such document, plan or data.
- c. *Lighting Plan.* A plan illustrating site lighting along with a photometric plan as regulated by Section [515-4-8] of this Ordinance.
- d. *Additional Data.* Such other and further information as the Zoning Administrator, Planning Commission or City Council shall find necessary for a full consideration of the entire proposed Planning Unit Development (PUD) or any stage thereof.

M. Development Stage Plan Review Schedule.

1. The applicant shall file the Development Stage Plan application within six (6) months after General Concept Plan review, together with all supporting data and filing fee, as established by Ordinance.
2. It is recommended that the developer meets with the Zoning Administrator to discuss specific development plans prior to submitting the Development Stage Plan.
3. Staff Review/Technical Assistance Reports. Upon receipt of an application for a Planned Unit Development (PUD), Development Stage Plan, the request shall be referred to appropriate City staff to ensure that

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informational requirements are complied with. When all informational requirements have been complied with, the request shall be considered officially submitted.

4. Other Agency Review. When appropriate, the Planned Unit Development (PUD), Development Stage Plan application shall be forwarded to other special review agencies such as the Department of Natural Resources, soil conservation services, highway departments, or other affected agencies.
 5. A public hearing shall be scheduled at a meeting of the Planning Commission.
 6. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed development.
 7. The Planning Commission shall review said reports and plans and submit recommendations to the Council. Such recommendations shall contain the findings of the Planning Commission with respect to the conformity of the Development Stage Plan to the approved General Concept Plan. Should any changes be found to exist, the Planning Commission shall comment with respect to the merit or lack of merit of any departure of the Development Stage Plan from substantial conformity with the General Concept Plan and with respect to the compliance of the Development Stage Plan with the provisions of this Ordinance and all other applicable Federal, State and local codes and ordinances. If the Planning Commission shall find conformity or any changes merit approval and the Planning Commission shall further find the Development Stage Plan to be in all other respects completed and in compliance with this Ordinance and other applicable Federal, State, and local codes and ordinances, it shall recommend approval.
 8. Upon receipt of the Planning Commission report and recommendation, the request shall be placed on the agenda of the next regularly scheduled meeting of the City Council
 9. The City Attorney shall prepare a Planned Unit Development (PUD) Development Agreement which stipulates the specific terms and conditions approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor of the City of Brainerd, the City Administrator and the applicant within thirty (30) days of City Council approval of the Development Stage Plan. Where the Development Stage Plan is to be resubmitted or denied approval, the City Council action shall be by written report setting forth the reasons for its action. In all cases, a copy of the document evidencing City Council action shall be promptly delivered to the applicant.
 10. Limitation on Development Stage Plan Approval. Unless a Final Plan covering the area designated in the Development Stage Plan as the first stage of the Planned Unit Development (PUD) has been filed within six (6) months from the date the City Council grants Development Stage Plan approval, or in any case where the applicant fails to file Final Plans and to proceed with development in accordance with the provisions of this Ordinance and/or an approved Development Stage Plan, the approval shall expire. Upon application by the applicant, the City Council may at its discretion extend for not more than six months, the filing deadline for any Final Plan when, for good cause shown, such extension is necessary. In any case where Development Stage Plan approval expires, the City Council shall forthwith adopt a resolution repealing the General Concept Plan approval and the Development Stage Plan approval for that portion of the Planned Unit Development (PUD) that has received Final Plan approval and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.
- N. **Final Plan.** The Final Plan is to serve as a complete, thorough and permanent public record of the Planned Unit Development (PUD) and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the Planned Unit Development (PUD) process. It shall serve in conjunction with other City ordinances and the land use regulations applicable to the Planned Unit Development (PUD). The Final Plan is intended only to add detail to, and to put in final form, the information contained in the General Concept Plan and the Development Stage Plan and shall conform to the Development Stage Plan in all respects. The Final Plan shall officially re-zone the property to PUD.
1. Final Plan Submission Information. After review of a General Concept Plan for the Planned Unit Development (PUD) and approval of a Development Stage Plan for a section or sections of the proposed Planned Unit Development (PUD), the applicant will submit the following material for review by the Zoning Administrator prior to issuance of a building permit:

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- a. *Recording Proof.* Documents establishing the recording of any easement or other documents required by the City prior to the sale of any land or dwelling unit included in the Planned Unit Development (PUD) and of the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or common open space or service facility.
 - b. *Final Plans, Buildings.* Final architectural working drawings of all buildings.
 - c. *Final Engineering Plans.* Final engineering plans and specifications for streets, drainage, utilities and other public improvements, together with a development contract providing for the installation of such improvements and financial guarantees for the completion of such improvements.
 - d. *Other Plans.* Any other plans, agreements, or specifications necessary for the Zoning Administrator to review the proposed construction. All work shall be in conformance with the Building Code of the City.
2. Final Plan Review Schedule.
- a. Upon approval of the Development Stage Plan and within the time established by this Ordinance, the applicant shall file with the Zoning Administrator a Final Plan consisting of the information and submissions required for the entire Planned Unit Development (PUD) or for one (1) or more stages. This application will be considered at the next possible regular Planning Commission meeting.
 - b. The findings and recommendations of the Planning Commission shall be forwarded to the City Council for consideration. If the Planning Commission fails to act within the time specified herein, it shall be deemed to have recommended the plan for approval.
 - c. Upon receipt of a complete Planned Unit Development (PUD) Final Plan application, the City Council shall grant approval or denial of the request to rezone the project to PUD.
 - d. The applicant shall cause the Final Plan, or such portions thereof as are appropriate, to be recorded with the County. The applicant shall provide the City with a signed copy verifying County recording within six (6) months from the date of approval.
 - e. *Building and Other Permits.* Except as otherwise expressly provided herein, upon receiving notice from the Zoning Administrator that the approved Final Plan has been recorded and upon application of the applicant pursuant to the applicant ordinances of the City, the Zoning Administrator may issue building and other permits to the applicant for development, construction and other work in the area encompassed by the approved Final Plan provided, however, that no such permit shall be issued unless the Zoning Administrator is first satisfied that the requirements of all codes and ordinances in which are applicable to the permit sought, have been satisfied.
 - f. *Limitation on Final Plan Approval.* Within one (1) year after the approval of a Final Plan for Planned Unit Development (PUD), or such shorter time as may be established by the approved development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an automatically rendered void, the Planned Unit Development (PUD) permit and all approvals of the Planned Unit Development (PUD) plan and the area encompassed within the Planned Unit Development (PUD) shall thereafter be subject to those provisions of the Zoning Ordinance, and other ordinances, applicable in the district in which it is located. In such case, the City Council shall forthwith adopt an ordinance repealing the Planned Unit Development (PUD) permit and all Planned Unit Development (PUD) approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable. The time limit established by this section may, at the discretion of the City Council, be extended for not more than one (1) year by ordinance or resolution duly adopted.

O. Coordination with Subdivision Resolution Regulations.

1. It is the intent of this Ordinance that any required subdivision review under Chapter 500, the Subdivision Ordinance, be carried out concurrently with the review of a Planned Unit Development (PUD) under this Ordinance.

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2. The plans required under this section must be submitted in a form which will satisfy the requirements of the Subdivision Ordinance for the Preliminary and Final Plats required under those regulations.

P. Planned Unit Development (PUD) Review and Amendments.

1. Annual Review. The Zoning Administrator and the Planning Commission shall review all uncompleted Planned Unit Development (PUD) within the City by March 1 of each year and shall make a report to the Planning Commission and City Council on the status of the development in each of the Planned Unit Development (PUD) Districts. If the Planning Commission finds that development has not occurred within one (1) year after the original approval of the conditional use for the Planned Unit Development (PUD), the Planning Commission may recommend that the City Council revoke the Conditional Use Permit or the Planned Unit Development (PUD) permit.
2. Amendments to the Planned Unit Development (PUD).
 - a. Any deviation or modification from the terms or conditions of an approved Planned Unit Development (PUD), or any alteration in a project for which a Planned Unit Development (PUD) permit has been approved, shall require an amendment of the original Planned Unit Development (PUD). An application for an amendment specifying the proposed alteration shall be submitted to the City, together with a fee as provided for by Ordinance.
 - b. *Action by the Planning Commission and City Council.* The same application and review procedure shall be followed with respect to the applicant's initial request as outlined in this Section [515-5-7].

515-5-8 Building Permits and Certificates of Occupancy

- A. **Building Permits.** For the purposes of enforcing this Ordinance, a Building Permit shall be required for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure or cause same to be done in the City of Brainerd.
- B. **Application for a Permit within a Flood Zone.** Application for a permit within a Flood Zone shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: two (2) sets of plans drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
- C. **Certificate of Zoning Compliance Required.**
 1. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
 2. Building permits, Conditional Use Permits, or Certificates of Zoning Compliance shall be issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction.
 3. Any use, arrangement, or construction of a Variance with the authorized, approved plans shall be deemed a violation of this Ordinance, and punishable as provided by Section [515-5-11] of this Ordinance.
 4. The Building Official, in consultation with the Zoning Administrator, may refuse to issue a Certificate of Occupancy for any building or structure so long as any violations of this Ordinance exist on the premises or there remains any unsatisfied conditions related to any permit or Variance applicable to the premises.

515-5-9 Administrative Permits

- A. **Purpose.** The purpose of this Section is to establish regulations and procedures for the processing and consideration of activities allowed by Administrative Permit, with the goal of protecting the health, safety, and welfare of the citizens of the City.

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B. Procedure.

1. Application for an Administrative Permit shall be filed by the property owner or designated agent with the Zoning Administrator on forms to be provided by the City.
2. New applications and applications for amending Administrative Permits shall be accompanied by a non-refundable fee as set forth by resolution of the City Council.
3. The Zoning Administrator shall review the application and related materials and shall determine that the proposal complies with all applicable evaluation criteria, codes, ordinances, and applicable performance standards.
4. The Zoning Administrator shall consider possible adverse effects of the proposed events or activity. Judgment shall be based upon (but not limited to) the following factors:
 - a. Compliance with and effect upon the policies and provisions of the official Comprehensive Plan.
 - b. The establishment, maintenance or operation of the use, event or activity will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
 - c. The use, event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - d. The establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District.
 - e. Adequate public facilities and services are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
 - f. The use, event or activity shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.
 - g. The use, event or activity and site conform to all applicable performance standards of this Ordinance.
 - h. The Zoning Administrator shall make a determination on approval or denial of the Administrative Permit within thirty (30) days from the date of submission of a complete application.
5. A written permit shall be issued to the applicant when a determination of compliance has been made. Specific conditions to assure compliance with applicable evaluation criteria, codes, ordinances, and the standards of this Ordinance shall be attached to the permit.
6. Determination of non-compliance with applicable codes, ordinances, and the standards in this paragraph shall be communicated to the applicant in writing and the application for the permit shall be considered denied unless, within ten (10) days of the date of such notice, the applicant submits revised plans and/or information with which the Zoning Administrator is able to determine compliance.
7. Unresolved disputes as to administrative application of the requirements of this paragraph shall be subject to appeal as defined by Section [515-5-11] of this Ordinance.

C. Information Requirement. The information required for all Administrative Permit applications shall include:

1. A concise statement describing the proposed use, event or activity, including the purpose, type of merchandise involved, dates and times of operation, number of employees involved, provisions for on-site security, provisions for on-site parking, and other pertinent information required by the Zoning Administrator to fully evaluate the application.
2. A copy of the approved Site Plan or Sketch Plan, if available, for the property or an “as built” survey which accurately represents existing conditions on the site, including entrances and exits, bona fide parking and driving areas, and which accurately indicates any proposed temporary structures, including tents, stands, and signs.

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- a. If requested by the Zoning Administrator, a Site Plan or Building Plan per Section [515-5-5] of this Ordinance may be required. The Zoning Administrator shall have the authority to exempt certain some requirements based on the proposed use or improvements.
- b. If requested by the Zoning Administrator, a Sketch Plan of the subject property may be requested. The Sketch Plan must be drawn to-scale, must be scalable and show, at a minimum, lot lines, required setback, location of improvements and any proposed improvements and structures.
3. An accurate floor plan, which in the judgment of the Zoning Administrator, is necessary to properly evaluate the location of the event and the effectiveness of available entrances and exists.
4. A copy of the current sales tax certificate issued by the State of Minnesota, if applicable.
5. Certification that all property taxes, special assessments, interest and utility fees due upon the parcel to which the Administrative Permit relates have been paid.
6. Proof that the applicant has insurance, in an amount acceptable to the City, to protect from risks inherent in the proposed activity.

D. Performance Standards. All uses, events or activities allowed by Administrative Permit shall conform to the applicable standards outlined in the Zoning District in which such use, event or activity is proposed.

E. Administration and Enforcement.

1. The Zoning Administrator shall keep a record of applications and Administrative Permits.
2. A copy of all Administrative Permits issued shall be forwarded to appropriate staff as determined by the Zoning Administrator.
3. Enforcement of the provisions of this paragraph shall be in accordance with Section [515-5-11] of this Ordinance. Violation of an issued permit or of the provisions of this Section also shall be grounds for denial of future permit applications.

515-5-10 Non-Conforming Lots, Buildings, Structures and Uses

A. Purpose and Intent. It is the purpose of this Section to provide for the regulation of legal non-conforming lots, buildings, structures and uses and to specify those requirements, circumstances and conditions under which legal non-conforming lots, buildings, structures, and uses will be operated and maintained. This Ordinance establishes separate Base Zoning Districts and Overlay Districts, each of which is an appropriate area for the location of uses which are permitted in that Zoning District. It is necessary and consistent with the establishment of these Zoning Districts that non-conforming lots, buildings, structures, and uses are not allowed to continue without restriction.

B. General Provisions.

1. Conditional Uses/Interim Uses/Uses by Administrative Permit. Any established use or building legally existing prior to the effective date of this Ordinance, and which is herein classified as a conditional use, interim use, or use by administrative permit may be continued in like fashion and activity and shall automatically be considered as having received the applicable approval. Any change to such a use, including, but not limited to, building and/or site alteration, shall require a new permit be processed as provided in this Ordinance.
2. Moving Nonconforming Buildings. No nonconforming building or structure shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed prior to the effective date of this Ordinance unless such movement shall bring the nonconformance into compliance with the requirements of this Ordinance.
3. Subdivision. No parcel of land or portion thereof shall be subdivided if such action results in parcels, buildings and structures becoming nonconforming.

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4. Any nonconformity, including the lawful use or occupation of land or premises existing at the time of adoption of an additional control under this Ordinance, may be continued in the same size and manner, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except as specifically provided in this Section, unless:
 - a. The nonconforming use or occupancy is discontinued for a period of more than one (1) year. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
 - b. Any nonconforming use is destroyed by fire or other peril to the extent greater than fifty (50) percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the City of Brainerd may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

C. Non-Conforming Uses.

1. Changes to Non-Conforming Uses:

- a. When a lawful, nonconforming use of any structure, building or parcel of land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- b. A lawful, nonconforming use of a structure, building or parcel of land may be changed to lessen the nonconformity of the use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.

D. Non-Conforming Buildings and Structures.

1. Proposed Building or Structure. Any proposed building or structure which will, under this title, become nonconforming but for which a Building Permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans, provided construction is started within 60 days of the issuance of a building permit, is not abandoned for a period of more than 120 days, and continues to completion within two (2) years. Such building or structure shall thereafter be a legally nonconforming building or structure.

E. Non-Conforming Lots.

1. Vacant or Redeveloped Lots. Except in Floodplain and Flood Fringe districts, legal, nonconforming lots of record may be developed, provided that:
 - a. *Legally Established Lot.* The lot in question was legally established in accordance with City Code requirements existing at the time of its creation and is a separate, distinct tax parcel.
 - b. *Unsewered Lots or Parcels.* A lot or parcel of 20,000 square feet or larger, not having access to municipal sewer, shall be considered buildable provided public health concerns (potable water and sanitary sewer) can be adequately addressed.
 - c. *Access.* The lot in question has frontage on and will directly access an improved public street.
 - d. *Setback and Yard Requirements.* The setback and yard requirements of the base zoning district can be achieved while simultaneously resulting in development which complies with the character and general design of the immediate area and the objectives of the City's Comprehensive Plan and the provisions of this Ordinance.
2. Developed Lots. An existing conforming use on a lot of substandard size and/or width may be expanded or enlarged if such expansion or enlargement meets all other provisions of this Ordinance.

F. Reestablishment of Nonconforming Buildings and Structures

1. Any building or structure which at one time had a nonresidential use may be reestablished with a nonconforming use provided it is found that:
2. The building or structure and land in combination, cannot reasonably be used for a conforming purpose;
3. The proposed use is compatible with adjacent properties and the area in which it is located;

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4. The proposed use will not be detrimental to the existing character and/or endanger the public health, safety or general welfare of the area;
5. The proposed use is consistent with the comprehensive plan;
6. Off-street parking is provided in accord with Section [515-4-12] Off-street Parking.
7. A public hearing is held in accord with the process described in Section [515-5-2] Conditional Use Permits.
8. A nonconforming residential use that had a rental license expire (more than 365 days from date of license expiration) cannot be reestablished as a nonconforming use.

515-5-11 Enforcement and Appeals.

A. **Enforcing Officer.** The City Council shall appoint a Zoning Administrator. The Zoning Administrator shall enforce this Ordinance and shall perform the following duties:

1. Maintain permanent and current records of this Ordinance, including but not limited to maps, amendments, variances and conditional uses.
2. Receive, file, and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.
3. Institute in the name of the City, any appropriate actions or proceedings against a violator as provided for.
4. Serve as an ex-officio non-voting member of the Planning Commission.
5. The Zoning Administrator shall work with the Building Department to enforce the provisions of this Ordinance.
6. If the provisions of this Ordinance are being violated, the City shall notify in writing the property owner or property owner and tenant if rental property for such violations pursuant to Chapter [4]. The City shall order discontinuance of illegal use of the land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Section to ensure compliance with or to prevent violation of provisions of this Ordinance.

B. **Violations, Penalties and Enforcement.**

1. Violations. The violation of any provision of this Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Ordinance shall be enforced by and one (1), all, or a combination of the following penalties and remedies:
 - a. Violations may be enforced as administrative offenses pursuant to Chapter 320 of the Brainerd City Code.
 - b. Violations shall be punishable as misdemeanor prescribed under State law.
 - c. The Zoning Ordinance may also be enforced by injunction, abatement, mandamus or any other appropriate remedy ordered by a court of competent jurisdiction.
2. Penalties. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitute a separate offense.
3. Application to Community Personnel. The failure of any officer or employee of the community to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.
4. Equitable Release. In the event of a violation or the threatened violation of any provision of this Ordinance, or any provision or condition of a permit issued pursuant to this Ordinance, the community in addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.
5. Penalties for Violation in Flood Zone.

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- a. Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variances or Conditional Uses) shall be punishable as described in Part A of this Section.
- b. Nothing herein contained shall prevent the City of Brainerd from taking such other lawful action as is necessary to prevent or remedy any violation.
- c. In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
- d. When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources Office, Federal Emergency Management Agency Regional Office and Mississippi Headwaters Board Office, along with the community's plan of action to correct the violation to the degree possible.
- e. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use are under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or the community grants approval. If the construction or development is already completed, then the Zoning Administrator may either issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or to notify the responsible party to apply for an after-the-fact permit/development approval within specified period of time not to exceed 30 days.
- f. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition that existed prior to the violation of this Ordinance.

C. Board of Zoning Appeals. The City Council shall serve as the Board of Zoning Appeals.

D. Appeal Procedures.

1. The Board of Zoning Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing the Ordinance. Such an appeal can be taken by any person, firm or corporation aggrieved, or by any officer, department, board or bureau of a town, municipality, county or state.
2. The Board of Zoning Appeals shall also have the power to grant variances to provisions of the Zoning Ordinance under certain conditions. The conditions for the issuance of a Variance are as indicated in Section [515-5-4] of this Ordinance. No Use Variances shall be issued by the Board of Zoning Appeals.
3. Hearings of the Board of Zoning Appeals shall be held within such time and upon such notice to interested parties as is provided in its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.
4. The Board of Zoning Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all

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the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the Board's decision shall be stated. The decision of such board shall not be final and any person having an interest affected by such decision shall have the right to appeal to District Court in the county in which the land is located on questions of law and fact.

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515-6 RULES AND DEFINITIONS.

515-6-1. Rules.

A. **Rules.** The language contained in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural includes the singular.
2. The present tense includes the past and future tenses, and the future to the present.
3. The words "shall" and "must" are mandatory, and the word "may" is permissive.
4. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.
5. All measured distances expressed in feet shall be to the nearest tenth of a foot.
6. In the event of conflicting provisions, the more restrictive provisions shall apply.
7. For terminology not defined in this Section, the most current Merriam Webster's dictionary shall be used to define such terms.

515-6-2. Definitions. The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

A. **Definitions of Nouns, Person and Regulatory Bodies.** The following definitions are provided to describe persons, regulatory bodies and agencies referenced throughout this Ordinance.

1. **Applicant.** The person(s) whose name(s) are on an application as owner, their agent or person having legal control, ownership and/or interest in land for which the provisions of this Ordinance are being considered or reviewed.
2. **Board of Zoning and Appeals.** Brainerd City Council.
3. **Builder.** Any person or entity to which a building permit is issued for the construction of a single-family residence.
4. **Business.** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
5. **City.** City of Brainerd.
6. **County.** Crow Wing County, Minnesota.
7. **Developer.** Any person or entity other than a builder, as defined herein, who undertakes to improve a parcel of land, by platting, grading, installing utilities or construction or improving any building thereon.
8. **MPCA.** Minnesota Pollution Control Agency.
9. **MnDOT.** Minnesota Department of Transportation.
10. **Owner.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. Any person, association or corporation having a freehold estate interest, leasehold interest extending for a term or having renewal options for a term in excess of one (1) year, a dominant easement interest, or an option to purchase any of same, but not including owners or interests held for security purposes only.
11. **Public Notices.** Official notice posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.
12. **Planning Commission.** The Planning Commission of Brainerd.

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13. Zoning Administrator. The duly appointed person charged with enforcement of this Ordinance.

B. Definitions of Structure, Measurement and Dimension.

- 1. Abut (includes abuts and abutting).** To be next to, or to share a common boundary. “Abutting” includes across a street. “Abutting” does not include properties that touch only corner to corner
- 2. Accessory Building or Structure.** A subordinate building or structure which is located on the same lot as the Principal Structure which is reasonably necessary and incidental to the conduct of the primary use of such Principal Structure.
- 3. Accessory Dwelling Unit (ADU).** A smaller, independent residential dwelling unit located on the same lot as a stand along principal dwelling unit. ADUs may be attached or detached from the principal dwelling unit.
- 4. Addition.** A physical enlargement of an existing structure.
- 5. Adjacent.** Having a common border (a shared or adjoining border or property line).
- 6. Agricultural Building or Structure.** Any building or structure, existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.
- 7. Alley.** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of a property with principal frontage on a Street.
- 8. Awning.** A roof like cover, often of fabric, plastic, metal or glass designed and intended for protection from weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning which projects over a door shall be counted as an awning.
- 9. Basement.** Any area of a structure, including crawl spaces, having its floor or base sub grade (below ground level) on at least three sides, regardless of the depth of excavation below ground level.
- 10. Bluff.** A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:
 - a. Part or all of the feature is located in a shoreland area.
 - b. The slope rises at least twenty-five (25) feet above the ordinary high-water level of the water body.
 - c. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high-water level averages thirty percent (30%) or greater.
 - d. The slope must drain toward the water body.
- 11. Buildable Land, Contiguous.** Land area occurring within the property lines of a parcel or lot excluding wetlands, water bodies, 100 year flood fringe, transmission utility easements, or rights-of-way.
- 12. Building.** Any structure having a roof which may provide shelter or enclosure of persons, animals, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
- 13. Building Frontage, Common Entry.** A building with a primary entrance on the public right-of-way that provides access to one, or multiple, non-residential tenants.
- 14. Building Frontage, Shopfront.** A building with one primary entrance per tenant that faces the public right-of-way. Examples include small retail buildings with a merchandise window, transom windows, etc.
- 15. Building Frontage, Stoop.** A building with individual entrances for each tenant of the main floor, which may include residential and non-residential uses. See definition of stoop.
- 16. Building Height.** The vertical distance to be measured from the average 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.

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17. **Building Line.** A line measured across the width of the lot at the point where the Principal Structure is placed in accordance with required front yard setback.
18. **Caliper Inch.** The diameter of replacement trees measured at a height of one (1) foot above the ground level.
19. **Canopy.** A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.
20. **Carport.** An automobile shelter having two (2) or more sides open.
21. **Cellar.** A covered excavation, attached or unattached to the Principal Structure, often used for storage or protection from dangerous windstorms.
22. **Cluster Development.** The development pattern and technique whereby buildings or lots are arranged in closely related groups to make the most efficient use of the natural amenities of the land.
23. **Common Open Space.** Any open space including parks, nature areas, playgrounds, trails and recreational buildings and structures, which is an integral part of a development and is not owned on an individual basis by each owner of the dwelling unit.
24. **Construction Area.** Any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry or any other change in the natural character of the land occurs as a result of the site preparation, grading, building construction or any other construction activity.
25. **Condominium.** A multiple family dwelling or development containing individually owned dwelling units that includes jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of the Minnesota Condominium Law, Minnesota Statutes sections 515A.1-101 et seq.
 - a. *Condominium Association.* The community association that administers and maintains the common property and common elements of a condominium.
26. **Cooperative.** A multi-unit development operated for and owned by its occupants. Individual occupants own shares of the total investment property.
27. **Critical Root Zone (CRZ).** An imaginary circle surrounding the tree trunk with a radius distance of one (1) foot per one (1) inch of tree diameter, such as a twenty (20) inch diameter tree has a CRZ with a radius of twenty (20) feet.
28. **Deck.** Horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a Principal Structure or use of the site and at any point extending above grade.
29. **Diameter, Tree.** The length of a straight line measured through the trunk of a tree at fifty-four (54) inches above the ground.
30. **Diameter Inch, Tree.** The diameter, in inches, of a tree measured at diameter breast heights (four one-half [4½] feet from the uphill side of the existing ground level).
31. **Drainage.** The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply and the prevention or alleviation of flooding.
32. **Drainageway.** Any natural or artificial watercourse, trench, ditch, swale or similar depression into which surface water flows.
33. **Drip Line.** The farthest distance away from the trunk that rain or dew will fall directly to the ground from the leaves or branches of the tree.
34. **Driveway.** A private roadway providing access for vehicles to a parking space, garage, dwelling or other buildings and structures.

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- 35. Dwelling, Duplex.** A structure containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
- 36. Dwelling, Manufactured Single-Family.** A manufactured single-family dwelling is a structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling for one family, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. No manufactured dwelling shall be moved into the City of Brainerd that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes Chapter 327.31 Subdivision 3.
- 37. Dwelling, Multi-family (5 Units+ also referred to as Apartments or Townhomes).** A building designed with five (5) or more dwelling units exclusively for occupancy by five (5) or more families living independently of each other. Such buildings may have common hallways and main entrances or have private entrances. Multi-family buildings may include, but not be limited to, efficiency units, one-bedroom, two-bedroom, and three-bedroom units.
- 38. Dwelling, Short Term Rental Unit –** A dwelling unit, as defined by this Ordinance, offered for trade or sale, whether for money or exchange of goods or services, for not more than 28 consecutive nights.
- 39. Dwelling, Single-Family Attached (2 to 4 Units).** A building designed for two (2) to four (4) dwelling units. Such units may have common or shared entry. Such buildings are commonly referred to as Duplex, Triplex, or Fourplex. See also Duplex.
- 40. Dwelling, Single-Family Detached.** A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.
- 41. Dwelling Unit.** A building or portion thereof, designated exclusively for residential occupancy. One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. Does not include hotel, motel or boarding room.
- 42. Easement.** A grant by an owner of land for specific use by a person or persons other than the owner. An easement may be granted for the purpose of constructing and maintaining walkways, roadways, utilities, and other uses.
- 43. Erect.** Activity of constructing, building, raising, assembling, placing, affixing, attaching creating, painting, drawing or any other way of bringing into being or establishing.
- 44. Extraction Area.** Any non-agricultural artificial excavation of earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth for the purpose of removing minerals or borrow of fill. This definition shall not include excavation made for the building of basements.
- 45. Façade, Building.** The face of a building.
- 46. Fence.** Any partition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard.
- 47. Filling.** The act of depositing any rock, soil, gravel, sand or other material on a site.
- 48. Floor Area.** The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two (2) buildings. In particular, "floor area" shall include:
- a. Basement space if at least one-half (½) of the basement story is above established curb level, or where the curb level has not been established, above the average level of the finished grade.

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- b. Elevator shafts and stairwells at each floor.
 - c. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7½) feet, except equipment open or enclosed, located on the roof, i.e., bulkheads, water tanks and cooling towers.
 - d. Attic floor space where the structural head-room exceeds seven and one-half (7½) feet.
 - e. Interior balconies and mezzanines.
 - f. Enclosed porches, but not terraces, breezeways, and screened porches.
 - g. Accessory uses, other than floor space devoted exclusively to accessory off-street parking or loading.
- 49. Floor Area Ratio.** The numerical value obtained through dividing the gross floor area of a building by the net area of the lot or parcel of land on which such building is located.
- 50. Floor Plan, General.** A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.
- 51. Garage, Private.** An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families residing upon the premises.
- 52. Gazebo.** A freestanding accessory structure or pavilion from which views of surrounding scenery are commonly offered. Such structures are characterized by partly open construction, design symmetry, and the use of ornamental architectural features.
- 53. Greenhouses.** A building or structure often on a metal or wooden frame constructed chiefly of glass, glasslike or translucent material, which is devoted to the protection or growing of flowers, shrubbery, vegetables, trees or other horticultural and floricultural products.
- 54. Green Space.** Open, undeveloped land with natural vegetation.
- 55. Frontage.** That boundary of a lot or parcel that is adjacent to a private street or dedicated public right-of-way or Street.
- 56. Grade (Adjacent Ground Elevation).** Is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
- 57. Grading Plan.** Existing topography and proposed finished grades with a contour interval of no greater than two (2) feet clearly indicating the relationship of proposed changes to existing topography and remaining features.
- 58. Lot.** A parcel of land designated by metes and bounds, auditors plat, subdivision plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. Individual lots, under the same Owner, with the same or similar uses which function as one use shall, along with any associated accessory uses, be considered one (1) lot for zoning purposes.
- 59. Lot Area.** The area of a lot in a horizontal plane bounded by the lot lines.
- 60. Lot, Corner.** A lot situated at the intersection of, and adjacent to two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.
- 61. Lot Depth.** The mean horizontal distance between the front lot line and the rear lot line of a lot.
- 62. Lot, Interior.** A lot, other than corner lot, including through lots.
- 63. Lot Line, Front.** That boundary of a lot which is adjacent to an existing or dedicated public street, or existing private street. In the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the City.

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- 64. Lot Line, Rear.** That boundary of a lot which is opposite of the front lot line. If the rear line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- 65. Lot of Record.** Any lot which is one (1) unit of a recorded plat designated by auditors plat, subdivision plat, or other accepted means and separated from other parcels or portions of said description for the purpose of sale, lease or separation thereof that has been recorded in the office of the County Recorder prior to the effective date of this Ordinance. Also referred to as a “parcel.”
- 66. Lot Line, Side.** Any boundary of a lot which is not at the lot line or a rear lot line.
- 67. Lot Through.** A lot which has a pair of opposite lot lines that are adjacent to two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Ordinance.
- 68. Lot Width.** The maximum horizontal distance between the side lot lines of a lot measured at the front setback line.
- 69. Ordinary High-Water Level (OHWL).** The boundary of public waters and wetlands as determined by the Minnesota Dept. of Natural Resources: an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. (See Shoreland Ordinance and Floodplain Ordinance)
- 70. Parcel.** A contiguous tract or area of land established by plat, subdivision, or as otherwise permitted by law (metes and bounds), that has one legal description and parcel identification number recorded with the Crow Wing County Recorder’s Office. Also referred to as a “lot” or “lot of record.” Individual parcels, under the same owner, with the same or similar uses which function as one (1) use shall, along with any associated accessory uses, be considered one (1) parcel for zoning purposes.
- 71. Property Line.** The legal boundaries of a parcel of property.
- 72. Regulatory Flood Protection Elevation.** The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- 73. Road.** See “Street”.
- 74. Setback.** The minimum horizontal distance between a structure or sanitary facility and a road, highway, waterbody, or property line.
- 75. Site.** Lot or combination of contiguous lots or parcels..
- 76. Site Plan.** The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening device; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.
- 77. Sketch Plan.** A to-scale plan of a parcel, lot, or site that shows:
- a. Existing and proposed improvements including, but not limited to, buildings, parking lots, drive aisles, and accessory buildings
 - b. Yard setbacks
 - c. Wetlands or waterbodies
 - d. Any other applicable physical characteristics required based on this Ordinance.
- 78. Slope.** The degree of deviation of a surface from the horizontal, usually, expressed in percent or degrees.

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- 79. Slope, Steep.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports. Where specific information is not available, steep slopes are lands having average slopes over eighteen (18) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.
- 80. Stoop.** A small porch, platform, staircase at a house door with or without steps and with or without a roof.
- 81. Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused above-floor space shall be considered as a story.
- 82. Story, First.** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.
- 83. Street, Collector.** A street which serves or is designed to serve as a traffic- way for a neighborhood or as a feeder to a major street.
- 84. Street, Cul-de-Sac.** A local street, one end of which is closed and consists of a circular turn around or terminus.
- 85. Street, Local.** A street intended to serve primarily as an access to adjacent properties.
- 86. Street, Minor Arterial.** Streets which serve as transitions between principal arterials and local collector streets.
- 87. Street, Principal Arterial.** A street which is the major interconnection within a community transportation system providing major access routes within the community and its environs.
- 88. Street, Public.** A public right-of-way which affords primary means of access to adjacent property. Such definition includes avenues, highways, roads, or other rights-of-way-as otherwise designated.
- 89. Street, Private.** A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public and is owned by one or more private parties.
- 90. Structure.** Anything which is built, constructed or erected, an edifice or building of any kind, or any piece of work artificially built up and/or composed of parts joined together in some definite manner whether temporary or permanent in character.
- 91. Structure Alteration.** Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.
- 92. Structure, Principal (same meaning as Principal Building).** A building or group of buildings which are permanently affixed to the land and which are built, used, designed or intended for the shelter or enclosure of the principal use on the property.
- 93. Substantial Improvement.** Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value of a property either before the improvement is started or if the property has been damaged and is being restored, before the damage occurred.
- 94. Subdivision.** The separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term lease hold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial or other use or any combination thereof, except those separations:

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- a. Where all the resulting parcels, tracts, lots, or interests will be ten (10) acres or larger in size and five hundred (500) feet in width for residential uses and ten (10) acres or larger in size for commercial and industrial uses.
- b. Creating cemetery lots.
- c. Resulting from court orders or the adjustment of a lot line by the relocation of a common boundary.

95. Yard. A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted by this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

96. Yard, Front. A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning in which such lot is located.

97. Yard, Rear. The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

98. Yard, Side. The yard extending along the side lot line between the front yard and rear yards to a depth or width required by setback requirements for the zoning district in which such lot is located.

99. Zero Lot Line. The reduction of side yard setback requirements to zero, permitting the placement of a structure near or adjacent to the side yard lot line. With zero lot line no portion of the structure or accessory appurtenance shall project over the lot line.

C. Definitions of Use, Standards and Terms.

- 1. Accessory Use.** A subordinate use which is clearly incidental and secondary to the Principal Use or Structure located on the same lot.
- 2. Agricultural Use.** The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income, including but not limited to the following:
 - a. Field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
 - b. Livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink.
 - c. Livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.
 - d. Tree farms.
 - e. Agricultural land uses do not include slaughter houses or the processing of crops, produce, animals for public purchase or consumption as to constitute a commercial or industrial land use.
- 3. Animals, Domestic.** For purposes of this Ordinance, domestic animals shall be defined as house pets such as dogs, cats, traditional and typical animal pets, and birds (not including pigeons, chickens, geese, turkeys or other domestic fowl) which can be contained within a Principal Structure throughout the entire year, provided that the containment can be accomplished without special modification to the structure requiring a building permit from the City. In addition, it includes rabbits normally sheltered outside the home.
- 3. Animals, Farm.** Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals traditionally and commonly accepted as farm animals in the State of Minnesota.
- 4. Antenna Related.**
 - a. *Personal Wireless Service.* A device consisting of a metal, carbon, fiber, or other electromagnetically conductive rods or elements on a single supporting pole or other structure and used for the transmission and reception of wireless communications including cellular, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services.

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- b. *Public or Commercial Radio and Television, Broadcast Transmitting.* A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio, or television programming and including the support structure thereof.
 - c. *Public Utility Microwave.* A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless telephone communications and including the support structure thereof.
 - d. *Radio and Television Receiving.* A wire, set of wires, metal or carbon fiber element(s) other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the support structure thereof.
 - e. *Satellite Dish.* A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television receive only) and satellite microwave antennas and support structure thereof.
 - f. *Short-Wave Radio Transmitting and Receiving (Ham Radio).* A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave and citizen band radio communications, and including the supporting structure thereof.
 - g. *Secondary Use.* A use of land or of a building or a portion thereof which is subordinate to and does not constitute the primary use of the land or building.
 - h. *Structure, Public.* An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which is owned or rented, and operated by a federal, state, or local government agency.
 - i. *Support Structure.* Any building or other structure other than a tower which can be used for location of antennas.
 - j. *Tower.* Any ground mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above grade.
 - k. *Tower, Temporary Mobile.* Any mobile tower, pole, or structure located on a trailer, vehicle, or temporary platform intended primarily for the purpose of mounting an antenna or similar apparatus for personal wireless services, which is commonly referred to as Cellular on Wheels (COW).
5. **Assembly, Product.** The taking of two or more parts or components and putting them together to make a final product or a product which will be combined with other components to create a final product.
6. **Auto or Motor Vehicle Wrecking Yard.** A lot or yard where one (1) or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also "Junk Yard".)
7. **Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
8. **Boarding House (Rooming or Lodging House).** A building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods, meals or lodgings are provided for three (3) or more persons, but not to exceed twenty (20) persons.
9. **Boarding School** – A school at which the pupils receive board and lodging during the school term.

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10. **Brew Pub** – A restaurant and brewery that brews less than 3,500 barrels of beer per year for sales on the premises provided the beer is sold for consumption on the premises and not sold to other bars, restaurants or wholesalers, except that an establishment licensed under Minnesota Statutes 304A.301, Subdivision 6D may sell “growlers” off-sale with appropriate City licenses.
11. **Club or Lodge**. A not-for-profit association of persons, with members paying annual dues, and with use of the premises being restricted to members and their guests.
12. **Commercial Use**. The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services, including, but not limited to:
- a. *Automobile Repair-Major*. General repair, rebuilding or reconditioning engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.
 - b. *Automobile Repair-Minor*. An establishment providing goods or services related to automobiles such as car washes, repair businesses limited to minor engine repair, fluid changing, tire service and muffler repair and other uses of similar character, but not including uses defined as a major automobile business or automobile sales.
 - c. *Automobile Sales*. The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers or recreational vehicles including any major or minor automobile repair or service uses conducted as an accessory use.
 - d. *Automobile Service Station*. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.
 - e. *Hospitality Business*. An establishment offering transient lodging accommodations on a daily rate to the general public, leasable events, meeting or conference facilities and exhibition halls or other uses of similar character including hotels, motels, convention facilities, and hospices.
 - f. *Liquor Sales, Off-Sale*. Licensed sale of intoxicating beverages for consumption off site.
 - g. *Liquor Sales, On-Sale*. Licensed sale of intoxicating beverages for consumption at the premises where the beverage is purchased such as a bar or tavern.
 - h. *Motor Fuel Station*. A place where gasoline is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.
 - i. *Office Business-Clinic*. An establishment located within a building or portion of a building providing out-patient health services to patrons, including general medical clinics, mental health providers, chiropractor, dentists, orthodontia, oral surgeons, opticians, and other uses of similar character.
 - j. *Office Business-General*. An establishment located within a building or portion of a building for the conduct of business activities involving predominantly professional administrative or clerical service operations including attorneys, financial advisors, insurance, travel, real estate, and other uses of similar character.
 - k. *Personal Service*. Personal services shall include the following: barber shops, beauty salon, electrolysis, manicurist, tanning parlor, physical therapy, body art and therapeutic massage.
 - l. *Recreational Business*. Arcade, health club, gymnasium, bowling alley, billiard (pool) hall, dance hall, dance studio, skating rinks, theaters, indoor firearms ranges and sports arenas. Activities are contained within a building.
 - m. *Restaurant*. An establishment that serves food in individual servings for consumption on or off premises, including sit-down restaurants, take out, pick up, or delivery food sales, but not including drive-through facilities. Outdoor dining areas and drive-through facilities may or may not be allowed in each zoning district: they are not automatically allowed when a restaurant is an allowable use.

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- n. *Retail Business.* An establishment engaged in the display and sale of products produced off-site directly to consumers within a building or portion of a building excluding any exterior display and sales. Such uses may include grocery, clothing and book stores, etc. (Exception – sexually oriented uses).
 - o. *Service Business, Off-Site.* A company that provides useful labor, maintenance, repair and activities incidental to business production or distribution where the service is provided at the customer's location, including delivery services, catering services, plumbing and sewer services, and other uses of similar character.
 - p. *Service Business, On-Site.* An establishment that provides useful labor, maintenance, repair and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as banks (not including drive-through facilities), copy centers, laundromats, dry cleaners, funeral homes and mortuaries, appliance repair, tailor shops, and travel bureaus.
13. **Comprehensive Plan.** A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the City of Brainerd and its environs. Said plan includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
14. **Conditional Use.** A land use or development that may not be appropriate generally within a certain district but may be allowed in that district with appropriate restrictions, conditions or limitations as imposed by the City Council.
15. **Conditional Use Permit.** A permit issued by the City Council in accordance with the procedures specified within this Ordinance as a device to enable the City Council to assign conditions to a proposed use or development after consideration of the adjacent land uses and the special characteristics which the proposed use presents.
16. **Day Care Facility.** A facility licensed by the State Department of Human Services, public or private, which for gain or otherwise regularly provides one or more persons, as defined by the State Human Services Licensing Act, with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Day care facilities include but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers for children, day training and rehabilitation services for adults, day treatment programs, adult day care centers, and day services.
17. **District.** A section or sections of the City for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted therein.
18. **Drive-Through Facilities.** Physical facilities that permit customers to receive services or obtain goods while remaining in their motor vehicles. Examples include, but are not limited to, bank, drug store, and restaurant drive-through facilities.
19. **Elderly (Senior Citizen) Housing.** A public agency owned or controlled or privately owned multiple dwelling building with occupancy limited to persons over fifty-five (55) years of age or older.
20. **Essential Services.** Overhead or underground electrical, gas, steam or water distribution systems structures or collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health, safety or general welfare, including utility towers, water towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith but not including buildings. Personal wireless service and commercial broadcasting antennas and towers shall not be considered an essential service.
21. **Exterior Storage/Outside or Outdoor Storage/Storage Yards.** An outside area where the storing of equipment or material and the storing or parking of vehicles, trailers, or semi-trucks used in the everyday operation of the principal use. Outdoor sales lots are not outdoor storage but are distinct uses regulated by this ordinance.

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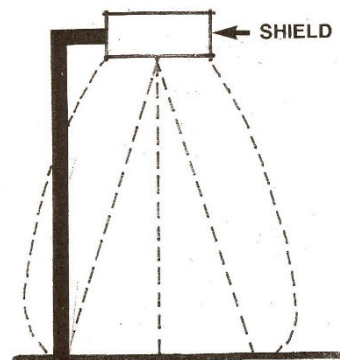
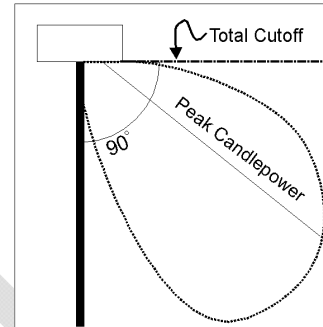
22. **Family.** Two (2) or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than four (4) persons not so related maintaining a common household and using common cooking and kitchen facilities.
23. **Farm.** Real property used for commercial agriculture or horticulture comprising at least twenty (20) contiguous acres and which may contain other contiguous or noncontiguous acreage, all of which is owned or leased and operated by a single family, family corporation, individual or corporation.
24. **Farm, Limited (Hobby Farm).** A limited farm is a food producing use primarily intended for the use of the residents and on parcels of from one (1) to twenty (20) contiguous acres in size. Limited farming uses may include the production of crops, such as fruits, vegetables, flowers, plants, shrubs and trees. Animals and domestic pets may be allowed subject to the provisions of this Ordinance.
25. **Flag.** Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.
26. **Flood.** A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
27. **Flood Frequency.** The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
28. **Home Business.** Any lawful occupation or profession conducted within a dwelling unit by the owner and/or occupant, which is subordinate to the residential use of the principal or accessory structure.
29. **Homeowners Association.** A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.
30. **Hotel including Extended Stay Hotels.** An establishment offering lodging accommodations including provisions for meals to the general public on a daily or weekly basis, leasable events space, meeting or conference facilities and exhibition halls or other uses of similar character. May also be referred to as motel or extended stay motel. A hotel becomes an extended stay hotel when a guest stays longer than 30 days.
31. **Impervious Surface.** An artificial or natural surface through which water, air or roots cannot penetrate.
32. **Individual Sewage Treatment System (ISTS) or Individual Sewage Disposal System.** A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, and using sewage tanks followed by soil treatment and disposal or using advanced treatment devices that discharge below final grade. Individual sewage treatment system includes holding tanks and privies (per Minnesota Rules 7080).
33. **Interim Use.** A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow said use.
34. **Junk Yard.** An open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto-wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.
35. **Kenel, Commercial.** Any structure or premises on which more than three (3) dogs or cats, over six (6) months of age are kept, owned, boarded, groomed, sheltered, protected, bred, or offered for sale or any other merchandising.
36. **Kenel, Private.** Any structure or premises in which three (3) or less dogs, over six (6) months of age, are kept for private enjoyment and not for monetary gain. Every kennel shall be enclosed or fenced in such manner as to prevent the running at large or escape of animals confined therein.
37. **Land Reclamation.** The process of the re-establishment of, acceptable topography (i.e., slopes), vegetative cover, soil stability, and the establishment of safe conditions appropriate to the subsequent use of the land.

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38. **Landscaping.** To include, but not limited to plantings, trees, grass, ground cover (mulch and rock) and shrubs.

39. **Lighting Related:**

- a. *Cutoff.* The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.
- b. *Cutoff Angle.* The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted (see Figure 1 at right).
- c. *Cutoff Type Luminaire.* A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.
- d. *Flashing Light.* A light source which is not constant in intensity or color at all times while in use.
- e. *Foot candle.* A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
- f. *Light Source.* A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
- g. *Luminaire.* A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- h. *Outdoor Lighting.* Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on freestanding poles.
- i. *Outdoor Light Fixture.* Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights.
- j. *Security Lighting.* Outdoor lighting fixtures installed exclusively for the protection of property and public safety.
- k. *Shielding.* A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture (see Figure at right).
- l. *Spillage.* Any reflection, glare or other artificial light that emits onto any adjoining property or right-of-way and is above a defined maximum illumination.



40. **Lodging Room.** A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) lodging room.

41. **Manufacturing, Light.** The manufacturing or assembly of a product whether in its final version or not. All materials and products must be stored within the structure. Examples of the types of use are electronic assembly, dental laboratories, etc.

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42. **Micro-Brewery.** A facility for brewing beer that produces less than 3,500 barrels per year. It may include a tap room and retail space to sell beer to patrons on the site.
43. **Microdistillery.** A facility for distilling spirits not to exceed the Minnesota State Statute allowed amount in a calendar year. It may include a cocktail room and retail space to sell spirits to patrons on the site.
44. **Mini Self-Storage.** An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for the storage of household or commercial goods or personal belongings.
45. **Mining.** The extraction of sand, gravel, rock, soil or other material from the land in the amount of 1,000 cubic yards or more and the removing thereof from the site. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.
46. **Model Home.** A home which is similar to others in a development and which is open to public inspection for the purpose of selling said other homes.
47. **Non-Conforming Building or Structure, Legal.** A building or structure which legally exists at the time of the adoption of this Ordinance which does not comply with the regulations of this Ordinance or any amendments hereto governing the Base Zoning District or Overlay District in which such building or structure is located.
48. **Non-Conforming Use, Legal.** A use or activity which was lawful prior to the adoption, revision or amendment of this Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Base Zoning District or Overlay District.
49. **Nuisance.** Anything defined as a nuisance by Section 2010 of the City Code.
50. **Nursing Home.** A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statute, Section 144.50.
51. **Off-street Loading Space.** A space accessible from the street, alley, or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials.
52. **Obstruction.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, water-course, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
53. **Official Zoning Map.** The Zoning Map established by the City Council, in accordance with the Municipal Planning Act, (MSA 462), showing Base Zoning Districts, Overlay Districts, streets, highways and parks.
54. **Open Sales Lot (Exterior Storage).** Any land used or occupied for the purpose of buying and selling goods, materials, or merchandise and for the storing of same under the open sky prior to sale.
55. **Open Space (Usable).** Open areas, including parks, nature areas, playgrounds, and trails. This does not include holding ponds.
56. **Open Space Recreational Uses.** Recreational use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreation areas.
57. **Ordinance.** Brainerd Zoning Ordinance.
58. **Parking Lot.** An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.
59. **Parking Space.** A surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) automobile.

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60. **Party Wall.** A common shared wall between two (2) separate structures, buildings, or dwelling units.
61. **Permitted Use.** Any use allowed in a Base Zoning District and subject to the restrictions applicable to that Base Zoning District.
62. **Personal, Professional, and Recreational Vehicle Repair, Major.** General repair, rebuilding or reconditioning engines, vehicles, trailers or similar; collision service, including body, frame or fender straightening or repair; overall painting or paint job; transmission repair; vehicle steam cleaning; and similar activity.
63. **Personal, Professional, and Recreational Vehicle Repair, Minor.** The replacement of any part or repair of any part which does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work and upholstery service; and similar activity. Above stated is applied to passenger vehicles and trucks not in excess of 7,000 pounds gross weight.
64. **Place of Worship.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
65. **Planned Unit Development (PUD).** An area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and/or one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of non-residential uses to residential uses as shall be specified in the Overlay District.
66. **Practical Difficulty.** The same as that term is defined in Minnesota Statutes, Chapter 462.
67. **Principal Use.** The primary or predominant use of any land and/or buildings and the main purpose for which the land and/or buildings exist.
68. **Public Land.** Land owned or operated by municipal, school district, county, state or other governmental units.
69. **Reclamation-Land.** The improvement of land by deposition of material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered as reclaimed land.
70. **Recreation Equipment.** Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding 20 feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, play houses exceeding 25 square feet of floor area, or sheds utilized for storage of equipment.
71. **Recreation, Public.** Includes all uses that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
72. **Recreational Vehicle.** A vehicle designed and used for recreational purposes and enjoyment including, but not limited to, snowmobiles, motorized all-terrain vehicles, boats, boat trailers, travel trailers, truck campers, camping trailers, and self-propelled motor homes. This definition does not include race cars or stock cars.
73. **Regional Flood.** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in magnitude of the 100 year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.
74. **Residential Facility, State Licensed.** Any facility, public or private, which for gain or otherwise regularly provides one (1) or more persons with a 24 hour per day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include but are not limited to: state institutions under the control of the Commissioner of Human Services, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, supportive living residences for functionally impaired adults, or schools for handicapped children.

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75. Sexually Oriented Activities Related Terms.

- a. "Adult Establishment" means:
- b. Any business that devotes a substantial or significant portion of its inventory, stock in trade, or publicly displayed merchandise, or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of its gross revenues from, items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas; or
- c. Any business that engages in any adult use as defined in Subdivision 2 of this Section.
- d. Adult Use. Any of the activities and businesses described below:
 - i. "Adult Body Painting Studio" means an establishment or business that provides the service of applying paint, ink, or other substance, whether transparent or non-transparent, to the body of a patron when the person is nude.
 - ii. "Adult Bookstore" means an establishment or business used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, movies, or motion picture film if a substantial or significant portion of its inventory, stock in trade, or publicly displayed merchandise consists of, or if a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) is devoted to, or if substantial or significant portion of its gross revenues is derived from items, merchandise, devices or materials that are distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
 - iii. "Adult Cabaret" means a business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on: (1) the depiction of nudity, Specified Sexual Activities or Specified Anatomical Areas; or (2) the presentation, display, or depiction of matter that seeks to evoke, arouse, or excite sexual or erotic feelings or desire.
 - iv. "Adult Companionship Establishment" means a business or establishment that provides the service of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
 - v. "Adult Conversation/Rap Parlor" means a business or establishment that provides the services of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
 - vi. "Adult Health/Sport Club" means a health/sport club that is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
 - vii. "Adult Hotel or Motel" means a hotel or motel that presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
 - viii. "Adult Massage Parlor/Health Club" means a massage parlor or health club that provides massage services distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
 - ix. "Adult Mini-Motion Picture Theater" means a business or establishment with a capacity of less than 50 persons that as a prevailing practice presents on-premises viewing of movies, motion pictures, or other material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
 - x. "Adult Modeling Studio" means a business or establishment that provides live models who, with the intent of providing sexual stimulation or sexual gratification, engage in Specified Sexual

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Activities or display Specified Anatomical Areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted.

- xi. "Adult Motion Picture Arcade" means any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are used to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.
- xii. "Adult Motion Picture Theater" means a motion picture theater with a capacity of 50 or more persons that as a prevailing practice presents material distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas for observation by patrons.
- xiii. "Adult Novelty Business" means an establishment or business that devotes a substantial or significant portion of its inventory, stock in trade, or publicly displayed merchandise or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of its gross revenues from items, merchandise, or devices that are distinguished or characterized by an emphasis of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas, or items, merchandise or devices that simulate Specified Sexual Activities or Specified Anatomical Areas, or are designed for sexual stimulation.
- xiv. "Adult Sauna" means a sauna that excludes minors by reason of age, and that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, if the service provided by the sauna is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- xv. "Adult Steam Room/Bathhouse Facility" means a building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, if the building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
- xvi. "Nude" or "Specified Anatomical Areas" means:
 - a. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola.
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- xvii. "Specified Sexual Activities" means:
 - a. Actual or simulated: sexual intercourse; oral copulation; anal intercourse; oral-anal copulation; bestiality; direct physical stimulation of unclothed genitals; flagellation or torture in the context of a sexual relationship; the use of excretory functions in the context of a sexual relationship; anilingus; coprophagy; coprophilia; cunnilingus; fellatio; necrophilia; pedophilia; piquerism; or zoerastia;
 - b. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence;
 - c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
 - d. Fondling or touching of nude human genitals, pubic regions, buttocks, or female breasts;
 - e. Situations involving a person or persons, any of whom are nude, who are clad in undergarments or in sexually revealing costumes and engaged in the flagellation, torture, fettering, binding, or other physical restraint of any person;
 - f. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or

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- g.* Human excretion, urination, menstruation, or vaginal or anal irrigation.
- h.* “Substantial or Significant Portion” means: twenty-five (25) percent or more.

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89. **Sign - Commercial Speech Signage.** A sign advertising a business, profession, commodity, commercial service or entertainment.
90. **Sign - Electric Sign.** A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic signs include projected images or messages with these characteristics onto buildings or other objects.
91. **Sign - Flashing Sign.** A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation or mode of lighting which resembles zooming, twinkling or sparkling.
92. **Sign - Freestanding Sign.** Any permanent sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.
93. **Sign - Height of Sign.** Shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.
94. **Sign - Illuminated Sign.** Any sign which contains an element designed to emanate artificial light internally or externally.
95. **Sign - Legally Established Non-Conforming Sign.** Any sign and its support structure lawfully erected prior to the effective date of this Ordinance which fails to conform to the requirement of this Ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this Ordinance and which does not comply with this Ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.
96. **Sign - Marquee.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.
97. **Sign - Marquee Sign.** Any building sign painted, mounted, constructed or attached in any manner on a marquee.
98. **Sign - Monument Sign.** Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which does not exceed eight (8) feet in height.
99. **Sign - Multiple Tenant Sign.** Any site which has more than one (1) tenant and each tenant has a separate ground level exterior public entrance.
100. **Sign - Multi-Vision Sign.** Any sign composed in whole or part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows, on a single sign structure, the display at any given time one of two or more images.
101. **Sign - Non-Commercial Speech Sign.** A sign displaying a dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service, civic events and informational topics.
102. **Sign - Official Sign.** Signs of a public noncommercial nature including public notification signs, safety signs, traffic signs, direction to public facilities when erected by or on behalf of a public official or employee in the performance of official duty.
103. **Sign - Off-premise Sign.** A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where sign is located. For purpose of this sign Code, easements and other appurtenances shall be considered to be outside such lot

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and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

104. **Sign - On-Premise Signs.** Identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.
105. **Sign - Pole Sign.** See Pylon Sign.
106. **Sign - Projecting Sign.** Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface of such building or wall face.
107. **Sign - Pylon Sign.** Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.
108. **Sign - Roof Sign.** Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure.
109. **Sign - Roof Sign, Integral.** Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
110. **Sign - Rotating Sign.** A sign or portion of a sign which in any physical part or in total turns about on an axis, rotates, revolves or is otherwise in motion, including without limitation a multi-vision sign.
111. **Sign - Shimmering Sign.** A sign which reflects an oscillating or distorted visual image.
112. **Sign.** Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.
113. **Sign - Sign Area.** The area within the marginal lines created by the sign face which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of the building, which is included in the smallest geometric figure which can be made to circumscribe the message, figure or symbol displayed thereon.
114. **Sign - Sign Face.** The surface of the sign upon, against, or through which the message of the sign is exhibited.
115. **Sign - Sign Structure.** Any structure including the supports, uprights, bracing, and framework which supports or is capable of supporting any sign.
116. **Sign - Suspended Sign.** Any building sign that is suspended from the underside of a horizontal plan surface and is connected to this surface.
117. **Sign - Temporary.** A sign erected or placed on private property for a limited period of time including but not limited to signs affixed or attached to vehicles including trailers.
118. **Sign - Total Site Signage.** The maximum permitted combined area of all signs allowed on a specific property.
119. **Sign - Video Display Sign.** A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that gives the illusion of motion, including, but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

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120. **Sign - Wall Sign.** Any building sign attached parallel to but within two (2) feet of a wall painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building and which displays only one (1) sign surface.
121. **Sign - Window Sign.** Any building sign, pictures, symbol, or combination thereof designed to communicate information about an activity, business, commodity, event sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.
122. **Significant Woodland.** A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying five hundred (500) or more square feet of property, which are comprised of deciduous trees between four (4) inches and twelve (12) inches in diameter or coniferous trees between four (4) feet and twelve (12) feet in height.
123. **Solar Related.**
- a. *Passive Solar Energy System.* A solar energy system that uses natural and architectural components to collect and store solar energy without using any external mechanical power.
 - b. *Solar Access Space.* That airspace above all lots within the Zoning District necessary to prevent any improvement, vegetation or tree located on said lots from casting a shadow upon any Solar Device located within said zone greater than the shadow cast by a hypothetical vertical wall ten (10) feet high located along the property lines of said lots between the hours of 9:30 a.m. and 2:30 p.m., Central Standard Time on December 21. This Ordinance shall not apply to any improvement or tree which casts a shadow upon a Solar Device at the time of the installation of said device, or to vegetation existing at the time of installation of said Solar Device.
 - c. *Solar Collector.* A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy and that contributes significantly to a structure's energy supply.
 - d. *Solar Energy.* Radiant energy (direct, diffuse, and reflected) received from the sun.
 - e. *Solar Energy System.* A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). To qualify as a solar energy system, the system must be permanently located for not less than ninety (90) days in any calendar year beginning with the first calendar year after completion of construction.
 - f. *Solar Space.* The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.
 - g. *Solar Sky Space Easement.* A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar sky space of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar sky space must be described as the three-dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two (2) methods.
 - h. *Solar Structure.* A structure designed to utilize solar energy as an alternate for, or supplement to a conventional energy system.
124. **Specialty Food Shops.** An establishment specializing in selling one type or line of edible or drinkable products catering to the takeout client and not offering full-service meals. Examples include coffee, candy, ice cream, etc. Product manufactured on site such as candy or ice cream must be over the counter on site sales.
125. **Sport Court.** A facility that typically includes a paved playing surface for one or more sport activities such as, but not limited to, tennis, basketball, or volleyball.

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126. **Stable, Commercial.** The business of boarding horses for fee for persons not residing on the premises and may include instruction, exhibition and sale of horses. This shall include the raising and breeding of horses.
127. **Storage, Outdoor.** Keeping of any personal property, commercial, or industrial property that is not enclosed in a .
128. **Stringer.** A line of string, rope, cording or an equivalent to which is attached a number of pennants.
129. **Surface.** A road, driveway, approach, parking lot which consists of gravel, crushed rock, lime rock, bituminous surface, concrete surface, or other similar material.
130. **Swimming Pool.** Any indoor or outdoor structure intended for swimming, wading or recreational bathing. The structure may be constructed, installed or located in-ground, partially in-ground or above ground and may include permanent or storable swimming pools, hot tubs and spas.
131. **Taproom/Tasting Room.** A facility on the premises of and accessory to a licensed brewery intended for the on-sale consumption and limited off-sale beer produced by the brewer as authorized by Minnesota Statutes Section 340A.301 Subdivision 6B.
132. **Temporary Structure.** A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
133. **Toxic and Hazardous Wastes.** Waste materials including, but not limited to: poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.
134. **Tree.** Any of the following type of trees, as each is defined herein:
- a. *Coniferous Tree.* A woody plant which, at maturity, is at least 12 feet or more in height, having foliage on the outermost portion of the branches year-round.
 - b. *Deciduous Tree.* A woody plant which, at maturity, is at least 15 feet or more in height, having a defined crown, and which sheds leaves annually.
 - c. *Significant Tree.* A healthy tree measuring a minimum of six (6) inches in diameter for deciduous trees, or a minimum of 12 feet in height for coniferous trees.
 - d. *Significant Tree Stand.* A grouping or cluster of coniferous and/or deciduous trees with contiguous crown cover, occupying 500 or more square feet of property, which are comprised of deciduous trees six (6) inches or larger in diameter or coniferous trees 12 feet or higher in height.
 - e. *Specimen Tree.* A healthy hardwood tree measuring equal to or greater than 30 inches in diameter and/or a coniferous tree measuring 50 feet or greater in height.
135. **Tree Certification.** A certified inventory of trees on the site after work is complete listing all trees and their final disposition, which is signed by a licensed forester or landscape architect.
136. **Tree Preservation Plan.** A plan and inventory certified by a forester or landscape architect indicating all of the significant trees and their locations in the proposed development or on the lot. The tree preservation plan shall include the size, species, tag numbers, and location of all significant trees proposed to be saved and removed on the area of development, and the measures proposed to protect the significant trees to be saved.
137. **Transient Merchant.** Any person, firm or corporation, whether a resident of the City of Brainerd or not, who engages temporarily in the business of selling and delivering goods, wares or merchandise within the City of Brainerd, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, vacant lot, motor vehicle or trailer.
138. **Transient Produce Merchant.** Any person who engages in or transacts in any temporary and transient business within the City selling products of the farm or garden occupied and cultivated by that person; and,

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who for the purposes of carrying on such business, hires, leases, occupies, or uses, a building, structure, vacant lot, motor vehicle trailer, or railroad car, on a site other than the property on which the produce is grown and cultivated in a zoning district where it is allowed by this Ordinance.

139. **Trucking Terminal.** Land or buildings used primarily as a relay station for the transfer of freight from one vehicle to another or one party to another rather than permanent or long-term storage. The terminal facility might include storage areas for trucks and buildings for truck maintenance and repair.
140. **Use.** The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained.
141. **Use, Permitted.** A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
142. **Use, Principal.** The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted or conditional.
143. **Variance.** A modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation. A variance shall normally be limited to height, density and yard requirements.
144. **Warehousing.** The storage of materials or equipment within an enclosed building.
145. **Waterbody or Watercourse.** Any natural or man-made passageway on the surface of the earth so situated and having such a topographical nature that surface water stands or flows through it from other areas. The term includes ponding areas, drainage channels, swales, waterways, creeks, rivers, lakes, streams, wetland areas, and any other open surface water flow which is the result of storm water or ground water discharge. This term does not include man-made piping systems commonly referred to as storm sewers.
146. **Wetland.** Land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.
147. **Wind Energy Conversion Systems (WECS).** Any device such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of useable energy.
148. **Wind Energy Conversion System, Small.** A wind energy conversion system consists of a wind turbine and associated control or conversion electronics and is used primarily to reduce on-site consumption of utility power. Small wind energy conversion systems are an administrative accessory use in residential districts and shall be attached to an existing principal building. A small wind energy conversion system shall not exceed a rated capacity of 100 kWh.
149. **Zoning Amendment.** A change authorized by the City either in the allowed use within a Base Zoning District, re-zoning to an Overlay Zoning District or alteration of the boundaries of a Base or Overlay Zoning District.
150. **Zoning District.** An area or areas within the limits of the City for which the regulations and requirements governing use are uniform as defined by this Ordinance.

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

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

ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
RESIDENTIAL USES																	
Agriculture uses		P	P														
Accessory buildings under 200 SF	515-4-6	AP	AP	AP	AP	AP	AP	AP	AP								
Accessory buildings over 200 SF	515-4-6	P	P	P	P	P	P	P	P								
Accessory Dwelling Unit (ADU)		P	P	P	P/C	P/C	P/C	P	P/C								
Home businesses	515-3-19	P	P	P	P	P	P	P	P			P	P				
Home businesses not meeting criteria	515-3-19	AP	AP	AP	AP	AP	AP	AP	AP			AP	AP				
In home day care, serving no more than 14 persons		AP	AP	AP	AP	AP	AP	AP	AP								
Multi-family attached dwelling units (5+ Units)						C		C	P			C				C	
Mixed-Use Building, including residential uses not on main floor								C	C			C	C				
Model Homes	515-3-23	P	P	P	P	P	P	P	P	P	P	P	P	P			
Personal storage of recreational vehicles & equipment	515-3-31	P	P	P	P	P	P	P	P								
Recreational Facilities for private residential use		P	P	P	P	P	P	P	P								
Senior housing	515-3-33					P		P	P			C	C			C	
Single Family Detached Dwelling Unit	515-4-2	P	P	P	P	P	P	P	P			C				C	
Single Family Attached Dwelling Unit (2-4 Units)	515-4-2				P	P	P	P	P			PC	PC			C	
COMMERCIAL/GENERAL BUSINESS USES																	
Adult Establishments and/or Uses	515-3-4														C		

APPENDIX A: TABLE OF USES
Adopted XX.XX.2022

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

ZONING DISTRICT	Section Reference	RL-1	RL-2	GL	CN-1	CN-2	TN-1	TN-2	TN-3	GC	CC	TC	MS	ME	GI	PSP	P
Animal hospital, veterinary clinic, or kennels	515-3-5							C	C	C	C			C	C		
Armories										C					P		
Auto dealership	515-3-6									C	C			C	C		
Bed and breakfasts	515-3-9	C	C	C	C	C	C	C	C			C	C				
Boarding houses						C		C	C								
Brew Pub/Brewery (off-sale, on-sale, taproom, tasting room, etc.), cidery, microdistillery, cocktail room	515-3-10							C	C	C	C	C	C	P	P		
Car wash accessory to motor vehicle sales	515-3-13									P	P			P	P		
Commercial animal kennels	515-3-5	C	C												C		
Commercial car washes (drive-up, mechanical and self service)	515-3-13									C	C				C		
Commercial day care facilities	515-3-14	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Commercial greenhouses supporting the operations of a restaurant or floral shop	515-3-15							I	I	I	I	I	I				
Commercial riding stables	515-3-16	C															
Commercial/Retail establishments								P	P	P	P	P	P	P			
Commercial laundry facilities								C	C	P	P			P			
Drive-through business	515-3-17							C	C	P	P	C					
Contractor offices										C	C			P	P		
Cultural facilities such as museums, art centers, or art institute								P	P	P	P	P	P	P		P	
Drive-through Businesses	515-3-17								C	P	P	C					
Financial Institutions such as banks and credit unions										P	P	P	P				
Food Trucks (Transient food unit)	515-3-39									AP	AP	AP	AP	AP	AP	AP	AP
Funeral homes, mortuaries								C	C	C	C	C		C			

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Health clubs/Gyms/Indoor Recreation Facilities								P	P	P	P	P	P	P	P	P	
Hospitality businesses limited to hotels, motels, conference/convention/reception facilities	515-3-20							C	P	P	P	P	P				
Hospitality businesses – extended stay	515-3-20																
Liquor sales, on sale										P	P	P	P	P	P		
Liquor sales, off sale								P	P	P	P	P	P	P	P		
Motor vehicle fuel sales	515-3-24							C	C	C	C	C			C		
Nurseries, greenhouses (commercial)	515-3-15	P	P					C	C	C	C			C	C		
Nursing homes & similar group housing	515-3-25					C		C	C	C	C						
Off street parking lots or parking garages (as principal use)	515-3-30 515-4-12							C	C	C	C	C	C				
Office businesses – (general use, medical clinic)								C	C	P	P	P	P	P			
Outdoor dining facilities accessory to a restaurant	515-3-27							AP	AP	AP	AP	AP	AP				
Parking Lots	515-3-30							C	C	C	C	C	C	C	C	C	
Pawn shops								P	P	P	P	P	P	P			
Personal services such as barber/beauty shop, nail salon, tanning salon, therapeutic massage and spas.								P	P	P	P	P	P	P			
Private clubs & lodges								C	C	C	C	C	C	C			
Recreation Centers (large health clubs, gyms, etc.) exceeding 30,000 SF										C				C	P		
Restaurants – sit down, take out or delivery (no drive-up window)								P	P	P	P	P	P				
Retail businesses contained within a principal building								P	P	P	P	P	P	P			
Seasonal Merchandise Sales include fruit/vegetables, Christmas trees, plants and										AP	AP	AP					

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ancillary products in which less than one half of the product retailed is initially planted and raised therein																	
Senior center						C		C	C	C	C	C					
Short term rentals (VRBO, Air BnB, etc.)	515-3-34	I	I	I	I	I	I	I	I			I	I				
Signs	515-3-35	See Section 515-3-35 for Permit Requirements															
Specialty food shops	55-3-36							P	P	P	P	P	P				
State licensed residential facilities (serving 7-16 persons)						C		C	C	C	C						
Studios – art, dance, music, design, photography, etc								C	C	P	P	P	P				
Taxi or bus dispatch sites										P	P			P	P		
Telecommunication towers	515-3-42													AP	AP		
Temporary mobile towers.	515-3-42													AP	AP		
Temporary roadside stands		P	P	P													
Temporary/seasonal outdoor promotional events and sales	515-3-38							AP	AP	AP	AP	AP	AP	AP			
Theaters – except drive-in										P	P	P	P				
PUBLIC/SEMI-PUBLIC USES																	
Boarding Schools								C	C	C	C	C					
Business or trade school when conducted entirely within a building								C	C	P	P	C	C				
Cemeteries																C	
Colleges and universities										C	C					P	
Government & public buildings (including utility buildings and structures)			C	C	C	C	C	C	C	P	P	P	P	P	P	P	P
Hospitals						C		C	C	C	C					P	

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Forest and game management areas		C														P	P
Places of worship & related buildings		C	C	C	C	C	C	C	C	P	P	C	C	P	P	P	
Public & private schools		C	C	C	C	C	C	C	C	C	C	C		C	C	P	
Public recreation areas and buildings		P	P	P	P	P	P	P	P			C	C			P	
Public, semi-public recreational buildings, community centers		C	C	C	C	C	C	C	C			C	C			P	
Temporary classroom buildings (public or private schools)					I	I	I	I	I							I	
Trade/specialty schools.														C	C		
Warming shelters	515-3-41									I	I	I		I		I	
INDUSTRIAL AND UTILITY USES																	
Auto wrecking or salvage yard, junk yard, used auto parts, and similar uses.	515-3-8														C		
Automobile and truck repair – major and minor (including body shops)	515-3-7									C	C	C		C	C		
Billboard signs	515-3-35													I	I		
Bulk liquid storage (including crude oil, gasoline, liquid fertilizer, or other liquid storage)	515-3-11														C		
Coal, tar, creosote, concrete or asphalt processing or distillation and acid manufacturing.	515-3-12														C		
Commercial/retail sales accessory to the principal manufacture, processing or wholesaling of products manufactured on, processed on or wholesaled from the premises.														P	P		
Commercial stockyards and slaughtering of animals provided that the use complies with all Federal regulations including USDA rules and regulations.															C		
Machine shops; paper products from previously processed paper; electronics assembly and														P	P		

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testing; commercial printing and publishing establishments; laundry, dry cleaning or dying plants; food/beverage processing; cosmetics/toiletries; drugs and pharmaceuticals; beverage bottling; recycling center; woodworking (indoors)																	
Construction equipment sales and repair										C				P	P		
Electrical/Plumbing/Heating/Air Conditioning products and parts										C				P	P		
Equipment rental (indoor)										P	P			P	P		
Essential services	515-3-18	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Kilns, forges or other heat processes fired by means other than electricity.															C		
Light manufacturing										C	C			P	P		
Metal Sales such as steel and other raw materials														P	P		
Mini self-storage facilities.	515-3-21														C		
Mining and extraction	515-3-22	I															
Outdoor service, sales and rental as a principal or accessory use.	515-3-28													C	C		
Outdoor storage accessory to a principal use with enclosed building.	515-2-26									C				C	P		
Outdoor storage as a principal use	515-2-26														I		
Personal wireless service towers	515-3-42	C	C	C	C	C	C	C	C	AP	AP	AP	AP	AP	AP		
Outdoor wood burning furnaces, placement and operation	515-3-29														C		
Radio & television antennas	515-3-42	AP	AP	AP	AP	AP	AP	AP	AP								
Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave	515-3-42									AP	AP	AP	AP	AP	AP		

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dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers																	
Radio and television studios										C	C			P	P		
Sale of parts and sale and repair of tires for construction equipment and semi tractor trailers														P	P		
Sales and distribution of propane, acetylene, helium, CO2 and similar tanks															P		
Refuse/garbage collection, recycling and incineration	515-3-32														C		
Regional pipelines		C												C	C		
Research and development laboratories														P	P		
Residence for night watchman or other security personnel														AP	AP		
Self-service laundromat with dry cleaning pick up and drop off								C	C	P	P	P		P			
Small engine and boat repair								C	C	C	C			P	P		
Solar energy systems, structures		AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP		
Storage, utilization or manufacture of materials which could decompose by detonation, including but not limited to dynamite, trinitrotoluene (TNT), nitroglycerine, guncotton, blasting caps and cartridge primers.	515-3-37														C		
Testing labs for water and soil, rocks/minerals and air quality										P	P			P	P		
Tire vulcanizing and recapping.															P		
Truck and semi-tractor/trailer sales and repair	515-3-7													C	P		
Truck terminals.	515-3-40														C		

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Warehousing, distribution facilities and wholesale businesses.														C	P		
Wind energy conversion system		I	I												I		

