

SECTION 62
B-3, CENTRAL BUSINESS DISTRICT

Section:

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515-62-1: Purpose and Intent. The purpose of this 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 the allowance of second-story dwelling units located above such uses.

515-62-2: Permitted Uses.

- A. Government and public buildings, utilities and/or structures.
- B. Financial institutions such as banks and credit unions.
- C. Hospitality businesses limited to hotels, motels, conference/convention/reception facilities. Extended stay hotels and motels provided that:
 - a. The City of Brainerd will be notified prior to becoming an extended stay facility.
 - b. Stays are limited to 90 consecutive days.
 - c. 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.
 - d. Kitchen facilities including a stove and oven are provided.
 - e. Each hotel and motel 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
- D. Liquor sales, on and off sale.

- E. Office business – clinic such as general medical clinics, medical labs, mental health providers, chiropractors, dentists, orthodontia, oral surgeons, opticians, physical therapy, and other out-patient treatment.
- F. Office business – general such as professional administrative or clerical service operations such as attorneys, financial advisors, insurance, travel, and real estate.
- G. Personal services limited to barber shops, beauty salons, nail salons, tanning salons, therapeutic massage, spas, tattooing, tailoring/alterations, and schools/training centers for such uses.
- H. Recreational businesses - indoor.
- I. Restaurants – sit down, take out or delivery.
- J. Retail businesses contained within a principal building.
- K. Decorating and photography studios.
- L. Business, vocational, colleges, and universities located above first floor.
- M. Business when conducted entirely within a building.
- N. Theaters – except drive-in.
- O. Cultural facilities such as museums, art centers or art institutes.
- P. Repair services limited to jewelry and radio and television/small appliance repair shops, household items, electronics, shoe repair, upholstery, or locksmith.
- Q. On-site service businesses limited to tailoring, dry cleaners, self-service laundry and copy centers.
- R. Music, art, decorating, photography, and dance studios.
- S. Health clubs.
- T. Essential services as regulated by Section 36 of this Ordinance.
- U. Self-service Laundromat with dry cleaning pick up and drop off.
- V. Microdistilleries and Cocktail Rooms. Subject to the provisions of Minnesota Statutes 340A and the following:
 - 1. No outdoor storage.

2. A cocktail room shall require an “on-sale” taproom room license form the City of Brainerd, according to the City Code Section XII.
3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.

515-62-3: Accessory Uses.

- A. Uses incidental to the principal uses such as off-street parking as regulated by Section 17 of this Ordinance.
- B. Loading and unloading areas subject to the provisions of Section 23 of this Ordinance.
- C. Signs as regulated by Section 37 of this Ordinance.
- D. Fences as regulated by Section 19 of this Ordinance.
- E. 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 as regulated by Section 35 of this Ordinance.

515-62-4: Uses by Administrative Permit.

- A. Temporary/seasonal outdoor promotional events and sales provided that:
 1. Such activity is targeted toward the general public, and includes grand openings, warehouse sales, sidewalk sales, inventory reduction and liquidation sales, and seasonal merchandise sales.
 2. The maximum term of the event shall not exceed fourteen (14) consecutive days, with a maximum of four (4) permits per calendar year for each use. Consecutive permits may be issued.
 3. Parking and display areas associated with the use shall not distract or interfere with existing business operations or traffic circulation patterns.
 4. 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.
 5. Sales products, trailers, temporary stands, etc. shall be located on an asphalt or concrete surface as approved in the Administrative Permit.
 6. Temporary outdoor seasonal sales uses (with a valid Administrative Permit) may have one (1) on-site temporary sign not to exceed twenty-four (24) square feet in area and not more than six (6) feet in height.

7. A daily clean up program shall be presented as part of the Administrative Permit application.

B. Personal wireless service antennas as regulated by Section 35 of this Ordinance.

515-62-5: Interim Uses.

- A. Commercial greenhouses supporting the operations of a restaurant or floral shop provided that:
1. Structure framing shall be treated wood, aluminum, or steel and shall be covered by materials as regulated by Section 17 of this ordinance.
 2. Structure shall not exceed fifteen (15) feet in height.
 3. Structure may be located on a separate lot from the restaurant or floral shop it supports provided that:
 - a. The lot is within one-hundred fifty (150) feet of the business.
 - b. The structure shall meet the non-residential setback requirements of the B-2 District as regulated by Section 61 of this ordinance.
 4. No outdoor storage.
 5. Indoor storage shall be limited material incidental to the operation of a greenhouse.
 6. Should the restaurant 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.

515-62-6: Conditional Uses.

- A. Residential and non-residential uses within one (1) building provided that:
1. Residential and non-residential uses shall not be contained on the same floor and no residential use shall be located on the first floor.
 2. Residential and non-residential uses shall have separate entrances and exits.
- B. Non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar provided that:
1. The applicant submits a site plan in accord with Section 5 of this ordinance that includes information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
 2. Access shall be provided only via the principal building.

3. The size of the area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
4. The area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
5. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.
6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the area by providing the following:
 - a. 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.
 - b. 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.
7. The area is surfaced with concrete, bituminous, decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.
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 subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit application.
9. Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the area.
10. Closed lid refuse containers are to be provided.
11. So as 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, planters or other approved material shall be provided.

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.
12. 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.

13. 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.
 14. 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.
 15. 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.
 16. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.
- C. Planned Unit Developments (PUDs) without first floor residential, as regulated by Section 11 of this Ordinance.
- D. Private clubs and lodges provided that:
1. Off-street parking and access is provided in compliance with Section 22 of this Ordinance.
 2. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.
- E. Places of worship above the first floor.
- F. Commercial day care facilities are regulated by Section 29 of this Ordinance.
- G. Parking structures provided that the first floor contains a business use.
- H. 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.
 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.
- I. 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.
 2. Comply with the requirements of 515-62-6B for outdoor serving.
 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.
- J. 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.
 2. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, 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.
- K. 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.
 2. A taproom for malt liquor “off-sale” produced on-site shall require an “on-sale” taproom room license form the City of Brainerd, according to the City Code Section XII.
 3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, 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.

515-62-7: Lot Area and Setback Requirements. Minimum lot area, width, setback, and height requirements are not applicable. A thirty (30) foot setback shall be required for buildings located adjacent to residentially zoned property.

515-62-8: Building Height: Not more forty-five (45) feet unless otherwise granted under a Conditional Use Permit.

515-62-9: Exterior Building Standards. As regulated in Section 17 of this Ordinance.

515-62-10: Residential Restriction: First floor/street level residential uses are prohibited.