

SECTION 63
B-4, GENERAL BUSINESS DISTRICT

Section:

- 515-63-1: Purpose and Intent
- 515-63-2: Permitted Uses
- 515-63-3: Accessory Uses
- 515-63-4: Uses by Administrative Permit
- 515-63-5: Interim Uses
- 515-63-6: Conditional Uses
- 515-63-7: Lot Area and Setback Requirements
- 515-63-8: Building Height
- 515-63-9: Exterior Building Standards

515-63-1: Purpose and Intent. The purpose of the General Business District is to allow more intensive commercial uses that require extensive highway access for customer contact.

515-63-2: 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
- C. Liquor sales, on and off sale.

- D. 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.
- E. Office business – general such as professional administrative or clerical service operations such as attorneys, financial advisors, insurance, travel and real estate.
- F. Personal services such as barber shops, beauty salons, nail salons, tanning salons, therapeutic massage and tattooing.
- G. Recreational businesses - indoor.
- H. Restaurants – sit down, take out or delivery (Drive-up window requirements are listed in Accessory Uses).
- I. Retail businesses contained within a principal building.
- J. Business or trade school when conducted entirely within a building.
- K. Places of worship and related buildings.
- L. Theaters – except drive-in.
- M. Cultural facilities such as museums, art centers, or art institute.
- N. Repair services limited to jewelry and radio and television/household appliance repair shops.
- O. On-site service businesses limited to tailoring/alterations, dry cleaners, self-service laundry and copy centers.
- P. Pawn shops.
- Q. Music, art, decorating, photography and dance studios.
- R. Taxi or bus dispatch sites.
- S. Adult Uses as regulated by Section 33 of this Ordinance.
- T. Essential services as regulated by Section 36 of this Ordinance.
- U. Equipment rental (indoor).
- V. Testing labs for water and soil, rocks/minerals and air quality.

- W. 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.
- X. 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.
- Y. 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.
- Z. 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.
- AA. 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.
- BB. Funeral homes, mortuaries and crematoriums

515-63-3: 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. Commercial accessory buildings shall not exceed thirty (30) percent of the gross floor space of the principal building.
- F. Drive-up service facilities provided that:
 1. Not less than one hundred twenty (120) feet of segregated automobile stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to sixty (60) feet per lane.

2. The stacking lanes shall be setback three (3) feet from all property lines 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, alley 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 adjacent 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 adjoining 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 shall comply with Section 18 of this Ordinance.
- G. 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.
- H. 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.

515-63-4: Uses by Administrative Permit.

- A. Temporary outdoor promotional events and sales are targeted toward the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction and liquidation sales.

Such events are permitted with a 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.

- B. Seasonal Non-Agricultural Merchandise Sales include fruit/vegetables, Christmas trees, plants and ancillary products in which less than one half of the product retailed is initially planted and raised therein.

1. "Short Term" sales is considered less than 90 consecutive days in a calendar year per location.
2. "Long Term" sales is considered more than 90 days and less than 270 consecutive days in a calendar year per location.
3. Permit Required. No person shall utilize a seasonal non-agricultural merchandise sales structure for retail purposes unless a permit therefore shall first be secured from the City of Brainerd.

C. General Requirements. The following general requirements apply to all temporary outdoor promotional events and sales events and to seasonal non-agricultural merchandise sales locations:

1. No portion of the use shall take place within any public right-of-way or landscaped green strip.
2. Parking and display areas associated with the use shall not distract or interfere with existing business operations or traffic circulation patterns.
3. 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.
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, Class IV or concrete surface as approved in the Administrative Permit.
6. Temporary outdoor 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 cleanup program shall be presented as part of the Administrative Permit application.

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

515-63-5: Interim Uses.

A. None.

515-63-6: Conditional Uses.

A. Armories provided that:

1. Side yards shall be thirty (30) feet.
2. Screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
3. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.

B. Automobile and truck repair - major and minor (including body shops) provided that:

1. 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.
2. 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, as amended.
3. 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, as amended.
4. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.
5. All outside storage shall be prohibited except for customer automobiles and trucks awaiting repair.

C. Commercial car washes (drive-up, mechanical and self-service) provided that:

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 thirty (30) minute period and shall be subject to the approval of the City Engineer.
3. The site shall be landscaped and screened in compliance with Section 20 of this Ordinance.

4. Parking or car stacking space shall be screened from view of abutting residential districts in compliance with Section 22 of this Ordinance.
5. 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.
6. The entire area shall have a drainage system which is subject to the approval of the City.
7. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 18 of this Ordinance.
8. 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.
9. Provisions are made to control and reduce noise.

D. Hospitals provided that:

1. Side yards are double the minimum requirements established for this district and are screened in compliance with Section 20 of this Ordinance.
2. The site shall be served by an arterial or collector street of sufficient capacity to accommodate traffic which will be generated.
3. All State Statutes and regulations governing such use are strictly adhered to and all required operating permits are secured.

E. Motor vehicle fuel sales provided that:

1. Installation is in accordance with State and City standards. Additionally, 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 forty thousand (40,000) square feet and minimum lot frontage of one hundred (100) feet.
3. Architectural standards are compliant with the required commercial design construction standards of Section 17 of this Ordinance.
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 twenty (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 eighteen (18) feet in height and must provide fourteen (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 one hundred fifteen (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.
 - f. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure, provided that:
 - 1) The canopy signs do not exceed more than twenty (20) percent of the canopy façade facing a public right-of-way.
 - 2) The canopy fascia shall not be illuminated except for permitted canopy signage.
 - g. Canopy posts/sign posts shall not obstruct traffic or the safe operation of the gas pumps.
5. 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 thirty (30) feet back from any property line. Additionally, the setback between the pump islands curb face must be at least twenty-four (24) feet.
6. Landscaping must comply with standards set forth in Section 20 of this Ordinance.
7. Lighting shall be in compliance with Section 18 of this Ordinance.

8. 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.
 9. 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.
 10. 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.
- F. 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.
- G. Planned Unit Development (PUD) (including shopping centers) as regulated by Section 11 of this Ordinance.

H. Outdoor dining facilities accessory to a restaurant provided that:

1. The applicant must submit a site plan and other pertinent information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
2. Access to the dining area to be provided only via the principal building if the dining area is full service restaurant, including table waiting service.
3. The size of the dining area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
4. The dining area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
5. All lighting 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 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.
7. 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.
8. A minimum width of thirty-six (36) inches shall be provided within aisles of the outdoor dining area.
9. 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 Administrative Permit application.

10. Additional off-street parking shall be required pursuant to the requirements set forth in Section 22 based on the additional seating area provided by the outdoor dining area.
 11. 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.
- I. Small engine and boat repair provided that:
1. The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way and shall be in compliance with Section 18 of this Ordinance.
 2. The site shall be landscaped and screened in accordance with Section 20 of this Ordinance.
 3. Vehicular access points shall create a minimum of conflict with through traffic movement shall be subject to the approval of the City Engineer.
 4. Provisions are made to control and reduce noise.
 5. No outside storage, repair or sales except in compliance with Section 23 of this Ordinance.
- J. Animal hospital or clinic and kennels provided that:
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. An animal kennel is permitted as a use accessory to the 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.

- c. 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.
- d. 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.
- e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.
- f. 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.
- g. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

K. Light manufacturing.

L. Radio and television studios.

M. Outdoor storage as an accessory use provided that:

- 1. The area is fenced and screened from view of the neighboring properties and public right-of-way in compliance with Section 20 of this Ordinance.
- 2. Storage area is paved with asphalt, bituminous or concrete or surfaced with crushed rock.

N. Colleges and universities provided that:

- 1. Side yards shall be thirty (30) feet.
- 2. Screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
- 3. Off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.

4. Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.

O. Auto dealership provided that:

1. Outdoor sales area shall be set at least five (5) feet back from all property lines, and at least fifteen (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.
4. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section 20 of this Ordinance.
5. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 18 of this Ordinance.
6. All display/sales/storage areas shall be paved.
7. Required parking shall be segregated from the sales display. The use shall not take up parking space as required for conformity to this Ordinance.

P. Commercial day care facilities are regulated by Section 29 of this Ordinance.

Q. Department of Human Services (DHS) licensed Drug and Alcohol Treatment and Recovery Facilities and Unlicensed Drug and Alcohol Treatment and Recovery Facilities that are substantially the same in character as a DHS licensed program of longer duration but not to exceed eighteen (18) months.

R. Boarding Schools

515-63-7: Lot Area and Setbacks Requirements.

Lot Area	20,000 square feet
Lot Width	100 feet
Front Yard Setback	30 feet
Side Yard Setback, internal lot	20 feet
Side Yard Setback, corner lot	30 feet
Rear Yard Setback	20 feet
Setback from adjacent residential zoning	30 feet
Adjacent to the alley	10 feet

515-63-8: Building Height. Not more than forty-five (45) feet unless otherwise granted under a Conditional Use Permit.

515-63-9: Exterior Building Standards. As regulated by Section 17 of this Ordinance.