

SECTION 65
B-6, WASHINGTON STREET COMMERCIAL DISTRICT

Section:

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515-65-1: Purpose and Intent. The purpose and intent of the district is to provide zoning regulation flexibility to permit development consistent with land use patterns along the Washington Street corridor from the Mississippi River to Gillis Street. The purpose of the District is also to ensure compatibility between land uses and transportation and to minimize negative effects of development o the Washington Street corridor.

515-65-2: Permitted Uses.

- A. Decorating and photography studios.
- B. Financial institutions.
- C. Liquor sales, on and off sale.
- D. Offices.
- E. Pawn shops.
- F. Personal services limited to barber shops, beauty salons, nail salons, tanning salons, therapeutic message and tattooing.
- G. Recreation businesses – indoor.
- H. Restaurants – sit down, takeout and delivery.
- I. Retail businesses within a principal building.

- J. Repair services limited to jewelry, radio and electronics, televisions and household appliances.
- K. On-site service businesses such as tailoring, dry cleaning, self-service laundry and copy centers.
- L. Music, art and dance studios.
- M. Adult uses.
- N. Essential services as regulated by Section 36 of this Ordinance.
- O. Personal, Professional, and Recreational Vehicle Repair, Minor.
- P. 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.
- Q. 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.
- R. 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.
- S. 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
- T. 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.
- U. Funeral homes, mortuaries and crematoriums

515-65-3: Accessory Uses.

- A. Accessory uses customarily incidental to permitted uses.
- B. Loading and unloading areas as regulated by Section 23 of this Ordinance.

- C. Signs.
- D. Fences.
- E. 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 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 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.
- F. Radio and television receiving antennas, satellite dishes, TV Receiver 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.
- G. Car wash accessory to motor vehicle sales.
- H. 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.

515-65-4: Uses by Administrative Permit.

- A. Temporary/seasonal outdoor sales and promotional events 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. No portion of the use shall take place within any public right-of-way or landscaped green strip.
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 as approved in the Administrative Permit.
8. 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.
9. A daily cleanup program shall be presented as part of the Administrative Permit application.

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

515-65-5: Interim Uses.

A. None.

515-65-6: Conditional Uses.

A. 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 515-17-3 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.
- B. Planned Unit Development (PUD) (including shopping centers) as regulated by Section 11 of this Ordinance.
- C. 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, planter 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.

D. 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 and 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.

E. 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.

F. Radio and television studios.

G. Automobile dealerships 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.
- H. Commercial day care facilities regulated by Section 29 of this Ordinance.
- I. Car wash.
- J. Personal, Professional, and Recreational Vehicle Repair, Major.

515-65-7: Minimum Lot Area Requirements.

- A. None.

515-65-8: Minimum Yards and Setbacks.

- A. Front Yard Setback:
 - 1. Buildings: None.
 - 2. Parking: Ten (10) feet adjacent to a street or alley. None adjacent to railroad right-of-way.
- B. Side Yard Setback:
 - 1. Buildings: None.
 - 2. Parking: Five (5) feet.
- C. Rear Yard Setback:
 - 1. Buildings: Ten (10) feet adjacent to an alley. None adjacent to railroad right-of-way.
 - 2. Parking: Ten (10) feet adjacent to a street or alley. None adjacent to railroad right-of-way.

515-65-9: Maximum Lot Coverage.

- A. None.

515-65-10: Maximum Building Height. Not more than three (3) stories or thirty-five (35) feet unless otherwise granted under a Conditional Use Permit.

515-65-11: Building Design and Construction. All buildings and structures in the overlay district shall comply with the design requirements of Section 515-17-3 (commercial requirements) of this Ordinance.

515-65-12: Off-Street Parking and Loading. Required off-street parking stalls and loading spaces shall conform to Section 22 and Section 23 of this Ordinance.