

SECTION 61  
B-2, NEIGHBORHOOD BUSINESS DISTRICT

Section:

- 515-61-1: Purpose and Intent
- 515-61-2: Permitted Uses
- 515-61-3: Accessory Uses
- 515-61-4: Uses by Administrative Permit
- 515-61-5: Interim Uses
- 515-61-6: Conditional Uses
- 515-61-7: Lot Area and Setback Requirements – Non-Residential
- 515-61-8: Minimum Lot Area and Setback Requirements – Residential
- 515-61-9: Building Performance Standards – Residential
- 515-61-10: Exterior Building Standards – Non-Residential
- 515-61-11: Building Height

**515-61-1: Purpose and Intent.** The purpose of the B-2 District is to provide for areas that are a mix of residential uses and limited, convenient, office and retail businesses that serve nearby residential neighborhoods.

**515-61-2: Permitted Uses.**

- A. Commercial establishments offering merchandise or services to the general public in return for compensation. Commercial buildings shall be limited to five thousand (5,000) square feet of floor area or less and include the following uses:
1. Retail establishments such as groceries, hardware, pharmacy, clothing and furniture stores, liquor stores (off-sale only), florists, pharmacies, books, cards and gifts. Off-sale liquor stores are not permitted.
  2. Personal services such as barber/beauty shop, nail salon, tanning salon, therapeutic massage and spas.
  3. Office Businesses-Clinic. Out-patient health services limited to general medical clinics, mental health providers, physical therapy, chiropractors, dentists, orthodontia, oral surgeons, and opticians.
  4. Repair services such as jewelry and radio and television/appliance repair shops, household items, electronics, shoe repair, upholstery and locksmith.
  5. Office Businesses-General. Professional administrative or clerical service operations limited to attorneys, financial advisors, insurance, travel and real estate.

6. On-site service businesses such as tailoring/alterations, banks, dry cleaners, self-service laundry and copy centers.
  7. Decorating and photography studios.
- B. Government and public buildings, utilities, and/or structures.
  - C. Essential services as regulated by Section 36 of this Ordinance.
  - D. One family, two family, and multi-family dwellings.

**515-61-3: Accessory Uses.**

- A. Off-street parking as regulated by Section 22 of this Ordinance.
- B. Off-street loading as regulated by 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.
- F. Noncommercial greenhouses as regulated by Section 17 of this ordinance.

**515-61-4: 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. 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 clean up program shall be presented as part of the Administrative Permit application.
10. Temporary sales displays shall not be located within a traffic visibility setback per Section 515-16-5.D of this Ordinance.

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

**515-61-5: Interim Uses.**

A. None.

**515-61-6: Conditional Uses.**

A. Private clubs and lodges provided that:

1. Side yards shall be thirty (30) feet.
2. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
3. Adequate 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 adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.
4. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.

B. Restaurants without drive-up windows.

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 adequately screened and landscaped from surrounding and abutting residential uses.
4. Off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.

C. On-sale liquor establishments.

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 adequately screened and landscaped from surrounding and abutting residential uses.
4. Off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.

D. Places of worship and related buildings 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 adequately screened and landscaped from surrounding and abutting residential uses.

E. Commercial day care facilities as regulated by Section 29 of this Ordinance.

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 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 (including shopping centers) as regulated by Section 11 of this Ordinance.
- H. 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 and screening 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.
- I. Funeral homes and mortuaries provided that:
1. Parking and stacking areas are provided subject to the provisions of Section 22 of this Ordinance.
  2. The site accesses a collector road.
- J. Specialty Food Shops with or without a drive-up window and/or with or without outdoor seating.
1. Coffee beans cannot be roasted on site.
  2. Side yard setbacks shall be thirty (30) feet.
  3. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
  4. Adequate 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 adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.
  5. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.
- K. 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.
- L. 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.
- M. 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.
- N. 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.

O. 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.

**515-61-7: Minimum Lot Area and Setback Requirements – Non-Residential**

Lot Area	10,000 square feet
Lot Width	75 feet
Front Yard Setback	20 feet
Side Yard Setback, internal lot	5 feet
Side Yard Setback, corner lot	20 feet
Rear Yard Setback	10 feet
Setback from adjacent residential zoning	30 feet
Adjacent to alley	10 feet

**515-56-8: Minimum Lot Area and Setback Requirements – Residential**

A. Lot Area Per Unit:

1. Single Family: Six thousand (6,000) square feet
2. Two-Family: Three thousand five hundred (3,500) square feet
3. Multiple Family: Two thousand two hundred (2,200) square feet

Lots created after June 15, 2009 require four thousand five hundred (4,500) square feet per unit up to two units and three thousand (3,000) square feet per unit for more than two units up to four units.

B. Lot Width Per Unit:

1. Single Family: Fifty (50) feet
2. Two-Family: Twenty-five (25) feet

3. Multiple Family: One hundred (100) feet

C. Principal Building Setbacks:

1. Single Family and Two Family:

- a. Front Yard: Twenty-five (25) feet
- b. Side Yard: Five (5) feet
- c. Side Yard (corner): Fifteen (15) feet
- d. Rear Yard: Twenty-five (25) feet

D. Accessory Building and Structure Setbacks:

1. Single Family and Two Family:

- a. Front Yard: Twenty-five (25) feet
- b. Side Yard: Three (3) feet
- c. Side Yard (corner): Fifteen (15) feet
- d. Rear yard: Three (3) feet

**515-56-9: Building Performance Standards – Residential**

A. Minimum Floor Area per Dwelling Unit (Conforming Lots):

- 1. Single Family: Seven hundred fifty (750) square feet
- 2. Two-Family: Seven hundred fifty (750) square feet
- 3. Multiple Family:
  - a. Efficiency: Four hundred (400) square feet
  - b. One bedroom: Five hundred (500) square feet
  - c. Two bedroom: Six hundred (600) square feet
  - d. For each additional bedroom after two (2), seven hundred fifty (750) square feet plus one hundred (100) square feet per bedroom in excess of two (2)

B. Minimum floor area per dwelling unit (nonconforming lots): five hundred (500) square feet.

C. Minimum width/length per dwelling unit (nonconforming lots): None

D. Single Family dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet and two-family dwellings greater than five hundred (500) square feet and less than six hundred fifty (650) square feet are permitted to be less than twenty-two (22) feet wide.

E. Minimum width/length for a dwelling less than seven hundred fifty (750) square feet on nonconforming lots: eighteen (18) feet.

**515-61-10: Exterior Building Standards – Non-Residential**

Exterior building standards as regulated by Section 515-17-3 of this Ordinance.

**515-61-11: Building Height.**

- A. Not more than thirty-five (35) feet unless otherwise granted under a Conditional Use Permit.
- B. Residential accessory building and structure height shall be regulated by Section 17 of this Ordinance