



# CITY OF BAXTER LAND USE APPLICATION FORM

For Internal Use Only

Project # \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_

Escrow Paid \$ \_\_\_\_\_

Receipt # \_\_\_\_\_

Escrow Code \_\_\_\_\_

### Type of Application (check all that apply)

- Architectural Review
- Conditional Use Permit
- Interim Use Permit
- Variance
- Sketch Plan Review
- Administrative Subdivision
- Preliminary Plat
- Final Plat
- Vacation (Street ROW/Easements)
- Comprehensive Plan Amendment
- Zoning/Subdivision Ordinance Amendment
- PUD, Planned Unit Development General Plan
- PUD, Planned Unit Development Final Plan
- Mobile/Seasonal Vending Permit
- Shoreland Alteration Permit
- Other \_\_\_\_\_

**Project Name:** RISE Dispensary  
Proposed Zoning Amendment to allow medical cannabis dispensaries as a permitted use in the C-2 zoning district.

### Property Information

Address: 14091 Baxter Drive, Baxter MN 56425 (Suites 106 and 108) PID Number: 40050501

Legal Description (attach if necessary): \_\_\_\_\_

PT OF SE1/4 OF SE1/4 SEC 5 DESC AS FOL: COMM SE COR OF SD SESE THEN N 1D 36'38" W BAXTER COORDINAT DATABASE 247.2 FT ALG E LINE OF SD

### Applicant Information

Name: Leafline Labs, LLC d/b/a RISE Dispensary

Address: 325 W Huron Street, Suite 700 Chicago IL 60654  
Street City State Zip

Phone (W): 518-350-3639 Phone (H): \_\_\_\_\_ Fax: \_\_\_\_\_

Print or Type Name: Anne Marie Zsamba Email Address: anne.zsamba@gtigrows.com

Contact Person Name (If other than applicant): Anne Marie Zsamba

Phone: 518-350-3639 Address: same as applicant

### Owner Information

Name: Eagle Crest Apartments Holding Company LLC

Address: 3280 N Downing Street, Suite B Denver CO 80205  
Street City State Zip

Phone (W): \_\_\_\_\_ Phone (H): \_\_\_\_\_ Fax: \_\_\_\_\_

Print or Type Name: \_\_\_\_\_ Email Address: \_\_\_\_\_



**PETITION TO AMEND ZONING REGULATIONS**

**PROPOSED TEXT AMENDMENTS TO:**

TITLE 10 ZONING REGULATIONS

**ZONING REGULATIONS IMPACTED:**

§10-2-2 and §10-3G-1

**FROM THE CODE OF THE CITY OF BAXTER**

As adopted in 2002

Amended through December 12, 2021

**APPLICANT:**

Leafline Labs, LLC d/b/a RISE Dispensary

325 W. Huron Street, Suite 700

Chicago, Illinois 60654

**DRAFT ZONING REGULATIONS TEXT AMENDMENTS  
TO ADD MEDICAL CANNABIS DISPENSARIES AS A  
PERMITTED USE IN THE C-2 ZONING DISTRICT**

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**KEY TO PROPOSED AMENDMENT TEXT:**

Proposed text to be inserted is shown as **bold underlined text**  
Proposed text to be eliminated (deleted) is shown as ~~strikethrough text~~

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**AMEND existing §10-2-2 as follows:**

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**§10-2-2 GENERAL DEFINITIONS.**

**ADD**

**Medical Cannabis Dispensary**

**A facility engaged in the sale of medical cannabis products as defined and regulated by Minnesota Statute 152.22-152.37.**

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**AMEND existing §10-3G-1 as follows:**

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**§10-3G-1 Permitted Uses.**

**ADD**

**Medical Cannabis Dispensary.**

## 10-2-2: GENERAL DEFINITIONS:

For the purpose of these regulations, the following terms, phrases, words and their definitions shall have the meaning given in this section.

**ACCESSORY STRUCTURE COVERAGE OR SIZE:** The area of a lot covered by an accessory structure which is measured to the outside of the exterior walls and includes areas under extended roofs of over two feet (2') with no side walls such as carports.

**ACCESSORY USE OR STRUCTURE:** Any permanent subordinate building, structure, or use, that covers space on a lot or property for the purpose of accessory uses to the principal use. Examples would include, but are not limited to: unattached and attached garages, carports, sheds and other buildings, swimming pools, self-supported structures, playhouses, gazebos, permanent tip off storage containers, wind generators, tower antennas and unattached decks. That portion of an attached or tuck under garage is considered an accessory structure and shall count toward the maximums allowed. Signs, fences, parking lots and mailboxes are considered accessory uses but not accessory structures.

**ACRE:** A quantity of land containing forty three thousand five hundred sixty (43,560) square feet or one hundred sixty (160) square rods in whatever shape and pattern (e.g., circular, square, triangular, irregular, broad or narrow).

**ACRE, NET:** One acre of land, minus the following:

A. Two-thirds (2/3) of that portion of the acre encompassed by wetlands, one-half (1/2) of that portion of the acre encompassed wholly or partially by hills, mounds, or slopes that drop at a rate of twelve percent (12%) or more per every fifteen feet (15') or more of distance; and

B. The entire area of public street rights of way.

**ADMINISTRATOR:** The duly appointed person charged with enforcement of this title.

**AGRICULTURAL USES:** Uses customarily associated with the growing of farm produce, nursery stock and the raising of farm animals for general use; but not including raising and feeding (feedlots) of livestock, fur farms and kennels.

**ALLEY:** A public right of way which affords a secondary means of access to abutting property.

**ALTERATION:** As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or by moving from one location to another.

**ANIMAL:** Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom.

**ANIMAL, CHICKENS:** A domestic female or hen chicken kept for its eggs.

**ANIMAL, DOMESTIC:** Animals commonly accepted as domesticated household pets including dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, nonvenomous and nonconstricting reptiles or amphibians and other similar animals.

**ANIMAL, FARM:** Those animals commonly associated with a farm or performing work in an agricultural setting including members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (more than four (4) chickens), (turkeys), fowl (ducks, geese), swine (including Vietnamese potbellied pigs), goats, bees and other animals associated with a farm, ranch or stable.

**ANIMAL, NONDOMESTIC (WILD):** Animals commonly considered to be naturally wild and not naturally trained or domesticated or which are commonly considered to be inherently dangerous to the health, safety and welfare of people. Nondomestic animals shall include:

Any member of the large cat family (family Felidae), including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats;

Any naturally wild member of the canine family (family Canidae), including wolves, foxes, coyotes, dingoes and jackals, but excluding commonly accepted domesticated dogs;

Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet;

Any member or relative of the rodent family, including any skunk (whether or not descended), raccoon, squirrel or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets;

Any poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian families, including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators;

Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this definition, including, but not limited to, bears, deer, monkeys and game fish.

**ANTENNA:** Equipment, used for transmitting and/or receiving telecommunication, television or radio signals, which is located on the exterior or outside of any building or structure.

**Dish Antenna:** A parabolic shaped antenna (including all supporting apparatus) which is used for transmitting or receiving telecommunications, television or radio signals, which is located on the exterior or outside of any building or structure.

**Class I:** Dish antenna under thirty inches (30") or more in diameter; six feet (6') in surface area; or six feet (6') in height.

**Class II:** Dish antenna thirty inches (30") or more in diameter; six (6) square feet or more in surface area; or six feet (6') or more in height.

**Tower:** Any pole, spire or structure, or any combination thereof, to which an antenna is attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces; including, but not limited to, a freestanding radio (including ham radio and private radio transmitting) or television receiving antenna, a windmill, and a wind powered generator.

**APARTMENT:** A room or suite of rooms located in a one- or two- family building or multiple dwelling, which shall include a bath and kitchen accommodations, intended or designed for use as an independent residence by a single household.

**APPEAL:** An application for the review of an order, requirement, decision, determination or interpretation of this title made by an administrative officer in the application and/or enforcement of this title.

**ARCHITECTURAL CONCRETE MASONRY UNIT:** A concrete masonry unit (CMU) displaying any one of several decorative finishes that affects the texture, color, or profile of the unit including, but not limited to, split, scored, ribbed, ground, slump, weathered, or glazed units. (Based on recommendation of the National Concrete Masonry Association.)

**ARCHITECTURAL GLASS:** A glass, produced as an exterior building material.

**ARCHITECTURAL METAL PANELS:** A metal wall or roof panel system, which can be of various alloys, with a high grade factory finish, that uses concealed fasteners and includes the system's associated gaskets and trim profiles.

**ARCHITECTURAL PRECAST PANEL:** A precast concrete panel as defined by the Concrete Precast Institute.

**ARTERIAL RIGHT OF WAY:** All streets or public rights of way so designated as arterial by the official Baxter long range functional classification street map.

**ATTORNEY:** The person licensed by the state to practice law who has been engaged by the city council.

**AUTOMOBILE REPAIR, MAJOR:** General repair, rebuilding or reconditioning of engines, motor vehicles or trailer, including bodywork, framework, welding and major painting service.

**AUTOMOBILE REPAIR, MINOR:** The replacement of any part or repair of any part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work; minor painting and upholstery service when said service above stated is applied to passenger automobiles and trucks not in excess of seven thousand (7,000) pounds' gross vehicle weight.

**AWNING:** A prefabricated device attached to the wall of a building placed over a window or door.

**BALCONY:** A platform that projects from the wall of a building having no walls, roof or support posts but may have a guardrail no higher than forty eight inches (48").

**BASEMENT:** A portion of a building located partly underground. A basement shall be counted as a story if it has one-half (1/2) or more of its height above the highest level of the adjoining ground and/or if it is intended to be used for dwelling or business purposes.

**BILLBOARDS:** A commercial sign which directs attention to a business, activity, service, entertainment, or a product not exclusively related to the premises or property where such sign is located. A multi-business sign (MBS) shall not be considered a billboard if it is in compliance with subsection 10-5-1G1 of this title.

**BILLBOARDS, NONCONFORMING:** A sign which is a "billboard" as defined herein and which lawfully existed prior to February 16, 1982.

**BLOCK:** An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

**BLUFF:** A topographical feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff):

- A. Part or all of the feature is located in a shore land area;
- B. The slope rises at least twenty five feet (25') 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 feet (25') or more above the ordinary high water level averages thirty percent (30%) or greater; and
- D. The slope must drain toward the water body.

**BLUFF IMPACT ZONE:** A bluff and land located within twenty feet (20') from the top of the bluff.

**BOARDING HOUSE:** A building other than a motel or hotel where, for compensation for definite periods of time, meals or lodging are provided for three (3) or more unrelated persons, but not to exceed eight (8) persons.

**BOATHOUSE:** A structure designed and used solely for the storage of boats or boating equipment.

**BOULEVARD:** That portion of a street right of way between the curb or curb line and the property line.

**BREWER TAPROOM:** A facility on the premises of and accessory to a licensed brewery intended for the on-sale consumption and limited off-sale of beer produced on site by the brewer as authorized by Minnesota statutes section 340A.26.

**BUFFERING:** A strip of land containing live trees and shrubs at least fifty percent (50%) opaque from the ground to at least twelve feet (12') above the ground at all times of the year.



**BUILDING:** Any structure having a roof which may provide shelter or enclosure of persons, animals or chattel. When said structure is divided by party walls without openings, each portion of such building, so separated shall be deemed a separate building.

**BUILDING ENVELOPE:** See definition of Lot, Buildable Portion Of (Building Envelope).

**BUILDING FOOTPRINT:** The exterior line of the building.

**BUILDING HEIGHT:** The vertical distance from the highest elevation of the grade along the face of a building to the highest point of the roof surface of flat roofs, the deck line of mansard roofs, or the average height between the eaves and the highest ridge of gable, hip, or gambrel roofs. The height of a stepped or terraced building shall be the height of the tallest segment of the building.

**BUILDING INSPECTOR:** The inspector as provided for in the building code.

**BUILDING LINE:** A line parallel to a lot line or ordinary high water level at the required setback beyond which a structure may not extend.

**BUILDING, PRINCIPAL:** A building in which the principal use of the lot on which it is located is conducted.

**BULK MATERIALS:** Uncontained solid matter such as powder, grain, stone, sand, sulfur, etc., that has a tendency to become airborne.

**BULK/PROPORTION:** The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another and includes the following items:

- A. Size and height of buildings or structures.
- B. Location of exterior walls at all levels in relation to lot lines, street or to other buildings or structures.
- C. Gross floor area of buildings or structures in relation to lot lines, street or to other buildings or structures.
- D. All open spaces allocated to buildings or structures.
- E. Amount of lot area per dwelling unit.

**BUS/TRANSIT STATION:** A building or area which serves as a regular stopping place for buses and/or other forms of urban public transportation.

**BUSINESS:** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

**BUSINESS SERVICES:** Services performed primarily for other businesses, including such services as secretarial, clerical, employment agencies, business machine service, printing, etc.

**CELLAR:** A portion of a building located partly underground and having more than one-half (1/2) of the floor to ceiling height below the average grade of the adjoining ground.

**CIVIC BUILDING:** A building that is operated by the U.S. federal government, state of Minnesota, Crow Wing County, city of Baxter or other government buildings for purposes of carrying out governmental duties. This definition does not include publicly or privately operated school facilities (e.g., classrooms, administrative offices, maintenance buildings).

**CLINIC:** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

**CLUB OR LODGE:** A nonprofit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests.

**CLUBS, SPORTS, AND FITNESS:** A place to assemble where membership may be required and is directed toward the general public with the commercial promotions of sports and physical fitness.

**COLLECTOR RIGHT OF WAY:** All streets or public rights of way so designated as collector by the Baxter long range functional classification street map.

**COMMERCIAL FORESTRY:** Sustainable yield forest management.

**COMMERCIAL RECREATION:** Bowling alley, cart track, jump center, golf, pool hall, vehicle racing or amusement park, dance hall, skating, tavern, theater, firearms range, golf courses, country clubs, tennis clubs, public swimming pools and similar uses.

**COMMERCIAL USE:** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**COMMERCIAL VEHICLE:** Meeting any of the following criteria: eight feet (8') or higher in height, twenty two feet (22') or longer and/or six thousand five hundred (6,500) pounds or more (empty weight).

**COMMISSIONER:** The commissioner of the department of natural resources.

**COMMUNITY BEHAVIORAL HEALTH HOSPITAL (CBHH):** An institution providing short term inpatient mental health care and treatment for patients on a referral basis. Services are limited to crisis/emergency response, assertive community treatment, and intensive residential treatment.

**COMMUNITY PARK:** A park designed to serve the entire community with a broad range of recreation opportunities.

**COMPREHENSIVE PLAN:** A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city and its environs and may include, but is not limited to, the following items: statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan execution.

**CONCEALED FASTENER:** A panel anchoring system designed to secure the panel and be hidden from view.

**CONDITIONAL USE PERMIT:** A permit specially and individually granted for a conditional use permitted in any use district. Means a land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in this title exist, that use or development conforms to the comprehensive land use plan, and the use is compatible with the existing neighborhood.

**CONVENIENCE STORE:** Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

**COUNCIL:** The city council, as established by the state law.

**DAYCARE FACILITY:** Any facility, public or private, which, for gain or otherwise, regularly provides one or more persons with care, training, supervision, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty four (24) hours per day in a place other than the person's own home, including, but not limited to, family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, preschool programs, daytime activity centers, day treatment programs and day services. Daycare facilities are pursuant to Minnesota statutes chapter 245A as amended.

**DECK OR OPEN PORCH:** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached to a principal structure.

**DENSITY:** The number of dwelling units permitted by this title on one acre.

**DENSITY, NET:** The number of dwelling units permitted by this title on one net acre of land.

**DENSITY TRANSFER:** The relocation of housing units or square footage of building area computed on part of a building site to another part of the site resulting in an increase in density to the transfer area for the purpose of preserving open space, forested areas, environmental or terrain features deemed worthy of preservation by the planning and zoning commission.

**DENSITY, ZONING:** The provision of lot areas smaller than the minimum requirement of this title under conditions whereby the total number of dwelling units is not greater than the amount permitted under normal conditions for gross area.

**DESIGNATED CITY STAFF PERSON:** Staff person appointed by the city to manage this job function.

**DIRECTIONAL SIGN:** A private sign that directs traffic to a particular location. Such signs cannot exceed six (6) square feet.

**DOG KENNEL:** A structure specifically designed and commercially used for the harboring of three (3) or more dogs that are more than six (6) months old.

**DOG RUN:** A structure specifically designed for domestic use for the harboring and exercise of not more than two (2) dogs.

**DRIVE-THROUGH BUSINESS:** Any business establishment offering to customers a service which is primarily or exclusively laid out, designed, equipped or operated so as to allow customers to purchase and receive such service without having to enter the building and usually while remaining in their automobiles. This definition shall exclude certain types of businesses such as service shops and car washes.

**DWELLING, MULTI-FAMILY:** A dwelling structure on a single lot, having two (2) or more units, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

**DWELLING UNIT:** Any structure, or portion of a structure, or other shelter designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

**DYNAMIC DISPLAY:** Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

**EARTH TONE COLOR:** Color schemes that draw from a color palette of off whites, browns, tans, beiges, grays, greens, blues, and some reds. The colors in an earth tone color scheme are muted and flat in an emulation of the natural colors.

**EASEMENT:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**ENGINEER:** The professional engineer engaged by the city council.

**ESSENTIAL SERVICE STRUCTURES:** Including, but not limited to, buildings such as telephone exchange stations, booster or pressure regulating stations, wells, pumping stations, elevated tanks, lift stations and electrical power substations, provided no building shall be located within thirty feet (30') of any lot line of an abutting lot in an R district.

**ESSENTIAL SERVICES:** Underground, onground or overhead gas, electrical, phone, cable, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

**EXPANSION, ENLARGEMENT, INTENSIFICATION:** Any increase in a dimension, size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the city.

**Repair:** Maintenance, cosmetic enhancement, or other improvements that will make the nonconforming use better, more efficient, or more aesthetically pleasing, including any change that replicates what preexisted, but does not include an expansion, enlargement, or intensification.

**EXTERIOR INSULATION AND FINISH SYSTEM (EIFS):** An approved exterior finish insulation system commonly referred to as "EIFS".

**EXTERIOR STORAGE:** The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

**EYEBROW ROOF:** A small roof structure supported by corbels placed over an entrance.

**FACADE:** All the adjoining walls that are flat and contiguous, along an exterior side of a building including the entire building wall consisting of wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

**FAMILY:** An individual or two (2) or more persons living together as a single nonprofit housekeeping unit, using one kitchen as distinguished from a group occupying a motel, club, fraternity or sorority house.

**FENCE:** Any partition, structure, wall, or crate erected as a dividing marker, barrier, or enclosure.

**FINAL PLAT:** A drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by title 11 of this code to be presented to the city council for approval, and which, if approved, may be duly filed with the county recorder.

**FINISHED METAL PANEL:** A metallic exterior building material with a manufacturer's approved finish process.

**FLAT ROOF:** Any roof pitch below three feet (3') of rise for every twelve feet (12') of run (3:12).

**FLOOD DESIGN:** The design flood which has been calculated for a given watershed or area from record and study. In the absence of any special engineering studies, the federal emergency management administration maps, 1965 high water levels on rivers and May

1996 wetland water levels shall be used as a standard in this title in determining areas subject to flooding.

**FLOODPLAIN 1** : The area adjoining a river, stream, drainage channel, lake, pond or any low area which is subject to flooding.

**FLOODWATER**: The water of any river, stream, drainage channel, low area, lake, or pond which is above and/or outside the channel or banks of such river, stream, drainage channel, lake or pond.

**FLOODWAY**: The channel or bed of a river, stream, drainage channel, lake, or pond and those portions of the floodplains adjoining which are required to efficiently carry and discharge the flow of the river or stream and for the purposes of this title.

**FLOOR AREA, GROSS OR GROSS FLOOR AREA**: The sum of the gross horizontal areas of the several floors of such building or buildings measured from the interior faces of the exterior walls. Basement areas devoted to storage, and space devoted to off street parking shall be excluded.

**FLOOR AREA, NET OR NET FLOOR AREA**: The sum of the total gross floor area less common, multiuse areas used solely for nonpublic purposes including, but not limited to, dead storage; mechanical rooms or closets, or both; window showcases; toilets or restrooms; atriums; elevators; elevator shafts and ducts.

**FLOOR AREA RATIO**: The numerical value obtained through dividing the floor area of a building by the lot area on which such building is located.

**FORESTLAND CONVERSION**: The clear cutting of forested lands, removing living trees in a contiguous patch, strip, row, block, or legal parcel to prepare for a new land use. This definition does not apply to commercial forestry involving reestablishment of a new forest stand.

**FREESTANDING SIGN**: Any stationary or portable, self-supporting sign.

**FRONT BUILDING FACE**: All the adjoining walls, along that side of a building that faces a public or private right of way. A structure may have more than one front building face if it is located on a corner lot, through lot, or a lot bounded on additional sides by a public or private right of way. The number of front building faces will be determined by the city.

**FRONTAGE**: The uninterrupted front boundary line of a lot, or the length of such line, which abuts on a street or protected water. On a corner lot it shall be the shortest dimension on a public street.

**GARAGE, PRIVATE**: An accessory building or portion of the principal building which is intended and used for the storage of the private vehicles of the family who resides upon the lot upon which the garage is located.

**GARAGE, PUBLIC**: A building or portion of a building used for the storage of vehicles for remuneration.

**GARAGE, REPAIR:** A building or space for the repair or maintenance of motor vehicles, including bodywork, painting and vehicle wash, and incidental display and sales of automotive products but not including factory assembly of such vehicles, auto wrecking or junk yards.

**GARAGE, TRUCK:** A building which is used or to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding one ton rated capacity.

**GARDEN CENTER:** A place of business where retail and wholesale products and produce are sold to the consumer. These centers may include a nursery and/or greenhouses, nursery products, nursery stock, potting soil, hardware, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

**GOVERNING BODY:** The city council.

**GRADE:** The lowest elevation of the finished surface of the ground, sidewalk, or other paving within a five foot (5') horizontal distance from any structure.

**GROUP HOME:** A group facility in a residential setting utilized by unrelated people on a twenty four (24) hour per day basis for purposes of rehabilitation, education, supervision, and treatment.

**HARDSHIP:** The property in question cannot be put to a reasonable use if used under current conditions allowed by the official controls or the plight of the landowner is due to circumstances unique to his property not created by the landowner and the variance, if granted, will not alter the essential characteristics of the locality. Economic considerations alone shall not constitute a hardship if reasonable use of the property exists under the terms of this title.

**HIGH DENSITY RESIDENTIAL:** Structures with between two (2) and twenty (20) dwelling units.

**HIGH WATER MARK:** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**HOME OCCUPATION:** A gainful occupation engaged in by a person residing in the dwelling in conformance with requirements set forth by the City.

**HOSPITAL:** An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central facilities, and staff offices that are an integral part of the facilities.

**HOSPITAL OUTPATIENT CARE:** Medical examination or service available to the public in a hospital. This service is provided without overnight care and shall be considered a separate, independent, principal use for the purposes of parking demand when combined or operated in conjunction with a hospital.

**HOTEL:** Any building or portion thereof occupied as the temporary living place of individuals and containing three (3) or more guest rooms that are used, designated, or intended to be used, let or hired out to be occupied, or which are occupied by three (3) or more individuals for compensation and whose individual room entrances are accessed by a common interior hallway.

**HOUSE OF WORSHIP:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious activities or worship and related activities.

**HOUSE TRAILER:** Any trailer or semitrailer not used as a residence but used for temporary living quarters for recreational or vacation activities and one that is towed on public roads in connection with such use.

**HOUSEHOLD:** The persons occupying a single dwelling unit. A household may consist of a single family, one person living alone, two (2) or more families living together, or any group of related or unrelated persons who share living arrangements.

**IMPERVIOUS SURFACE:** A hard surface area that either prevents or retards the entry of water into the soil. Examples of impervious surfaces include, but are not limited to: roofs, storage areas, walkways, sidewalks, patios, driveways, parking lots, concrete paving, bituminous/asphalt paving, gravel roads or parking areas, and other packed earthen materials.

**INDUSTRY:** Principal uses such as the manufacturing, compounding, processing, packaging, treatment, assembling, or warehousing of products and materials.

**INSTITUTIONAL HOUSING:** Student or faculty housing, for four (4) or more persons on a rental basis, rest home, hospital, sanatorium, nursing home, convalescent home, or orphan home.

**JOINT DRIVEWAY:** A surfaced area needed for two-way vehicular access serving two (2) adjacent parking lots. The area extends from the edge of the surface of a public street into both subject properties and includes only that area necessary to access each parking lot but having no more than twenty five feet (25') of shared aisle space. The final design of the area must be approved by the City and the area must be located on both of the subject properties.

**JOINT PARKING AISLE:** A surfaced area extending beyond that of a joint driveway that provides two-way circulation or access to parking bays, stalls or lots of two (2) adjacent parking lots on separate properties. The final design of the area must be approved by the city and the area must be located on both of the subject properties.

**JUNKYARD:** An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to, scrap iron, and other metals, paper, rags, rubber products, bottles, and used building materials. Storage of materials in conjunction with construction or a manufacturing process shall not be included. Such use shall not include garbage.



**KENNEL, ANIMAL:** A place where three (3) or more of any single type of domestic animal, over six (6) months of age, are owned, boarded, bred, or offered for sale.

**LEED:** An acronym for leadership in energy and environmental design.

**LAKES:** Open water without emergent vegetation identified as protected waters by the department of natural resources.

**LANDSCAPE LOT AREA:** That portion of a lot required to remain as open space, free of buildings, parking, and drives. Landscape lot areas may consist of:

- A. Naturally vegetated areas;
- B. Wetlands or ponding areas;
- C. Planting beds, ground cover and mulch areas (vegetative, rock, bark chip, etc.);
- D. Decorative walkways and areas not to exceed fifteen percent (15%) of the required landscape lot area; and
- E. Outdoor recreation areas.

**LANDSCAPING:** Plantings such as trees, grass, shrubs and decorative timbers, arbors, rocks and water displays.

**LICENSED ENGINEER:** A person licensed as a professional engineer by the state of Minnesota.

**LOADING AREA:** Any area where trucks are maneuvered and parked for the purpose of loading or unloading products, materials, or equipment.

**LOT:** A parcel of land described by metes and bounds measurement, reference to a registered land survey plat, record of survey map, or other means, and separated from other parcels or portions by said description, and which is occupied by, or is suitable under this title and other applicable ordinances for occupancy by one principal building, or used together with any accessory buildings or uses and such open spaces as are required by this title.

**LOT AREA:** The area of a lot on a horizontal plane bounded by lot lines. For the purpose of meeting any area or dimensional requirements, the lot area shall not include any portion that lies within a public road easement or which is below the ordinary high water mark of any lake, river or stream. In addition, at least seventy five percent (75%) of the required minimum lot size for that district must be contiguous upland to itself and not be within a wetland, floodplain, or bluff. In other words, the lot area would be the contiguous upland seventy five percent (75%) of the lot that is not within the wetland, floodplain or bluff.

**LOT AREA, NET BUILDABLE:** The space remaining on a lot after the minimum landscape area, open space, parking and setback requirements of this title have been met.

**LOT AREA PER FAMILY:** The lot area required by this title to be provided for each family in a dwelling.

**LOT, BUILDABLE PORTION OF (BUILDING ENVELOPE) 2** : The area of a lot on which a principal structure may be placed. The portion of a lot remaining after the minimum building setbacks have been met.

**LOT, BUTT**: A lot located on the end of a block, excluding corner lots.

**LOT, CORNER**: A lot situated at the junction of and abutting on 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 degrees (135°).

**LOT COVERAGE**: The total allowable amount of lot area, expressed as a percentage, which may be covered by a principal use and its accessory structures.

**LOT DEPTH**: The mean horizontal distance between the front lot line and the rear lot line.

**LOT, INTERIOR**: A lot other than a corner lot, including through lots.

**LOT LINE**: The property line bounding a lot except that where any portion of a lot extends into the public right of way or a proposed public right of way, the line of such public right of way shall be the lot line. For purposes of setback requirements, waterfront lots shall be deemed to have frontage on both the street and waterfront.

**LOT LINE, FRONT**: The boundary of a lot which abuts an existing or dedicated public street. In the case of a lot in a residential zoning district with more than one street frontage, it shall be that shortest dimension on a public street. Lots in nonresidential zoning districts with more than one street frontage shall be deemed to have a front lot line on each street.

**LOT LINE, REAR**: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet (10') in length or if the lot forms a point at the rear, the rear lot line shall be a line ten feet (10') in length within the lot, parallel to the front lot line.

**LOT LINE, SIDE**: Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT OF RECORD**: A lot existing as of January 19, 1982, or approved by the city as a lot subsequent to that date.

**LOT, SHORELINE**: A lot having one or more lot lines fronting on public waters.

**LOT, THROUGH**: Any lot other than a corner lot which abuts more than one street.

**LOT WIDTH**: The horizontal distance between the side lot lines of a lot measured parallel to the front line of the lot at the setback line.

**LOW DENSITY RESIDENTIAL**: Single-family dwellings in standard neighborhood settings.

**MANUFACTURED HOME**: 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 with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, except that

the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily filed a certification required by the secretary of the United States department of housing and urban development and complies with the standards established under section 10-5-6 of this title.

**MANUFACTURED HOME PARK:** Any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

**MANUFACTURING, HEAVY:** All manufacturing, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located.

**MANUFACTURING, LIGHT:** All uses which include the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not generate objectionable influence that extends beyond the lot on which the use is located.

**MEDICAL CANNABIS DISPENSARY:** A facility engaged in the sale of medical cannabis products as defined and regulated by Minnesota Statute 152.2-152.37.

**MEDICAL CLINIC:** A structure intended for providing medical examinations and service available to the public. This service is provided without overnight care available.

**MEDIUM DENSITY RESIDENTIAL:** Existing mobile homes, manufactured housing, single-family homes, two-family dwelling, up to four- family dwelling including townhouses.

**MEMORIAL PARK/CEMETERY:** Burial ground or area set aside for passive recreation as a memorial to past generations.

**METES AND BOUNDS:** A method of property description utilizing directions and distances commencing from and terminating at an easily identifiable point.

**MINING:** The extraction of sand, gravel, rock, soil or other materials from the land in the amount of four hundred (400) cubic yards or more and the removal thereof from the site. The only exclusion from this definition should be removal of minerals associated with the nominal construction of a building.

**MONUMENT SIGN:** A sign that, excluding poles or other such structures, rests on the ground or very close thereto so that one cannot see beyond the sign by looking under the sign.

**MOTOR COURTS, MOTOR HOTEL OR MOTEL:** A building or group of buildings other than a hotel used primarily as a temporary residence.

**MOTOR FREIGHT TERMINAL:** A building in which freight brought by motor truck is transferred and/or stored for movement.

**MOTOR FUEL STATION:** A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally associated with

the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services, and the performance of minor automotive maintenance and repair.

**MOTORIZED VEHICLE LEASING AND RENTALS:** A business that leases or rents motorized vehicles to the general public. Includes minor services and washing as an accessory use. Not more than eight (8) rental or lease vehicles on site at one time.

**MULTI-BUSINESS SIGN:** A freestanding sign which displays, or is capable of displaying, more than one business, of which at least one business is located upon a different parcel of real estate.

**MULTI-TENANT SIGN:** A pylon sign which displays, or is capable of displaying, more than one business.

**MULTIPLE OCCUPANCY BUILDING:** A building containing two (2) or more independent businesses with or without separate exterior entrances and for which signage, parking and site requirements are unified in a consistent visual and functional manner.

**MULTISPECIALTY OUTPATIENT CLINIC:** A medical facility containing at least three (3) specialty outpatient service and ancillary services such as laboratory services, urgent care, day surgery, physical therapy, OB/GYN, imaging services, pharmacy services, etc.

**NAMEPLATE SIGN:** A permanent wall sign affixed on the front facade of a residential structure.

**NEIGHBORHOOD PARK:** A park designed to provide for limited recreation needs of a neighborhood.

**NONCONFORMING LOT:** A lot that does not meet the minimum width, area, or other requirements of the zoning or subdivision regulations.

**NONCONFORMING STRUCTURE:** A nonconforming use which consists of a building or structure having one or more dimensional features that do not meet the current zoning regulations.

**NONCONFORMING USE:** A building, structure or use of a building, structure or parcel of land, or a portion thereof, lawfully existing as of the effective date hereof or amendment hereto, as a matter of right or by permit, which is not permitted in the zoning district in which it is located.

**NOXIOUS MATTER OR MATERIALS:** Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well being of individuals.

**NURSERY, DAY:** A use where care is provided for pay for three (3) or more children for periods of four (4) hours or more per day.

**NURSERY, LANDSCAPE:** A business growing and selling trees, flowering and decorative plants, and shrubs.

**OFF STREET PARKING AREAS:** Structures or areas of ground used for the storage or parking of motor vehicles.

**OFFICE:** A room, suite of rooms, or a building containing rooms or suites of rooms in which persons conduct commercial activities, provide professional services, or carry on occupations and where goods are not stored, produced, sold at retail or repaired, including, but not limited to, the following: financial institutions, executive and administrative offices, business offices such as insurance, real estate, sales and similar offices, professional offices such as offices of engineers, surveyors, architects, accountants, attorneys and bookkeepers and similar offices, but excluding medical clinics.

**OPEN SALES LOT:** Land devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.

**OPEN SPACE:** See definition of landscape lot area.

**OPEN STORAGE:** Storage of material outside of a building.

**ORDINARY HIGH WATER MARK:** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**ORNAMENTAL TREE:** A tree which is valued more for its appearance and visual benefits rather than its functional benefits.

**OUTSIDE IMPROVEMENTS:** Landscaping, parking lots, trash enclosures, drainage, and other required site improvements constructed to support or in conjunction with a principal building or use.

**OVERSTORY TREE:** A tree which occurs in the upper levels of the forest canopy, usually the dominant and codominant tree crown classes.

**OWNER:** An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having proprietary interest in the land and/or building.

**PARKING SPACE:** A surfaced and maintained area for the storage of one standard automobile ten feet by twenty feet (10' x 20').

**PARTY WALL:** A common wall which divides two (2) independent dwelling units or businesses.

**PATHWAY, PEDESTRIANWAY:** A public or private way, running across or located within a platted lot or block or an unplatted parcel of land used primarily for pedestrian traffic.

**PEDESTRIANWAY:** The right of way across or within a block for use by pedestrian traffic.

**PERSON:** Any individual, firm, partnership, corporation, company, associates, joint stock association or body politic; includes any trustee, receiver, assignee or other similar representative thereof.

**PERSONAL SERVICES USE:** Establishments providing nonmedically related services, including beauty and barber shops; tattoo parlors and body piercing; tanning salons and massage parlors. These uses may also include accessory retail sales of products related to the services provided.

**PERVIOUS PAVEMENT:** Pervious materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.

**PITCHED ROOF:** A roof that has no less than three feet (3') of rise for every twelve feet (12') of run (3:12).

**PLANNED UNIT DEVELOPMENT:** A tract of land under unified ownership or partnership to provide for a planned development project wherein there is more than one principal building or land use per lot and with adequate controls to protect adjacent development and ensure high standards of development in accordance with an integrated design and coordinated physical plan.

**PLANNING AND ZONING ADMINISTRATOR:** The duly appointed person charged with implementation and enforcement of this title.

**PORCH, COVERED:** A horizontal platform attached to a principal structure with a roof but no walls but may have a guardrail no higher than forty eight inches (48").

**PORTICO:** A porch or walkway with a roof supported by columns or posts leading to the entrance of a structure.

**PRESERVATION AREA:** To preserve a representative sample of ecologically significant land and the diversity of life it supports.

**PRIVATE RIGHT OF WAY:** Nonpublic rights of way as identified in the city of Baxter street/snowplowing map or private accesses for approved planned unit developments (PUD).

**PRIVATE SIGN:** Any sign that is erected by a nongovernmental entity.

**PROJECT:** The improvements of an entire proposed undertaking (involving new construction and/or modification of an existing building) identified on a building permit.

**PROJECT COSTS:** The total cost of all the improvements of a proposed project identified on a building permit.

**PUBLIC USE:** The use of any lot, parcel of land and any structure or building thereon exclusively for public purposes by any department or branch of government, federal, state, county or city, including independent school districts, without reference to the ownership of said lot, parcel of land, building or structure.

**PUBLIC WATERS:** A body of water capable of substantial beneficial public use. This shall be construed to mean, for the purposes of these regulations, any body of water which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no previous "shore land", as defined herein, for a designated private use authorized by the commissioner of natural resources, shall be exempt.

**PYLON SIGN:** A sign in which there is at least ten feet (10') between the ground and the face of the sign so that one could see beyond the sign by looking under the sign.

**RAILROAD RIGHT OF WAY:** A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.

**RECREATION, COMMERCIAL:** Recreational facilities which are operated for profit or render a service which is customarily considered as a business.

**RECREATIONAL CAMPING VEHICLE:** As defined by Minnesota statutes section 327.14, or as further amended.

**RELIGIOUS INSTITUTION:** 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 and related community activities.

**REMODELING:** Construction which results in a change in the outside perimeter of the building (i.e., either larger or smaller).

**REPAIR OF EXTERIOR MATERIAL:** Restoration of the original exterior material to a sound condition.

**REPLACEMENT OF EXTERIOR MATERIAL:** Removal and reinstallation of the exterior material.

**REPLACEMENT, RECONSTRUCTION, OR RESTORATION:** Construction that exactly matches preexisting conditions and is completed in time frames set forth in subsection 10-1-3D8b(5) of this title.

**RESEARCH:** The use of any lot, parcel of land and any structure or building located thereon for the purpose of studying or investigating facts not readily available, such as, for example, medical, chemical, electrical, metallurgical, or other scientific research, but excluding the manufacture or processing of materials or goods for sale. Research with animals is considered a separate category.

**RESIDENTIAL CARE FACILITY:** Any facility licensed by the Minnesota department of human services, public or private, which for gain or otherwise regularly provides one or more persons with twenty four (24) hour per day substitute 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 public

welfare, foster homes, halfway houses, residential treatment centers, maternity shelters, group homes, residential programs or schools for handicapped children.

**REST HOME OR NURSING HOME:** A building having accommodations where care is provided for two (2) or more invalid, infirm, aged, convalescent, or physically disabled persons that are not of the immediate family, but not including hospitals, clinics, sanatoriums, or similar institutions.

**RESTAURANT:** A business established whose principal business is the preparation, service and sale of food and beverages to be consumed by customers while seated at tables or counters located within the building on the premises.

**RETAIL SALES:** Establishments whose main purpose is the sale of goods in small quantities directly to consumers.

**ROOFLINE CHANGE:** Any horizontal or vertical change above the roof deck line of an existing building including increasing of a parapet or other feature but excluding the mere addition of mechanical equipment and associated screening.

**SANITARIUM OR SANATORIUM:** An institution for the inpatient care and treatment of chronic mental health patients for extended or permanent periods of time.

**SCHOOLS, GENERAL EDUCATION:** Nursery, primary, elementary, secondary schools and colleges.

**SCHOOLS, SPECIAL EDUCATION:** Trade, vocational, business, barber, beauty, art, music, dancing, driving, and other professional schools, with or without on site housing.

**SEASONAL RECREATIONAL CAMPING VEHICLE PARK (SRCVP):** A parcel of land specifically developed for locating only recreational camping vehicles on lots for temporary occupancy. Continuous occupancy extending beyond six (6) months in any twelve (12) month period shall constitute permanent occupancy.

**SENIOR HOUSING OR LIVING:** A multiple-family dwelling with open occupancy limited to persons at least fifty five (55) years of age. In the case of double occupancy of a unit, only one resident is required to be at least fifty five (55) years of age. However, such resident under fifty five (55) years of age must be a spouse or the caretaker or superintendent of the building or complex. Senior housing or living also includes all types of life cycle housing in these structures and may include handicapped persons as defined by the Department of Housing and Urban Development (HUD).

**SENSITIVE RESOURCE MANAGEMENT:** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

**SETBACK:** The minimum horizontal distance between a structure foundation, parking area, fence and a lot line.



**SETBACK, MINIMUM BUILDING:** The minimum horizontal distance allowed by this title between a structure and a lot line.

**SHADE TREE:** A deciduous tree which will provide shade for an intended object, windows of a building, or open surface area. The purpose of the shade tree is to provide for cooling in the summer.

**SHEET METAL SIDING PANELS:** Prefinished metal or site finished siding panels that are flat, corrugated, ribbed, etc., and use exposed fasteners.

**SHORE IMPACT ZONE:** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback.

**SHORE LAND:** Land located within the following distances from public waters: one thousand feet (1,000') from the ordinary high water mark of any lake and three hundred feet (300') from the bank of the river or stream or three hundred feet (300') from the base flood water surface elevation, whichever is a greater distance, all as identified in section 10-3L-3 of this title.

**SIDEWALK:** A hard surfaced public or private way used primarily for pedestrian traffic.

**SIGN:** Any name, identification, description, display, logo, illustration or device which is affixed to, painted or represented directly or indirectly upon a building or other surface or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

**SIGN AREA:** The area of the sign measured within lines drawn between the outermost points of a sign, but excluding essential sign structure, foundations or supports. The calculation for a double faced sign shall be the area of one face only. Double faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and are not more than twenty four inches (24") apart.

**SIGN HEIGHT:** The average level of the grade below the sign to the topmost point of the sign including the supporting sign structure, foundations and supports.

**SIMULATED MATERIAL:** A manmade product produced to resemble, reflect or copy a natural material in appearance and durability.

**SOIL PROCESSING:** The processing of sand, gravel or other materials mined from the land.

**SPECIAL RESIDENTIAL/CLUSTERS:** Development example: single-family neighborhoods with much rural land. The goal of this zone is to provide residential neighborhoods in a rural setting. No central sewer service will be provided in this area.

**STABLE, COMMERCIAL:** Any structure or land used for the lease, rental, sale or hire of the equestrian family (horses), to the public. Breeding, boarding, or training of equines may also be conducted.

**STABLE, PRIVATE:** Any structure or land used for the keeping of equestrian family (horses) owned by the occupants of the principal use and not kept for remuneration, hire, or sale.

**STEEP SLOPE:** Land where 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, unless appropriate design and construction techniques are used in accordance with the provisions of this title. Where specific information is not available, steep slopes are lands having average slopes of three to one (3:1) or greater, as measured over horizontal distances of fifty feet (50') or more, that are not defined as bluffs.

**STOOP:** A small porch or stairway at the entrance of a structure.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if no such floor above, the space between such floor and the ceiling next above it.

**STORY, HALF:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half story containing independent apartment or living quarters shall be counted as a full story.

**STREETS:** A public or private way; consisting, in the case of a private way, of a roadway; and in the case of a public way, of a roadway and a boulevard (the latter of which may contain a sidewalk), used primarily for vehicular traffic, whether designated as a street, avenue, parkway, road, lane, throughway, expressway, highway, place or however otherwise designated. The term "streets" includes the following classifications:

**Collector Street:** A street which carries traffic from local streets and highways of higher classifications. It provides for both land access service and local traffic movements within residential neighborhoods, commercial areas and industrial areas.

**Cul-De-Sac:** A street with a circular turnaround and only one outlet.

**Expressway:** A type of major arterial with a controlled access roadway and expressway ramps to provide ingress or egress to other levels of streets. The use of expressway ramps allows the uniform flow of traffic on a major arterial highway without undue delays.

**Local Street:** A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

**Minor Arterial:** A street system that interconnects with and augments the urban major arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than major arterials. This system distributes travel to geographical areas smaller than those identified with the higher system.

**Principal Arterial:** Usually a divided highway with four (4) or more lanes and serves the major centers of activity of a metropolitan area, the highest traffic volume corridors, and the longest trip desire. The major arterial carries a high proportion of the total urban area travel on a minimum mileage. Almost all fully and partially controlled access facilities are a part of this class.

**STRUCTURE:** Anything constructed, placed or erected that requires the use of a permanent location on the ground or attachment to something having a permanent location on the ground. This definition does not include aerial or underground utility lines. This definition would not include fish houses, shore stations, vehicles and other such items that are in fact moved onto a lot for seasonal purposes only. If, however, such items do in fact not move during each season, they shall be considered a structure for the purposes hereof. Factors to consider for determining if such items are in fact structures are: do they in fact move each season, is the item still functional for its intended use other than a permanent structure, has the landowner prepared a block, board or other such foundation for said structure intending on it being there indefinitely.

**STUCCO:** Portland cement based finish material.

**STUDIO, ART RELATED:** Workspace and accessory sale of art produced on the premises for one or more artists or artisans, including photography, fine and craft art, interior decorating and related uses.

**SUBDIVISION:** The division of any parcel of land into two (2) or more lots, blocks, and/or sites, with or without streets or highways and includes resubdivision.

**SURVEYOR:** A person duly registered as a land surveyor by the state of Minnesota.

**TEMPORARY SIGN:** A sign that is designed or intended to be displayed for a short period of time and is not permanently installed. Election signs are specifically regulated by Minnesota statutes section 211B.045.

**TIER 1 INDUSTRIAL DISTRICT:** Refer to the official industrial tier maps adopted by the Baxter city council by resolution.

**TIER 2 INDUSTRIAL DISTRICT:** Refer to the official industrial tier maps adopted by the Baxter city council by resolution.

**TOBACCO SPECIALTY STORE:** A tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

**TOE OF BLUFF:** The lower point of a fifty foot (50') segment with an average slope exceeding eighteen percent (18%).

**TOP OF BLUFF:** The higher point of a fifty foot (50') segment with an average slope exceeding eighteen percent (18%).

**TOWNHOUSE:** A single-family dwelling which maintains private ingress and egress, contains no independent dwellings above or below it, and is attached to other similar dwellings by a common wall.

**TRAIL:** A cleared or paved pathway used by individuals on foot, mechanically powered machines, or powered machines for transportation or recreation. These facilities are not designed for conventional motor vehicles.

**TRUCK STOP:** A motor fuel station devoted principally to the needs of trucks and which shall include eating and/or sleeping facilities.

**USE:** The purpose or activity for which the land or structure thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained.

**USE, ACCESSORY:** A use subordinate to and serving the principal use or structure on the same lot.

**USE, CONDITIONAL:** A use which is permitted within a zoning district only after a public hearing and if certain conditions are met which eliminate or minimize the incompatibility of the conditional use with other permitted uses of the district.

**USE, INTERIM:** The temporary use of a property until a particular date, until the occurrence of a particular event or until the zoning regulations no longer permit said use.

**USE, NONCONFORMING:** Any use of land or structures which does not conform to the use restrictions for the district in which it is located and which lawfully existed on November 19, 1974, or on the date of adoption hereof, or on the date the use became nonconforming because of rezoning of the property or amendment to the text of this title. This should not be confused with substandard dimensions of a conforming use.

**USE, OPEN:** The use of land without a building or including a building incidental to the open use.

**USE, PERMITTED:** A use which conforms with the requirements of the zoning district within which it is located.

**USE, PRINCIPAL:** The primary use of the land or structures as distinguished from accessory uses.

**USE, SPECIAL PRINCIPAL:** A principal use which, because of unique characteristics, cannot be classified as a permitted principal use in any particular district, and which, after due consideration by the planning and zoning commission and council, pursuant to the applicable procedures contained herein, may nevertheless be allowed on a site in a particular zoning district by special use permit granted by the council. Includes temporary uses which require special approval before being allowed.

**UTILITY DISTRIBUTION LINES:** The distribution facilities of electric power, gas, water, and communication companies which directly serve abutting properties.

**UTILITY SERVICE AREA:** The area where municipal sewer service would be available. It is anticipated that if municipal sewer service is limited to this area that the existing sewer plant capacity will be adequate. Development occurring outside the service utility area would be served by individual sewers or neighborhood systems. In this area, city policy will favor neighborhood systems.

**UTILITY SUBSTATION:** A structure used for the relay or distribution of electric, water, sewer, telephone, etc., services.

**UTILITY TRANSMISSION LINES:** The transmission facilities of electric power and communication companies which do not directly serve abutting properties.

**VARIANCE:** A modification or variation of the provisions of this title, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be allowed as a variance.

**VETERINARY:** Those uses concerned with the diagnosis, treatment, and medical care of animals including animal or pet hospitals.

**WALL SIGN:** Any exterior sign which is affixed to the wall of a building, including signs attached to doors, marquees, canopies, or parapet walls. Any sign one foot (1') above eaves height or the top of a parapet wall shall be considered as a roof sign and not allowed.

**WAREHOUSING:** The principal use is storage of materials or equipment within an enclosed building.

**WATERFRONT USES:** Boat docks, and storage, water recreation equipment and other uses normally associated with lakeshore property.

**WEEDS:** A. Noxious weeds as defined and designated pursuant to Minnesota Statutes sections 18.76 through 18.88, as amended, or

B. Any volunteer plants as may be listed by the City weed inspector as prohibited plants, said list being available at City Hall, and are regulated by title 4, chapter 4 of this Code.

**WETLANDS:** Low lying areas which are normally covered with shallow or intermittent waters. Swamps, marshes, bogs, and other areas are all wetlands and may occur as part of a river, stream, drainage way, or as a freestanding low area.

**WHOLESALING:** The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

**YARD:** A required open space on a lot which is unoccupied and unobstructed by any structure from its lowest ground level to the sky except as expressly permitted in this title.

**YARD, FRONT:** A yard extending across the front of the lot between the side property lines and lying between the front lot line and the nearest line of the building.

**YARD, REAR:** A yard extending across the rear of the lot between the side property lines and lying between the rear lot line and the nearest line of the building.

**YARD, SIDE:** A yard between the side line and the nearest line of the building and extending from the front yard line to the rear yard line.

**ZONING DISTRICT:** An area within the limits of the zoning jurisdiction for which the regulations and requirements governing use, lot and bulk of structures and premises are uniform. (Ord. 2016-021, 5-17-2016; amd. Ord. 2017-007, 8-1-2017; Ord. 2018-001, 1-2-2018; Ord. 2019-001, 3-19-2019; Ord. 2020-006, 7-21-2020)

## Notes

- 1 1. See title 12 of this code.
- 2 1. The definition of "lot area, net buildable" is more limiting as other deductions are included.

### 10-3G-1: PERMITTED USES:

The following retail sales and service businesses supplying commodities or performing a service primarily for residents of the surrounding trade area:

Auto accessory retail (not including service).

Bakeries; retail.

Banks, savings and loans, credit unions and the like (without drive-through).

Barbershops, beauty shops; other personal service uses.

Brewer and brewer taproom.

Bus/transit stations or terminals without vehicle storage.

Civic buildings such as city halls, fire stations and the like (without outside storage).

Clinics including multispecialty outpatient clinic.

Commercial recreation, indoor (e.g., bowling alleys, roller rinks and the like).

Convenience stores (without motor fuel stations).

Copy/printing services (excludes printing presses and publishing facilities).

Department stores.

Drugstores and pharmacies (without drive-through).

Dry cleaning and laundry pick ups, self-service laundromats, incidental pressing, tailoring, repair and the like (without dry cleaning processing).

Essential services.

Fitness centers and fitness related studios such as karate, yoga, dance and the like.

Florists, hobby, craft or variety stores and the like.

Furniture and household appliance stores.

Grocery stores.

Hardware stores.

Hotels and motels.

Liquor; off-sale.

**Medical Cannabis Dispensary.**

Offices; professional and medical.

Plumbing, television, radio, electrical sales and related accessory repair.

Public and private clubs and lodges.

Reception halls/event centers/conference centers.

Religious institutions (limited to worship and directly related social events).

Restaurant (without drive-through).

Sporting goods and similar retail sales.

Studios; art related.

Tobacco specialty store.

Retail goods and services of a similar nature, as determined by the Zoning Administrator.  
(Ord. 2013-20, 11-19-2013; amd. Ord. 2016-017, 5-17-2016)