

**CITY OF BAXTER, MINNESOTA
ORDINANCE 2026-003**

**AN ORDINANCE AMENDING THE TEXT OF TITLE 10 OF THE BAXTER CITY
CODE**

THE CITY OF BAXTER ORDAINS:

SECTION 1. Amendments. The text of Chapter 2: Section 2 “General Definitions” of Title 10 (Zoning Regulations) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

10-2-2: GENERAL DEFINITIONS:

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.

SECTION 2. Amendments. The text of Chapter 3, Section 4, “Permitted Uses” of Title 10 (Zoning Regulations) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

10-3-4: PERMITTED USES:

All permitted uses in any zoning district shall be located in a structure that meets all the requirements set forth in this title. A lot must first have a permitted use located in a structure that meets all the requirements of this title in order to have any accessory, conditional, or interim use; except that fences, subject to 10-4-8, and sheds 200 sq. ft. or less without a foundation, subject to 10-5-9, are permitted on vacant lots in the R-1, Low Density Residential district that are adjacent to an R-1 lot under the same ownership that contains a permitted use. No structure, building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such structure, or tract of land shall be located, with the following exceptions:

A. Existing Uses: Uses already established before the effective date hereof and rendered nonconforming by the provisions thereof shall be subject to those regulations governing nonconforming uses.

B. Public Utility; Essential Services: Permitted uses in all districts shall include public utility uses and essential services not involving open storage or structures with a floor of more than twenty four (24) square feet. (Ord. 2010-16, 12-20-2010)

SECTION 3. Amendments. The text of Chapter 3 “Zoning Districts”, Article E, Section 1: “R-3, High Density Residential District” of Title 10 (Zoning Regulations) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows

10-3E-1: PERMITTED USES:

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

Essential services.

Public parks and similar uses.

Two-family dwelling.

Up to four-family dwelling or townhouses.

~~Up to fifty family dwelling~~Multi-Family Buildings (no limit on the number of dwelling units within a building. (Ord. 2013-25, 12-17-2013)

SECTION 4. Amendments. The text of Chapter 4, Section 8 “Screening/Landscaping/Fencing” of Title 10 (Zoning Regulations) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows

10-4-8C. Fencing/Retaining Walls:

1. Permit Required: A fence permit is required from the City prior to installation, relocation or alteration of any fence.
2. Height: Fences not more than four feet (4') in height shall be allowed in the front yard setback. Fences not more than six feet (6') high shall be allowed in side and rear yards and behind the front yard setback.
3. Corner Lots: On corner lots, no fence shall be located in a vision clearance area unless it is in compliance with the visibility requirements of subsection 10-4-6B of this chapter.
4. Finished Face: The finished face of the fence must face outward.
5. No fence shall be constructed prior to the commencement of construction of the principal building, except that fences may be allowed on vacant lots that are adjacent to a lot under the same ownership that contains a permitted use.
- ~~56.~~ Placement On Property Line: Fences may be placed on property lines, provided no damage of any kind results to abutting property.
- ~~67.~~ Electric Or Barbed Wire Fences: Electric or barbed wire fences shall only be permitted as an accessory use on farms when related to animal keeping as allowed by section 10-5-10 of this title or farming. This provision shall not apply to invisible fences for dogs or cats, which are allowable fences Citywide.

78. Fence Materials: No fence in any district shall be constructed with the use of razor wire, barb wire, chicken wire, welded wire, branches, wood pallets, hay bales, corrugated metal siding, non-permanent plastic or vinyl materials such as snow fences or silt fences, or any other materials originally intended for other purposes, unless upon the showing of a high degree of architectural quality achieved through the use of such, subject to prior approval from the Zoning Administrator.

89. Retaining walls over four feet (4') in height shall require a fence or guardrail that is a minimum of four feet (4') tall spanning the entire length of the retaining wall that is over four feet (4') tall.

910. Exceptions:

a. Fences directly related to dog kennels, vegetable gardens, flower gardens, tree fences, and similar functions may deviate from the fence material requirements of this chapter, subject to prior approval from the Zoning Administrator. In no case shall fence materials be allowed that pose a danger to the public.

b. Fences up to a maximum height of five feet (5') that are directly related to gardens may be located within the front yard setback provided there is no more than forty (40) lineal feet of fence frontage along a public or private street. The front yard garden fencing shall be constructed of welded wire, garden mesh netting or other non-opaque materials, not including chicken wire, chain link, snow fence or similar fences. The fencing material shall reduce visual impact to adjacent properties and rights-of-way and blend into the environment. Support posts shall be steel, wood or composite with minimum diameter to blend into the natural environment. Except for a door entrance to a garden enclosure, no horizontal posts shall be added to the upper half of the fence to reduce visual impact. All fencing and related posts shall be of natural colors with non-shine finish and shall be subject to review and approval by the Zoning Administrator at the time of a fence permit to ensure that the garden fencing is designed to blend into the natural environment with minimal visual impact.

~~4011~~. Conditional Use Permit Standards: Fences proposed within the Industrial District that are over the height limits established in this section shall require a conditional use permit. A conditional use permit shall not be issued unless it meets the following standards:

a. The fence is in a location where fences up to six feet (6') are permitted.

b. The fence shall not exceed eight feet (8') in height.

c. The fence shall not be located within the minimum building setback, as required for principal structures, from the ordinary high water level of lakes and streams.

SECTION 5. Amendments. The text of Chapter 5, Section 9 “Accessory Structures” of Title 10 (Zoning Regulations) of the Baxter City Code is hereby amended by deleting the ~~stricken~~ material and adding the underlined material as follows

10-5-9: ACCESSORY STRUCTURES:

A. Requirements:

1. The location and construction of accessory structures shall be governed by this section but accessory structures in Commercial, Industrial, Office Service Districts, or built in conjunction with multiple-family dwellings in R-2 and R-3 Districts and planned unit developments are also subject to the architectural regulations set forth in section 10-4-10 of this title.

2. Any accessory building shall be considered part of the principal building for setback purposes only if it is located less than six feet (6') from the principal building.

3. No accessory structure shall be constructed prior to the commencement of construction of the principal building, except accessory structures 200 sq. ft. or less without a foundation that are adjacent to a lot under the same ownership that contains a permitted use, or as allowed by interim use permit.

4. All accessory buildings exceeding two hundred (200) square feet shall require a building permit and shall meet all City codes for construction and installation as set forth in title 9 of this Code.

5. All accessory buildings two hundred (200) square feet or less shall require a shed permit and shall meet all City requirements as set forth in this title.

6. Recreation equipment such as play apparatus, swing sets and slides, sandboxes, tree houses, above or in ground swimming pools, hot tubs, playhouses, etc., shall comply with the minimum accessory structure setbacks.

7. These requirements are applicable in all zoning districts.

SECTION 6. Summary Publication. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City Council adopted an ordinance amending the standards of Title 10 “Zoning Regulations” as follows:

Section 10-2-2: Amending Definition of “Commercial Recreation” delete tavern.

Section 10-3-4 Amending “Permitted Uses” to allow fences and some sheds on adjacent vacant R-1 lots.

Section 10-3E-1: Amending “Permitted Uses” to delete a 50 unit maximum unit per building use.

Section 10-4-8: Amending Screening/Landscaping/Fencing to allow fences on adjacent vacant R-1 lots.

Section 10-5-9: Amending accessory structures to allow sheds 200 square feet and less on adjacent vacant R-1 lots.

SECTION 5. Effective Date. This amendment shall take effect upon its passage.

Whereupon, said Ordinance is hereby declared adopted on this 21st day of April 2026.

Darrel Olson, Mayor

ATTEST:

Kelly Steele, City Clerk

City Seal