



ITEM REPORT
PLANNING AND ZONING COMMISSION

Agenda Date: 4/14/2026
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission

FROM: Planning and Zoning Department

REQUEST: **PUBLIC HEARING. Zoning Ordinance Text Amendment** to update the Zoning regulations of the City Code. (City file no. 2026-012)

APPLICANT: City Of Baxter
N/A

ZONING:

1. Application Request

Consider a comprehensive ordinance amendment to address several issues within Title 10 Zoning Regulations of the City Code. These updates resulted in revisions to “General Definitions” in section 10-2-2, “Permitted Uses” in section 10-3-4, “R-3 High Density Residential” in section 10-3E-1, “Fencing Requirements” in section 10-4-8, and “Accessory Structure Requirements” in section 10-5-9; of the Zoning Ordinance.

The primary purpose of the changes is to provide greater flexibility in some areas of the city code, add substantive requirements in other areas and to provide increased clarity of the intent of existing areas of the zoning code.

2. Amendment Highlights

Title 10:

Chapter 2:

Section 10-2-2 – The definition of “Commercial Recreation” includes taverns as use. The City of Baxter has no taverns and there is a separate section of the City Code regulating liquor. As such, staff is proposing to delete taverns from this definition.

Chapter 3:

Section 10-3-4– Staff is proposing an amendment to allow fences and sheds 200 sq. ft. or less on vacant lots in the R-1 district when those lots are adjacent to a lot under the same ownership with principal use (a home in the case of the R-1 district). The zoning ordinance currently requires a principal use of property prior to any accessory use effectively not allowing any improvements on vacant lots. This has resulted in several lot consolidations each year when a resident owns a vacant lot next to their lot with a home so that they can build on the vacant lot once it is consolidated with the lot with their home on it. Sometimes the consolidation is to allow a garage to be built, but every year we receive several consolidation requests to simply allow a fence or a small garden shed. The City has an interest in retaining existing lots for homes to be built on which is why we do not allow improvements on vacant lots. We also have an interest in maintaining density by retaining existing lots to provide a more efficient use of government resources. The proposed amendment would allow fences and sheds 200 sq. ft. and less to be on a vacant lot in a limited capacity while retaining those lots as separate lots of record preserving them for future construction.

Chapter 3:

Section 10-3E-1– Staff is proposing to delete the use “Up to fifty-family dwelling” and replace with “Multi-Family Buildings (no limit on the number of dwelling units within a building)”. The city has regularly

approved multi-family buildings with variation to 50-unit maximum requirement, which question's the need for the maximum being a regulation in the ordinance. The City does already have a maximum density in R-3 of twenty (20) units per net acre, which establishes a maximum.

Chapter 4:

Section 10-4-8 – An amendment is being proposed to the fencing ordinance to allow fences on vacant lots in a limited capacity in line with the proposed amendment to section 10-3-4 previously discussed in this report.

Chapter 5:

Section 10-5-9 – The proposed amendments to the accessory structure ordinance is to allow sheds 200 sq. ft. and less on vacant lots in a limited capacity in line with the proposed amendment to section 10-3-4 previously discussed in this report.

3. Recommendation

Staff recommends approval of the draft zoning ordinance amendments and the finding of fact resolution.

Attachments

1. Draft Zoning Ordinance 2026-003 (red-line copy)
2. Finding of Fact Resolution 2026-029