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MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, COMMUNITY DEVELOPMENT DIRECTOR
EVAN C. GARIEPY, PLANNER
SUBJECT: PUBLIC HEARING FOR 2ND MISCELLANEOUS UNIFIED DEVELOPMENT
CODE AMENDMENTS
DATE: AUGUST 14TH, 2026

At the July 22nd Planning Commission meeting, Staff presented multiple miscellaneous proposed changes to the Unified Development Code. The first amendments to the UDC were passed by City Council on July 6th, which were more minor.

Upon review of the proposed amendments, the Planning Commission requested alternative proposed language for the design requirements of accessory commercial and industrial buildings to reduce the requirements rather than fully eliminate them. All other proposed amendments are the same as were brought forth in July, with the exception of 5.003 (B)(1)(e) being amended from “off-street parking of motor vehicles” to “off-street parking of vehicles.”

The Planning Commission motioned for a public hearing to be scheduled for the August 26th, 2026 Planning Commission meeting. Notice regarding the hearing has been posted at City Hall and has been published in the New Prague Times. Staff has not received any public comment regarding the proposed changes at the time of writing this memo.

Proposed Amendment: Building Design Standards

The building design standards outlined in 6.002 Character and Building Standards Building Design Requirements were added in March, with the enactment of the UDC. These were added to encourage higher design standards for commercial, industrial, and apartment buildings. Since beginning to utilize the UDC, Staff realized that these stricter regulations also apply to accessory buildings, which includes commercial and industrial sheds and garages.

6.002 Character and Building Standards

(Q) Building Design Requirements

(8) The provisions outlined in Section 6.002 (1) of this Ordinance shall not be applicable to accessory buildings or structures that are accessory to a building upon which these provisions apply.

The above proposed amendment was brought forward in July, and the Planning Commission requested potential alternative language to amend the Ordinance that lessen the design requirements on accessory buildings without entirely eliminating it.

Existing Language in the UDC.

6.002 Character and Building standards

- (1) These design requirements shall be applicable to Commercial (excluding B-1 Zoning District), Industrial, and Multi-Family Residential Buildings containing 5 or more units. Variation from these design standards shall require City Council approval.
- (2) Predominant exterior building materials must be of high quality, including brick, wood, stucco, natural or artificial stone, or concrete. When concrete or tilt-up concrete panels are used, detail using color, textures, and material treatments must be integrated to provide a higher degree of aesthetic treatment. Aluminum or vinyl siding, unfinished metal, plywood, or reflective glass are prohibited. Fiber cement or vinyl siding may be used for multi-family residential buildings as long as no more than 50% of an individual wall is comprised of this material.
- (3) A minimum of two (2) of the following design requirements shall be incorporated:
 - (a) At least two (2) contrasting building colors or accent textures.
 - (b) At minimum 25% window coverage on each building wall facing a street.
 - (c) A front entry that is accented with a minimum 150 square feet around the door entrance. Primary building entrances shall be clearly defined and emphasized through architectural treatments such as canopies, recesses, or enhanced materials.
 - (d) Varying roof lines.
 - (e) Varying wall depths.
- (4) Internal pedestrian walkways must be provided from perimeter sidewalks to building entrances.
- (5) All mechanical equipment, whether rooftop or ground-mounted, shall be fully screened from public view using parapet walls, architectural enclosures, or landscape screening.
- (6) Trash enclosures shall be constructed of materials consistent with the principal structure and include opaque gates.
- (7) Multi-family buildings with 5 or more units located in the B-1 Central Business District must comply with the provisions of Section 6.002 (Q) of ~~the Zoning Ordinance~~ this Ordinance.

Proposed Alternative Language #1.

The following proposed language requires that only 1 rather than 2 of the design requirement “menu” options are required for accessory buildings.

6.002 Character and Building Standards

- (3) A minimum of two (2) of the following design requirements shall be incorporated for principal structures, and a minimum of one (1) of the following design requirements shall be incorporated for accessory buildings which are accessory to a building upon which these provisions apply:
 - (a) At least two (2) contrasting building colors or accent textures.
 - (b) At minimum 25% window coverage on each building wall facing a street.
 - (c) A front entry that is accented with a minimum 150 square feet around the door entrance. Primary building entrances shall be clearly defined and emphasized through architectural treatments such as canopies, recesses, or enhanced materials.

- (d) Varying roof lines.
- (e) Varying wall depths.

Proposed Alternative Language #2

The following proposed alternative language gives the Zoning Administrator the authority to exempt accessory buildings from the building design requirements. This would allow discretion for small sheds, garages entirely behind industrial structures, and other similar buildings without requiring Planning Commission review. However, this may provide more discretion than the Planning Commission would like.

6.002 Character and Building Standards

(8) The Zoning Administrator may waive the building design requirements for an accessory building which is accessory to a building upon which these provisions apply if, in the opinion of the Zoning Administrator, the accessory building is sufficiently screened from public view, industrial in nature, or if it is otherwise deemed unnecessary.

Proposed Alternative Language #3

The following proposed alternative language combines the previous two. Under the discretion of the Zoning Administrator, accessory buildings may be exempt from being required to meet at least 2 of the design requirement “menu” options, and instead are only required to meet 1 of them.

6.002 Character and Building Standards

(3) A minimum of two (2) of the following design requirements shall be incorporated:

- (a) At least two (2) contrasting building colors or accent textures.
- (b) At minimum 25% window coverage on each building wall facing a street.
- (c) A front entry that is accented with a minimum 150 square feet around the door entrance. Primary building entrances shall be clearly defined and emphasized through architectural treatments such as canopies, recesses, or enhanced materials.
- (d) Varying roof lines.
- (e) Varying wall depths.

(8) If, in the opinion of the Zoning Administrator, an accessory building which is accessory to a building upon which these provisions apply is sufficiently screened from public view, industrial in nature, or if it is otherwise deemed unnecessary, the Zoning Administrator may require that only one (1) of the design requirements required by Section (3) of this Ordinance must be followed rather than two (2).

Proposed Amendments: Shipping and Storage Containers

Staff believes that the use of shipping and storage containers as buildings, even as temporary buildings or as permanent dwelling units, shall be prohibited due to concerns of them being unable to meet building design standards or the building code. The proposed language has been modeled after the City of Elko New Market's.

2.001 Rules and Definitions

Shipping Container: A large, steel or similar material box designed and built to transport goods by sea or land. They may also be referred to as ISO or Intermodal Containers.

Portable Storage Container: A large, secured, weather-resistant box that can be moved from place to place and used for temporary storage purposes.

5.003 Performance Standards

(B) Exterior Storage

(1) Exceptions

(h) Portable storage containers or shipping containers

1. The use of portable storage containers or shipping containers or other similar structures or containers are permitted for temporary storage on a driveway or parking lot, but in no event shall such containers be present for more than 60 days within any one-year period.

2. Portable storage containers or shipping containers or other similar structures or containers may not be used as a dwelling, a primary structure, nor an accessory building or structure.

6.003 Character and Building Standards

(E) Accessory Buildings and Structures

(3) In All Districts

(e) Portable storage containers or shipping containers or other similar structures or containers may not be used as an accessory building or structure.

Proposed Amendments: Solar

Currently, the State only requires building permits for solar photovoltaic systems, which are thought of as the “typical” power-producing power systems. The City requires building permits for all solar energy systems, including those meant to just generate heat or to heat up water to confirm that all mounting, plumbing, and wiring is correct.

3.002 Administration

(K) Administrative Permits

(1) An administrative permit shall be required for the following activities:

~~(e) Solar energy system that does not require a building permit.~~

The UDC’s 5.001 Use Chart lists roof mounted solar structures as a permitted use in all zoning districts. Through omission, this means that ground mounted solar structures are not permitted. Clarifying this within 5.002 Prohibited Uses in all Zoning Districts just makes this more explicit.

5.002 Prohibited Uses in all Zoning Districts.

(H) Solar structures that are not roof mounted, including ground mounted solar structures.

Proposed Amendment: Vehicles

Unified Development Code Miscellaneous Amendments

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The following amendments are regarding clarifying vehicle Ordinances. The City's current restrictions regarding passenger vehicles includes prohibiting vehicles from parking on the grass in a front or side yard, and only permitting it in rear yards with accessory structure setbacks, as well as restrictions regarding inoperative and junk vehicles. Due to how the law defines passenger vehicles, these regulations do not impact commercial vehicles, even if it is in a residential district. The proposed amendments will make these regulations apply to commercial vehicles as well as passenger vehicles. Clarification regarding the definition of carport is also proposed.

2.001 Rules and Definitions

Carport – A permanent roofed structure permanently open on at least ~~two sides~~ one side, designed for or occupied by ~~private passenger~~ vehicles. ~~Carports shall be prohibited.~~

5.002 Prohibited Uses in All Zoning Districts

(I) Carports.

2.001 Rules and Definitions

Garage, Private – An accessory building or accessory portion of the principal building which is intended for and used to store the ~~private passenger~~ vehicles of the family or family's resident upon the premises. A garage shall not include a carport.

5.003 Performance Standards

(B) Exterior Storage

(1) Exceptions

(e) Off-street parking of ~~passenger~~ motor vehicles.

1. Parking of ~~passenger~~ vehicles must be on an improved bituminous surface if located in the front or side yard. Parking of ~~passenger~~ vehicles is permitted on an unimproved surface in the rear yard if the vehicle meets accessory structure setbacks of the district.

(2) Refuse

(b) ~~Passenger~~ Vehicles in an inoperative state shall not be parked in residential districts for a period exceeding 7 days. "Inoperative" shall mean incapable of movement under the vehicle's own power and in need of repairs. All ~~passenger~~ vehicles shall be currently licensed.

Proposed Amendment: Unattached Decks and Garage Clarification

As currently written, the UDC prevents decks at all from being within 20 feet of the rear property line. Staff believes that decks that are not attached to a building or structure with frost footings – such as decks surrounding above-ground pools, or small decks surrounding pavilions – should not have as strict of requirements. The proposed amendments clarify the differences between unattached and attached decks. Decks that are attached to the rear of a house must still be 20 feet from the rear setback line. Additional clarification regarding accessory building requirements for garages is also proposed.

6.002 Character and Building Standards

(D) Permitted Encroachments

(2) Attached decks are also exempted from the rear yard setback requirements except that an attached deck may not be located closer than 20 feet from the rear property line including on through lots.

(E) Accessory Buildings and Structures

(1) In Residential Districts

(b) Accessory buildings and structures are permitted in any rear or side yard. Accessory buildings and structures shall not be erected within six (6) feet of any lot line or ten (10) feet from any alley ~~and~~. Garages must provide a minimum of 20 feet of direct access to the entrance within the property lines.

(e) Unattached decks are considered an accessory structure for the purposes of this Section. Attached decks are not considered an accessory structure for the purposes of this Section.

Proposed Amendment: Zoning Ordinance References

As New Prague replaced its Zoning Ordinance and Subdivision Ordinance with the UDC, all mentions of them were to be replaced with references to the UDC. Some of these were missed, thus the following corrections are proposed.

2.001 Rules and Definitions

Practical Difficulty – Practical difficulties as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ~~Zoning Ordinance~~ Unified Development Code; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include but are not limited to inadequate access to direct sunlight for solar energy systems.

5.003 Performance Standards

(V) Traffic Impact Study Guidelines and Process

(3) Need for Traffic Impact Study

(b) Certain types of development, because of their size, nature, or location, are less likely to result in traffic impacts and therefore do not require the investment of time or effort in conducting a comprehensive traffic analysis. When a development is staged or phased over time, the City requires that a Traffic Impact Study be completed based on the impacts of the final phase or build out. At a minimum, all development projects will need to prepare some documentation such as driveway/access locations, showing consistency with the New Prague Comprehensive Plan, and compliance with the access spacing guidelines ~~which are part of the New Prague Zoning Ordinance~~ as outlined in this Ordinance.

Table 1 – Level of Analysis Required

Minimal Analysis

Required Information:

Consistency with Comp Plan and ~~Zoning Ordinance~~ Unified Development Code

6.002 Character and Building Standards

(Q) Building design Requirements

(7) Multi-family buildings with 5 or more units located in the B-1 Central Business District must comply with the provisions of Section 6.002 (Q) of ~~the Zoning Ordinance~~ this Ordinance.

Proposed Amendment: Cannabis Reference to City Code

The City Code 121.23 (K) requires that cannabis businesses cannot be closer than 250 feet to a school. The UDC cites this, but the reference is incorrect and refers to 121.14, which does not exist. The proposed amendment fixes this citation to reference the correct City Code section.

5.003 Performance Standards

(S) Cannabis Businesses

(1) Cannabis businesses may not be located within 250 feet of a school as established in City Code Section ~~121.14 (H)~~ 121.23 (K).

Recommendation

Staff recommends that the Planning Commission holds the required public hearing to gather public input, and to forward a recommendation on the proposed amendment to the City Council for consideration at their September 8th, 2026 meeting.