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MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ADOPTION OF ORDINANCE #351 AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE RELATED TO PUBLIC BUILDINGS AND ESSENTIAL SERVICES STRUCTURES
DATE: AUGUST 20, 2024

The Planning Commission has recently considered a zoning ordinance amendment related to essential services structures and public buildings at its June and July 2024 meetings which culminated in a public hearing at the July 24, 2024 Planning Commission meeting in which no public comments were received.

The reason for the zoning ordinance amendments to be considered was a recent discussion staff had with the City Attorney regarding what, if any, land use approvals might be needed for the police station addition if it moves forward. The City attorney opined that the existing definition for essential services did not adequately cover facilities such as fire stations, police stations, post offices, etc. even though said definition had been utilized by the city in the past for said uses.

Staff and the Planning Commission developed the attached ordinance which would define public buildings specifically in the zoning ordinance as well as establish what districts they would be permitted or conditional uses as well as specifically calling out essential services structures as conditional uses in certain districts similar to public buildings. Essentially, public buildings and essential services structures would only be permitted uses in the B-3 Highway Commercial and I-1 Light Industrial Districts and would be conditional uses in all other zoning districts.

The City Council introduced and conducted the first reading of the ordinance at the August 19, 2024 City Council meeting.

Recommendation

Staff recommends that the City Council conduct the second reading and adoption Ordinance #351.

ORDINANCE NO. 351

CITY OF NEW PRAGUE

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE
RELATED TO PUBLIC BUILDINGS AND ESSENTIAL SERVICES STRUCTURES**

WHEREAS, the Planning Commission on July 24, 2024 held a public hearing regarding the proposed zoning ordinance amendments relating to public buildings and essential services and forwarded a recommendation for consideration of approval of said amendments; and,

The City of New Prague Ordains:

SECTION 1. Section 302 and Sections 603 through 611 of the City of New Prague Zoning Ordinance is amended by deleting the ~~stricken~~ material and adding the underlined material as follows:

302 Definitions

Public Building - Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business. For the purposes of this definition, a public building does not include a building located within a city park.

603 RL-90 Single Family Residential District

4. Conditional Uses

- A. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- B. Bed and Breakfast Homes
- C. Religious Institution
- D. Nursing homes and assisted living facilities
- E. Any house or other principal structure moved onto a lot
- F. Public Building**
- G. Essential Services Structures**

604 RL-84 Single Family Residential District

4. Conditional Uses

- A. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- B. Religious Institution
- C. Nursing homes and assisted living facilities
- D. Bed and breakfast homes, if lot size if 9,000 square feet or larger
- E. Any house or other principal structure moved onto a lot
- F. Public Building**

605 RL-70 Single Family Residential District

4. Conditional Uses

- A. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- B. Religious Institution
- C. Health Care Facilities
- D. Nursing homes and assisted living facilities
- E. Bed and breakfast homes, if lot size if 9,000 square feet or larger
- F. Any house or other principal structure moved onto a lot
- G. Public Building**
- H. Essential Services Structures**

606 RM Medium Density Residential District

4. Conditional Uses

- A. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- B. Religious Institution
- C. Nursing homes and assisted living facilities
- D. Bed and breakfast homes, if lot size if 9,000 square feet or larger
- E. Any house or other principal structure moved onto a lot
- F. Public Building**
- G. Essential Services Structures**

607 RH High Density Residential District

4. Conditional Uses

- A. Manufactured/Modular home parks
- B. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- C. Religious Institution
- D. Nursing homes and assisted living facilities
- E. Bed and breakfast homes, if lot size if 9,000 square feet or larger
- F. Bed and breakfast inns
- G. Any house or other principal structure moved onto a lot
- H. Public Building**
- I. Essential Services Structures**

608 B-1 Central Business District

4. Conditional Uses

- A. Auto repair, minor
- B. Bed and breakfast inns
- C. Fuel stations
- D. Dwelling units, apartments - containing more than five (5) units, and located above the first floor of a building
- E. Outdoor seating for food service businesses and drinking establishments
- F. Recreation, commercial

- G. Any principal structure moved onto a lot
- H. Religious institutions
- I. Small Breweries
- J. Public Building**
- K. Essential Services Structures**

609 B-2 Community Commercial District

4. Conditional Uses

- A. Automobile parking lots, parking garages, bus stations
- B. Automobile repair, major
- C. Automobile repair, minor
- D. Bed and breakfast inns
- E. Boat and motorcycle repair
- F. Car washes
- G. Fuel stations
- H. Drinking establishments
- I. Dwelling unit, apartments – must be located above the first floor of a building
- J. Entertainment and amusement facilities
- K. Exterior storage
- L. Funeral homes
- M. Health care facilities
- N. Landscape nurseries and garden supply stores
- O. Motor vehicle and recreation equipment sales
- P. Outdoor seating for food service business and drinking establishments
- Q. Quasi public organizations and fraternal clubs
- R. Recreation, commercial
- S. Religious institutions
- T. Retail center (strip mall)
- U. Veterinary clinic
- V. Any principal structure moved onto a lot
- W. Small Breweries
- X. Public Building**
- Y. Essential Services Structures**

610 B-3 Highway Commercial District

2. Permitted Uses

- A. Drive-thru businesses
- B. Essential services
- C. Hotels
- D. Landscape nurseries and garden supply stores
- E. Motels
- F. Office uses
- G. Physical recreation or training
- H. Public utilities
- I. Recreation, public
- J. Restaurants, Class I
- K. Restaurants, Class II
- L. Restaurants, Class II
- M. Retail and service establishments

- N. Seasonal produce stands
- O. Temporary building / use
- P. Brewpubs
- Q. **Public Building**

611 Light Industrial District

2. Permitted Uses

- A. Automobile repair – major
- B. Automobile repair – minor
- C. Billboard signs
- D. Car washes
- E. Essential services
- F. Industry, light
- G. Lumberyards
- H. Manufacturing, light
- I. Public utility
- J. Recreation, public
- K. Research facilities
- L. Warehouse and distribution
- M. Small Breweries
- N. Breweries
- O. **Public Building**

SECTION 2. This ordinance shall take effect and be in force after its passage and upon its publication, in accordance with Section 3.13 of the City Charter.

Introduced to the City Council of the City of New Prague, Minnesota, this 19th day of August, 2024.

The required 10 days posted notice was completed on the City Website and City Hall Bulletin Board on August 20th, 2024.

Passed by the City Council of the City of New Prague, Minnesota, the 3rd day of September, 2024, and to be published on the 12th day of September, 2024.

Duane J. Jirik, Mayor

State of Minnesota)

)ss.

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2024.

Notary Public

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

State of Minnesota)

)ss.

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2024.

Notary Public

THIS INSTRUMENT DRAFTED BY:

Kenneth D. Ondich
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