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MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONCEPT REVIEW OF POSSIBLE ZONING ORDINANCE AMENDMENT TO MODIFY THE DEFINITION OF “ESSENTIAL SERVICES” OR ADD A “PUBLIC BUILDING” DEFINITION.
DATE: JUNE 5, 2024

As the Planning Commission is aware, there have been discussions of an addition to the Fire Station to add space for a new Police Station. There has also been discussions on the post office moving from its current location downtown to a yet to be determined location.

Staff recently reviewed the zoning ordinance to determine what, if any, land use approvals would be needed for the Police Station to move by the Fire Station (in an I-1 Light Industrial District) as well as for the post office to move to a yet to be determined location. It has been identified that both such uses are not currently defined in the zoning ordinance.

In past practice, the city has considered uses such as the post office and government uses (police, fire, city hall, utilities, public works) under the definition of “essential services”. In recent discussions with the City Attorney, his opinion is that the current definition does not allow all those uses and is really limited to just utilities and buildings and that a zoning ordinance amendment would be necessary to adequately accommodate said uses.

In light of this, staff is suggesting an amendment to the zoning ordinance to accommodate such public uses specifically in the zoning ordinance. There are two options to consider:

1. Amend the existing definition of “essential services” to include public buildings/uses.
2. Add a new definition of “public buildings” and then add zoning district to which they would be allowed as either permitted or conditional uses.

Staff recommends option #2 above as it would keep essential services as currently written as it’s a very common definition found in many zoning ordinances across the state, and it would be best to keep that as is while introducing a new definition and specific categories to allow the “public buildings”.

Existing Zoning Ordinance Language-

Under Section 302 for Definitions, the following is the existing definition of essential services:

70. Essential Services - The erection, construction, alteration, or maintenance by private or public utilities, or municipal departments of underground, surface, or overhead services such as telephone, gas, electrical, steam, hot water, communication, water and sewage transmission and collection systems, and the equipment, appurtenances and related structures necessary for furnishing of adequate service by such private or public utilities or municipal departments. Essential services does not include personal wireless service antennas or support structures.

Proposed Zoning Ordinance Language-

Staff recommends keeping the definition of Essential Services as written above, but recommends adding the following definition to Section 302 of the Zoning Ordinance:

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.

The above definition would certainly cover government uses such as fire stations, police station, city halls and even post offices.

With a new definition, said use would need to be added to permitted or conditional use categories for zoning districts. Staff would recommend the following for placement of the new “public building” use:

B-1 Central Business, B-2 General Business, B-3 Highway Commercial and I-1 Light Industrial: Public Buildings would be a permitted use.

RL-70, RL-84, RL-90, RM and RH Zoning: Public Buildings would be a conditional use.

Staff welcomes discussion on which districts this new defined use should be permitted or conditional uses.

Recommendation

I recommend that the Planning Commission provide direction to City staff regarding which option to pursue and bring forward for a possible public hearing for a zoning ordinance amendment at the July 24th Planning Commission meeting.