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MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, COMMUNITY DEVELOPMENT DIRECTOR
EVAN C. GARIEPY, PLANNER
SUBJECT: PROPOSED UNIFIED DEVELOPMENT CODE 2ND MISCELLANEOUS
AMENDMENTS
DATE: JULY 13TH, 2026

In March of 2026, the Unified Development Code was adopted, and a minor amendment for it is on track to be adopted by the City Council by the end of July to correct portions of the UDC that were unintentionally changed from the old Zoning Ordinance.

Staff has continued to note portions of the UDC that Staff believes the Planning Commission should consider changing. The explanations regarding each proposed amendment has been stated prior to the amendment. These amendments concern the use of shipping and storage containers as structures, clarifications regarding solar, clarifications regarding vehicles, building design standards, and references that were not corrected.

Proposed deletions are ~~struck out~~, and proposed additions are underlined and highlighted.

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

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: 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 applies to accessory buildings, which includes commercial and industrial sheds and garages. It was not the intent of this Ordinance to regulate the appearance of accessory buildings in the same way as primary structures.

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.

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

6.003 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 discuss the proposed 2nd miscellaneous amendments to the UDC and schedule a public hearing for the changes at the next Planning Commission meeting.