

AGENDA

City of New Prague Planning Commission

Regular Meeting

Wednesday, June 25th, 2025

6:30 P.M.

City of New Prague Council Chambers

City Hall, 118 Central Avenue North, New Prague, Minnesota

*Anyone speaking to the Planning Commission
shall state their name and address for the record.
Thank you.*

- 1. Call to Order**
- 2. Approval of Meeting Minutes**
 - A. May 28th, 2025 Regular Meeting**
- 3. Public Invited to Be Heard on Matters Not on the Agenda**
(Speakers limited to five minutes)
- 4. NEW BUSINESS**
 - A. Request for Variance V5-2025 – Front Deck/Landing Setback at 305 4th St. NE**
Matthew Egan - applicant
 - B. Request for Variance V6-2025 – Drive-Thru Location Variance at 100 Alton Ave. SE**
LaMacchia Group - applicant
- 5. OLD BUSINESS**
 - A. Backyard Chickens Discussion - Continued**
- 6. Miscellaneous**
 - A. Monthly Business Updates**
 - B. Uniform Development Code Update**
- 7. Adjournment**

THE PURPOSE OF THE ZONING ORDINANCE IS TO PROMOTE THE HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE, BY REGULATING THE USE OF LAND, THE LOCATION AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF NEW PRAGUE.

Meeting Minutes
New Prague Planning Commission
Wednesday, May 28th, 2025

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Chair Dan Meyer with the following members present: Brandon Pike, Ann Gengel and Shawn Ryan. Absent was Jason Bentson.

City Staff Present: Ken Ondich – Planning / Community Development Director.

2. Approval of Meeting Minutes

A. April 23rd, 2025 Regular Meeting

A motion was made by Pike, seconded by Bentson, to approve the March 26th, 2025 regular meeting minutes. Motion carried (3-0).

3. Public Invited to Be Heard on Matters Not on the Agenda

No public comments were given.

4. OLD BUSINESS

A. None

5. NEW BUSINESS

A. Review of Zoning / City Code Amendment – Backyard Chickens

Planning / Community Development Director Ondich presented the staff report. He stated that the city has never had an ordinance allowing chickens, but back in 2016 the City did clarify ordinances that prohibited the keeping of backyard chickens and other farm animals and that discussions from the time stemmed largely from one home that had chickens which were a nuisance to surrounding properties related to smell. He stated that the Planning Commission most recently discussed the topic of backyard chickens at it's March 2025 meeting in which it failed to pass a motion to hold a public hearing regarding an ordinance that would allow chickens. He stated that the City Council on April 7th directed the Planning Commission to hold a public hearing at tonight's Planning Commission meeting. He stated that New Prague is the only City in Scott County that does not allow backyard chickens and that the City of Lonsdale approved an ordinance to allow them on May 8th. He provided a summary of the amendments that would allow backyard chickens which included a city code amendment to allowing chickens subject to zoning ordinance requirements and that the zoning ordinance would have a section added with performance standards that would allow up to five chickens, no roosters or guinea fowl or pea fowl, no fighting, breeding or slaughtering allowed, coops and runs must be screened with 4' tall landscaping or fencing, not allow coops in the front or side yard, maximum size of 40 sq. ft., setback 25' from any principal structure, and limit coop

height to 6'. He also indicated that prior to the meeting, he had received eight letters of support which were printed and handed out to the Planning Commissioners and would be added into the minutes as part of the official record. The letters in support were from Clayton Crosby, Marija Johansson, Sven-Erik Johansson, Janis Borchers, Jessica Dohm, Mario Rodiles, Elijah Dohm and Jessica Cloutier.

Commissioner Ryan asked how enforcement would be handled and also noted that he believed it may lead to requests for other farm animals in the city.

Planning / Community Development Director Ondich stated that violations would be a misdemeanor and would be handled similar to a nuisance or zoning ordinance violation with a letter being sent providing for a period of time to correct the violation, an appeal process with the City Council and ultimately possibly a citation from the Police Department.

Commissioner Ryan asked what would happen if there was not compliance after that process.

Planning / Community Development Director Ondich stated that with the citation they would need to appear in court, but that the court process takes time and may not provide timely corrections. He stated that administrative citations are an alternative process which is controlled entirely at the local level, but the City does not have such a process in place at this time.

Commissioner Ryan also asked what would happen if the City were to allow backyard chickens and then later prohibit them, would they be grandfathered in?

Planning / Community Development Director Ondich stated that he would have to check with the City Attorney on what would happen in that situation, but he believed they would be grandfathered in possibly for the life of the birds.

A motion was made by Ryan, seconded by Gengel to open the public hearing (4-0). The public hearing opened at 6:53pm.

Sven-Erik Johansson, 707 Heritage Trail NE, stated that he is in favor of allowing backyard chickens and that it appears the main concern is from smell but many of the proposed regulations regarding appearance of the coop would not have any effect on smell and that he didn't think they were necessary. He also noted that the 4' tall screening is not necessary as it also would not solve the smell issue. He asked how the front, side and rear yard limitations were determined. He asked if the chicken waste could be disposed of in the garbage or if there was an alternative disposal location such as the city's compost site.

Jessica Dohm, 710 Heritage Trail NE, stated that she doesn't understand why the question of later disallowing chickens would come up when they aren't even allowed yet. She stated that she is in favor of backyard chickens and does not believe they would lead to other farm animals as there are acreage requirements for larger animal and therefore chickens should not be considered a gateway animal for other farm animals. She stated that it was noted in a past city presentation that backyard chickens are not economically viable but noted that she did not

believe the City should govern what a household's economics are. She stated that for her it would just be a hobby and not making money. She agreed that we do need regulations on keeping coops clean. She stated that she doesn't believe noise would be an issue with roosters being prohibited. She stated that all surrounding communities have found a way to allow backyard chickens and believes New Prague should be able to as well. She stated that she believes the ordinance should allow a coop near the applicant's home instead of requiring a 25' setback which would allow a coop on a patio or under a deck.

Marija Johansson, 707 Heritage Trail NE, stated that the screening requirement in the draft ordinance seems redundant and is not sure what it would accomplish. She stated that those keeping chickens would likely not purchase five at one time and believes someone may start with a couple and obtain others over time so that they have hens that produce over time. She stated that chickens are smaller and quieter than dogs. She stated that if Prior Lake allows chickens, she doesn't see why New Prague can't. She stated that if smell is a concern, she notes that she actually purchases chicken manure for her gardens at home which requires no permit and that she's never heard a complaint. She additionally asked about consideration for mobile coops and runs to move then around the yard.

Clayton Crosby, 504 Prague Court SE, stated that others that had spoken had already provided comment similar to what he provided in his letter. He specifically questioned the setback of coops and runs and the four foot screening requirement as unnecessary. He stated that requiring screening and specific building materials for the coop can disenfranchise those residents with less money. He stated that similarly the setbacks could disenfranchise those with smaller lots who might tend to be those with less money. He stated that he would support a one-time fee versus annual fees. He stated that he would argue that not having a fencing/screening requirement would make it easier for staff and neighbors to tell if chickens are being kept in compliance.

A motion was made by Ryan, seconded by Pike to close the public hearing (4-0). The public hearing closed at 7:17pm.

Chair Meyer stated that he has seen moveable coops and runs and asked if there could be a way to accommodate those. He also asked if the setback to an owner's principal structure could be reduced but still keep the setback to a neighboring house.

Commissioner Pike suggested removing the 25' setback to the principal structure on the owner's lot as well as removing the screening requirement from neighboring properties but keeping the screening to public right of way.

Commissioner Ryan stated that he doesn't believe farm animals should be allowed in the City and that there specifically were problems with the past with chickens. He asked if the ordinance could require adjacent property owners to sign off before someone could get chickens.

Planning / Community Development Director Ondich stated that he would have to ask the City Attorney if a provision to require neighbors to approval would be legal, but he did not believe

it to be legal. He stated that he did not have clear direction at this time and would like to have the Planning Commission provide direction to staff regarding the proposed ordinance.

Chair Meyer indicated that he was in favor of continuing to refine the ordinance.

A motion was made by Pike, seconded by Gengel, to direct staff to continue to research and refine the backyard chicken ordinance with changes being made to setbacks, screening, regulations to possibly allow movable coops/runs, material requirements and signoff by neighbors. Motion carried (3-1, Ryan).

B. Request for Interim Use Permit #I3-2025 – Allow Aesthetician Business at 100 2nd Ave. SW

Planning / Community Development Director Ondich presented the staff report. He stated that the proposed spa and wellness business would operate from the former mill office area which also houses Faith Recovery Music and Fancy Bones Pet Salon. He stated that the interim use permit is necessary until the final zoning is established for the site. He stated that the use would occupy 473 sq. ft. of the former mill office space and would require two parking spaces out of the 16 available on the site not already allotted to other uses. He stated that staff recommends approval of the interim use permit with the findings and conditions contained in the staff report.

A motion was made by Pike, seconded by Ryan to open the public hearing (4-0). The public hearing opened at 7:34pm.

Emily Bomsta, applicant who resides at 545 N. State Ave., LeCenter, stated that it has been her dream to start a business and work with her mom and that her mom hopes to begin operating within the space in a month or two.

A motion was made by Ryan, seconded by Pike to close the public hearing (4-0). The public hearing closed at 7:36pm.

A motion was made by Ryan, seconded by Gengel to recommend approval of Interim Use Permit #I3-2025 with the following findings:

- A. The proposed interim use for a spa/wellness center will utilize property in a reasonable manner not currently allowed by its existing zoning within the I-1 Light Industrial Zoning District, but which is guided as “downtown flex” in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed spa/wellness center is acceptable since it will likely be rezoned to “downtown flex” within the next couple of years which may include retail and service establishments as either permitted or conditional, therefore, it would no longer need the “interim” label.
- C. The proposed spa/wellness center will not hinder permanent development of the site as it is utilizing and repurposing the space within the existing building and identified to become “downtown flex” in the 2024 Comprehensive Plan after the Unified Development Code is adopted.

- D. The proposed spa/wellness center will not adversely impact implementation of the Comprehensive Plan because it identifies the property as “downtown flex” in the 2024 Comprehensive Plan.
- E. The proposed spa/wellness center will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing existing space in the building and will have adequate off-street parking.
- F. The proposed spa/wellness center will not create an excessive burden on existing parks, schools, street and other public facilities as it is utilizing space in an existing building.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed dog grooming business.
- H. The proposed spa/wellness center shall cease to operate at the site on 6/2/2027 if it is not rezoned to a “downtown flex” or similar zoning district where service businesses are either a permitted or conditional use in said zoning district.
- I. The proposed spa/wellness center will not impose additional costs on the public if it is necessary for the public to take the property in the future.

And with the following conditions:

- 1. The proposed spa/wellness business shall cease to operate at the site on 6/2/2027 if it is not rezoned to a “downtown flex” or similar zoning district where service businesses, including spa/wellness are either a permitted or conditional use in said zoning district.
- 2. Except as otherwise authorized by the Zoning Ordinance, this interim use shall conform to this Ordinance as if it were established as a conditional use.
- 3. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.
- 4. Approval is in general accordance with the area indicated on the floor plan included in the staff report (undated) on file with the Planning Department.
- 5. All requirements of the Building Official must be met prior to occupancy.
- 6. At least 2 off-street parking spaces, including required accessible space(s), must be available for the proposed use.
- 7. All building and site signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
- 8. All lighting must conform to Section 704 of the Zoning Ordinance.
- 9. All dumpsters, garbage containers or refuse bins provided on the site outside of a building shall be screened from view in accordance with Section 703 of the Zoning Ordinance.
- 10. The applicant shall reimburse the city for all fees and costs it incurs for processing, reviewing, and acting on the application approved herein, including but necessarily limited to any fees charged by the city’s professional consultants in accordance with established rates.
- 11. The property shall be subject to all requirements of the New Prague City Code and shall otherwise comply with all other applicable federal, state, and local laws, rules, and regulations.

Motion carried (4-0).

C. Request for Variance #V3-2025 – Allow a Fence Height Variance at 1108 Olivia Street SE

Planning / Community Development Director Ondich presented the staff report. He stated that the applicant is seeking a 6' tall vinyl privacy fence, similar to the neighboring home to the east which does not meet the zoning ordinance requirement that fences within 30' of a public right of way cannot exceed 4' in height. He stated that the applicant stated that they request the fence for containment of their dog, for a noise buffer and to enhance security as the trail and County Road 29 are adjacent to the backyard. He stated that three variances on the street were issued since 2018 for fence height for the same reasons. He stated that staff recommends approval of the variance with the findings listed in the staff report.

Chair Meyer asked the applicant if his proposed fence would connect to the neighboring fence to the east.

Justin Novak, applicant, stated that he would not connect it to the adjacent fence as that fence as not located directly on the lot line and instead he would leave space for maintenance purposes.

A motion was made by Ryan, seconded by Gengel to recommend approval of V3-2025 with the following findings:

- A. The variance is in harmony with the general purposes and intent of the Ordinance because the RL-90 Single Family Residential Zoning District allows fences to be constructed as a permitted use.
- B. The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted use in the RL-90 Single Family Residential Zoning District.
- C. The applicant proposes to use the property in a reasonable manner by having a 6' tall fence in their backyard.
- D. Unique circumstances apply to the property in that it is a through lot abutting a road on two sides (front and rear) with the roadway along the rear yard being a County Road.
- E. The variance does not alter the essential character of the neighborhood because there are adjacent properties that have 6' tall fences that were grandfathered in or similarly received fence height variances such as 1214 Olivia St SE (V1-2018), 1110 Olivia St SE (V2-2018), 1232 Olivia St SE (V8-2024).
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would contain their dog, buffer noise from the street, and provide privacy from CSAH29 and the trail.
- G. The fence must be a minimum of 2' away from the edge of the trail.

Motion carried (4-0).

Mr. Novak asked if his request could be placed on the June 2nd City Council agenda versus June 16th as he was told by Planner Chapman that was the schedule.

Planning / Community Development Director Ondich stated that he would see if he could add it to the agenda.

D. Request for Variance #V4-2025 – Allow a Driveway Variance at 201 7th Street NW

Planning / Community Development Director Ondich presented the staff report. He stated that since MVE Biological Solutions purchased the property in 2020 that trucks backing up to the dock at the building has been a problem with trucks driving over the curb on the west side of 1st Ave. NW. He stated that while it wasn't ideal, it became a much bigger issue with the construction of a single-family home across the street that started construction in 2023. He stated that the applicant has been in contact with the City and neighboring property owner since that time and in an attempt to solve the problem instituted a temporary measure in the fall of 2024 by removing a gate and placing gravel as a temporary driveway widening measure to determine if the solution might be a long term fix. He stated that the specific variances sought are to allow the existing non-conforming driveway to be widened within 200' of the intersection of two collector streets by 15' and to allow directional signage to be located less than 10' from the property line of 1st Ave. NW. He stated that MVE looked at a variety of possible solutions and believes this solution is the most effective and attainable for all. He stated that staff recommends approval of the variance request with the findings contained in the staff report.

Chair Meyer asked if the drivers were different all the time when making deliveries and pickups.

Jason Madsen, representing the applicant MVE Biological Solutions, stated that they do not control all the drivers and some are one off pick up or deliveries and that's where the issue arises and they believe the widened curb cut and signage will help all drivers that use the loading dock area.

A motion was made by Pike, seconded by Ryan to recommend approval of V4-2025 with the following findings:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because signs and driveways for light manufacturing facilities are permitted uses in the I-1 Light Industrial Zoning District.
- B. The requested variance is consistent with the comprehensive plan because signs and driveways for light manufacturing facilities are permitted uses in the I-1 Light Industrial Zoning District.
- C. The applicant will continue to use the property in a reasonable manner with the only change being to widen the existing driveway to 1st Ave. NW by 15' in a northerly direction and to allow a directional sign to help trucks back up to the dock to be less than 10' from the right of way line.
- D. Unique circumstances apply to this property over which the applicant had no control and which do not generally apply to other properties in the vicinity because the site is a corner lot, and the driveway they are proposing to widen is already less than the 200' required spacing from the intersection of 7th Street NW and 1st Ave. NW due to the location of the docking area. Additionally, the narrow width of 1st Ave. NW necessitates the wider curb cut to allow trucks to back up to the dock without encroaching on the yard of the property across the street to the east.

- E. The variance does not alter the essential character of the neighborhood as it would only allow the width of an existing legal non-conforming driveway to be increased to the north by 15' and because the proposed directional sign would be up to the same distance from the right of way line (0') as other signs on the site granted a variance via #V7-2019.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow most delivery trucks to back up without driving over the property across the street to the east.

Motion carried (4-0).

6. Miscellaneous

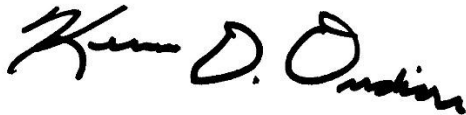
A. Monthly Business Update

Planning/Community Development Director Ondich presented the monthly business update as information.

7. Adjournment

A motion was made by Pike, seconded by Gengel, to adjourn the meeting at 7:58 pm. Motion carried (4-0).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth D. Ondich". The signature is fluid and cursive, with the last name "Ondich" being more prominent.

Kenneth D. Ondich
Planning / Community Development Director

Letters related to Review of Zoning / City Code Amendment – Backyard Chickens

Ken Ondich

From: Sven-Erik Johansson <sjohan1@gmail.com>
Sent: Wednesday, May 28, 2025 4:23 PM
To: Ken Ondich
Subject: Chickens in new prague

To whom it may concern,

I am in favor of fowl freedom and would like to see more backyard, chickens in the city of new Prague.

Sven-Erik Johansson
c(612) 570-0680

From: Minn Mechanical Contractors LLC <mario@minnmechanical.com>
Sent: Wednesday, May 28, 2025 4:26 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: Proposal to Permit Backyard Chickens in New Prague

Dear Planning and Development Department,

We hope this message finds you well.

As proud residents and business owners in New Prague for the past two years, we are deeply invested in the growth and vitality of our community. Our family of six cherishes the quality of life here, and we are committed to contributing positively to the city's development.

We are writing to respectfully propose the consideration of an ordinance permitting the keeping of backyard chickens within city limits. Our motivations for this request are multifaceted:

- **Educational Opportunities:** Raising chickens offers our children hands-on learning experiences about animal care, responsibility, and understanding the origins of their food.
- **Access to Fresh, Nutritious Food:** Backyard chickens provide a reliable source of fresh eggs, enhancing our family's food security and nutrition.
- **Food Waste Reduction:** Chickens can consume household food scraps, thereby reducing the amount of waste sent to landfills. Notably, a 2010 initiative in Limburg, Belgium, provided three chickens to 2,000 households, resulting in a 50% reduction in household food waste among participants .

With New Prague's population estimated at 8,240 residents in 2023 , implementing a similar program could significantly decrease local food waste, aligning with broader sustainability goals.

We acknowledge that other municipalities in Scott County have adopted ordinances allowing residents to keep backyard chickens under specific guidelines. We believe that New Prague could similarly benefit from such a policy, promoting sustainability and community engagement.

We kindly request the city to consider drafting an ordinance that would permit residents to keep a limited number of hens (excluding roosters) under defined conditions, such as secure enclosures, proper sanitation, and respect for neighboring properties.

Thank you for considering our proposal. We would welcome the opportunity to discuss this further and provide any additional information you may require.

Sincerely,

Mario Rodiles
Minn Mechanical Contractors LLC
612-523-0055
mario@minnmechanical.com
minnmechanical.com

From: Marija Johansson <marija.johansson18@gmail.com>
Sent: Wednesday, May 28, 2025 3:37 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: In Favor of Chickens

Hello Ken,

My name is Marija Johansson. I live in town at 707 Heritage Trl NE. I will be in attendance at the meeting this evening. I am in favor of allowing chickens in town.

Regards,
Marija

Sent from my iPhone

From: jessica dohm <jessicadohm@hotmail.com>
Sent: Wednesday, May 28, 2025 3:43 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: Backyard Chickens

Dear Ken,

I'm writing as a local resident to share my support for backyard chickens (hens) in New Prague.

Keeping chickens offers real, everyday benefits—like fresh eggs, teaching kids about responsibility and food sources, and even cutting down on bugs in the yard. I understand there are concerns about noise and cleanliness, but a small flock of hens is quieter than most dogs (my own included), and odors are minimal when coops are properly maintained. Roosters, which are the real source of noise complaints, aren't needed for eggs and can be excluded by ordinance.

New Prague is the only city in Scott County that still prohibits backyard chickens. Our neighbors in Prior Lake, Savage, and Shakopee have already figured out a balanced way to make this work. If you can have chickens in metropolitan city like Minneapolis, you should be able to have chickens in New Prague.

For those who argue that allowing backyard chickens would open the door to other farm animals within city limits—such as horses, pigs, or cows—it's important to note that large livestock are already strictly regulated by existing zoning laws and acreage requirements. These regulations make it impractical, and in most cases impossible, to keep such animals on standard residential lots. Backyard chickens, by contrast, can be responsibly managed on small parcels without disrupting the community.

I hope you'll consider moving forward with a thoughtful ordinance that supports sustainability, personal responsibility, and aligns us with the rest of our neighboring cities.

Thank you for your time and consideration.

Sincerely,

Jessica Dohm
710 Heritage Trail NE
New Prague, MN 56071

From: JESSICA CLOUTIER <jmcloutier3@gmail.com>

Sent: Wednesday, May 28, 2025 4:37 PM

To: Ken Ondich <kondich@ci.new-prague.mn.us>

Subject: Chickens

Hello,

I am writing you to let you know that I support backyard chickens in New Prague.

Jessica Cloutier
210 10th St SE, New Prague, MN 56071

From: Jan Borchers <jborchers17@gmail.com>
Sent: Wednesday, May 28, 2025 3:59 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: Chickens

Hi Ken ~

I want to weigh in real quick with my support for backyard chickens! Regulate it just well enough to ensure success for those who are interested. We are a rural community enough where this should be allowed, because:

Chicken are interesting!

Eggs!

Another pet for children and excellent opportunity to learn care, responsibility, animal husbandry, possible business selling eggs!

People are really into building excellent coops and quarters to house their chickens — creativity abounds!

Let's give people the opportunity to have backyard chickens in New Prague!

Thank you for your consideration, Ken.

Janis Borchers
Sent from my iPhone

From: Eli Dohm <eli@autowashsystems.com>
Sent: Wednesday, May 28, 2025 4:07 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: New Prague Chickens!

To whom it may concern,

I am in full support of having chickens in town!

People already do though they are currently not allowed.

Why not, friends in Prior Lake can have ducks.



Elijah Dohm

Vice President

Office: 952-223-4076 Direct: 952-223-4073

Eli@autowashsystems.com

407 4th Ave SW, New Prague, MN 56071

www.autowashsystems.com



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From: Lord Magnus <poorchristiansoldier@gmail.com>

Sent: Monday, May 26, 2025 1:59 PM

To: Ken Ondich <kondich@ci.new-prague.mn.us>

Subject: Backyard Chickens

Dear New Prague City Planning Department

It has been brought to my attention that the city council is considering allowing backyard chickens in city limits. As a resident of New Prague I am in support of allowing backyard chickens.

Having chickens comes with many positives. Firstly, due to the economic strain felt by all, any little bit of ability to source one's own food can make a huge positive difference. Secondly, sourcing one's own food, eating clean and fresh, improves the physical well being of those who participate. This is due not only to the clean ingredients but also to the fact that raising food, whether it's eggs or gardening, requires one to get outside. Not only is this beneficial to the physical health of an individual but it also positively affects the mental health of the individual and in turn the community as a whole. These are just some of the benefits that would come from allowing this to pass.

I have seen some people's concerns such as smell, noise and pests. I think those with these concerns are mistaken. It seems to me they are afraid of these things that can potentially come with large scale chicken operations, where chickens are cooped up in large numbers and feed is mishandled. You will not have these problems with smaller numbers, especially the proposed 5 hen limit. Also these concerns could happen with other pets like dogs just as easily but dogs are allowed. Don't get me wrong, I am not advocating for banning dogs(we love dogs!), just making the point that if it's not a problem with them it won't be a problem with chickens.

Some suggestions I have regarding the proposed ordinance. Firstly it seems that the requirements in the proposed amendment to the ordinance are too restrictive.
example:

g. All chicken coops and runs must be screened from of adjacent properties or public right of way with a solid fence or landscaping that is at least 4' tall.

I see this as a barrier to entry. I see no reason for this requirement other than to prevent those poorest among us (the very people that would need and benefit from being able to have chickens) from being able to have chickens. Fencing and landscaping are very expensive and many cannot afford it. Also I do like the openness of the community and would hate to see everybody erect fences, shutting themselves off from one another, if they even could afford it. Eliminating this requirement would also make it easier for the city to be able to "inspect" the chicken setup without needing to go onto the owner's property thereby eliminating the need for this section and the messiness that could come from having to get a warrant or revoke a permit. *g. The City may inspect the premises for which a permit has been granted in order to ensure compliance with this section. If the City is not able to obtain the occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.*

Another point is that the proposed setbacks really restrict the ownership of chickens to those with larger areas, i.e. the wealthy, thereby disenfranchising the struggling among us.

I would also suggest the run not be required to be attached to the coop. Being able to move the run would help keep bug populations under control and also would help prevent the accumulation of any feces if any.

I did not see a permit fee but I suggest you make it as little as possible for reasons I have already stated regarding other over restrictive aspects of this ordinance.

You have an opportunity to do good for the people you represent and I hope you do the right thing. Not only will it be greatly appreciated by the town but you will be helping to foster an environment of closeness and community, something that seems to be disappearing from New Prague over the years I have known her.

Though we have been late to getting around to allowing chickens, as far as other cities and towns around us, we have the opportunity to do it better and create a city of liberty and closeness worthy of the New Prague pride that many of us have. Let's be the shining example of what it means to be American!

Thank You
Clayton Crosby
504 prague ct se



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REQUEST FOR VARIANCE #V5-2025 FOR A REDUCTION FROM THE REQUIRED 30' FRONT YARD SETBACK TO 12' 3" TO ALLOW A FRONT DECK / LANDING LOCATED AT 305 4TH STREET NE, AS PROPOSED BY MATTHEW P. EGAN.
DATE: JUNE 12, 2025

Background / History

The subject site is located at 305 4th Street NE and is located in the RL-90 Single Family Residential Zoning District. The proposed 4' x 8' front deck / landing would require a reduction in the front setback from 30' to 12' 3". The previous front deck / landing was also located 12' 3" from the front lot line so the request not necessarily increasing the non-conformance other than the width is increasing by 2' within a required setback.

The homes in this neighborhood mostly predate the existence of any zoning ordinance in the City of New Prague and range in age from pre-1900 (south side of 4th Street NE) to the homes on either side of the subject home being built in 1961 to the west and 1972 to the east. The lots in the block were platted in 1958. Homes further east were built in the late 1950's. The subject home was constructed in 1972.

All the homes on the block do not meet the current zoning ordinance requirements for front setbacks. While the homes north of 4th are zoned RL-90 Single Family residential and have a required minimum setback of 30', the homes on the south side of 4th Street NE are zoned RL-70 Single Family Residential and have a required minimum setback of 25'.

As additional background, the City has been working with the applicant for a little over a year regarding the replacement of the previously existing front deck/landing (approximately 4' x 6') which was damaged during a storm in 2023. Mr. Egan did apply for a permit for the 4' x 8' front deck / landing and was informed at the time that the permit would not be granted unless it were reduced in size to be no larger than the existing front deck / landing or a variance was applied for. No further activities took place regarding the permit until October 2024 when City staff noticed a partially completed front deck / landing on the home and a violation letter was issued and the applicant ultimately appealed to the City Council on December 2, 2024 where the appeal was tabled and was never brought back for further discussion while staff worked with the applicant to locate property lines and submit a variance application.

Legal Description

Lot 2, Schoenbauer Subdivision, Scott County, Minnesota.

Zoning

The subject property is located in the RL-90 Single Family Residential Zoning District.

According to Section 604 of the Zoning Ordinance, the minimum front yard setback in the RL-90 Single Family Residential Zoning District is 30'. The applicant is requesting for a 12' 3" front yard setback to allow a front deck / landing.

Neighborhood Conditions and Nearby Land Uses

North — Multifamily apartments zoned RH High Density Residential

South — Single family residential homes zoned RL-70 Single Family Residential

East — Single family residential homes zoned RL-90 Single Family Residential

West — Single family residential home and cemetery zoned RL-90 Single Family Residential

Front decks / landings as part of single-family homes are permitted uses in single family residential zoning districts.

The single-family homes on the north side of the block are in general alignment at approximately 16' from the property line along 4th Street NE and do not meet the minimum 30' setback requirement to either the homes or front decks/landings. The two homes to the east both have an approximately 3' to 4' entrance/landing as well as one home on the south side of the block. The westernmost home on the south side of the block is much closer to the property line at approximately 6'. The other landings would appear to meet minimum building code requirements which requires a 36" depth from the door. A variance was granted in 2015 at 400 Lincoln Ave. N. (V1-2025) that allowed a large garage addition at 19' to the front property line along 4th Street NE.

The homes in this neighborhood mostly predate the existence of any zoning ordinance in the City of New Prague and range in age from pre-1900 (south side of 4th Street NE) to the homes on either side of the subject home being built in 1961 to the west and 1972 to the east. The lots in the block were platted in 1958. Homes further east were built in the late 1950's. The subject home was constructed in 1972.

With the proposed variance, the applicants front deck/landing would be no closer to the front lot line and only 2' wider than the previously existing front deck / land and staff does not believe this to be detrimental to the neighborhood character, certainly because one home is already located much closer to the front lot line.

Applicant's Statement of Practical Difficulty

The applicant submitted the following letter to support their variance request.

Matthew Egan
305 4th ST NE
New Prague, MN 56071

To whom it may concern,

I submit this variance application to request that a 4-foot deep by 8-foot wide landing and stairs be allowed on the street side of my property. This landing facilitates the ingress and egress of persons at my front door.

The original landing was 4-feet deep by 6-feet wide, prior to being removed during a residing project. The increase in size (24 inches wider) is to allow more room for persons or things to be moved through the front door and is also more aesthetically pleasing. Without this landing, the front door of my home is unusable.

I believe this request to be more than reasonable. The property located at 400 Lincoln Ave N (3 homes away) was granted a variance a few years ago for a large garage addition, and the home at 501 Columbus Ave N. is even closer to 4th ST NE than all of the homes on the north side of my block.

I spoke in front of the City Council on this issue in December of 2024, and appealed the requirement for a survey which would have cost me three to four thousand dollars. Over the last 5 months I have worked with Ken Ondich to determine where the property lines are. I located what lot pins were able to be found and Ken measured the property lines. Ken was able use the data we collected along with the as-built road construction data from Columbus AVE and then determine exactly where the lot lines are. I have included a copy of the plat map showing the property lines and the location of the landing. I have also included pictures of the landing as it exists today.

I welcome any questions you may have about this variance request. I hope that this application is accepted, I can apply for a permit, have an inspection, and we can all move on with life.

Respectfully,
Matthew Egan

Public Works Comments

The Public Works Director (Matt Rynda) and Utilities General Manager (Bruce Reimers) were not solicited for comments on this variance request as it does not involve any public works or utility related matters.

Building Official Comments

Building Official Scott Sasse indicated that a building permit is still required for the front deck / landing and that the work still needs to be inspected to ensure compliance with building code as well.

Criteria for Granting Variance – Section 507

The Zoning Ordinance defines a variance as follows: A modification or variation of the provisions of this Ordinance where it is determined that by reason of unique circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties. Practical difficulties is a legal standard set forth in law that cities must apply when considering applications for variances. To constitute practical difficulties, all three factors of the test must be satisfied, which are reasonableness, uniqueness and essential character. The Zoning Ordinance's criteria addresses these standards.

The Zoning Ordinance identifies criteria for granting variances as noted below. These items must be evaluated by the Planning Commission and City Council when considering variance requests. It is important to note that variances should only be granted in situations of practical difficulties. A variance may be granted only in the event that all of the circumstances below exist. Staff has attempted to evaluate the established criteria for this specific request. Staff's comments are highlighted in yellow below:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The requested variance is to allow a front deck/landing to be located 12' 3" is in harmony with the general purposes and intent of this Ordinance because front decks/landings as part of a single-family home are a permitted use in the RL-90 Single Family Residential Zoning District.)
- B. The variance is consistent with the comprehensive plan. (The requested variance is consistent with the comprehensive plan because the subject property including the home and the front deck / landing are a permitted use in the RL-90 Single Family Zoning.)
- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance, the City Code or the City Subdivision Ordinance. (The applicant will continue to use the property in a reasonable manner, considering that the only change will be a 2' wider front deck / landing which will be built no closer than the previously existing front deck / landing at 12' 3" from the front lot line.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions of the applicant. (Unique circumstances apply to this property which do not generally apply to other properties in the vicinity because the homes in the neighborhood were constructed prior to the adoption of a zoning ordinance in the City which placed the homes closer to the front property line along 4th Street NE at less than the currently required 30' setback.)

- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because adjacent lots are zoned residential and all adjacent single family homes do not meet the minimum 30' front setback requirement with one home located approximately 6' from the front property line which is much closer than the proposed front deck / landing.)
- F. That the variance requested is the minimum variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties. (The variance requested is the minimum variance which would alleviate the practical difficulty because it would provide more room for navigating into and out of the home's front door while not locating closer to the front lot line than the previous front deck/landing.)
- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state or local law. (A building permit must be obtained and the structure inspected to ensure compliance with building codes.)

Staff Recommendation

Staff recommends **approval** of Variance #V5-2025 from the required 30' front setback to 12' 3" to allow a front deck / landing to be located at 305 4th Street NE for the following reasons:

- A. The requested variance is to allow a front deck/landing to be located 12' 3" is in harmony with the general purposes and intent of this Ordinance because front decks/landings as part of a single-family home are a permitted use in the RL-90 Single Family Residential Zoning District.
- B. The requested variance is consistent with the comprehensive plan because the subject property including the home and the front deck / landing are a permitted use in the RL-90 Single Family Zoning.
- C. The applicant will continue to use the property in a reasonable manner, considering that the only change will be a 2' wider front deck / landing which will be built no closer than the previously existing front deck / landing at 12' 3" from the front lot line.
- D. Unique circumstances apply to this property which do not generally apply to other properties in the vicinity because the homes in the neighborhood were constructed prior to the adoption

of a zoning ordinance in the City which placed the homes closer to the front property line along 4th Street NE at less than the currently required 30' setback.

- E. The variance does not alter the essential character of the neighborhood because adjacent lots are zoned residential and all adjacent single-family homes do not meet the minimum 30' front setback requirement with one home located approximately 6' from the front property line which is much closer than the proposed front deck / landing.
- F. The variance requested is the minimum variance which would alleviate the practical difficulty because it would provide more room for navigating into and out of the home's front door while not locating closer to the front lot line than the previous front deck/landing.

And with the following condition:

- 1. A building permit must be obtained and the structure inspected to ensure compliance with building codes.

Attachments

- 1) Site Map Aerial – Dated 5/15/25
- 2) Zoning Map – Dated 5/15/25
- 3) Detail Map – Dated 5/15/25
- 4) Google Streetview and other photos – Various Dates

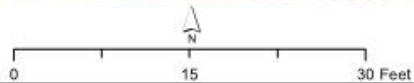




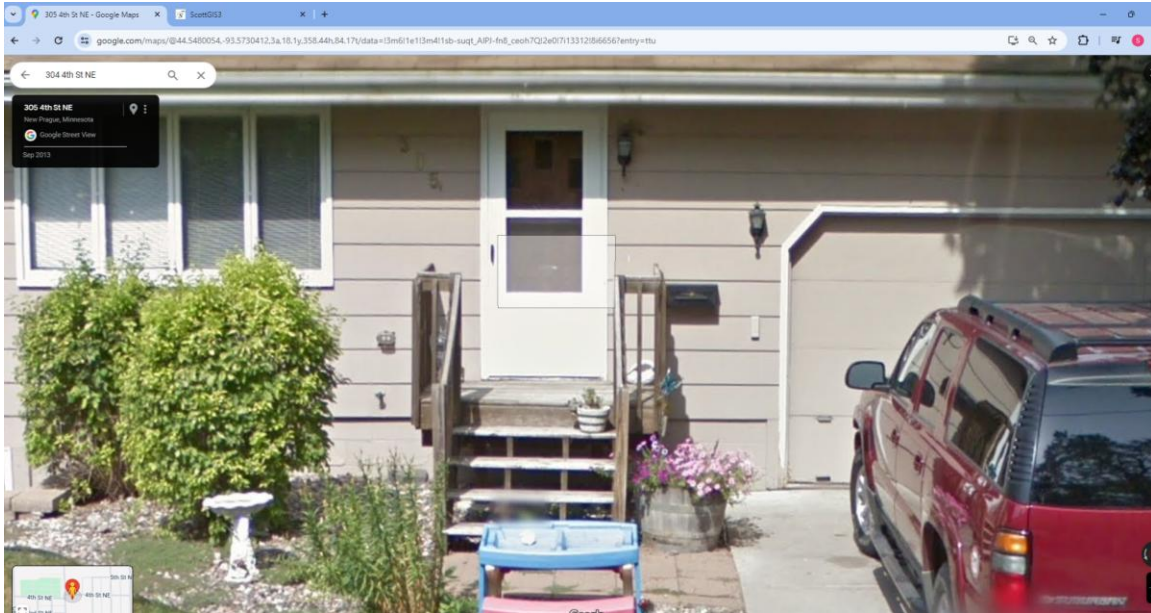
Site Map



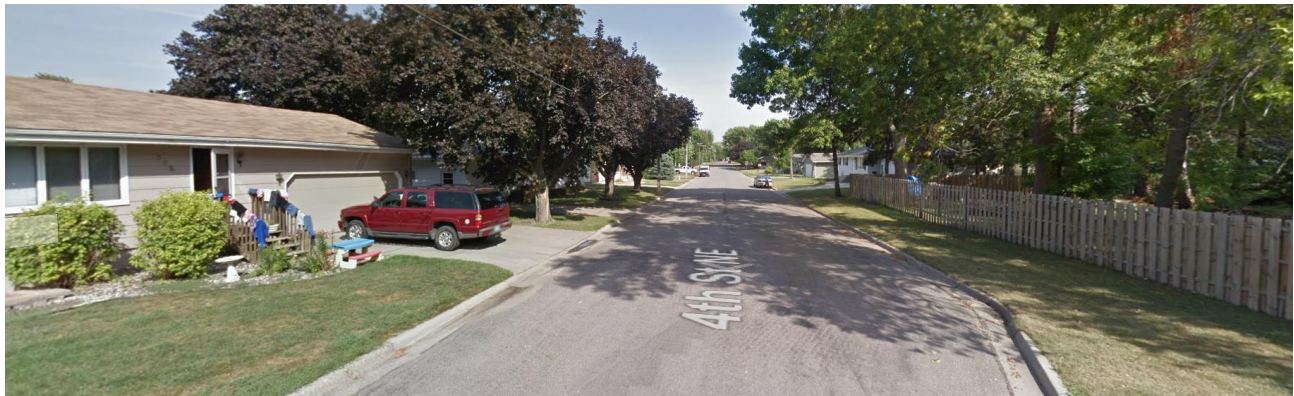
Prepared by:
City of New Prague
Planning Department
Date: 5/15/25
For Reference Purposes Only.



Disclaimer: This map was prepared using the City's GIS and is based on the County and City Street Department's data. While the City believes that the data is accurate, the City cannot warrant that data is 100% accurate. The City does not warrant that the City's GIS data can be used for purposes such as engineering or any other professional engineering. This disclaimer is provided for reference purposes only. The City of New Prague reserves the right to modify this map at any time without notice.



Original Landing and Stairs (Google Streetview from September 2013).



Google Streetview from September 2013 with original front deck/landing



Looking NE from 4th Street NE at subject property and front deck / landing.



Looking north from 4th Street NE



Looking north of 4th Street NE at front deck / landing. This is 2' wider than the original.



View along 4th Street NE looking west.



View from 4th Street NE looking west.



Google Streetview from September 2013 from homes west of and including the subject home. The home on the south side of the street is much closer to the road than the subject homes proposal.



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REQUEST FOR VARIANCE #V6-2025 TO ALLOW A DRIVE-THRU WITH MICROPHONE/SPEAKERS TO BE LOCATED IN THE FRONT YARD ALONG MAIN STREET E./TH13/19, LOCATED AT 100 ALTON AVE. SE, AS PROPOSED BY THE LAMACCHIA GROUP.
DATE: JUNE 16, 2025

Background / History

The applicant, LaMacchia Group, has submitted a building permit and variance request to construct a financial institution building with a drive-thru (2 lanes) at 100 Alton Ave. SE which is a permitted use in the B-2 Community Commercial Zoning District. The building is proposed at 3,250 sq. ft. and includes a 48-occupant community room that would be available for public use even after their regular operating hours.

A variance request was made due to the fact that the drive-thru is designed to have its microphone/speakers located in the front of the building along Main Street (TH13/19) while Section 720 of the Zoning Ordinance states that microphones/speakers shall be located in a rear yard or other unobtrusive location if the rear yard is adjacent to a public street.

The property was originally platted as New Prague Commons First Addition in 2007, then as New Prague Commons Second Addition in 2013, and finally as New Prague Commons Third Addition in 2022 which created the specific lot with the proposed development.

Legal Description

Lot 2, Block 1, New Prague Commons Third Addition, according to the plat thereof, LeSueur County, Minnesota.

Neighborhood Conditions and nearby land uses

North – Kwik Trip, a residential single-family home and K.A. Witt Construction (zoned B-2 Community Commercial for those properties within city limits and guided the same for those not within city limits)

South – Coborn’s Grocery Store (Zoned B-2 Community Commercial) and further south townhomes (zoned RM Medium Density Residential)

East – Alton Ave. SE, Scooters Coffee, vacant land and Belzer Car Dealerships (zoned B-2 Community Commercial)

West – Walgreens, Chalupsky Ave. SE, McDonald’s, O’Reilly Auto Parts (Zoned B-2 Community Commercial) Additionally, the former McDonalds and East Town Plaza Strip Mall were approved for drive-thru order boards in front yards previously. More details are provided later in this report.

Zoning

The property is zoned B2 – Community Commercial Zoning District. The following is an excerpt of the Zoning Ordinance section for the B2 – Community Commercial Zoning District.

2. Permitted Uses

- A. Clinics
- B. Day care facilities
- C. Drive-thru businesses**
- D. Essential services
- E. Hotels
- F. Motels
- G. Office Uses**
- H. Physical Recreation or Training
- I. Recreation, public
- J. Restaurants, Class I
- K. Restaurants, Class II
- L. Restaurants, Class III
- M. Retail and Service Establishments**
- N. Seasonal Produce Stands
- O. Temporary Buildings/Uses
- P. Brewpubs

3. Permitted Accessory Uses

- A. Uses incidental to the principal uses such as off-street parking and loading and unloading area, storage or merchandise**

Per zoning ordinance definitions, the front yards of the site are to the north and east (along Main St. E. / TH13/19 and also along Alton Ave. SE), the rear yard is along the south property line because the rear yard is always opposite the narrowest frontage along a roadway, and the side yard is along the west property line (adjacent to the vacant lot).

The plans show a drive-thru on the north side of the proposed building which is located in the front yard along Main Street E. / TH13/19. According to Zoning Ordinance Section 720 for Drive-Thru Businesses, *all order boards or microphones, and speakers shall be located in the rear of the*

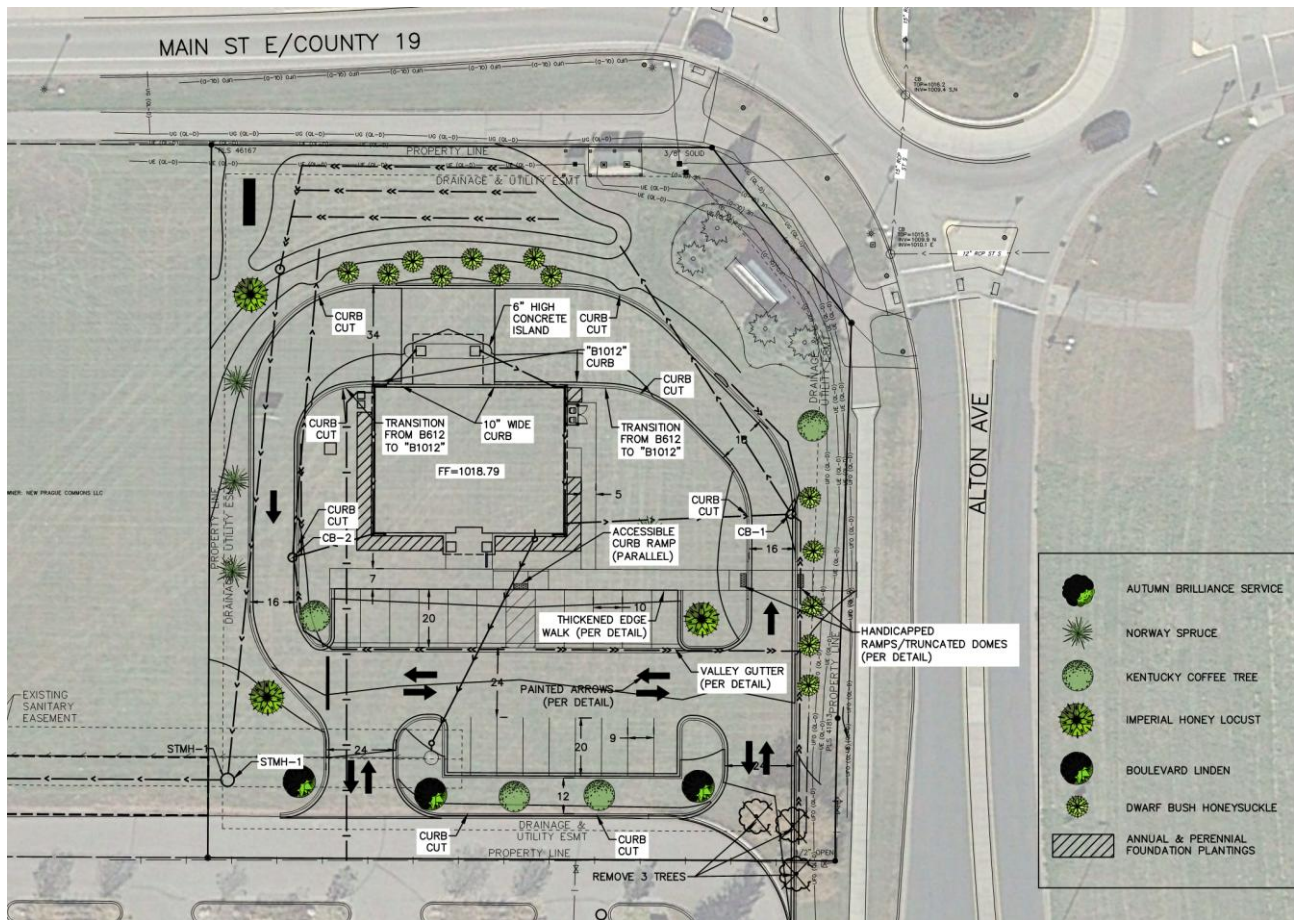
building or other unobstructive location if the rear yard is adjacent to a public street or alley and shall not be directed towards residential areas.

The plans show that there's also an ATM and night drop on the north elevation of the building. Because the drive-thru has a microphone/bank teller intercom under the canopy, it must meet Section 720 of the Zoning Ordinance or obtain a variance. As this lot fronts two public roads, the only acceptable locations per the ordinance would be the west and south sides of the site.

Statement of Practical Difficulties

The applicant provided the following statements regarding the practical difficulties for the site that they believe requires the drive-thru on the north side of the building:

- 1. The ATM/Night Deposit along the building will not have a microphone/speaker. The outboard lane will have a video/microphone/speaker. For reference, the noise source is 68' away from the north property line and 96' feet away from the curb.*
- 2. All of the project's stormwater runs along the west side of the property. Because we have to locate our pond on the north property line and run that overflow back to the south. We would need to push the building so far east (based on avoiding the underground storm piping) that the building would be directly behind the very large Coborn's sign and landscaping that the building wouldn't be visible.*
- 3. Based on the Floor Plan, the Drive-Thru must be located adjacent to the teller line. Teller lines are best located on the north side of the building. This enables us to provide natural lighting in occupied spaces (offices) located south and west.*
- 4. Best practices for Drive-Thru design dictate that we try to keep Drive-Thru traffic away from the front door. This helps pedestrian safety. In addition to the safety aspect, we wanted the front door adjacent to the south property for additional parking for Community Room events.*
- 5. We are prepared to provide additional landscaping along the curb area to give visual and audio separation between the drive through and TH13/19.*



Staff Notes

As noted earlier, staff recognizes that just a few blocks to the west, the former McDonalds drive-thru order board was allowed to be located in the front yard along Main Street / TH13/19 via a variance that was included in Conditional Use Permit #C5-2003 with the rationale that the order board was best placed at this location to allow more queue space for vehicles and because the order board was not facing residential homes. Additionally, a drive-through with order window was allowed at the East Town Plaza Strip Mall in the front yard along 7th Ave. SE with an amendment to Conditional Use Permit #C8-2004 which was approved in 2005 with the rationale that a berm and landscaping would prevent issues with the adjacent homes west of the drive-thru. Both sites also contain multiple road frontages which created unique difficulties in locating order boards/microphones out of a front yard.

Staff believes that the double road frontages (and while the south isn't technically a front as it's just a private driveway it does function similar to a road frontage) also poses a practical difficulty for this site in finding an unobtrusive location for the microphone / speaker as part of the drive-thru. Staff agrees with the applicants statements of practical difficulties specifically noting that:

- The microphone/speaker at the drive through is located in a front yard, however it is 68' from the north property line and 96' from the curb and while a residential home is located across

the highway to the north, it is a considerable distance away and the highway would pose a far greater noise impact than a single microphone/speaker.

- The stormwater located at the northwest side of the site does dictate placement of the building and staff recognizes the desire for the building to maintain visibility as a highway fronted property and not be hidden behind the developments monument signage and landscaping.
- The separation of the drive through traffic from the parking lot area is good not only for the queueing of vehicles but also for safety of vehicles backing out of parking spaces not having to worry about additional vehicles using the drive-thru.
- To off-set the appearance and sound from the drive-thru order board and microphone/speaker, the applicant has proposed additional landscaping in front of the drive-through area to mitigate the appearance and noise. Additionally, a spandrel glass window was added to the north elevation to add aesthetic value to an elevation that when originally proposed only had one window where it now looks much closer to other elevations on the building.

Engineering / Public Works, Public Safety Considerations

At the time of writing this staff report, comments had not yet been received.

Building Official Comments

Building Official Scott Sasse will provide a separate review memo as part of the building permit review process.

Criteria for Granting Variance – Section 507

The Zoning Ordinance defines a variance as follows: A modification or variation of the provisions of this Ordinance where it is determined that by reason of unique circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties. Practical difficulties is a legal standard set forth in law that cities must apply when considering applications for variances. To constitute practical difficulties, all three factors of the test must be satisfied, which are reasonableness, uniqueness and essential character. The Zoning Ordinance's criteria addresses these standards.

The Zoning Ordinance identifies criteria for granting variances as noted below. These items must be evaluated by the Planning Commission and City Council when considering variance requests. It is important to note that variances should only be granted in situations of practical difficulties. A variance may be granted only in the event that all of the circumstances below exist. Staff has attempted to evaluate the established criteria for this specific request. Staff's comments are highlighted in yellow below:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The requested variance is in harmony with the general purposes and intent of this Ordinance because drive-thru businesses / financial institutions are a permitted use in the B-2 Community Commercial Zoning District.)
- B. The variance is consistent with the comprehensive plan. (The requested variance is consistent with the comprehensive plan because drive-thru businesses / financial institutions are a permitted use in the B-2 Community Commercial Zoning District.)

- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance, the City Code or the City Subdivision Ordinance. (The applicant will use the property in a reasonable manner which would simply allow a microphone/speaker as part of a drive-thru to be located within the front yard of the building which is not normally allowed by the zoning ordinance.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions of the applicant. (Unique circumstances apply to this property over which the property owners had no control and which do not generally apply to other properties in the vicinity because the lot abuts two public roads on the north and east sides and additionally abuts a private driveway on the south side which limits locations for a microphone/speaker in compliance with the zoning ordinance to be located outside of a front yard.)
- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because drive-thru businesses are a permitted use in the B-2 Community Commercial Zoning District, two drive-thru's with microphones/speakers were allowed a few blocks to the west with similar multi road frontage locations and the applicant has proposed additional landscaping between the front lot line and the drive-thru to mitigate sounds and appearance while also noting that the microphone/speaker is located a great distance from the property line.)
- F. That the variance requested is the minimum variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties. (The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow the microphone/speaker as part of the drive-thru to be located in a location on the stie which would allow the separation of the drive-thru traffic from the parking lot and additionally provide additional landscaping between the front property line and microphone/speaker than is normally required by the zoning ordinance.)
- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state or local law. (N/A).

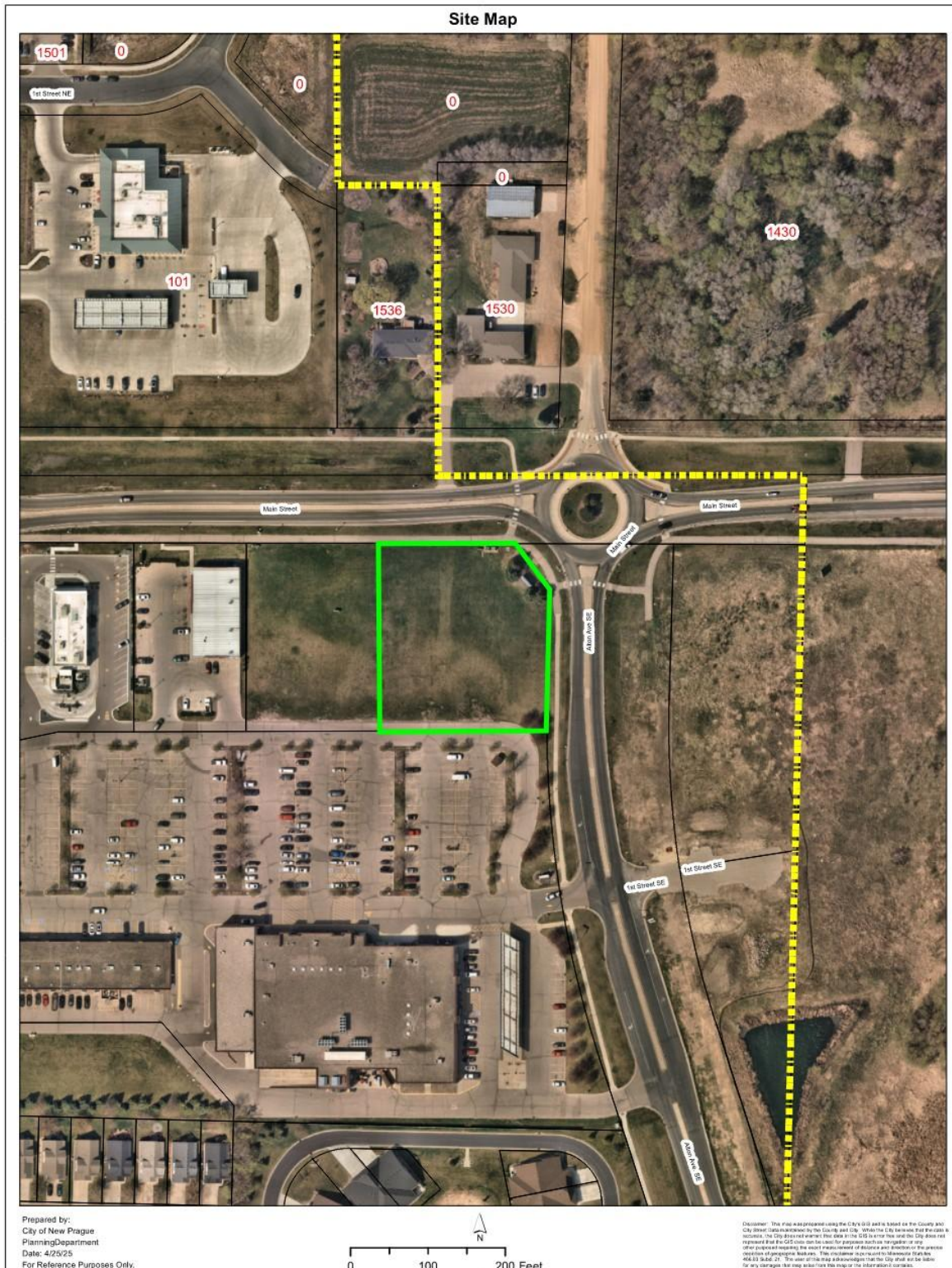
Staff Recommendation

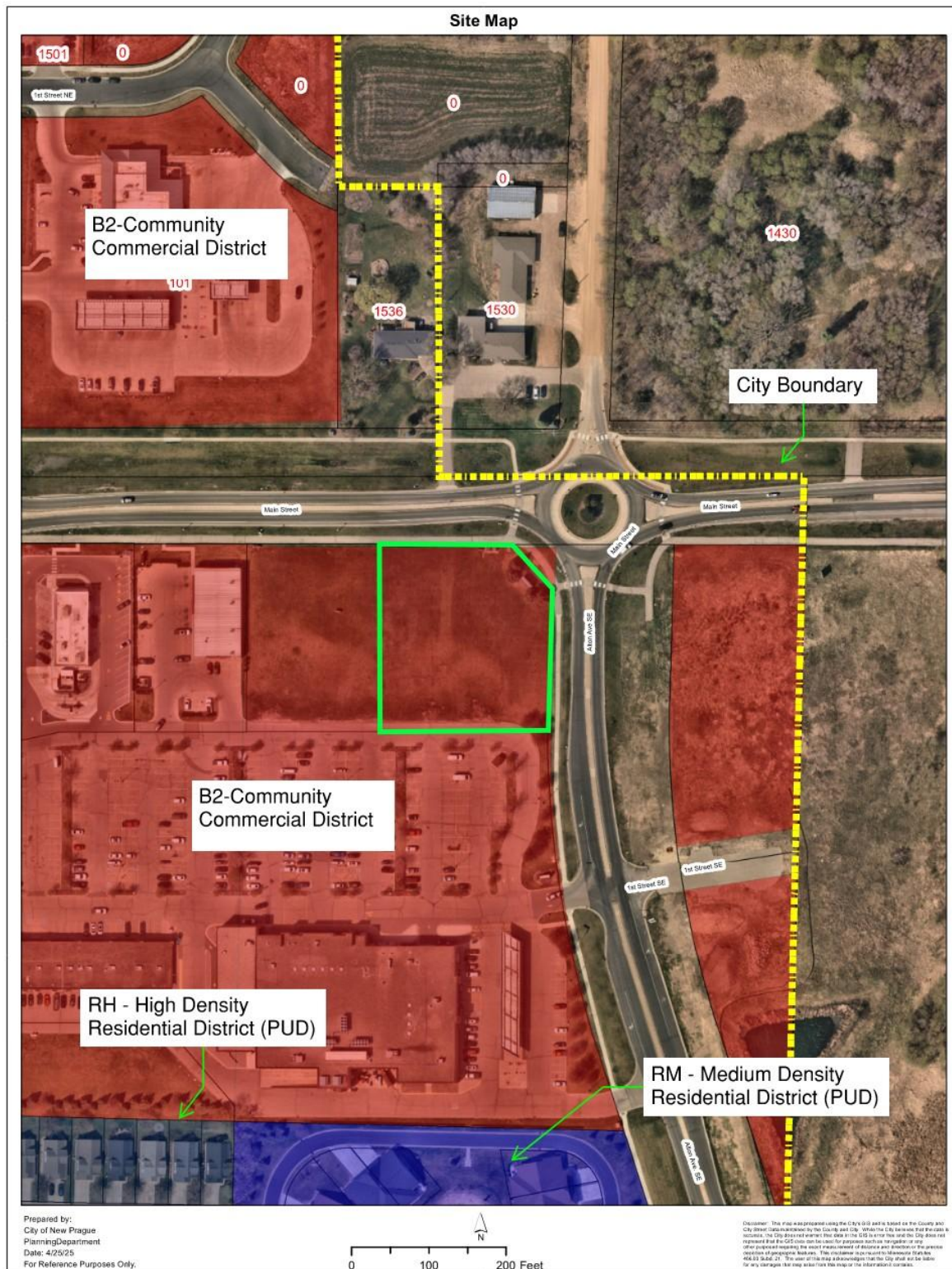
Staff recommends **approval** of Variance #V6-2025 to allow a drive-thru with microphone/speakers to be located in the front yard along Main Street E./TH13/19, located at 100 Alton Ave. SE, as proposed by the Lamacchia Group, with the following findings:

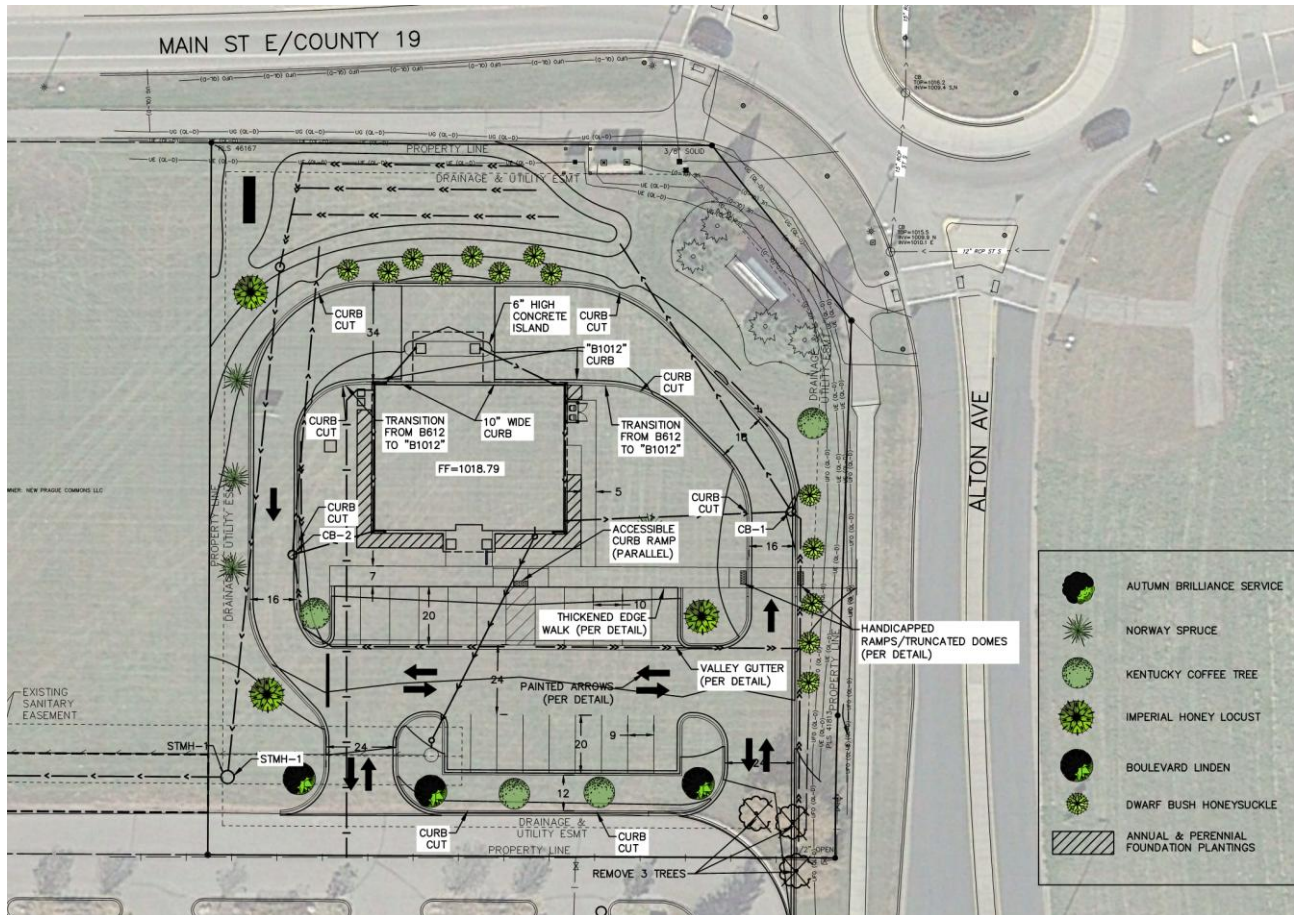
- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because drive-thru businesses / financial institutions are a permitted use in the B-2 Community Commercial Zoning District.)
- B. The requested variance is consistent with the comprehensive plan because drive-thru businesses / financial institutions are a permitted use in the B-2 Community Commercial Zoning District.
- C. The applicant will use the property in a reasonable manner which would simply allow a microphone/speaker as part of a drive-thru to be located within the front yard of the building which is not normally allowed by the zoning ordinance.
- D. Unique circumstances apply to this property over which the property owners had no control and which do not generally apply to other properties in the vicinity because the lot abuts two public roads on the north and east sides and additionally abuts a private driveway on the south side which limits locations for a microphone/speaker in compliance with the zoning ordinance to be located outside of a front yard.
- E. The variance does not alter the essential character of the neighborhood because drive-thru businesses are a permitted use in the B-2 Community Commercial Zoning District, two drive-thru's with microphones/speakers were allowed a few blocks to the west with similar multi road frontage locations and the applicant has proposed additional landscaping between the front lot line and the drive-thru to mitigate sounds and appearance while also noting that the microphone/speaker is located a great distance from the property line.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow the microphone/speaker as part of the drive-thru to be located in a location on the stie which would allow the separation of the drive-thru traffic from the parking lot and additionally provide additional landscaping between the front property line and microphone/speaker than is normally required by the zoning ordinance.

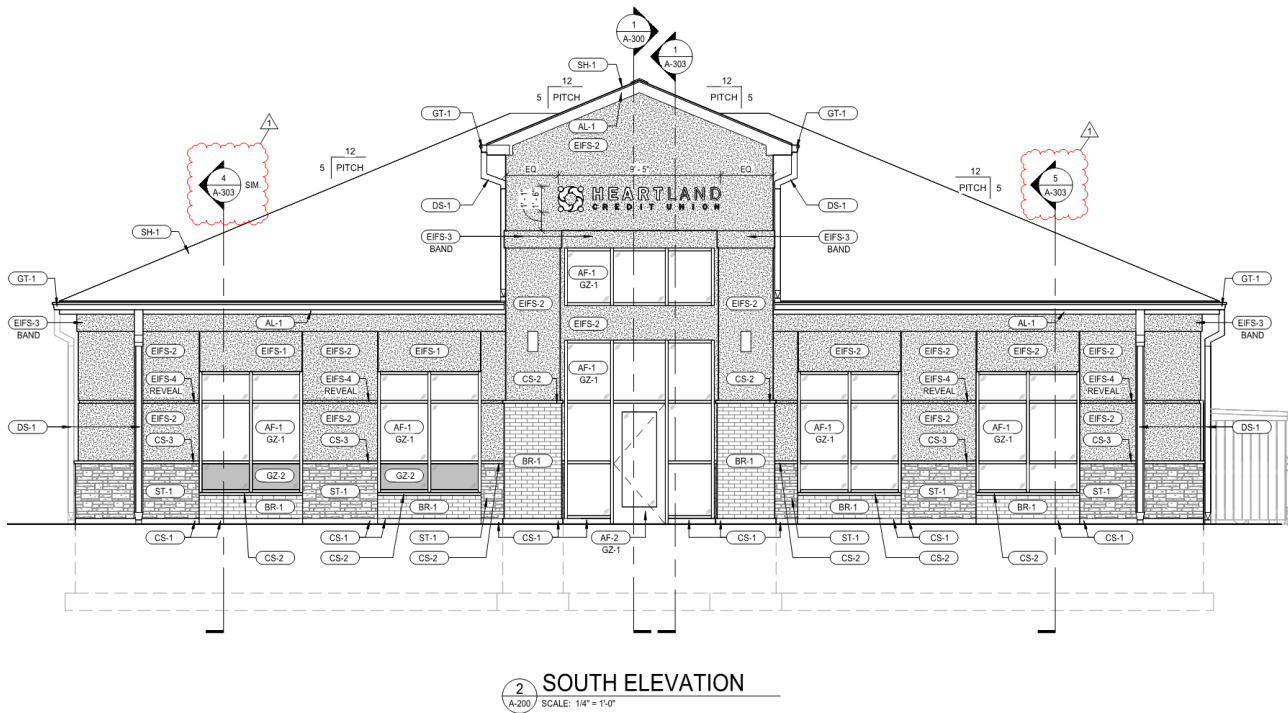
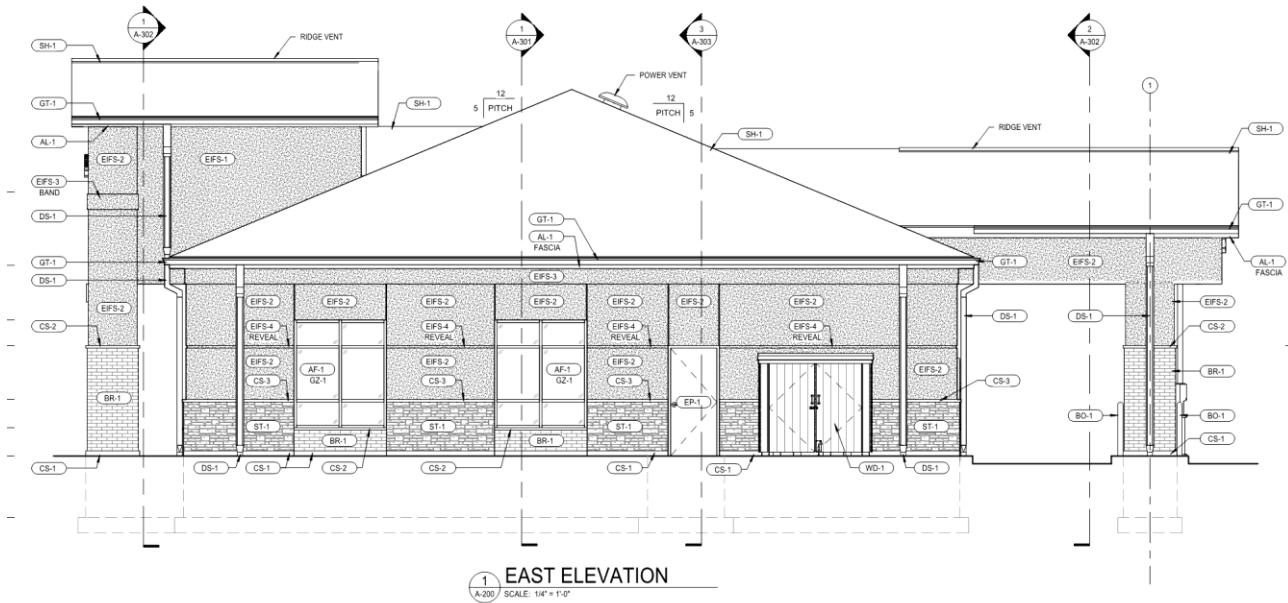
Attachments

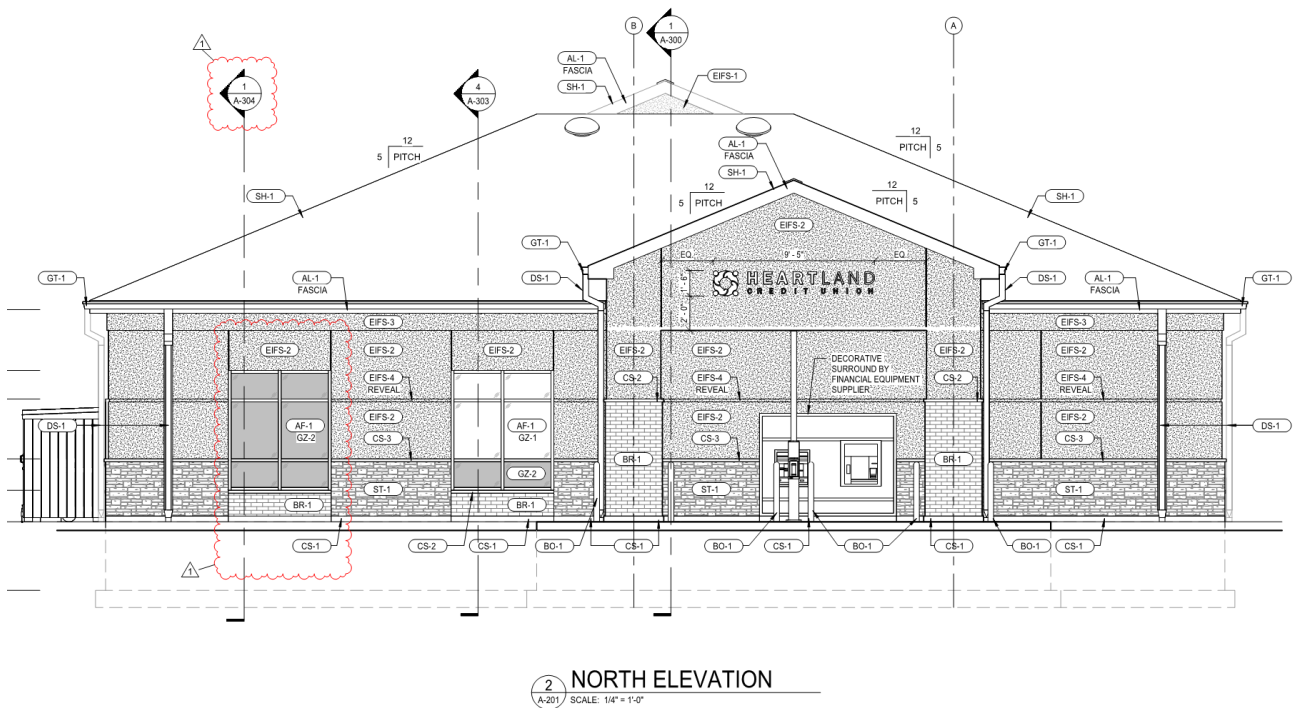
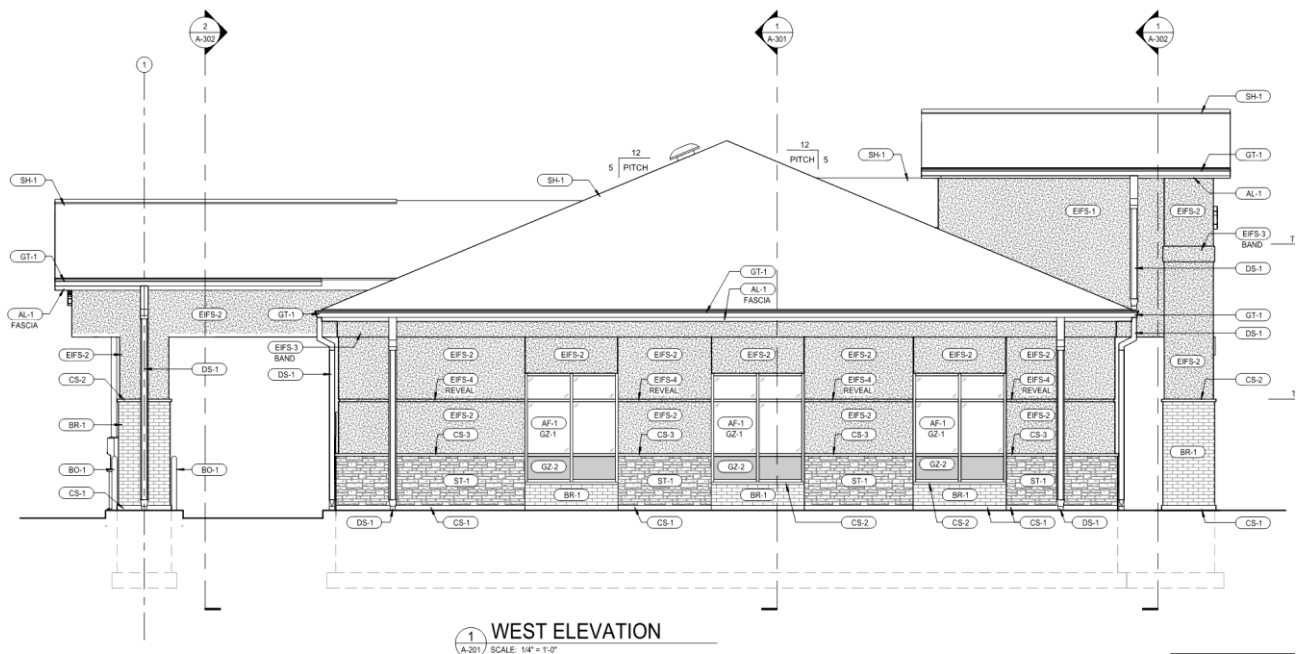
- 1. Site Map Aerial – Dated 4/25/25
- 2. Zoning Map Aerial – Dated 4/25/25
- 3. Site Overview – Dated 5/20/25
- 4. Floor Plan – Dated 5/20/25
- 5. Building Elevations – Dated 5/20/25
- 6. Pictures – Dated 6/11/25



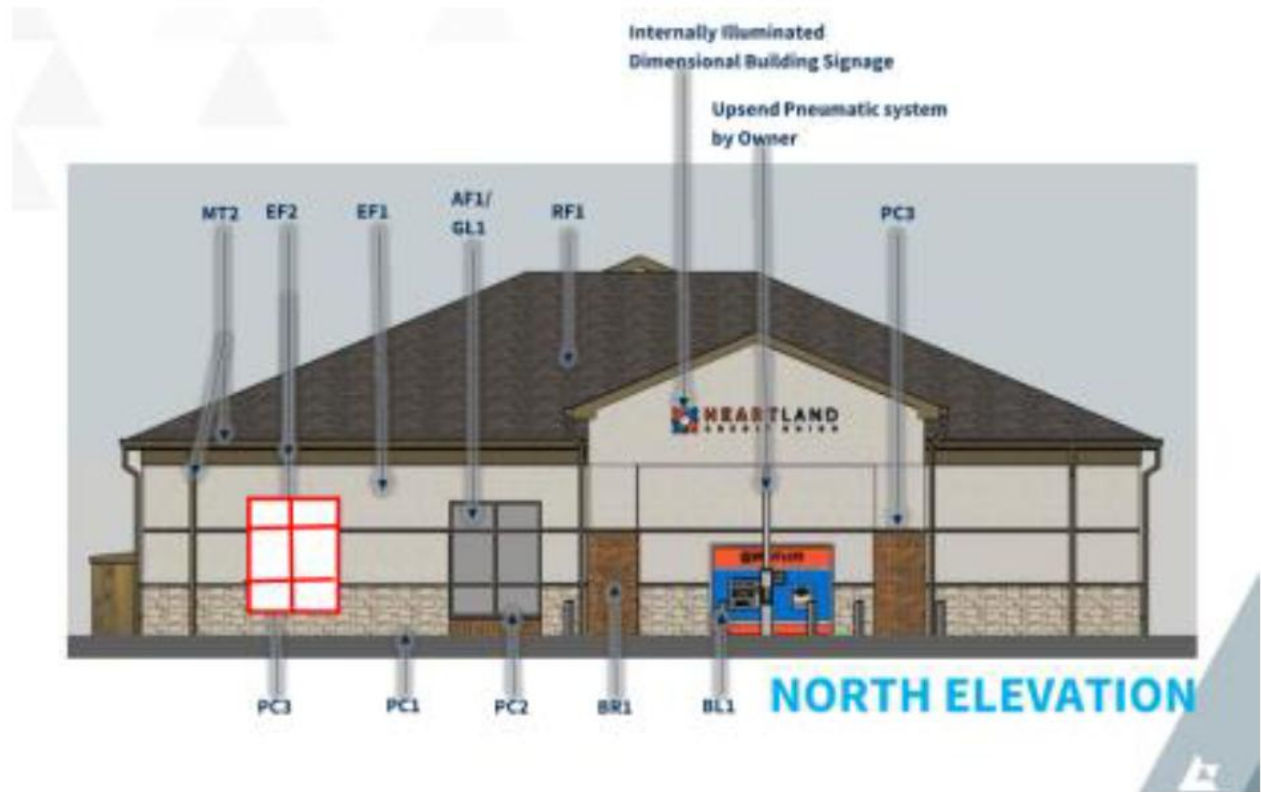








(This north elevation is what would face Main Street / TH13/19 – the eastern window is “spandrel glass” which means it is just for aesthetic purposes and does not actual function as a see-through window)





Looking NE at subject site from internal private driveway.



Looking NW at site from internal private driveway.



Looking East along the south side of site from adjacent vacant lot.



Looking west along the north end of site from the trail adjacent to Main Street / TH13/19



Looking SE at the site from the trail along the north side of the property.



Looking NW towards Kwik Trip and Main St. E./TH13/19



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONTINUED DISCUSSION OF ZONING ORDINANCE / CITY CODE AMENDMENT TO PERMIT THE KEEPING OF BACKYARD CHICKENS.
DATE: JUNE 17, 2025

At the Planning Commission meeting on May 28th, 2025, the public hearing was held regarding the drafted ordinance amendments related to the keeping of backyard chickens with 4 public comments received along with 8 written letters, all of which were in support of allowing backyard chickens. With some questions and comments received during the public hearing leading to the need for further research and clarification, the Planning Commission voted 3-1(Ryan) to direct staff to continue to work on adjustments to the ordinance relating to screening, setbacks, permit cost, etc.

The specific topics staff was tasked with bringing back were:

- How can waste be disposed of?
- Annual versus other fee options?
- Screening – what to require?
- Movable coups and runs possible to allow?
- Building material requirements for coups and runs to review
- Setbacks to own home versus adjacent homes?
- Neighbors to sign off on chickens?

An excerpt of the meeting minutes from May 28th, 2025 is attached for reference.

Additionally since the meeting last month, staff collected additional information regarding chickens in rural residential areas of LeSueur County (see attached) which notes that they are not allowed except for lots larger than 1.49 acres, and a full copy of the City of Lonsdale's new ordinance (see attached).

Regarding waste, the Scott County Environmental department indicated that the SMSC facility does not accept chicken waste, nor can the waste be disposed of at the city's organic collection site or the city's yard waste site. They noted that in other communities in the County many people get rid of their extra waste by giving it away to others who use it in their gardens and noted that they had not received any complaints about chicken waste.

Regarding mobile coops and runs, the City of Lonsdale's new ordinance does not allow coops to move, but does allow runs to move as long as they meet setbacks. The City of Belle Plain also noted that they don't specifically prohibit runs from being moved.

Regarding fees, below are fees that are being charged and the time period of licenses:

Londale - \$25 biannually (same as their dog license fee)

Belle Plaine - \$60 annually

Jordan - \$20 annually

Elko New Market - \$50 initial year and \$30 each year after.

Shakopee – No fee and no registration needed.

Prior Lake – No fee and no registration needed.

I note that the City's dog license fee is currently \$15 annually. Staff would suggest a fee in parity with the dog license fee, but instead making it a biannual fee of \$30. This would cover an initial inspection of the placement of the coop to verify ordinance requirements are met and a follow up inspection every two years to ensure compliance is maintained.

The City cannot require neighbors to sign off on allowing an applicant to have chickens.

Existing City Code Language

The keepings of chickens are currently prohibited in City limits. Specific language on this can be found in § 90.13 of the City Code, as well as in Sections 302 and 405 of the Zoning Ordinance which are provided below:

§ 90.13 KEEPING OF NON-DOMESTICATED AND FARM ANIMALS PROHIBITED.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FARM ANIMALS. *Those animals commonly associated with a farm or performing work in an agricultural setting. Farm animals include, but are not limited to members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, roosters, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees and other animals associated with a farm, ranch or stable.*

NON-DOMESTICATED ANIMAL. *Any wild animal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.*

(B) No person shall keep, maintain or harbor within the city any of the following animals:

(1) Any animal or species prohibited by state or federal law; and/or

(2) Any non-domesticated animal or species, including but not limited to the following:

(a) Any skunk, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies;

(b) *Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats;*

(c) *Any member of the family Canidae, such as wolves, foxes, coyotes, dingos and jackals, except domesticated dogs;*

(d) *Any crossbreed such as the crossbreeds between dogs and coyotes or dogs and wolves, but does not include crossbred domesticated animals;*

(e) *Any poisonous pit viper such as a rattlesnake, coral snake, water moccasin or cobra;*

(f) *Any raccoon;*

(g) *Any ferret;*

(h) *Any other animal which is not listed explicitly above, but which can be reasonably defined as prohibited by the terms of this subchapter, including bears and badgers.*

(3) *Any farm animals as defined in this section.*

(Ord. 1644, passed - -89; Am. Ord. 288, passed 3-7-16) Penalty, see § 10.99

302 Definitions

85. Farm Animals – Those animals commonly associated with a farm or performing work in an agricultural setting. Farm animals include, but are not limited to members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, roosters, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees and other animals associated with a farm, ranch or stable.

405 Existing Farm Operations

All farms currently in existence will be permitted to continue operation subject to the following conditions.

- 1. Any new private stable or other new building in which farm animals are kept shall be a minimum distance of two hundred (200) feet or more from any other occupied lot in a Residential District, and shall require a Conditional Use Permit.*
- 2. The owner of any roadside stand shall be required to apply for a Conditional Use Permit.*
- 3. All properties are prohibited from keeping, maintaining or harboring any Farm Animals as defined by this ordinance.***

Proposed City Code and Zoning Ordinance Language

Highlighted and underlined represent **additions** whereas stricken out represent ~~deletions~~.

Changes from last month's meeting are indicated by a **blue highlight**.

City Code Amendments:

§ 90.13 KEEPING OF NON-DOMESTICATED AND FARM ANIMALS PROHIBITED.

- (A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FARM ANIMALS. Those animals commonly associated with a farm or performing work in an agricultural setting. Farm animals include, but are not limited to members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, roosters, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees and other animals associated with a farm, ranch or stable.

NON-DOMESTICATED ANIMAL. Any wild animal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.

- (B) No person shall keep, maintain or harbor within the city any of the following animals:

- (1) Any animal or species prohibited by state or federal law; and/or
- (2) Any non-domesticated animal or species, including but not limited to the following:
 - (a) Any skunk, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies;
 - (b) Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats;
 - (c) Any member of the family Canidae, such as wolves, foxes, coyotes, dingos and jackals, except domesticated dogs;
 - (d) Any crossbreed such as the crossbreeds between dogs and coyotes or dogs and wolves, but does not include crossbred domesticated animals;
 - (e) Any poisonous pit viper such as a rattlesnake, coral snake, water moccasin or cobra;
 - (f) Any raccoon;
 - (g) Any ferret;
 - (h) Any other animal which is not listed explicitly above, but which can be reasonably defined as prohibited by the terms of this subchapter, including bears and badgers.

- (3) Any farm animals as defined in this section, **excluding chickens which are subject to additional requirements of the Zoning Ordinance.**

Zoning Ordinance Amendments:

Amend Section 405 of the Zoning Ordinance as written below:

405 Existing Farm Operations

All farms currently in existence will be permitted to continue operation subject to the following conditions.

1. Any new private stable or other new building in which farm animals are kept shall be a minimum distance of two hundred (200) feet or more from any other occupied lot in a Residential District, and shall require a Conditional Use Permit.
2. The owner of any roadside stand shall be required to apply for a Conditional Use Permit.
3. All properties are prohibited from keeping, maintaining or harboring any Farm Animals as defined by this ordinance except that backyard chickens are permitted as provided for in Section 747 of this ordinance.

Add new section 747 to the Zoning Ordinance as written below:

747 Keeping of Backyard Chickens

- A. Purpose: The intent of this section is to permit, but limit, the keeping of backyard chickens as an egg source in a clean and sanitary manner which is not a nuisance to or detrimental to the public health, safety, or welfare of the City of New Prague.
- B. Keeping of Backyard Chickens Allowed: A person may keep up to five (5) backyard chickens as an accessory use in any residential zoning district provided that the owner of the backyard chickens resides in a detached dwelling located upon the parcel where the backyard chickens are kept.
- C. Permit Required: A permit is required for the keeping of backyard chickens.
 - a. Those desiring to keep backyard chickens shall file a written application with the Community Development Department on a form provided by the city and pay an application fee as provided for on the City's Official Fee Schedule.
 - b. If the applicant for backyard chickens is not the owner of the parcel where the chickens will be kept, the owner of the parcel must also sign the application.
 - c. The application must include the breed and number of chickens intended to be kept.
 - d. The site plan must be submitted showing the location of the coop and run (while allowing the run to be moved) that meets all setback requirements.
 - e. The Community Development Department will issue the permit.
 - f. The City, upon written notice, may revoke a permit for failure to comply with the provisions of this section or any of the permit's conditions.
 - g. The City may inspect the premises for which a permit has been granted in order to ensure compliance with this section. If the City is not able to obtain the occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.
- D. General Provisions
 - a. The keeping of roosters, guinea hens/fowl and peafowl is prohibited.

- b. No coop or run can be constructed prior to the principal structure.
- c. Backyard chickens cannot be used for fighting or breeding purposes.
- d. Backyard chickens shall be kept in a humane manner that complies with Minnesota Statutes Chapter 343 (as amended).
- e. Slaughtering of chickens, including for culling purposes, is not permitted within city limits. Authorized removal methods include humane euthanasia by a veterinarian or relocation out of the city limits.
- f. Backyard chickens shall not be kept in a dwelling, garage or accessory structure other than those meeting the requirements of an enclosed coop.
- g. All chicken coops and runs must be screened from ~~of adjacent properties or~~ public right of way with a solid fence or landscaping that is at least 4' tall.
- h. Backyard chickens must have access to an enclosed coop meeting the following minimum standards:
 - a. The enclosed coop may not occupy a front or side yard.
 - b. The enclosed coop must have a minimum size of four (4) square feet per backyard chicken and shall not exceed a maximum of forty (40) sq. ft. in total area.
 - c. The enclosed coop shall be setback a minimum of ~~twenty-five (25) feet from any principal structure on the parcel,~~ twenty-five (25) feet from any adjacent principal structure, and at least ~~ten (10)~~ six (6) feet from any property line and cannot encroach upon drainage and utility easements.
 - d. The enclosed coop shall not exceed ~~six (6)~~ eight (8) feet in height.
 - e. The coop must be elevated at least 12" from the ground.
 - f. ~~The enclosed coop shall have a roof type and pitch that is similar to the principal structure on the lot.~~
 - g. ~~The enclosed coop shall employ similar building materials and colors to the principal structure on the lot.~~
 - h. The coop must be maintained in a good condition at all times.
- i. Backyard chickens are not allowed to run at large but must have access to a run meeting the following minimum standards:
 - a. The run shall be fully enclosed, and covered with durable materials ~~and attached to the coop~~ where the backyard chickens can roam unsupervised.
 - ~~b. The run shall adhere to setbacks required but may be detached from the coop and moved around the rear yard only. for the coop to which it is attached.~~
 - c. The run must be enclosed with woven wire or similar fencing material.
 - d. The run must be maintained in a good condition at all times.
 - e. The run cannot exceed six (6) feet in height.
 - f. A maximum of one run is allowed per lot.
 - g. The run shall have a maximum size of twenty (20) sq. ft. per chicken.
- j. The coop and run must be cleaned frequently enough to control odor detectible on adjacent properties and must also be kept in a manner to not become a nuisance as defined by the City Code.
- k. All feed must be stored inside in a rodent proof container.
- l. Persons no longer keeping backyard chickens after receiving a permit shall notify the city and remove the coop and run.
- m. The sale of chickens or chicken byproducts is not permitted in city limits.

- n. Deceased backyard chickens shall be removed as soon as possible but no later than 48 hours after death.

Recommendation

Staff recommends that the Planning Commission discuss the proposed amendments and make a motion regarding the amendments for the City Council's consideration.

Attachments:

- a. Planning Commission Memo – Dated 5/19/25
- b. City Council Summary Memo – Dated 3/27/25
- c. 5/28/25 Planning Commission Meeting minutes plus all written comments received.

Additional Research Since May 28th, 2025 Planning Commission Meeting

Le Sueur County information regarding the keeping of backyard chickens in the Urban/Rural Residential – R1 or Recreational Residential – RR zoning districts:

***From:** Stubbs, Aaron <aaron.stubbs@lesueurcounty.gov>
Sent: Tuesday, June 10, 2025 4:46 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: Re: Question about Backyard Chickens in LeSueur County*

Hey Ken,

We do not allow chickens in either of our residential districts (Urban/Rural Residential - R1 or Recreational Residential - RR).

Chickens would be allowed in the Agriculture (A), Conservancy (C), and Special Protection (SP) Districts, The actual number of chickens allowed is best on Suitable Area Acreage.

Suitable Area Acreage is the remainder of a parcel after you subtract any steep slopes, wetlands, area below an Ordinary High Water Level of a waterbody, or areas enrolled in a government-funded conservation program like CRP or CREP.

For context any parcel with less than 1.49 acres of "Suitable Area" is only allowed to have domestic animals regardless of what zoning district they are in.

I hope this helps!

*Have a good evening,
Aaron*

ORDINANCE 2025-330

AN ORDINANCE AMENDING CHAPTER 90 OF THE LONSDALE CITY CODE CONCERNING CHICKENS

The City Council of the City of Lonsdale hereby ordains:

Section 1. Section 90.01 (A) (3) of the Lonsdale City Code is hereby amended to read as follows:

- (3) Any poultry, including but not limited to, chickens, ducks, geese and turkeys, except as otherwise provided under City Code Section 90.30.

Section 2. Chapter 90 of the Lonsdale City Code is amended to add a new Section 90.30 to read as follows:

§ 90.30 Keeping of Chickens

(A) *Purpose.* It is the purpose and intent to permit, but limit, the keeping of chickens in a clean and sanitary manner which is not a nuisance to or detrimental to the public health, safety and welfare of the City of Lonsdale.

(B) *Definitions.* For the purpose of this Chapter, the following definitions shall apply:

- (1) Chicken shall mean a female chicken.
- (2) Rooster shall mean a male chicken.
- (3) Coop shall mean a stationary enclosed structure used for housing chickens as permitted by this section.
- (4) Run shall mean a movable enclosed outdoor area as permitted by this section, within which chickens may roam.

(C) *Keeping of chickens allowed.*

- (1) A person may keep up to six (6) chickens on residentially zoned property subject to the following:
 - (a) The residential property must contain either: (1) a detached single family home or (2) an attached single family home containing no more than two (2) dwellings.
 - (b) The owner of the chickens must reside on the property where the chickens are kept.
 - (c) The property where chickens are kept is not violation of Chapter §91: Health and Sanitation or §153.057 Nuisances.

(D) *Permit Required.*

(1) A permit is required for the keeping of chickens:

- (a) Those desiring to keep chickens shall file a written application with the city clerk on a form provided by the city and pay an application fee and obtain a permit from the City of Lonsdale. The fee is non-refundable and will not be pro-rated.
- (b) The application shall include an educational handout concerning the raising of backyard chickens in residential areas of the City. Prior to permit issuance, applicant shall execute an acknowledgement that they have read the handout.
- (c) The application shall include the following:
 - i. The number of chickens to be maintained on the premise
 - ii. A written statement that the applicant shall, at all times, keep the chickens in accordance with all of the conditions prescribed by the City and that failure to comply with such conditions shall constitute a violation of this chapter and will be grounds for revoking the permit.
 - iii. The address of the real property where the chickens will be kept.
 - iv. A site plan showing the location and size of the proposed coop and run, setbacks from the coop and run to property lines and surrounding buildings (including houses and buildings on adjacent lots) and the location, style and height of fencing proposed to contain the chickens in a run.
 - v. Other information that may be required by the City Administrator and/or designee, necessary to process the permit.
- (d) The City Administrator and/or designee shall process the application.
- (e) All initial permits shall expire on December 31st of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31st unless sooner revoked.

(E) *Permit Revocations.* The City, upon written notice, may revoke a permit for failure to comply with provisions of this section or any of the permit's conditions.

- (1) The City may revoke any permit issued under this Section if the permit holder fails or refuses to comply with the requirements of this Section or any State, local law governing or Lonsdale City Code Chapters §91: Health and Sanitation; Nuisances, the cruelty to animals or the keeping of animals and §153.057 Nuisances. Any person whose permit is revoked shall have the right to appeal the revocation to the City Council.
- (2) A new permit shall not be issued for a period of two (2) years following revocation of a permit under this Section.

- (3) Any person whose permit is revoked or who fails to renew a permit shall, within ten (10) days thereafter, humanely dispose of all chickens owned, kept or harbored by such person on the property.

(F) *General Standards for Keeping of Backyard Chickens*

- (1) The keeping of roosters is prohibited.
- (2) Chickens shall not be raised or kept for the purpose of fighting.
- (3) Chickens shall not be kept in a principle dwelling or structures not meeting the required setbacks.
- (4) Chickens shall be kept in a stationary coop or accessory structure meeting the following minimum standards:
 - (a) The coop may not occupy a front or side yard
 - (b) A maximum of one (1) coop per lot shall be permitted.
 - (c) The coop shall have a minimum size of four (4) square feet per chicken and shall not exceed a maximum of forty (40) square feet.
 - (d) The coop shall be setback a minimum of twenty (20) feet the principle structure, at least five (5) feet from all property lines and shall not encroach upon utility and drainage easements.
 - (e) The coop and run shall not exceed eight (8) feet in height.
 - (f) Roofs on coops must be made of noncombustible materials.
 - (g) Extension cords and heat sources are prohibited.
 - (h) The coop shall not create a nuisance which may have characteristics related to noise, dust, odors, glare or unsightly building exterior.
 - (i) The coop shall be built to protect chickens from extreme heat and cold.
 - (j) Coops shall be at all times maintained in good condition.
 - (k) Coops shall be locked when the coop is not actively being maintained.
- (5) Chickens shall have access to a Run meeting the following minimum standards:
 - (a) The Run can be temporarily attached to the Coop.
 - (b) The Run shall be setback a minimum of twenty (20) feet from the principle structure, at least five (5) feet from all property lines and shall not encroach upon utility and/or drainage easements.
 - (c) A maximum of one (1) run per lot shall be permitted.
 - (d) The run shall have a maximum size of twenty (20) square feet per chicken.
 - (e) The run shall be fully enclosed and covered with durable materials.
 - (f) Structural components of the run shall be consistent with coop materials.
 - (g) Fencing materials used as run components shall be woven wire materials and high quality wood resistant to moisture rot, aluminum, wrought iron, vinyl, composite or other similar materials and kept in good condition and regularly maintained.

- (h) The run shall be maintained in good condition at all times.
- (6) The following minimum sanitation standards shall be observed at all times:
 - (a) The slaughtering of chickens is prohibited.
 - (b) All premises on which chickens are kept or maintained shall be kept clean from filth, garbage and any substance which attracts rodents. The coop and its surrounding area shall be cleaned frequently to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors to be detectible from another property.
 - (c) All grain and food stored for chickens shall be kept indoors in a rodent-proof container.
 - (d) Chickens shall be kept in such a manner does not constitute a nuisance as provided in City Code Chapters §153.057: Nuisances and §91: Health and Sanitation; Nuisances.
 - (e) Persons no longer intending to keep chickens on the subject property shall notify the City in writing and remove the coop, excluding accessory structures and run no later than ten (10) days from no longer having chickens.
 - (f) The coop and run shall be removed from the property upon permit expiration and/or permit revocation at the property owner's expense no later than ten (10) days from no longer having chickens.

Section 3. This ordinance shall become effective immediately upon its passage and publication according to law.

Adopted by the City Council of the City of Lonsdale, Minnesota this 8th day of May, 2025.



Tom Berg, Mayor

ATTEST:

(S E A L)



Joel A. Erickson, City Administrator

Minutes Excerpt from May 28th, 2025 Planning Commission Meeting

A. Review of Zoning / City Code Amendment – Backyard Chickens

Planning / Community Development Director Ondich presented the staff report. He stated that the city has never had an ordinance allowing chickens, but back in 2016 the City did clarify ordinances that prohibited the keeping of backyard chickens and other farm animals and that discussions from the time stemmed largely from one home that had chickens which were a nuisance to surrounding properties related to smell. He stated that the Planning Commission most recently discussed the topic of backyard chickens at its March 2025 meeting in which it failed to pass a motion to hold a public hearing regarding an ordinance that would allow chickens. He stated that the City Council on April 7th directed the Planning Commission to hold a public hearing at tonight's Planning Commission meeting. He stated that New Prague is the only City in Scott County that does not allow backyard chickens and that the City of Lonsdale approved an ordinance to allow them on May 8th. He provided a summary of the amendments that would allow backyard chickens which included a city code amendment to allowing chickens subject to zoning ordinance requirements and that the zoning ordinance would have a section added with performance standards that would allow up to five chickens, no roosters or guinea fowl or pea fowl, no fighting, breeding or slaughtering allowed, coops and runs must be screened with 4' tall landscaping or fencing, not allow coops in the front or side yard, maximum size of 40 sq. ft., setback 25' from any principal structure, and limit coop height to 6'. He also indicated that prior to the meeting, he had received eight letters of support which were printed and handed out to the Planning Commissioners and would be added into the minutes as part of the official record. The letters in support were from Clayton Crosby, Marija Johansson, Sven-Erik Johansson, Janis Borchers, Jessica Dohm, Mario Rodiles, Elijah Dohm and Jessica Cloutier.

Commissioner Ryan asked how enforcement would be handled and also noted that he believed it may lead to requests for other farm animals in the city.

Planning / Community Development Director Ondich stated that violations would be a misdemeanor and would be handled similar to a nuisance or zoning ordinance violation with a letter being sent providing for a period of time to correct the violation, an appeal process with the City Council and ultimately possibly a citation from the Police Department.

Commissioner Ryan asked what would happen if there was not compliance after that process.

Planning / Community Development Director Ondich stated that with the citation they would need to appear in court, but that the court process takes time and may not provide timely corrections. He stated that administrative citations are an alternative process which is controlled entirely at the local level, but the City does not have such a process in place at this time.

Commissioner Ryan also asked what would happen if the City were to allow backyard chickens and then later prohibit them, would they be grandfathered in?

Planning / Community Development Director Ondich stated that he would have to check with the City Attorney on what would happen in that situation, but he believed they would be grandfathered in possibly for the life of the birds.

A motion was made by Ryan, seconded by Gengel to open the public hearing (4-0). The public hearing opened at 6:53pm.

Sven-Erik Johansson, 707 Heritage Trail NE, stated that he is in favor of allowing backyard chickens and that it appears the main concern is from smell but many of the proposed regulations regarding appearance of the coop would not have any effect on smell and that he didn't think they were necessary. He also noted that the 4' tall screening is not necessary as it also would not solve the smell issue. He asked how the front, side and rear yard limitations were determined. He asked if the chicken waste could be disposed of in the garbage or if there was an alternative disposal location such as the city's compost site.

Jessica Dohm, 710 Heritage Trail NE, stated that she doesn't understand why the question of later disallowing chickens would come up when they aren't even allowed yet. She stated that she is in favor of backyard chickens and does not believe they would lead to other farm animals as there are acreage requirements for larger animal and

therefore chickens should not be considered a gateway animal for other farm animals. She stated that it was noted in a past city presentation that backyard chickens are not economically viable but noted that she did not believe the City should govern what a household's economics are. She stated that for her it would just be a hobby and not making money. She agreed that we do need regulations on keeping coops clean. She stated that she doesn't believe noise would be an issue with roosters being prohibited. She stated that all surrounding communities have found a way to allow backyard chickens and believes New Prague should be able to as well. She stated that she believes the ordinance should allow a coop near the applicant's home instead of requiring a 25' setback which would allow a coop on a patio or under a deck.

Marija Johansson, 707 Heritage Trail NE, stated that the screening requirement in the draft ordinance seems redundant and is not sure what it would accomplish. She stated that those keeping chickens would likely not purchase five at one time and believes someone may start with a couple and obtain others over time so that they have hens that produce over time. She stated that chickens are smaller and quieter than dogs. She stated that if Prior Lake allows chickens, she doesn't see why New Prague can't. She stated that if smell is a concern, she notes that she actually purchases chicken manure for her gardens at home which requires no permit and that she's never heard a complaint. She additionally asked about consideration for mobile coops and runs to move them around the yard.

Clayton Crosby, 504 Prague Court SE, stated that others that had spoken had already provided comment similar to what he provided in his letter. He specifically questioned the setback of coops and runs and the four foot screening requirement as unnecessary. He stated that requiring screening and specific building materials for the coop can disenfranchise those residents with less money. He stated that similarly the setbacks could disenfranchise those with smaller lots who might tend to be those with less money. He stated that he would support a one-time fee versus annual fees. He stated that he would argue that not having a fencing/screening requirement would make it easier for staff and neighbors to tell if chickens are being kept in compliance.

A motion was made by Ryan, seconded by Pike to close the public hearing (4-0). The public hearing closed at 7:17pm.

Chair Meyer stated that he has seen moveable coops and runs and asked if there could be a way to accommodate those. He also asked if the setback to an owner's principal structure could be reduced but still keep the setback to a neighboring house.

Commissioner Pike suggested removing the 25' setback to the principal structure on the owner's lot as well as removing the screening requirement from neighboring properties but keeping the screening to public right of way.

Commissioner Ryan stated that he doesn't believe farm animals should be allowed in the City and that there specifically were problems with the past with chickens. He asked if the ordinance could require adjacent property owners to sign off before someone could get chickens.

Planning / Community Development Director Ondich stated that he would have to ask the City Attorney if a provision to require neighbors to approval would be legal, but he did not believe it to be legal. He stated that he did not have clear direction at this time and would like to have the Planning Commission provide direction to staff regarding the proposed ordinance.

Chair Meyer indicated that he was in favor of continuing to refine the ordinance.

A motion was made by Pike, seconded by Gengel, to direct staff to continue to research and refine the backyard chicken ordinance with changes being made to setbacks, screening, regulations to possibly allow movable coops/runs, material requirements and signoff by neighbors. Motion carried (3-1, Ryan).

Letters related to Review of Zoning / City Code Amendment – Backyard Chickens

The below comments were received Prior to the Planning Commission's Public Hearing on May 28th, 2026 at 6:30PM.

Ken Ondich

From: Sven-Erik Johansson <sjohan1@gmail.com>
Sent: Wednesday, May 28, 2025 4:23 PM
To: Ken Ondich
Subject: Chickens in new prague

To whom it may concern,

I am in favor of fowl freedom and would like to see more backyard, chickens in the city of new Prague.

Sven-Erik Johansson
c(612) 570-0680

From: Minn Mechanical Contractors LLC <mario@minnmechanical.com>
Sent: Wednesday, May 28, 2025 4:26 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: Proposal to Permit Backyard Chickens in New Prague

Dear Planning and Development Department,

We hope this message finds you well.

As proud residents and business owners in New Prague for the past two years, we are deeply invested in the growth and vitality of our community. Our family of six cherishes the quality of life here, and we are committed to contributing positively to the city's development.

We are writing to respectfully propose the consideration of an ordinance permitting the keeping of backyard chickens within city limits. Our motivations for this request are multifaceted:

- **Educational Opportunities:** Raising chickens offers our children hands-on learning experiences about animal care, responsibility, and understanding the origins of their food.
- **Access to Fresh, Nutritious Food:** Backyard chickens provide a reliable source of fresh eggs, enhancing our family's food security and nutrition.
- **Food Waste Reduction:** Chickens can consume household food scraps, thereby reducing the amount of waste sent to landfills. Notably, a 2010 initiative in Limburg, Belgium,

provided three chickens to 2,000 households, resulting in a 50% reduction in household food waste among participants .

With New Prague's population estimated at 8,240 residents in 2023 , implementing a similar program could significantly decrease local food waste, aligning with broader sustainability goals.

We acknowledge that other municipalities in Scott County have adopted ordinances allowing residents to keep backyard chickens under specific guidelines. We believe that New Prague could similarly benefit from such a policy, promoting sustainability and community engagement.

We kindly request the city to consider drafting an ordinance that would permit residents to keep a limited number of hens (excluding roosters) under defined conditions, such as secure enclosures, proper sanitation, and respect for neighboring properties.

Thank you for considering our proposal. We would welcome the opportunity to discuss this further and provide any additional information you may require.

Sincerely,

Mario Rodiles
Minn Mechanical Contractors LLC
612-523-0055
mario@minnmechanical.com
minnmechanical.com

From: Marija Johansson <marija.johansson18@gmail.com>
Sent: Wednesday, May 28, 2025 3:37 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: In Favor of Chickens

Hello Ken,

My name is Marija Johansson. I live in town at 707 Heritage Trl NE. I will be in attendance at the meeting this evening. I am in favor of allowing chickens in town.

Regards,
Marija

Sent from my iPhone

From: jessica dohm <jessicadohm@hotmail.com>
Sent: Wednesday, May 28, 2025 3:43 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: Backyard Chickens

Dear Ken,

I'm writing as a local resident to share my support for backyard chickens (hens) in New Prague.

Keeping chickens offers real, everyday benefits—like fresh eggs, teaching kids about responsibility and food sources, and even cutting down on bugs in the yard. I understand there are concerns about noise and cleanliness, but a small flock of hens is quieter than most dogs (my own included), and odors are minimal when coops are properly maintained. Roosters, which are the real source of noise complaints, aren't needed for eggs and can be excluded by ordinance.

New Prague is the only city in Scott County that still prohibits backyard chickens. Our neighbors in Prior Lake, Savage, and Shakopee have already figured out a balanced way to make this work. If you can have chickens in metropolitan city like Minneapolis, you should be able to have chickens in New Prague.

For those who argue that allowing backyard chickens would open the door to other farm animals within city limits—such as horses, pigs, or cows—it's important to note that large livestock are already strictly regulated by existing zoning laws and acreage requirements. These regulations make it impractical, and in most cases impossible, to keep such animals on standard residential lots. Backyard chickens, by contrast, can be responsibly managed on small parcels without disrupting the community.

I hope you'll consider moving forward with a thoughtful ordinance that supports sustainability, personal responsibility, and aligns us with the rest of our neighboring cities.

Thank you for your time and consideration.

Sincerely,

Jessica Dohm
710 Heritage Trail NE
New Prague, MN 56071

From: JESSICA CLOUTIER <jmcloutier3@gmail.com>
Sent: Wednesday, May 28, 2025 4:37 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: Chickens

Hello,

I am writing you to let you know that I support backyard chickens in New Prague.

Jessica Cloutier
210 10th St SE, New Prague, MN 56071

From: Jan Borchers <jborchers17@gmail.com>
Sent: Wednesday, May 28, 2025 3:59 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: Chickens

Hi Ken ~

I want to weigh in real quick with my support for backyard chickens! Regulate it just well enough to ensure success for those who are interested. We are a rural community enough where this should be allowed, because:

Chicken are interesting!

Eggs!

Another pet for children and excellent opportunity to learn care, responsibility, animal husbandry, possible business selling eggs!

People are really into building excellent coops and quarters to house their chickens — creativity abounds!

Let's give people the opportunity to have backyard chickens in New Prague!

Thank you for your consideration, Ken.

Janis Borchers
Sent from my iPhone

From: Eli Dohm <eli@autowashsystems.com>
Sent: Wednesday, May 28, 2025 4:07 PM
To: Ken Ondich <kondich@ci.new-prague.mn.us>
Subject: New Prague Chickens!

To whom it may concern,

I am in full support of having chickens in town!

People already do though they are currently not allowed.

Why not, friends in Prior Lake can have ducks.



Elijah Dohm

Vice President

Office: 952-223-4076 Direct: 952-223-4073

Eli@autowashsystems.com

407 4th Ave SW, New Prague, MN 56071

www.autowashsystems.com



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From: Lord Magnus <poorchristiansoldier@gmail.com>

Sent: Monday, May 26, 2025 1:59 PM

To: Ken Ondich <kondich@ci.new-prague.mn.us>

Subject: Backyard Chickens

Dear New Prague City Planning Department

It has been brought to my attention that the city council is considering allowing backyard chickens in city limits. As a resident of New Prague I am in support of allowing backyard chickens.

Having chickens comes with many positives. Firstly, due to the economic strain felt by all, any little bit of ability to source one's own food can make a huge positive difference. Secondly, sourcing one's own food, eating clean and fresh, improves the physical well being of those who participate. This is due not only to the clean ingredients but also to the fact that raising food, whether it's eggs or gardening, requires one to get outside. Not only is this beneficial to the physical health of an individual but it also positively affects the mental health of the individual and in turn the community as a whole. These are just some of the benefits that would come from allowing this to pass.

I have seen some people's concerns such as smell, noise and pests. I think those with these concerns are mistaken. It seems to me they are afraid of these things that can potentially come with large scale chicken operations, where chickens are cooped up in large numbers and feed is mishandled. You will not have these problems with smaller numbers, especially the proposed 5 hen limit. Also these concerns could happen with other pets like dogs just as easily but dogs are allowed. Don't get me wrong, I am not advocating for banning dogs(we love dogs!), just making the point that if it's not a problem with them it won't be a problem with chickens.

Some suggestions I have regarding the proposed ordinance. Firstly it seems that the requirements in the proposed amendment to the ordinance are too restrictive.
example:

g. All chicken coops and runs must be screened from of adjacent properties or public right of way with a solid fence or landscaping that is at least 4' tall.

I see this as a barrier to entry. I see no reason for this requirement other than to prevent those poorest among us(the very people that would need and benefit from being able to have chickens)

from being able to have chickens. Fencing and landscaping are very expensive and many cannot afford it. Also I do like the openness of the community and would hate to see everybody erect fences, shutting themselves off from one another, if they even could afford it. Eliminating this requirement would also make it easier for the city to be able to "inspect" the chicken setup without needing to go onto the owner's property thereby eliminating the need for this section and the messiness that could come from having to get a warrant or revoke a permit. *g. The City may inspect the premises for which a permit has been granted in order to ensure compliance with this section. If the City is not able to obtain the occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.*

Another point is that the proposed setbacks really restrict the ownership of chickens to those with larger areas, i.e. the wealthy, thereby disenfranchising the struggling among us.

I would also suggest the run not be required to be attached to the coop. Being able to move the run would help keep bug populations under control and also would help prevent the accumulation of any feces if any.

I did not see a permit fee but I suggest you make it as little as possible for reasons I have already stated regarding other over restrictive aspects of this ordinance.

You have an opportunity to do good for the people you represent and I hope you do the right thing. Not only will it be greatly appreciated by the town but you will be helping to foster an environment of closeness and community, something that seems to be disappearing from New Prague over the years I have known her.

Though we have been late to getting around to allowing chickens, as far as other cities and towns around us, we have the opportunity to do it better and create a city of liberty and closeness worthy of the New Prague pride that many of us have. Let's be the shining example of what it means to be American!

Thank You
Clayton Crosby
504 prague ct se

The below comment was received by the Planning Department on 6/2/25 at 7:19AM via a City Council Member and City Administrator and was not included as part of the Public Hearing comment on 5/28/25. Had the comment been received by the Planning Department prior to the hearing, it would have been included as information at the meeting.

From: Brian Paulson <bpaulson75fb@gmail.com>

Sent: Monday, May 26, 2025 10:49 PM

To: Maggie Bass <MBass@ci.new-prague.mn.us>

Subject: Support for Proposed Zoning Ordinance and City Code Amendments to Permit Backyard Chickens

Maggie,

I am writing to express my support for the proposed amendments to permit the keeping of backyard chickens in New Prague. Unfortunately, I cannot attend the Planning Commission's public hearing, due to my son's soccer game in Owatonna at 6 PM. If possible, I kindly request that you read this letter aloud during the public hearing, as I understand this is a common practice for such meetings in some cities, per guidance from the League of Minnesota Cities. If that's not feasible, please share this letter with the other Planning Commission members for their consideration.

Dear Members of the Planning Commission,

I am writing to express my strong support for the proposed amendments to permit backyard chickens. I believe this proposal strikes an appropriate balance between enabling residents to engage in sustainable practices and addressing potential concerns through thoughtful restrictions.

It appears that many opponents of this proposal may not have fully reviewed the draft policy. The proposed regulations are notably restrictive and directly address common concerns raised in past discussions, such as those noted in 2016 regarding odor, noise, and disease. For example, the ordinance mandates:

- A maximum of five hens (no roosters, which eliminates louder vocalizations).
- Screening of coops and runs with a solid fence or landscaping at least 4 feet tall to minimize visibility from adjacent properties.
- Strict sanitation standards, including frequent cleaning to control odors and storage of feed in rodent-proof containers to prevent pest attraction.

Additionally, the setback requirements and the prohibition of slaughtering within city limits further mitigate potential nuisances. Contrary to concerns about attracting pests, backyard chickens can actually reduce pest populations by consuming insects, contributing to a more natural form of pest control.

More broadly, I believe governments should set a low regulatory bar to maximize individual freedom and allow local communities to impose stricter standards as needed. The proposed ordinance achieves this by establishing clear, enforceable guidelines while leaving room for neighborhoods to impose additional restrictions through mechanisms like Homeowners' Associations (HOAs). If residents feel strongly about controlling aspects of their neighbors' properties—such as prohibiting backyard chickens, dictating house colors, or regulating satellite dishes—they can choose to live in an HOA-governed community. This approach respects both individual autonomy and community preferences, allowing New Prague to remain inclusive while empowering residents to self-organize.

The proposed ordinance aligns with these regional standards and supports residents' growing interest in sustainable, self-sufficient practices, especially amid rising egg costs.

I urge the Planning Commission to recommend approval of these amendments. This policy is a well-crafted step toward fostering personal responsibility, environmental sustainability, and community choice, while addressing potential concerns through robust regulations.

Thank you for your consideration.

Brian Paulson
206 4th ST SW



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
KYRA CHAPMAN, PLANNER
SUBJECT: PUBLIC HEARING FOR ZONING ORDINANCE / CITY CODE AMENDMENT
TO PERMIT THE KEEPING OF BACKYARD CHICKENS.
DATE: MAY 19, 2025

At the March 26th, 2025 Planning Commission meeting, a motion failed to pass to hold a public hearing to discuss a concept review for the keepings of backyard chickens. Despite this failed motion, at their meeting on April 7th, the City Council directed the Planning Commission to hold a public hearing to gather public input on the subject of keeping backyard chickens. To generate feedback from the Planning Commission and the public, staff have drafted Zoning Ordinance and City Code amendments to allow the keepings of chickens in certain residential zoning districts. The proposed amendments are based on research of area cities that allow the keeping of backyard chickens.

As additional background, the topic of backyard chickens was last discussed by the City in 2016 in which city ordinances were strengthened to not allow backyard chickens. It is noted at this time that New Prague is the only city in Scott County that does not allow the keeping of backyard chickens. Very recently, the City of Lonsdale approved an ordinance on 5/8/25 that allows the keeping of backyard chickens as well.

Existing City Code Language

The keepings of chickens are currently prohibited in City limits. Specific language on this can be found in § 90.13 of the City Code, as well as in Sections 302 and 405 of the Zoning Ordinance which are provided below:

§ 90.13 KEEPING OF NON-DOMESTICATED AND FARM ANIMALS PROHIBITED.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FARM ANIMALS. *Those animals commonly associated with a farm or performing work in an agricultural setting. Farm animals include, but are not limited to members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, roosters, turkeys), fowl*

(ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees and other animals associated with a farm, ranch or stable.

NON-DOMESTICATED ANIMAL. Any wild animal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.

(B) No person shall keep, maintain or harbor within the city any of the following animals:

- (1) Any animal or species prohibited by state or federal law; and/or
- (2) Any non-domesticated animal or species, including but not limited to the following:
 - (a) Any skunk, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies;
 - (b) Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats;
 - (c) Any member of the family Canidae, such as wolves, foxes, coyotes, dingos and jackals, except domesticated dogs;
 - (d) Any crossbreed such as the crossbreeds between dogs and coyotes or dogs and wolves, but does not include crossbred domesticated animals;
 - (e) Any poisonous pit viper such as a rattlesnake, coral snake, water moccasin or cobra;
 - (f) Any raccoon;
 - (g) Any ferret;
 - (h) Any other animal which is not listed explicitly above, but which can be reasonably defined as prohibited by the terms of this subchapter, including bears and badgers.

(3) Any farm animals as defined in this section.

(Ord. 164A, passed - -89; Am. Ord. 288, passed 3-7-16) Penalty, see § 10.99

302 Definitions

85. *Farm Animals* – Those animals commonly associated with a farm or performing work in an agricultural setting. Farm animals include, but are not limited to members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, roosters, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees and other animals associated with a farm, ranch or stable.

405 Existing Farm Operations

All farms currently in existence will be permitted to continue operation subject to the following conditions.

- 1. Any new private stable or other new building in which farm animals are kept shall be a minimum distance of two hundred (200) feet or more from any other occupied lot in a Residential District, and shall require a Conditional Use Permit.*
- 2. The owner of any roadside stand shall be required to apply for a Conditional Use Permit.*
- 3. All properties are prohibited from keeping, maintaining or harboring any Farm Animals as defined by this ordinance.*

Proposed City Code and Zoning Ordinance Language

Highlighted and underlined represent **additions** whereas stricken out represent ~~deletions~~.

City Code Amendments:

§ 90.13 KEEPING OF NON-DOMESTICATED AND FARM ANIMALS PROHIBITED.

- (A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FARM ANIMALS. Those animals commonly associated with a farm or performing work in an agricultural setting. Farm animals include, but are not limited to members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, roosters, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees and other animals associated with a farm, ranch or stable.

NON-DOMESTICATED ANIMAL. Any wild animal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.

- (B) No person shall keep, maintain or harbor within the city any of the following animals:

- (1) Any animal or species prohibited by state or federal law; and/or
- (2) Any non-domesticated animal or species, including but not limited to the following:
 - (a) Any skunk, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies;
 - (b) Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats;
 - (c) Any member of the family Canidae, such as wolves, foxes, coyotes, dingos and jackals, except domesticated dogs;
 - (d) Any crossbreed such as the crossbreeds between dogs and coyotes or dogs and wolves, but does not include crossbred domesticated animals;
 - (e) Any poisonous pit viper such as a rattlesnake, coral snake, water moccasin or cobra;

- (f) Any raccoon;
- (g) Any ferret;
- (h) Any other animal which is not listed explicitly above, but which can be reasonably defined as prohibited by the terms of this subchapter, including bears and badgers.

(3) Any farm animals as defined in this section, excluding chickens which are subject to additional requirements of the Zoning Ordinance.

Zoning Ordinance Amendments:

Amend Section 405 of the Zoning Ordinance as written below:

405 Existing Farm Operations

All farms currently in existence will be permitted to continue operation subject to the following conditions.

1. Any new private stable or other new building in which farm animals are kept shall be a minimum distance of two hundred (200) feet or more from any other occupied lot in a Residential District, and shall require a Conditional Use Permit.
2. The owner of any roadside stand shall be required to apply for a Conditional Use Permit.
3. All properties are prohibited from keeping, maintaining or harboring any Farm Animals as defined by this ordinance except that backyard chickens are permitted as provided for in Section 747 of this ordinance.

Add new section 747 to the Zoning Ordinance as written below:

747 Keeping of Backyard Chickens

- A. Purpose: The intent of this section is to permit, but limit, the keeping of backyard chickens as an egg source in a clean and sanitary manner which is not a nuisance to or detrimental to the public health, safety, or welfare of the City of New Prague.
- B. Keeping of Backyard Chickens Allowed: A person may keep up to five (5) backyard chickens as an accessory use in any residential zoning district provided that the owner of the backyard chickens resides in a detached dwelling located upon the parcel where the backyard chickens are kept.
- C. Permit Required: A permit is required for the keeping of backyard chickens.
 - a. Those desiring to keep backyard chickens shall file a written application with the Community Development Department on a form provided by the city and pay an application fee as provided for on the City's Official Fee Schedule.
 - b. If the applicant for backyard chickens is not the owner of the parcel where the chickens will be kept, the owner of the parcel must also sign the application.

- c. The application must include the breed and number of chickens intended to be kept.
- d. The site plan must be submitted showing the location of the coop and run that meets all setback requirements.
- e. The Community Development Department will issue the permit.
- f. The City, upon written notice, may revoke a permit for failure to comply with the provisions of this section or any of the permit's conditions.
- g. The City may inspect the premises for which a permit has been granted in order to ensure compliance with this section. If the City is not able to obtain the occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.

D. General Provisions

- a. The keeping of roosters, guinea hens/fowl and peafowl is prohibited.
- b. No coop or run can be constructed prior to the principal structure.
- c. Backyard chickens cannot be used for fighting or breeding purposes.
- d. Backyard chickens shall be kept in a humane manner that complies with Minnesota Statutes Chapter 343 (as amended).
- e. Slaughtering of chickens, including for culling purposes, is not permitted within city limits. Authorized removal methods include humane euthanasia by a veterinarian or relocation out of the city limits.
- f. Backyard chickens shall not be kept in a dwelling, garage or accessory structure other than those meeting the requirements of an enclosed coop.
- g. All chicken coops and runs must be screened from adjacent properties or public right of way with a solid fence or landscaping that is at least 4' tall.
- h. Backyard chickens must have access to an enclosed coop meeting the following minimum standards:
 - a. The enclosed coop may not occupy a front or side yard.
 - b. The enclosed coop must have a minimum size of four (4) square feet per backyard chicken and shall not exceed a maximum of forty (40) sq. ft. in total area.
 - c. The enclosed coop shall be setback a minimum of twenty-five (25) feet from any principal structure on the parcel, twenty-five (25) feet from any adjacent principal structure, and at least ten (10) feet from any property line and cannot encroach upon drainage and utility easements.
 - d. The enclosed coop shall not exceed six (6) feet in height.
 - e. The coop must be elevated at least 12" from the ground.
 - f. The enclosed coop shall have a roof type and pitch that is similar to the principal structure on the lot.
 - g. The enclosed coop shall employ similar building materials and colors to the principal structure on the lot.
 - h. The coop must be maintained in a good condition at all times.
- i. Backyard chickens are not allowed to run at large but must have access to a run meeting the following minimum standards:
 - a. The run shall be fully enclosed, covered and attached to the coop where the backyard chickens can roam unsupervised.
 - b. The run shall adhere to setbacks required for the coop to which it is attached.
 - c. The run must be enclosed with woven wire or similar fencing material.
 - d. The run must be maintained in a good condition at all times.

- e. The run cannot exceed six (6) feet in height.
- j. The coop and run must be cleaned frequently enough to control odor detectible on adjacent properties and must also be kept in a manner to not become a nuisance as defined by the City Code.
- k. All feed must be stored inside in a rodent proof container.
- l. Persons no longer keeping backyard chickens after receiving a permit shall notify the city and remove the coop and run.
- m. The sale of chickens or chicken byproducts is not permitted in city limits.
- n. Deceased backyard chickens shall be removed as soon as possible but no later than 48 hours after death.

Recommendation

Staff recommends that the Planning Commission hold the required public hearing and provide feedback to City staff regarding the proposed city code and zoning ordinance amendments on the keeping of backyard chickens at the May 28th Planning Commission meeting.

Attachments:

- a. City Council Summary Memo – 3/27/25



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: UPDATE ON POSSIBLE ZONING / CITY CODE AMENDMENTS FOR KEEPING OF BACKYARD CHICKENS
DATE: MARCH 27, 2025

Planning Commission Summary

At the Planning Commission meeting on March 26, 2025, a concept review report was discussed regarding the keeping of backyard chickens. In summary, the report contained some historical information about the last time the topic was discussed in 2016 in which the ordinances were strengthened to not allow the keeping of backyard chickens, noted that New Prague is the only City in Scott County that does not allow backyard chickens, benefits and drawbacks of keeping backyard chickens and finally asked for direction from the Planning Commission regarding the topic.

The Planning Commission did open a public hearing with one resident, Brian Paulson, providing comment that he felt the possible coop size seemed small and that keeping chickens is not financially beneficial but it is to be self sufficient and to teach kids, but that he personally can't keep chickens as it's a daily commitment to keep them even though he has property south of town where both of his neighbors keep chickens. He also added that with rules in place it would prevent issues and to consider allowing chickens in heated garages and only charging a one-time fee versus an annual fee.

A motion was made and seconded to draft an ordinance and hold a public hearing at the April Planning Commission meeting. The motion ultimately did not pass as the vote was 2-2 (Pike, Meyer voting for and Ryan and Gengel voting against).

Based on the vote, staff is not planning to continue to work on this matter further unless otherwise directed by the City Council.

Recommendation

City Council to provide direction to staff on whether to continue to work towards drafting an ordinance regarding the keeping of backyard chickens.



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
KYRA CHAPMAN – PLANNER
SUBJECT: CONCEPT REVIEW OF ZONING / CITY CODE AMENDMENT ON BACKYARD CHICKENS
DATE: FEBRUARY 25, 2025

Background

Recently staff have received several inquiries about the keeping of backyard chickens. This topic is likely at least a partial result of the national rising cost of eggs. Under City Code § 90.13, non-domesticated animals and farm animals, which include chickens, are prohibited in City limits. Although the City has never allowed chickens within City limits, the topic was last revisited in 2016, when the council ultimately decided to create clear language banning backyard chickens and other farm animals. The reason for this legislative choice was due to several nuisance complaints from neighbors regarding smell, sound, and concern for the spreading of avian diseases relating to a couple of locations of illegal backyard chickens within city limits. At the time, the complaints were mainly spurred from circumstances in which neighbors did not frequently maintain and clean their chicken coops.

At the February 3rd, 2025, council meeting, the city council directed staff to compile research and revisit the topic of backyard chickens due to growing resident interest. Staff have discovered that several nearby communities allow chickens such as Belle Plaine, Jordan, Elko New Market, Savage, Prior Lake, and Shakopee. Whereas other communities such as Lonsdale prohibit chickens, (however, according to a recent news article, Lonsdale is drafting ordinance language to allow chickens despite the Planning Commission's majority vote in opposition of backyard chickens). Attached to this memo are their codes verbatim for reference.

Of the communities researched that allow chickens, some common ordinance requirements were as follows:

- Must follow Minnesota State Statue 343 – Prevention of Cruelty to Animals
- Chickens are allowed in certain districts (agricultural and or residential)
- A maximum number of chickens allowed (Ex. 4-6 chickens).
- Roosters are prohibited
- Chickens may not be slaughtered or used for fighting. Chicken products cannot be sold but individuals may allow them for personal use
- Grain/food must be kept indoors in a rodent proof container
- Chickens cannot be kept in garages or inside the home

- Coops must be kept clean and sanitary, removing feces, urine, and food on a regular basis. Keeping of chickens shall not result in a nuisance
- Chickens are not allowed to run at large
- One coop and one run are allowed per property. Minimum size coop/size run requirements per number of chickens. (Ex. Enclosed coop must have a minimum size of 4 sq ft per animal and shall not exceed 40 sq ft total).
 - Must be a certain distance away from the principal structure and adjacent residential dwelling units (Ex. 25'-50')
 - Chicken coop only allowed in the rear yard. Height requirements of the coop (Ex. 6'-10')
 - Coop must be screened from view with a solid fence or landscaped buffer (minimum height requirements)

A memo from the League of Minnesota Cities (LMC) also provided general requirements that cities may impose if they allow chickens within city limits. (LMC also has sample ordinances.) Common requirements found in city ordinances include:

- Allowing only hens (as opposed to roosters)
- Limiting the number of hens
- Requiring coops or runs be in sanitary and humane condition
- Chickens must be in a contained and controlled manner
- Coops must be kept a certain distance from structures and property lines

Compiled Research

Positives/Benefits:

Backyard chickens allow owners to produce their own eggs rather than going to the grocery store, providing owners with more autonomy over their food production. Ultimately, owners will have access to fresh eggs and thus no concerns about unhealthy additives. Fresh eggs usually have less saturated fats and bad cholesterol than eggs found in grocery stores.

Chickens start producing eggs from 6 months old to 5-10 years of age. Egg production peaks within the first two years of their life and within a typical week, they lay about six eggs. First time backyard chicken owners will likely see high egg production early on. Families may find joy in raising chickens, much like people do with other pets and find them entertaining to watch. Furthermore, it's a great opportunity for families to educate their children on responsibility and agricultural practices.

Breeds vary in temperament, egg production, size, weather resilience, maintenance, and food consumption, giving owners more flexibility and choices on what works for them. Similarly, owners could own endangered or rare chicken breeds, preserving genetic diversity in poultry. Although chicken diet typically includes grains and insects, they also consume leftover vegetables and fruit, which is a more sustainable way to reduce household food waste rather than adding more food waste to our landfills. Speaking of waste, their feces are rich in nitrogen, phosphorus, and potassium, making it a great fertilizer for gardens.

According to an article from the League of Minnesota Cities, the City of Monticello adopted an ordinance to allow chickens due to high community interest. The City of Dayton and Monticello have few to no issues since chickens have been allowed. Monticello specifically drafted their ordinance to prevent potential complaints. To receive a chicken permit, Monticello requires detailed coop plans, information on the breed/number of chickens, signatures of approval from abutting neighbors, and inspections from an animal control officer.

Negatives/Drawbacks:

According to the University of Minnesota, the most common issues with backyard chickens are related to odor, noise, pests, and the transmission of diseases. The CDC states that diseases transferred from chickens to humans include salmonella, campylobacter, avian influenza, histoplasmosis, E.coli, and Chlamydia. Diseases such as salmonella and campylobacter are first found in a chicken's stomach and then their feces. Individuals may become ill when cleaning coops or collecting eggs. The CDC finds that most people "with salmonella handled chicks or ducklings. Of those individuals, 45 percent were children". Older adults and young children, or those with weakened immune systems are more susceptible to these diseases. Prevention of the above diseases requires appropriate wear, handling/storing/cooking eggs, thorough hand washing, weekly coop cleaning and veterinarian appointments when poultry is sick.

Odor can be pungent when feces cumulate, especially without frequent coop cleanings and warm weather. Odor, feces, and food may also attract pests such as flies, mice, foxes, and racoons if the coop is not clean and if food is not stored correctly. In terms of noise, chickens make soft tone vocalizations, but some individuals may find this a nuisance. Hens typically make more noise when they lay eggs in the morning or when they are startled.

Although many people may find backyard chickens gratifying, there is a significant time commitment for caring for backyard chickens. There is significant time spent on daily feeding, watering, and egg collection and weekly or monthly coop cleaning. Backyard chickens may not be a good idea if an individual has a limited amount of time or commitment.

An article from the New York Times found that despite the rising costs of eggs, raising your own chickens will not be cheaper than grocery store eggs and will involve a lot more upkeep. There are several upfront costs such as purchasing chickens, infrastructure (coop), feeders, waterers, and heaters as well as reoccurring expenses like bedding, food, water, cleaning materials, and medical supplies. Having fewer chickens will decrease startup costs but less chickens will result in less egg production. Not to mention, hens usually produce an egg every 24-26 hours but sometimes they may not produce an egg each day especially as they are past their prime egg laying age, it's the winter season, and there are reduced daylight hours. To break even on operating costs, an individual would require 20-30 chickens in their prime productive egg laying years.

Alliant Credit Union calculated costs for backyard chickens and estimated the following expenses: coop \$300-\$500, \$3-\$5 per chick, \$20-\$50 per an egg laying hen, \$20-\$50 for feed per month, \$25-\$100 per medical visit, and \$10 for associated monthly expenses (repairs, woodchips, bedding, etc.). Alliant Credit Union anticipates that the start-up cost will be about \$590 and \$25 per month, not including medical bills.

Summary

This research is not to be presented to decide on specific language but is presented as background information. The information presented is given to help the Planning Commission decide whether or not backyard chickens should be allowed in city limits. If there is an inclination to consider allowing backyard chickens, staff would prepare an ordinance with performance standards for consideration and a public hearing at a future Planning Commission meeting. Ultimately, the City Council would need to approve both a zoning ordinance amendment and City Code amendment to allow backyard chickens.

Staff Recommendation

Staff recommends the Planning Commission discuss the keeping of backyard chickens and provide staff direction on if an ordinance amendment should be prepared to allow them. No formal hearing is required for this

Other Cities' Ordinances on Backyard Chickens

Belle Plaine – 800.18 Chickens

Subd. 1. The intent of this section is to permit, but limit, the keeping of chickens as an egg source in a clean and sanitary manner which is not a nuisance to or detrimental to the public health, safety, or welfare.

Subd. 2. The keeping of up to six (6) chickens for personal use at single or two family residences zoned R-1 Low Density Single Family Residential District, R-2 Low Density Single Family Residential District, or R-3 Medium Density One and Two Family Residential is permitted subject to conditions of Subd. 3 – Subd. 6.

Subd. 3. Permit Required. A permit is required for keeping of chickens.

a. The permit application shall be on a form provided by the City and accompanied by a one-time fee specified in the annual fee schedule.

b. The application shall include:

1. A site plan illustrating:

- i. The location and size of the proposed coop and run.
- ii. Proposed setbacks from the coop and run to property lines and residential dwellings, including those on abutting lots.
- iii. Proposed coop and run materials.
- iv. Proposed run height.

2. Consent of the property owner for keeping of chickens.

3. A written statement that the applicant shall at all times keep chickens in accordance with all conditions prescribed by the City and that failure to obey such conditions shall constitute a violation of the provisions of this Section and shall be grounds for denial of a permit application or revocation of an existing permit.

4. Other information required by the City necessary to process the permit.

c. The City may inspect the premises for which a permit has been applied or granted in order to ensure compliance with this Section. If the City is not able to obtain the occupant's consent to inspect the property, a permit may not be granted or, if issued, may be immediately revoked.

d. The City may revoke any permit issued under this Section if the permit holder fails or refuses to comply with the requirements of the Section or any state or local law governing the cruelty to animals or the keeping of animals. Any person whose permit is revoked shall within ten (10) days humanely dispose of all chickens owned, kept, or harbored at the subject property. Any person whose permit is revoked shall completely remove required coop and run within thirty (30) days.

e. Persons no longer intending to keep chickens on a subject property shall notify the City in writing and remove required coop and run.

Subd. 4. Standard of Care.

a. Keepers of chickens shall adhere to good management and husbandry practices and maintain hens in such a condition so as to prevent distress, disease, and welfare issues.

b. Keepers of chickens shall provide appropriate food, liquid (unfrozen) water, shelter, light, warmth, ventilation, veterinarian care, and opportunities for essential behaviors such as scratching, pecking, dust-bathing, and roosting.

c. Chickens shall be kept in a humane manner that complies with Minnesota Statutes Chapter 343.

d. Animal health authorities shall be notified immediately of any disease issues that arise and may affect the public.

Subd. 5. General Standards for Keeping of Chickens.

a. Keeping of roosters is not permitted.

b. Raising of chickens for breeding or fighting purposes is prohibited.

c. Slaughtering of hens, including for culling purposes, is not permitted within the City limits. Authorized removal methods include humane euthanasia by a veterinarian or relocation out of the City limits.

d. Keeping of chickens in a residence, porch, or attached garage is not permitted.

e. Keeping of chickens is for personal use. The sale of chickens or any chicken byproduct, including eggs, on or from the subject property is not allowed.

f. All grain and food shall be stored indoors in a rodent proof container.

g. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area shall be cleaned frequently to control odor.

h. Waste materials including manure, litter, and feed shall not accumulate in a way that causes an unsanitary condition or causes odors to be detectible from another property. Waste shall be disposed of in an environmentally responsible manner. Piling waste materials on the subject property is prohibited.

i. Deceased chickens shall be removed as soon as possible but no later than 24 hours after death and shall be disposed of by double bagging and placing in the garbage or taking to a veterinarian for disposal.

J. Chickens shall be properly protected from the weather and predators in a coop and have access to the outdoors in a run or exercise yard, consistent with Subd. 6.

Subd. 6. Coop and Run Standards.

- a. One coop and one run or exercise yard is allowed per parcel. The coop and run must be accessory to an existing residential dwelling on the same parcel.
- b. The coop and run shall be located in the rear yard of the parcel and setback a minimum of:
 - 1. Ten (10) feet from any property line.
 - 2. Twenty-five (25) feet from any residential dwelling on an adjacent parcel.
- c. A coop must provide at least one (1) square foot of area for each hen but shall not exceed twenty-four (24) square feet in total area.
- d. Coops shall be fully insulated and draft free.
- e. Coops shall be elevated a minimum of 12 inches and a maximum of 24 inches above grade to ensure circulation beneath the coop.
- f. Coops shall employ exterior building materials that are similar in type and quality to those employed on the principal structure and meet standards for accessory structures contained in Chapter 1104 of the City Code.
- g. Runs shall be attached to the coop and completely enclosed.
- h. A chicken run cannot exceed ten (10) square feet per chicken and the fencing cannot exceed six (6) feet in height.
- i. A chicken run shall be comprised of accepted residential fence materials identified in Chapter 1107.02 of the City Code, except that runs may be enclosed wood or woven wire materials provided the run is fully screened at all times from adjacent properties.
- J. Runs may allow chickens to contact the ground.
- k. Runs must be fully enclosed or have a protective overhead netting to keep the chickens separated from other animals.

Elko New Market – 6-4-5-1: Keeping of Backyard Chickens

A. Purpose: It is the purpose and intent of this section to permit, but strictly limit, the keeping of backyard chickens as an egg source in a clean and sanitary manner which is not a nuisance to or detrimental to the public health, safety, and welfare of the city of Elko New Market.

B. Keeping Of Backyard Chickens Allowed: A person may keep up to four (4) backyard chickens on property zoned R-1 suburban single-family residential as provided for in section [11-25A-3](#) of this code and R-2 urban (small lot) single-family residential as provided for in section [11-25B-3](#) of this code provided that:

1. The owner of the backyard chickens resides in a detached dwelling located upon the parcel at which the backyard chickens are kept.

2. The owner of the subject parcel obtains a backyard chicken permit from the city, issued in compliance with this section.

C. Permit Required: A permit is required for the keeping of backyard chickens.

1. Those desiring to keep backyard chickens shall file a written application with the city clerk on a form provided by the city and pay an application fee.

2. Application materials provided to first time applicants (by the city) shall include an educational pamphlet concerning the raising of backyard chickens in residential areas of the city. Such educational pamphlet shall be in a form approved by the city. Prior to permit issuance, applicants shall acknowledge, in writing, that they have read such pamphlet.

3. The application shall include the following:

- a. The breed and number of chickens to be maintained on the premises.

- b. A written statement that the applicant shall, at all times, keep the backyard chickens in accordance with all of the conditions prescribed by the city and that failure to obey such conditions shall constitute a violation of the provisions of this chapter and will be grounds for cancellation of the permit.

- c. A legal description of the real property upon which it is desired to keep the chickens and evidence of title to the property.

- d. Consent of the property owner for the keeping of chickens.

- e. A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, style, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations shall be illustrated with the site plan.

- f. The required permit fee in accordance with the city's adopted fee schedule.

- g. Other information as may be required by the city clerk necessary to process the permit.

- h. The city clerk and/or designee shall process the application.

4. All initial permits shall expire on December 31 of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31 of the second year following their issuance unless sooner revoked.

5. The city, upon written notice, may revoke a permit for failure to comply with provisions of this section or any of the permit's conditions.

6. The city may inspect the premises for which a permit has been granted in order to ensure compliance with this section. If the city is not able to obtain the occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.

7. The city may revoke any permit issued under this section if the permit holder fails or refuses to comply with the requirements of this section or any state or local law governing the cruelty to animals or the keeping of animals. Any person whose permit is revoked shall have the right to appeal the revocation according to the process provided under section [4-1-11](#) of this code.

8. Any person whose permit for the keeping of backyard chickens is revoked or who fails to renew a permit shall, within ten (10) days thereafter, humanely dispose of all chickens owned, kept or harbored by such person on the subject property.

D. General Standards For The Keeping Of Backyard Chickens:

1. The keeping of roosters is prohibited under this section.

2. Backyard chickens shall not be raised or kept for the purpose of fighting.

3. Backyard chickens shall not be kept in a dwelling, garage or accessory structure other than those meeting the requirements of an enclosed coop.

4. All backyard chickens shall have access to an enclosed coop meeting the following minimum standards:

a. The enclosed coop may not occupy a front or side yard.

b. A maximum of one coop per lot shall be permitted.

c. The enclosed coop shall have a minimum size of four (4) square feet per chicken and shall not exceed a maximum of forty (40) square feet in total area.

d. The enclosed coop shall be set back a minimum of twenty five feet (25') from the principal structure, at least ten feet (10') from all property lines and shall not encroach upon utility easements.

e. The enclosed coop shall not exceed ten feet (10') in height.

f. The enclosed coop shall be the same or similar in color to the principal structure on the lot.

g. Enclosed coops shall be compatible with the principal building on the lot. Under no circumstances shall sheet metal, corrugated metal, asbestos, iron, plain concrete block (whether painted or color integrated or not) be deemed acceptable as major exterior wall materials.

"Compatible" means that the exterior appearance of the coop (accessory building) is not at variance with the principal building from an aesthetic and architectural standpoint as to cause:

(1) A difference to a degree to cause incongruity.

(2) A depreciation of neighborhood values or adjacent property values.

(3) A nuisance which may have characteristics related to noise, dust, odors, glare, and unsightly building exterior.

h. The enclosed coop shall be built to protect the backyard chickens from extreme heat or cold.

i. The enclosed coop shall be at all times maintained in a good condition.

j. The enclosed coop shall comply with all applicable building code requirements.

5. All backyard chickens shall have access to a run meeting the following minimum standards:

a. The run shall be attached to and provided access to the coop.

b. The run shall be set back a minimum of twenty five feet (25') from the principal structure, at least ten feet (10') from all property lines and shall not encroach upon utility easements.

c. A maximum of one run per lot shall be permitted.

d. The run shall have a maximum size of twenty (20) square feet per chicken.

e. The run shall be fully enclosed and covered with durable materials. Structural components of the run shall be consistent with coop materials.

f. Fencing materials used as run components shall be consistent with fence requirements imposed in residential zoning districts as provided in this code.

g. The run shall be maintained in a good condition at all times.

6. The following minimum sanitation standards shall be observed at all times:

a. The slaughtering of backyard chickens on the property is prohibited.

b. No chicken or chicken byproducts shall be sold upon the subject property.

c. All premises on which backyard chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area shall be cleaned frequently to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors to be detectible from another property. Failure to comply with these conditions may result in the removal of backyard chickens from the premises and/or revocation of the backyard chicken permit.

d. All grain and food stored for backyard chickens shall be kept indoors in a rodentproof container.

e. Backyard chickens shall be kept in such a manner which does not constitute a nuisance as provided for in chapter 5, article B of this title.

f. Persons no longer intending to keep backyard chickens on the subject property shall notify the city in writing and remove the enclosed coop and run.

g. The enclosed coop and run shall be removed from the property upon permit expiration and/or permit revocation at the property owner's expense. (Ord. 130, 4-28-2016, eff. 6-1-2016)

Jordan – 92.31 Keeping, Transporting and Treatment of All Animals

It is unlawful for any person to keep or harbor any animal, not in transit, except:

(F) Keeping of backyard chickens.

(1) *Purpose.* It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. It is further recognized that the keeping of backyard chickens, if left unregulated, may interfere with the residential character of certain neighborhoods. Therefore, it is the purpose and intent of this section to permit, but strictly limit, the keeping of backyard chickens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.

(2) *Keeping of backyard chickens allowed.* A person may keep up to 6 backyard chickens on a residential property in the city

(a) The keeper of the backyard chickens resides in a detached dwelling at the parcel at which the backyard chickens are kept;

(b) The subject parcel is a minimum of 10,000 square feet; and

(c) The owner of the subject parcel obtains a backyard chicken permit from the city, issued in compliance with division (F)(3) of this section.

(3) *Permit required.* A permit is required for the keeping of backyard chickens.

(a) Those desiring to keep backyard chickens shall file a written application with the City Administrator on a form provided by the city and pay an application fee. Fees to be charged for the permit to keep backyard chickens shall be set by City Council on the fee schedule.

(b) The application shall include:

1. The breed and number of chickens to be maintained on the premises;

2. Written statements that the applicant will at all times keep the backyard chickens in accordance with all of the conditions prescribed by the City Administrator, or modifications thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and will be grounds for cancellation of the permit;

3. Such other and further information as may be required by the City Administrator; and

4. The required flat fee of \$20.

(c) The City Administrator and/or designee shall process the application.

(d) All initial permits will expire on December 31 of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31 of the second year following their issuance unless sooner revoked.

(e) The city, upon written notice, may revoke a permit for failure to comply with provisions of this section or any of the permit's conditions.

(f) The city may inspect the premises for which a permit has been granted in order to ensure compliance with this section. If the city is not able to obtain the occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.

(4) *General standards and limitations for the keeping of backyard chickens.*

(a) The keeping of roosters as a backyard chicken is prohibited.

(b) Backyard chickens shall not be raised or kept for the purpose of fighting.

(c) Backyard chickens shall not be kept in a dwelling, garage, or accessory structure other than those meeting the requirements of an enclosed coop.

(d) All backyard chickens must have access to an enclosed coop meeting the following minimum standards:

1. The enclosed coop may not occupy a front or side yard.

2. The enclosed coop must have a minimum size of 4 square feet per animal and shall not exceed a maximum of 40 square feet in total area.

3. The enclosed coop shall be setback a minimum of 25 feet from any principal structure on the subject parcel and any property line. The enclosed coop shall not exceed 10 feet in height.

4. The enclosed coop shall have a roof type and pitch that is similar to the principal structure on the lot.

5. The enclosed coop shall be similar in color to the principal structure on the lot.

6. The enclosed coop shall employ exterior building materials that are similar in type and quality to those employed on the principal structure.

7. The enclosed coop shall be constructed of permanent residential dwelling building materials. Coop components that are not designed or intended for use as permanent residential dwelling building materials, including but not limited to, garage doors, tires, pallets, employment of interior residential structural components on the exterior (drywall, particle board, plywood), sheet metal, fiberglass panels, plastics, corrosive metal, household items (appliance, fixtures, furniture), canvas, flimsy materials, tarps, non-permanent items (cages, portable kennels), wire panels, and the like are prohibited.

8. The floor of the enclosed coop shall be comprised of impervious surface such as vinyl, tile, concrete, or treated wood.

9. The enclosed coop must be built to protect the backyard chickens from extreme heat or cold.

10. The enclosed coop shall be at all times maintained in a good condition.

11. The enclosed coop shall meet all applicable building, electrical, HVAC, plumbing, and fire code requirements.

(e) All backyard chickens shall have access to a run meeting the following minimum standards:

1. The run shall be a fully-enclosed and covered area attached to a coop where backyard chickens can roam unsupervised.

2. The run shall adhere to setbacks required for enclosed coops to which they are attached.

3. The enclosed run shall be well drained so there is no accumulation of moisture.

4. Run components shall feature fencing materials approved for use in residential districts as provided for in [Chapter 154](#) of the city code.

5. Run components not designed or intended for use as fence material, including, but not limited to, garage doors, tires, pallets, sheet metal, ribbed steel, metal siding, corrosive metal, solid (i.e. more than 90% opaque) metal, galvanized ribbed steel, household items (appliances, fixtures, furniture), makeshift or flimsy materials (plastic, paper, twine, rope, tin, webbing), farm animal fencing (barbed wire, chicken wire, high tensile, electric wire, woven wire, or other livestock fencing), canvas, tarps, non-exterior grade residential construction materials, and the like are prohibited.

6. Landscaping shall be employed on the perimeter of the run to shield view of the run from adjacent properties.

7. The run shall be at all times maintained in a good condition.

(f) The following minimum sanitation standards shall be observed at all times:

1. Slaughtering of backyard chickens on the property is prohibited.

2. Leg banding of all backyard chickens is required. The band must identify the owner, the owner's address, and the owner's telephone number.

3. No chicken or chicken byproducts shall be sold in residential districts.

4. All premises on which backyard chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in

a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the City Administrator and/or enforcement officer removing backyard chickens from the premises or revoking the backyard chicken permit.

5. All grain and food stored for backyard chickens shall be kept indoors in a rodent proof container.

6. Backyard chickens shall not be kept in such a manner as to constitute a nuisance as provided for under [Chapter 90](#) of this code.

7. Persons no longer intending to keep backyard chickens on the subject property shall notify the city in writing and remove the enclosed coop and run.

8. The enclosed coop and run shall be removed from the property upon permit expiration and/or permit revocation.

Lonsdale – 90.01 Prohibited Types of Animals

A) *Prohibited animals.* No person shall keep, maintain or harbor within the city any of the following animals:

- (1) Any animal or species prohibited by state or federal law;
- (2) Any non-domesticated animal or species, including but not limited to the following:
 - (a) Any skunk, whether captured in the wild, domestically raised, de-scented or not de-scented, vaccinated against rabies or not vaccinated against rabies;
 - (b) Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelot, except commonly accepted domesticated house cats;
 - (c) Any member of the family Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except domesticated dogs;
 - (d) Any crossbreed such as the crossbreeds between dogs and coyotes or dogs and wolves, but does not include crossbreed domesticated animals;
 - (e) Any poisonous pit viper such as rattlesnake, coral snake, water moccasin or cobra;
 - (f) Any raccoon;
 - (g) Any ferret; and
 - (h) Any other animal which is not listed explicitly above, but which can be reasonably defined by the terms of this subchapter, including bears and badgers.
- (3) Any poultry, including but not limited to, chickens, ducks, geese and turkeys; or
- (4) Any hoofed animal, including but not limited to, sheep, pigs, goats, cattle, horses, camels, llama, alpaca, deer, moose, caribou and bison.

(B) *Keeping of honeybees.* No person shall keep, maintain or allowed to be kept in any hive or other facility for the housing of honeybees without a beekeeping license. Beekeeping licenses shall be regulated by city policy and best practices.

(C) *Animals in transit.* Prohibited animals may be temporarily allowed within the city for a maximum of 72 hours while in route to another destination. If such animals in transit need to spend more than 72 hours within the city, the person responsible for the animals may seek a permit from the city for an extended stay.

(D) *Animals associated with special events.* Prohibited animals may be temporarily allowed within the city if such animals are part of a show, entertainment, or similar event permitted under this code. Such animals may be allowed within the city from one day before the event to one day after the event.

(E) *Nonconforming animals.* Any animals prohibited by divisions (A) and (B) above which have been regularly housed or kept within the city at the time this section is adopted, may be continued according to the following regulations:

(1) Any nonconforming animal that dies may be replaced with a similar animal, if replaced within 180 days. If a nonconforming animal is not replaced within 180 days, all future animals on the property must be conforming. Any nonconforming animal that is removed from the property for a period of more than 180 days may not be replaced, and all future animals on the property must be conforming; and

(2) The expansion or addition of more nonconforming animals to the property is prohibited.

Prior Lake City Code Regulations on Chickens

In the TC, R-1, R-2 and R-3 zoning districts, no farm animals shall be kept on any parcel, except that four chickens or two colonies of bees may be kept on an R-1 parcel if kept in compliance with the applicable regulations set forth in subsection (c)(4) of this section.

- (c)(4) explains that In the A and R-S zoning districts, farm animals may be kept on a parcel that is ten acres or more in size only as follows: Poultry, fowl, birds (including, but not limited to, chickens) and similar. Twenty-five birds such as, but not limited to, chickens are allowed for the first ten contiguous acres and 25 additional birds are allowed for each additional contiguous acre.
- Conditions for keeping chickens (sec. 7-23.): no roosters permitted. Raising of chickens for breeding is prohibited. Chickens must be in a confined coop, run or exercise yard. Chickens shall not be kept inside of a dwelling except for brooding. Chickens shall be properly protected from weather and predators in a coop and access to outdoors in a run or exercise yard. The coop, run and exercise yard shall meet the requirements:
 - One coop, run and exercise yard allowed per parcel with a principal residence occupied by the owner of the chickens.
 - Each coop, run and exercise yard shall be located in the rear yard of the parcel.

- Each coop, run and exercise yard shall be set back a minimum of 50 feet from any residential structure on an adjacent parcel and a minimum of ten feet from any parcel line. Each coop, run or exercise yard must be screened from view with a solid fence or landscaped buffer with a minimum height of five feet. No part of a coop, run or exercise yard shall be located within 15 feet of any lake, pond, river, creek, stream or wetland.
- A coop can be no larger than 25 square feet and cannot exceed six feet in height. A coop shall be elevated a minimum of 12 inches and maximum of 24 inches to ensure circulation beneath the coop. The coop shall contain a solid roof, and construction shall be done in a workmanlike manner utilizing durable materials that offer adequate insulation, ventilation and protection from all natural weather elements, predators, rodents and other pests.
- No run or exercise yard can exceed 40 square feet and cannot exceed six feet in height. A run or exercise yard may be enclosed with wood or woven wire materials and may allow chickens to contact the ground. Each run and exercise yard must have a protective overhead netting to keep the chickens separated from other animals.
- Coops, runs and exercise yards shall be maintained in a reasonably clean and sanitary condition, including the timely removal of feces, urine, and food scraps. Chicken owners shall not allow odors associated with the chickens to emit outside the boundary of the parcel.
- Each coop, run and exercise yard must comply with all applicable building and zoning codes and regulations.
- Chickens shall not be slaughtered on the parcel or elsewhere within the city other than a commercial establishment that employs a butcher.
- Deceased chickens shall be removed as soon as possible but no later than 48 hours after death and shall be disposed of in a manner consistent with [chapter 5](#), article IV.

Chickens shall be kept in a humane manner that complies with Minn. Stat.s ch. 343 and owners shall prevent nuisance conditions by ensuring the following conditions are met:

- a) Chicken grains and feed must be stored in rodentproof containers.
- b) No chicken may be kept or raised in a manner as to cause injury or annoyance to persons on other property in the vicinity by reason of noise, odor or filth.
- c) Chickens shall not be allowed to run at large. Any chicken running at large may be impounded by the city and, after being impounded for three days or more without being reclaimed by the owner, may be destroyed or sold. A person reclaiming an impounded chicken must pay the costs of impounding and keeping the same.

Savage – 91.04 Farm Animals

The keeping of chickens shall be allowed subject to the following standards identified in Section (A) through (D) below.

- A. No more than 4 hen chickens are allowed on any parcel of land in the City. The raising of chickens for breeding purposes is prohibited.
- B. Every person who owns, controls, keeps, maintains or harbors hen chickens must keep them confined on the premises at all times in a chicken coop or chicken run. Chickens over the age of 4 weeks shall not be kept inside of a dwelling or garage.
- C. Chickens shall be properly protected from weather and predators in a shelter or coop and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet the following requirements:
 - 1. Any chicken coop or chicken run must comply with all applicable building and zoning codes and regulations
 - 2. No chicken coop or run shall be constructed on any parcel of land prior to construction of the principal building
 - 3. A chicken coop or run cannot be located in the front or side yard
 - 4. A chicken coop or run must be setback at least 50 feet from any existing residential structure on an adjacent lot and at least 10 feet from the property line
 - 5. A chicken coop or run must be screened from view with a solid fence or landscaped buffer with a minimum height of 4 feet
 - 6. A chicken coop can be no larger than 10 square feet per chicken and cannot exceed 6 feet in height. A chicken run cannot exceed 20 square feet per chicken and the fencing cannot exceed 6 feet in height. A chicken run may be enclosed with wood or woven wire materials, and may allow chickens to contract the ground. A chicken run must have a protective overhead netting to keep the chickens separated from other animals.
 - 7. A chicken coop must be elevated a minimum of 12 inches and a maximum of 24 inches to ensure circulation beneath the coop
- D. Owners shall care for chickens in a humane manner and shall prevent nuisance conditions by ensuring the following conditions are met:
 - 1. Chicken grains and feed must be stored in rodent proof containers
 - 2. No chicken may be kept or raised in a manner as to cause injury or annoyance to persons on other property in the vicinity by reason of noise, odor or filth
 - 3. Any chicken running at large may be impounded by the City and after being impounded for three days or more without being reclaimed by the owner, may be destroyed or sold. A person reclaiming an impounded chicken must pay the cost of impounding and keeping the same.

Shakopee – 130.04 other Animals – Hen Chickens

- 1. No more than 5 hen chickens are allowed on any parcel of land in the city.
- 2. Every person who owns, controls, keeps, maintains, or harbors hen chickens must keep them confined on the premises at all times in a chicken coop or chicken run. Hen chickens are not allowed in any part of a house or garage.

3. Any chicken coop or chicken run must comply with all applicable building and zoning codes and regulations.
4. No chicken coop or run shall be constructed on any parcel of land before construction of the principal building.
5. A chicken coop or run cannot be located in the front or side yard.
6. A chicken coop or run must be setback at least 50 feet from any residential structure on any adjacent lot and at least 10 feet from the property line.
7. A chicken coop or run must be screened from view with a solid fence or landscaped buffer with a minimum height of 4 feet.
8. A chicken coop can be no larger than 10 square feet per chicken and cannot exceed 6 feet in height. A chicken run cannot exceed 20 square feet per chicken and the fencing cannot exceed 6 feet in height. A chicken run may be enclosed with wood or woven wire materials, and may allow chickens to contact the ground. A chicken run must have a protective overhead netting to keep the chickens separated from other animals.
9. A chicken coop must be elevated a minimum of 12 inches and a maximum of 24 inches above grade to ensure circulation beneath the coop.
10. Chicken grains and feed must be stored in rodent-proof containers.
11. No chicken may be kept or raised in a manner as to cause injury or annoyance to persons on other property in the vicinity by reason of noise, odor, or filth.
12. Any chicken running at large may be impounded by the city and, after being impounded for 3 days or more without being reclaimed by the owner, may be destroyed or sold. A person reclaiming any impounded chicken must pay the cost of impounding and keeping the same.

Concept Review of Zoning/City Code Amendment on Backyard Chickens



MARCH 26, 2025

1

Background

- ▶ Staff have received several inquiries on the keepings of chickens recently
- ▶ Currently the City Code 90.13 prohibits non-domesticated animals and farm animals (chickens) within City limits.
- ▶ The City never allowed chickens in city limits but created clear language prohibiting chickens in 2016
 - ▶ This decision was made due to several nuisance complaints from neighbors regarding smell, sound, and concern of spreading avian diseases. Complaints mainly stemmed from situations in which neighbors did not clean their chicken coops.
 - ▶ On Feb 3rd, 2025, City Council directed staff to revisit the topic of backyard chickens
- ▶ Other communities allow backyard chickens: Belle Plaine, Jordan, Elko New Market, Savage, Prior Lake, and Shakopee
- ▶ Lonsdale currently prohibits chickens but is drafting an ordinance to allow them despite the Planning Commission's majority vote in opposition

2

Common Ordinance Requirements

- ▶ As background, some general ordinances typically found in cities allowing backyard chickens include:
 - ▶ Follow Minnesota State Statute 343 – Prevention of Cruelty to Animals
 - ▶ Maximum number of chickens allowed (4-6). Roosters prohibited.
 - ▶ Chickens not allowed to run at large.
 - ▶ Minimum size coop/size run per number of chicken. Coop/run setback from the principal structure and adjacent residential units/property lines. Height of the coop.
 - ▶ Chickens cannot be slaughtered or used for fighting. Chicken products cannot be sold but may be allowed for personal use.
 - ▶ Coop only allowed in the rear yard (6'-10')
 - ▶ Coops must be kept clean and sanitary, removing feces, urine, and food on a regular basis.

3

Positives/Benefits of Backyard Chickens

- ▶ Owners can produce their own eggs → more autonomy over their food production
- ▶ Fresh eggs do not have unhealthy additives and have less saturated fats and bad cholesterol found in grocery store eggs
- ▶ People could own different kinds of endangered or rare breeds, preserving genetic diversity in poultry
- ▶ Hens start producing eggs at 6 months old to 5-10 years. Peak egg production in first 1-2 years. Owners will see high egg production early on
- ▶ Backyard chickens are a great opportunity to teach children about agricultural practices
- ▶ Backyard chickens can eat leftover vegetables and fruit, which is a more sustainable way to reduce household food waste than disposing food into our landfills
- ▶ City of Monticello and Dayton, MN have not had issues with backyard chickens since they allowed chickens. To prevent neighbor complaints, Monticello requires backyard chicken permits which require detailed coop plans, breed/number of chickens and signature of approval from abutting neighbors, and inspections from an animal control officer.

4

Negatives/Drawbacks of Backyard Chickens

- ▶ Chickens can transfer diseases such as salmonella, campylobacter, avian influenza, histoplasmosis, E.coli, and Chlamydia. Diseases such as salmonella and campylobacter are found in chicken feces and stomachs, therefore, individuals can become ill from cleaning coops or collecting eggs
- ▶ Odor from feces or food can become pungent especially in warm weather and lack of frequent cleanings. Odor from feces and food may attract pests like flies, mice, foxes, and racoons
- ▶ Startup expenses of backyard chickens can be costly such as purchasing a coop, run, feeders, waterers, heaters, medical supplies, cleaning materials, bedding, etc.
 - ▶ According to Alliant Credit Union, start-ups costs can be \$590 or higher and \$25 per month, not including vet bills.
 - ▶ To break even on operating costs, an individual would require 20-30 chickens in their prime productive egg laying years
- ▶ Chickens don't always lay eggs everyday especially after their peak laying age (1-2 years old), during the winter season, and less daylight hours

5

Next Steps

- ▶ The research presented today is to be used as background information and not to create specific ordinance language.
- ▶ Planning Commission must decide whether or not to allow backyard chickens in city limits.
- ▶ A public hearing is not required for this agenda item.
- ▶ If the Planning Commission recommends an ordinance amendment, a draft ordinance will be prepared at the next Planning Commission meeting

6

June 2025 EDA Business Updates:

- **0 new home permits** were issued in May (0 single family homes, 0 townhome units and 0 apartment units). 55 residential units have been issued so far in 2025 (1 single family, 0 townhomes and 54 apartment units).
- A **building permit was applied for by Amcon Construction for a 20,000 sq ft. addition to the existing Greater River Energy** building located at 906 6th Street NW.
- A **building permit was applied for by Met-Con the Police Station addition to the existing Fire/Ambulance building** located at 505 5th Ave. NW.
- A **variance was applied for by the LaMacchia Group on behalf of Heartland Credit Union at 100 Alton Ave. SE** to allow a bank drive-thru on a new building to be adjacent to TH19. This matter will be reviewed by the Planning Commission at their June meeting.
- **POPS facility update:** Grading work has continued at the site and is nearing completion. Construction of the POPS facility itself is expected to begin by August 15th and be completed in the spring of 2026.



**BOLTON
& MENK**

Real People. Real Solutions.

MEMORANDUM

Date: June 4, 2025
To: Ken Ondich, Community Development Director
From: Jeff Matzke, Senior Planner
Subject: New Prague Unified Development Code Update

Timeline and tasks

Jan 22nd - Planning Commission – Receive initial thoughts/input on Ordinance Goals and Revisions

Feb/Mar/Apr – Draft Initial Ordinance Edits for Staff and Planning Commission Review

4/23/24 – Planning Commission - Worksession to discuss ordinance edits, engagement plan and survey/website

May/June – Revise Draft Ordinance further with more details and initial graphics

Late June/Early July - Present 2nd Draft UDC Ordinance Options and Memo to City Staff

4 weeks for survey input. (survey closes 2nd week of August)

July 23rd – Planning Commission Worksession - Present Draft Ordinance w/Options to PC

Aug 7th – Czech Out New Prague – Pop Up Event

Aug/Sept – Draft Final UDC Ordinance Edits

Oct 6th – Present Final Draft Ordinance to PC/(Joint worksession with City Council?)

Oct 22nd - PC Public Hearing on the Final Ordinance

Nov 3rd/Nov 17th – City Council Worksession Review

Nov 17th/Dec 1st – City Council Consideration and Adoption