



PLANNING COMMISSION MEETING AGENDA

City of New Prague

Wednesday, March 26, 2025 at 6:30 PM

City Hall Council Chambers - 118 Central Ave N

1. CALL TO ORDER

2. APPROVAL OF MINUTES

- [a.](#) February 26, 2025 Planning Commission Meeting Minutes

3. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA

(Speakers limited to five minutes)

4. OLD BUSINESS

- [a.](#) Request for Interim Use Permit I2-2025 - Allow a Rail Car Repair Business at 100 2nd Ave SW
New Prague Mill, LLC

5. NEW BUSINESS

- [a.](#) Request for Variance #V2-2025 - Variance for Lot Line Setbacks, Lot Width, and Maximum Land Coverage at 100 2nd Ave SW
New Prague Mill, LLC - applicant
- [b.](#) Concept Review of Zoning / City Code Amendment Re: Backyard Chickens

6. MISCELLANEOUS

- [a.](#) Unified Development Code Discussion - Bolton & Menk
- [b.](#) Monthly Business Updates

7. ADJOURNMENT

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

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, February 26th, 2025

1. Call Meeting to Order

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

City Staff Present: Ken Ondich – Planning / Community Development Director and Kyra Chapman – Planner

2. Approval of Meeting Minutes
A. January 22nd, 2025 Regular Meeting

A motion was made by Ryan, seconded by Bentson, to approve the January 22nd, 2025 regular meeting minutes. Motion carried (3-0).

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

Joe Nadeau from 212 St W shared his concerns about potential noise at the mill property.

The Planning Commission indicated to Mr. Nadeau that they will discuss that shortly after the #I2-2025 presentation is given.

4. OLD BUSINESS

A. None

5. NEW BUSINESS

A. Request for Interim Use Permit I2-2025 – Allow a Rail Car Repair Business at 100 2nd Ave SW

Planner Chapman introduced the interim use permit #I2-2025 request to allow a rail car repair business at the old mill property (100 2nd Ave SW). New Prague Flouring Mill was established in 1896 and when the mill closed in 2019, New Prague Mill, LLC purchased the property. In fall 2024, #I2-2024 was approved to allow exterior storage of vehicles and recreational equipment under 28,000 sq ft canopy and 36’ x 44’ canopy for 3 years. Instead of parking recreational vehicles under the canopy, New Prague Mill, LLC is requesting to allow Cypress Rail Solutions to operate under the 28,000 sq ft canopy and up to the northern rail spur for 10 years. A 16’ tall fence would be erected at the edge of the northern rail spur. The property is currently zoned I1-Light Industrial District where automobile repair businesses are a permitted use but that would only apply to uses inside the building and the “exterior” area. In the 2045

Comprehensive Plan, the property is guided as “Downtown Flex” which would allow similar commercial uses in the downtown and would likely prohibit industrial uses. Rezoning will occur once the Unified Development Code is adopted sometime in late 2025 or early 2026. Staff does not support the proposed request due to noise concerns and the use does not fit the Future Land Use Map. Since the business closed in 2019, many residents may have become accustomed to the lack of noise. The work may be noisy for the tenants inside the building, Main St businesses, and residential homes. Noises at the mill could exceed chapter 7030 on Noise Classification 2 for MPCA Noise Pollution Control. Furthermore, City Code 92.15 states that a public nuisance is considered something that unreasonably annoys or endangers safety, health, and morals. In other words, the code could still apply for noises not exceeding the MPCA thresholds.

Ryan inquired about the type of fence the 16-foot-tall fence would be.

Bill Gibson, co-owner of New Prague Mill, LLC, explained that the fence would be 16’ tall to be as tall as the rail cars. The fence would be chain link with slats.

Ryan asked how the rail cars would be delivered.

Gibson said the rail cars would arrive from the south.

Brian Trammell, co-founder of Cypress Rail Solutions, mentioned that there would be about 30 cars total on the property at one time but only 4-6 cars will be worked on at a time. The hours of operation will be from 7 am to 4:30 pm for one shift.

A motion was made by Pike, seconded by Bentson to open the public hearing (3-0). The public hearing opened at 6:46pm.

Trammell said that most customers will be agricultural producers (raw grains, soybean) from upper midwest. ADM will likely be their biggest customer. This is an ideal location since there are several amenities that New Prague has to offer, and it would reduce shipping costs. There will be 8-10 employees at the site. Rail car repair noises may include impact wrenches, hammer, forklift, skid steer, and potentially welding. Most of the time their work will be inspection fit up. No work will include fumes, painting or volatiles. All rail cars would be located on the subject property and would not encroach onto nearby properties. Their business currently operates out of Erskine, MN, Grand Forks, ND, and small hubs in Alexandria. There are plans to expand in western North Dakota. They have not heard of any complaints from these communities.

Ryan inquired about the location of these facilities and whether they were in city limits or far away from town.

Trammell mentioned that the Erskine location is located in the heart of the City and county road runs through it. The Grand Forks location is in an industrial park where there are already mills. Alexandria is a mobile hub. There will not be frequent noise at the site. It will likely be 40-60 bolts with an impact wrench. In most instances, it will be fit up and inspections.

Ryan inquired about the smell from the rail cars especially if the weather is warm or there is moisture.

Trammell said there is typically residual commodity, not a loaded compartment. The cars are designed to slope so that the product moves. If there is product in the car, only a pound or two will stay. If it's corn, it may cake up a bit and needs to be evacuated with air or a pressure differential mechanism. The air testing will not be done in New Prague. They would use a sweep clean. All waste would go in a dumpster.

Planning / Community Development Director Ondich stated that since staff did not recommend approval for the interim use request, no conditions were developed by staff. However, if the Planning Commission were to recommend approval, conditions should be made. These conditions could address noises, smells, residual removal, and appearance.

Pike is not so concerned about the frequency and loudness of the noise. He was more concerned about the conflicting uses of the parcel itself. He wanted to know when that paradigm shift would happen for commercial uses only. He inquired for the reason of a 10-year interim request.

Gibson stated that Cypress Rail Solutions suggested a 5-year contract with potentially a 5-year extension. It seems like 5 years is short for the amount of money they will invest in the property, which is the reason for the 10 year request.

Trammell added that the longer period of time would prevent families from being uprooted.

Pike believed that 5 years seemed like an appropriate amount of time that could potentially be re-evaluated later. He is more concerned about the north side of the property. He would like the conditions to reflect the rendering the applicant submitted on what the northern portion of the property will look like. The conditions should include what the materials of the fence should be made of so that it does not follow apart and to help shield the sound for POPS and beautify of the north side of the property.

Trammell stated that the business would operate Monday through Thursday and the fifth would be a flex day.

Pike noticed in the letter the applicant mentioned if the interim use request is not approved, there is potential for a lease with Union Pacific could be made 100' away. He asked the applicant to elaborate.

Trammell explained that they lease the industry lines 100 feet away. They could mobilize the rail cars next to the railroads in the winter months. In the summer months, it would be similar to their Alexandria business.

Ryan inquired if they were allowed to do that, would they still need to maintain the MPCA standards.

Planning / Community Development Director Ondich had spoken with the City Attorney and from the City Attorney's perspective, if it's a standard railroad operation, it is exempt from a municipality's zoning or state requirements. If there were a lease with a non-Union Pacific entity such as Cypress Rail Solutions, the City's zoning would apply.

Gibson stated that if the interim use permit is not approved, he's unsure what to do with the property. There are silos and railroads that don't work with Business Flex. They can't think about other uses that would work. There were ideas originally to have an apartment but there isn't enough parking at the site. A common statement in New Prague is that they want to preserve the historical character. The proposed project is the best plan to try to protect the silos and railroad. There are talks about possibly the post office coming in. For the proposed use, there are too many parking stalls being required.

Planning / Community Development Director Ondich said there is no parking stall requirement specifically for rail car repairs. It's based off industrial uses.

Pike doesn't believe the rail car repair business will help the development of the west side of the site besides reinvestment funds.

Joe Nadeau from 212 2nd St SW says he lives about 100 feet or less from the mill. The ½ inch battery operated impact wrench on steel is loud. He was in industrial construction before. He shared his concerns about waste of the dumpster to prevent smell. Since the rail cars will be coming, there will be noise from switching, and train horns.

Ryan said that the horns go off at intersections so at Main Street, 2nd St NW, and 7th St NW. The city can't control when the trains come so theoretically it could go off during POPS performances.

Trammell stated they are not making a dedicated run to drop off the rail cars. Typically, there will be 110-130 cars and the train will drop off when they're passing by. Sometimes they run at odd hours and they do not have control over that but most times they will optimize their loads. They will service once a week with daytime crew.

A motion was made by Pike, seconded by Ryan to close the public hearing (3-0). The public hearing closed at 7:31pm.

A motion was made by Pike, seconded by Ryan to table the interim use request to be discussed at the next Planning Commission meeting and have staff draft a list of conditions such as no painting, hours of operation (8am-4:30pm weekdays), dumpster on site, fencing materials, maintenance of fence, completion of northern area, vegetation/landscaping plan, and 5-year timeframe.

Motion carried (3-0).

6. Miscellaneous

A. Annual Community Development Reports

Planning/Community Development Director Ondich stated that there are about 24 vacant residential lots left. These lots may not be necessarily for sale so there might only be 10-12 actually available. Ten new residential homes were built last year, and the 54-unit apartment building is underway in its construction. There haven't been a lot of townhomes/twin homes built. There's been a 15 year high on industrial, commercial, public permits.

B. Monthly Business Update

Planning/Community Development Director Ondich introduced the monthly business update. He mentioned that Fancy Bones Pet Salon & Boutique was approved for an interim use permit and Brickside 19 was approved for a patio with a pergola. Marquardt Jewelers changed ownership and Berg Direct Primary Care opened up at 314 Main St.

7. Adjournment

A motion was made by Pike, seconded by Ryan, to adjourn the meeting at 7:48 pm. Motion carried (3-0).

Respectfully submitted,



Kyra J. Chapman
Planner



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: CONTINUATION OF REQUEST FOR INTERIM USE PERMIT #I2-2025 TO ALLOW
A RAIL CAR REPAIR BUSINESS IN THE I-1 LIGHT INDUSTRIAL DISTRICT AT
100 2ND AVE. SW, AS PROPOSED BY NEW PRAGUE MILL, LLC.
DATE: MARCH 10, 2025

Background

At the February 26th Planning Commission meeting, following the staff presentation, holding the required public hearing and substantial discussion, a motion was passed to table the request for #I2-2025, requesting to allow Cypress Rail Solutions, a rail car repair business, in the I1-Light Industrial District at 100 2nd Ave SW as proposed by New Prague Mill, LLC. At the meeting, staff recommended denial of the request, therefore, staff did not create a list of conditions for approval. As such, the Planning Commission requested staff draft a list of conditions for potentially approving the request based on questions and discussion that occurred during the meeting. These conditions were largely related to the prohibiting of painting, limiting hours of operation, vegetative/screening plans, and requiring a dumpster on site for materials cleaned out of rail cars before they can be repaired. The end of this report includes a list of suggested conditions based on the Planning Commission’s feedback along with suggestions from staff should the conditions be used for a conditional approval.

The original report is attached to this memo in full for refence purposes.

Existing Locations

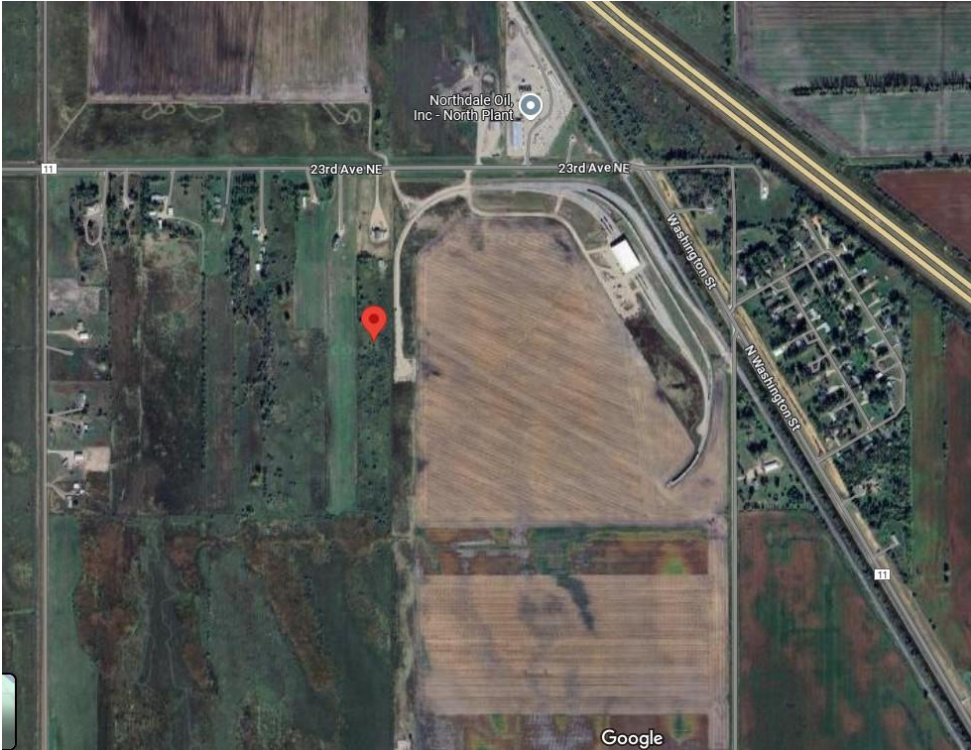
At the Planning Commission meeting, Cypress Rail Solutions stated that they currently operate their business in Grand Forks, ND and Erskine, MN. Staff reached out to Polk County (Erskine) and the City of Grand Forks (Rye/Falconer Township) to determine if there have been any complaints or concerns with the existing rail car repair business. These communities have heard few to no complaints. Both Rye and Falconer Township agreed there have been minimal complaints from their residents. They run a clean facility with no garbage debris, no objectionable fumes, and dust or smoke. Falconer Township did receive a complaint about noise caused by switch engines moving cars in the middle of the night as well as horn blowing at crossings and cars banging into each other. Since that complaint, they have rescheduled their car movements and it is quieter in the evenings.

It should also be noted that both the locations are in townships (outside city limits) and in rural industrial/rural residential locations. The existing properties are located at:

- 22210 US Hwy 2 SE, Erskine, MN 56535
- 1335 23rd Ave NE, Grand Forks, ND 58203

Unlike the other two properties, the proposed New Prague site would be located within city limits. Also unlike the locations near Erskine and near Grand Forks, the proposed site here in New Prague would be in the heart of the city in an old flouring mill in a significantly denser location near several businesses, and residential properties with far more possibilities of disruption from the proposed business.

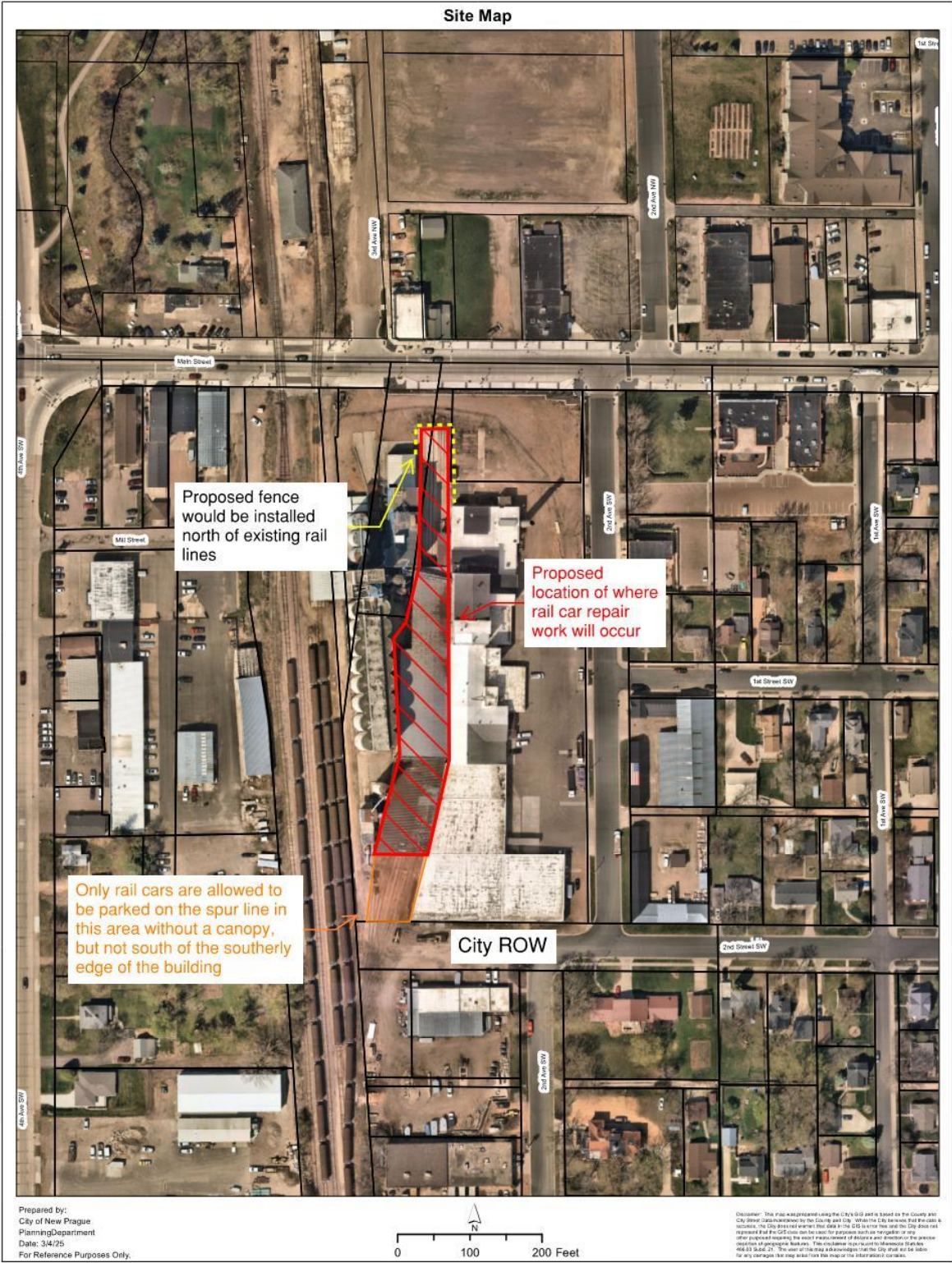
Staff reached out to MnDOT regarding the current frequency of Union Pacific Railroad in New Prague. New Prague, north of Le Sueur-Scott County line, receives 4 trains per day, and south of the line receives 2 per day.



Cypress Rail Solutions – Located North of Grand Forks, ND



Cypress Rail Solutions – Located East of Erskine, MN



Proposed Location of Rail Care Storage and Repair in New Prague

General Planning Staff Comments

Although staff do not want the mill to be underutilized or empty, the proposed use does not match the Future Land Use Map in the Comprehensive Plan. The 2045 Comprehensive Plan was recently adopted in October 2024, guiding the subject property away from I-1 Light Industrial to “Downtown Flex”. The standards for “Downtown Flex” have not been established yet but would likely allow commercial uses commonly seen along Main St. Several of the existing tenants inside the building are similar to uses currently allowed in our B-1 Central Business and B-2 Community Commercial District such as office uses, religious institutions, and retail/service establishments. Based on the existing tenants, the uses have shifted the site towards commercial uses rather than industrial. Even though the applicants are requesting the interim use permit to allow the rail car repair for 10 years, that is a substantial amount of time for an interim use permit. Most interim use requests are usually 1-5 years long.

Staff have concerns about possible nuisance complaints regarding noise. No industrial uses have occurred on the property since 2019 when Miller Milling closed the facility. For the past 5 to 6 years, the residents have likely become accustomed to the lack of noise, smells or even rail car traffic into the site. If the interim use is approved, loud noises will emit from the property (as noted by their own submitted sound decibel readings) especially since the rail car repair will occur in an exterior area. The noise may also be a nuisance for the tenants and businesses operating within the Mill building. The City may receive multiple complaints from neighbors depending on the loudness and frequency of noise resulting in more staff time review of enforcement and compliance. In fact, during the public hearing, nearby resident Joe Nadeau (from 212 2nd St W) expressed these concerns about noise and specifically asked about what tools and methods would be used for repairs on the site. Furthermore, the noise could conflict with future POPS concerts, which is directly north of the property.

As noted in the applicants submitted sound testing, which staff did witness of the “ramp drop” test as measured at 74 dBA at the sidewalk, there was certainly sounds from vehicle traffic that approached the sounds measured from the proposed exterior site for repair. Chapter 7030 for MPCA Noise Pollution control notes that sound must be measured based on the land use activity at the location of the receiver. Generally, sound limits are lowest for residential receivers and higher for industrial. The downtown area (where the measurements were taken at the sidewalk) would be considered “Noise Area Classification 2” which limits daytime decibels to 65 for 50% of an hour or 70 for 10% of the hour. Depending on the amount of time the “ramp drop” or “hammer on metal” or other activities would occur within an hour, the MPCA threshold could be exceeded. While sound readings were not taken at adjacent residential properties, the threshold drops to 60 and 65 decibels respectively. This reading would apply to residential apartments above a commercial area and it’s notable that there are apartments directly north of Main Street where the sound readings were taken.

Absent any possible violations for Chapter 7030 for MPCA Noise Pollution, Section 92.15 of the City Code states that the following is a public nuisance: “Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public”. This code can be utilized for noises not exceeding the MPCA thresholds.

The applicant makes the statement that “if this usage is denied, the city has effectively condemned by property.” In determining of a zoning regulation violates a property owner’s rights, the US Supreme Court has recognized two classes of regulatory takings: Categorical (regulation denies ALL

economically beneficial or productive use of land) and Case-Specific (involving the economic impact of the regulation). City staff argues that this is not a categorical taking as there are many viable businesses already operating on the property, that can and will continue to operate at the property not related to the specific request at hand.

Interim Use Permit Criteria

The City Council may consider an interim use permit for a use which is not specifically listed in this Ordinance as an interim use within the affected district and may grant a permit provided such interim use, after review by the Planning Commission and the City Council, is found to otherwise meet the criteria for granting an interim use permit within the affected district. The City Council shall make the following findings in order to approve an interim use (staff's recommended findings are included below which were written to support the denial of the IUP):

- A. The proposed interim use will utilize property where it is not reasonable to utilize it in a manner provided for the City's Comprehensive Plan and Zoning Ordinance. (The proposed interim use for rail car repair will not utilize property in a reasonable and temporary manner considering the property is currently zoned I-1 Light Industrial Zoning, but is guided as "downtown flex" according to the 2045 Comprehensive Plan and of which exact requirements have not yet been determined.)
- B. The proposed interim use is presently acceptable but, given anticipated development, will not be acceptable in the future. (The proposed rail car repair is not acceptable in that while the property is currently zoned I1-Light Industrial and uses such as automobile repair are listed as permitted, this specific use is proposed to happen in an "exterior" fashion and not within a building. It is additionally noted that the property will be rezoned to "downtown flex" in 2025 or early 2026 to fit the current comprehensive plan and noting that the use is requested to continue 5 years from the date of approval.)
- C. The proposed use will not hinder permanent development of the site. (The proposed designated rail car repair area will hinder permanent development of the site because even though it is utilizing an underutilized canopy covered rail spur, the property is guided as "downtown flex" in the Comprehensive Plan which will lead to continued redevelopment of the site in a non-industrial fashion. The industrial use even as an interim use for a limited time period could deter continued development of the site for commercial purposes, could disturb existing uses on the property itself and could hinder development of adjacent properties.)
- D. The proposed use will not adversely impact implementation of the Comprehensive Plan for the area. (The proposed designated rail car repair area will adversely impact implementation of the Comprehensive Plan as the site is guided as "downtown flex" in the Comprehensive Plan and not guided for industrial uses which is at odds with allowing this industrial use even in an interim fashion.)
- E. The proposed use will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare. (The proposed rail car repair may be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it may result in noise nuisances relating to Section 92.15 of the City Code or Chapter 7030 of MPCA Noise Pollution regulations.)

- F. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area. (The rail car repair business may result in noises that may conflict with the planned Praha Outdoor Performance Stage, directly north of the Mill and Main Street and potentially other parks, schools, street and other public facilities.)
- G. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. (Adequate utilities, access roads, drainage and necessary facilities exist for the proposed rail car repair business.)
- H. The date or event that will terminate the use has been identified with certainty. (N/A as staff is not recommending approval.)
- I. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future. (The proposed designated rail car repair area will not impose additional costs on the public if it is necessary for the public to take the property in the future.)

In permitting a new interim use, the City Council may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or the community as a whole. Any City Council approval of an interim use shall be subject to the following conditions:

- A. Except as otherwise authorized by this section, an interim use shall conform to this Ordinance as if it were established as a conditional use.
- B. The date or event that will terminate the interim use shall be identified with certainty. The City Council may require the applicant to deposit a cash amount with the City, or provide some other form of security, to ensure compliance.
- C. 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.
- D. Other conditions as the City Council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards of this Ordinance and policies of the Comprehensive Land Use Plan.

As City staff is not recommending approval of the request, staff did not draft conditions for approval in the original report.

Staff was directed by the Planning Commission at the meeting on February 26th to draft a list of possible conditions for approval based on discussion that occurred during the meeting related to painting, hours of operation, dumpster, fencing materials, maintenance of the fence, completion of the northern area of the site, vegetation/landscaping and limiting the use to a five year time frame. Staff's draft of conditions as requested by the Planning Commission is listed below:

1. This Interim Use Permit does not affect any other existing Interim Use Permits or Conditional Use Permits on the property.
2. The proposed rail car repair use shall cease operations within 5 years from the date of approval of this Interim Use Permit which is April 7th, 2030.
3. Approval is granted in general accordance with the site plan dated 3/4/2025 on file with the New Prague Community Development Department which notes the extent of the operation and the location of required fencing/screening/vegetation.
4. Approval is granted in general accordance with the “New Prague Mill Perspective” drawing dated 2/14/25 on file with the New Prague Community Development Department which notes that the paved parking lot, fence/sound wall, monument sign, landscaping and building paint is corrected and maintained throughout the term of the Interim Use Permit.
5. The required “fence” that extends north of the building and around the private rail lines near Main Street must be at least 20’ tall and meet or exceed MnDOT Standard Plan 5-297.661 for “Wood Planking Noise Wall with Concrete Posts” which provides for 100% opacity.
6. Vegetation must be placed around the fence/noise wall as outlined in Condition #4 must meet the requirements of Zoning Ordinance Section 707, Subd. 2 for screening of industrial uses abutting commercial properties. This requires a single row of trees at a minimum 8’ height at 40’ spacing at minimum.
7. Any noise from the proposed rail car repair use cannot exceed the requirements of MPCA Noise Pollution Control Rule 7030 or City Code Section 92.15 regarding public nuisances.
8. To mitigate noise concerns for nearby properties, hours of operation (except for office hours) are only permitted Monday Through Friday, 7am to 4:30pm with no exceptions.
9. The painting of rail cars is prohibited on the site.
10. Employees of the rail car repair site must utilize existing office space (including bathrooms) within existing buildings on the property. Temporary work offices and temporary bathrooms are not permitted.
11. At least 36 paved off-street parking spaces, including required ADA spaces, must be striped with white or yellow paint lines no less than 4” wide providing for parking spaces at a size of 9’ x 20’ on a paved surface, as required by Section 717 of the New Prague Zoning Ordinance to be utilized for the exclusive use of the applicant. If the overall parking area exceeds 50 spaces it must also have interior landscape islands as required by the ordinance.
12. Any parking space must be setback 5’ from any property line to provide a buffer between the sidewalk and the parked vehicles and allow for required perimeter landscape trees.
13. All signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.

14. All lighting must conform to Section 704 of the Zoning Ordinance.
15. 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. Additionally, any dumpster that holds residual agricultural products from rail cards must be leak proof and have a cover to prevent odors and must be picked up at least weekly by a refuse company but may be required to be picked up more often if odors persist from the site.
16. A 6' access aisle must be maintained through the exterior work area to ensure access to all doors that abut the area for fire access.
17. If the exterior storage area is ever completely fenced, the applicant must provide a knox box to hold a key for access by the Police/Fire Department.
18. 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.
19. 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.
20. 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.
21. 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.

If the Planning Commission were to recommend approval, in addition to conditions, new findings would need to be drafted to approve the interim use permit. At this time, staff have not provided findings in the affirmative to approve the interim use permit.

Staff Recommendation

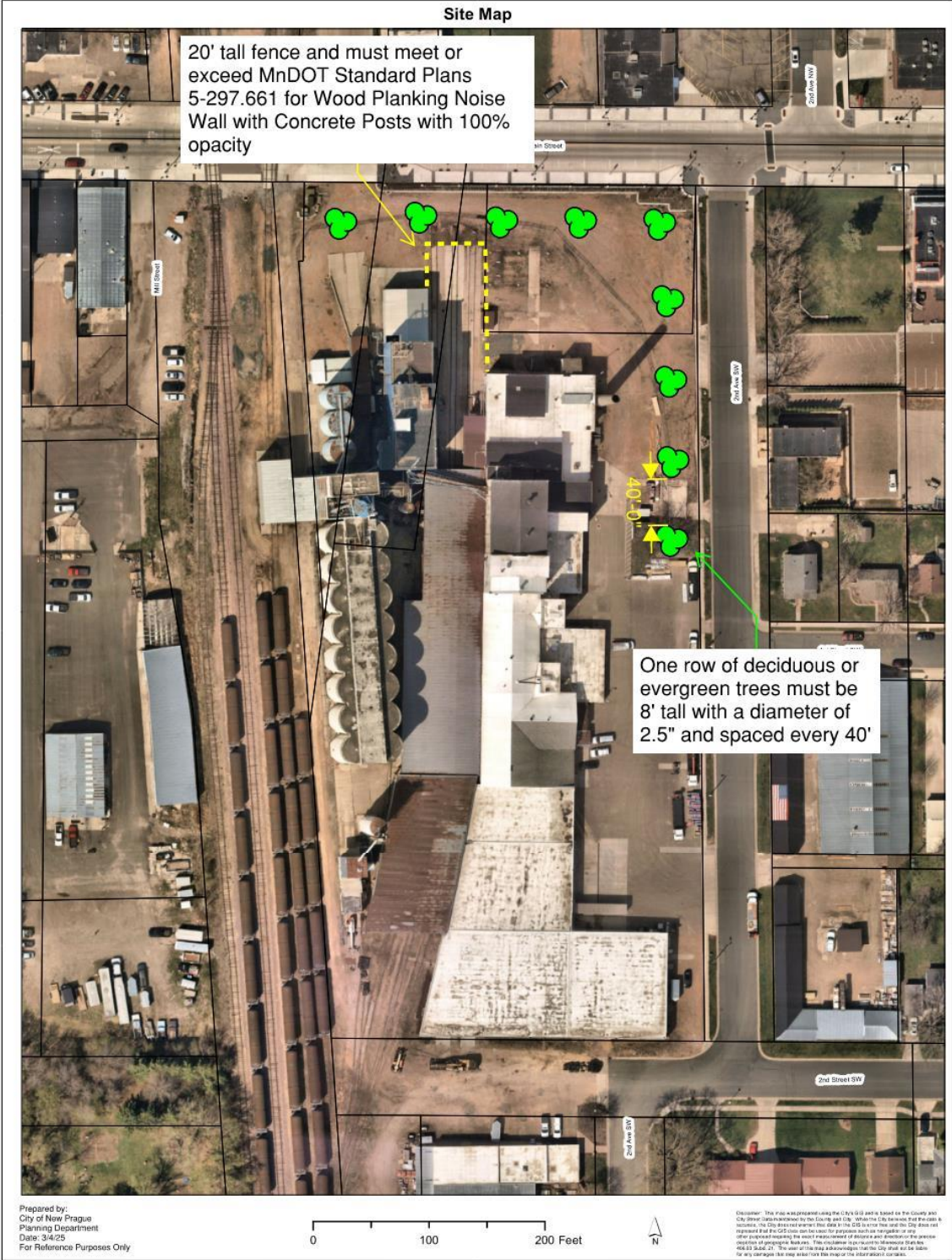
Staff continues to recommend **denial** of the request for Interim Use Permit (#I2-2025) to allow a rail car repair business in the I-1 Light Industrial Zoning District, at the former mill located 100 2nd Ave. SW, as proposed by New Prague Mill, LLC with the following findings:

- A. The proposed interim use for rail car repair will not utilize property in a reasonable and temporary manner considering the property is currently zoned I-1 Light Industrial Zoning, but is guided as "downtown flex" according to the 2045 Comprehensive Plan and of which exact requirements have not yet been determined.
- B. The proposed rail car repair is not acceptable in that while the property is currently zoned I1-Light Industrial and uses such as automobile repair are listed as permitted, this specific use is proposed to happen in an "exterior" fashion and not within a building. It is additionally noted that the property will be rezoned to "downtown flex" in 2025 or early 2026 to fit the current comprehensive plan and noting that the use is requested to continue 5 years from the date of approval.

- C. The proposed designated rail car repair area will hinder permanent development of the site because even though it is utilizing an underutilized canopy covered rail spur, the property is guided as “downtown flex” in the Comprehensive Plan which will lead to continued redevelopment of the site in a non-industrial fashion. The industrial use even as an interim use for a limited time period could deter continued development of the site for commercial purposes, could disturb existing uses on the property itself and could hinder development of adjacent properties.
- D. The proposed designated rail car repair area will adversely impact implementation of the Comprehensive Plan as the site is guided as “downtown flex” in the Comprehensive Plan and not guided for industrial uses which is at odds with allowing this industrial use even in an interim fashion.
- E. The proposed rail car repair may be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it may result in noise nuisances relating to Section 92.15 of the City Code or Chapter 7030 of MPCA Noise Pollution regulations.
- F. The rail car repair business may result in noises that may conflict with the planned Praha Outdoor Performance Stage, directly north of the Mill and Main Street and potentially other parks, schools, street and other public facilities.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed rail car repair business.
- H. The proposed designated rail car repair area will not impose additional costs on the public if it is necessary for the public to take the property in the future.

Attachments

1. Screening/Vegetative Markup– Dated 3/4/25
2. Concept Plan of the Mill – Dated 2/14/2025
3. MnDOT Noise Wall Example – Undated



Screening/Vegetative Markup



Concept Plan of the Mill (Looking Southwest from Main St)



Example of MnDOT Noise Wall Appearance (posts can be inside or outside)



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: REQUEST FOR INTERIM USE PERMIT #I2-2025 TO ALLOW A RAIL CAR REPAIR BUSINESS IN THE I-1 LIGHT INDUSTRIAL DISTRICT AT 100 2ND AVE. SW, AS PROPOSED BY NEW PRAGUE MILL, LLC.
DATE: FEBRUARY 21, 2025

Background

The New Prague Flouring Mill was first established in 1896 and was the main economic driver in the City, making New Prague a large manufacturer of farm produce for several years. However, in 2019 Miller Milling closed their business, later selling the property to current owners, New Prague Mill, LLC, who have been working to re-purpose the property for multiple tenant uses including the previously approved indoor firing range (Conditional Use Permit #C5-2023), religious institution (Interim Use Permit #I1-2024), and dog grooming business (Interim Use Permit #I1-2025), and other warehouse type uses, which are considered permitted uses at the site under its current I-1 Light Industrial zoning designation.

In October 2024, interim use permit (IUP) #I2-2024 was approved to allow exterior storage of vehicles and recreational equipment under the 28,000 sq ft canopy and the 36’ x 44’ canopy area as long as all conditions of the IUP were completed (including screening that has not yet been completed). More recently, New Prague Mill, LLC received an inquiry regarding the opportunity of having Cypress Rail Solutions perform rail car repairs on the site. Rather than storing recreational vehicles under the canopy area via I2-2024, New Prague Mill, LLC is requesting to allow rail car repair under the 28,000 sq ft canopy (which is considered “exterior” as it’s not within an enclosed building space) and up to the fence line, which were approved areas for exterior storage through #I2-2024. The rail cars would only be parked on the spur line south of the large, canopied area.

Although the property is currently zoned I-1 Light Industrial, the 2045 Comprehensive Plan has the property guided as “Downtown Flex”, which would allow similar commercial uses as the surrounding B-1 Central Business District. The new district standards have not been solidified yet but once they have been adopted, the property will be rezoned as “Downtown Flex”, prohibiting industrial uses. As such, New Prague Mill, LLC is requesting interim use permit #I2-2025 to allow a rail car repair business to occur at the property for 10 years.

Legal Description

Parcel 1:

New Prague Mill, LLC – Interim Use Permit #I2-2025
2/26/25 Planning Commission Meeting
Page 1 of 18

Lots 1, 2, 3, and 4 in Block No. 4, in the Village (now City) of New Prague, Le Sueur County, Minnesota.

Parcel 2:

Lot 4, Block 26, Syndicate Addition to New Prague, Le Sueur County, Minnesota, together with that part of the North half of the Vacated alley lying West of the Southerly extension of the East line of said Lot 4.

Parcel 3:

Block 22 of “Beans Re-Arrangement of Block 22 and 23 Syndicate Addition to New Prague”.

Parcel 4: Block 23 of “Beans Re-Arrangement of Blocks 22 and 23 Syndicate Addition to New Prague”, together with the vacated alley and the North half of vacated “L” street as shown on said Plat.

Parcel 5:

Lots 1 and 2, Block 23-1/2, of “Beans Re-Arrangement of Blocks 22 and 23 Syndicate Addition to New Prague”, together with the South half of vacated “L” Street as shown on said Plat.

Parcel 6:

Commencing with the intersection of the County Road with the line of the right way of the M. & St. L. Ry. Co., on the East side of their track, thence running East 70 feet, thence South 356 feet to a point 75 feet East of the said right of way line, thence west 75 feet to said right of way, thence running North 356 feet to the point of beginning, being in the NW1/4 of NW1/4 of Sec. 3-112-23, Le Sueur County, Minnesota.

Parcel 7:

The tract of land lying and being in the County of Le Sueur and State of Minnesota, described as follows, to wit: Beginning at a point on the North line of Section Three (3), Township One Hundred Twelve (112) North, Range Twenty-three (23) West, said point being distant East, One Hundred Fifty (150) feet, measured along said section line from the original centerline of the Railways main track; thence Southwardly Four Hundred Nine and Five-Tenths (409.5) feet, to a point distant Easterly Sixty-Seven and Ninety-seven Hundredths (67.97) feet, measured at right angles thereto, from said centerline of main track, thence Northwardly, parallel with said centerline of main track, Three Hundred Seven and One-Tenth, (307.1) feet; thence eastwardly at right angles, Three and Six Tenths (3.6) feet; thence Northwardly about One Hundred (100) feet to a point on said Section line distant West Sixty-Nine and Seventy-Three Hundredths (69.73) feet from the point of beginning; thence East, upon and along said Section line Sixty-Nine and Seventy-three Hundredths (69.73) feet to the point of beginning.

Parcel 8:

That part of the NW1/4 NW1/4 of Section 3, Township 112 North, Range 23 West, City of New Prague, Le Sueur County, Minnesota, described as follows: Commencing at the intersection of the centerline of main track of the Union Pacific Railroad Company and the North line of Section 3; thence N. 90 degrees 00 minutes 00 seconds E. (assumed bearing) along the North line of Section 3, a distance of 150.00 feet; thence S. 07 degrees 06 minutes 51 seconds W., 409.64 feet to a point distant 67.97 feet Easterly of and measured at right angles from the centerline of said main track; thence N. 04 degrees 22 minutes 30 seconds W., parallel with the centerline of said main track, 307.10 feet; thence N. 85 degrees 37 minutes

30 seconds E., 3.60 feet; thence N. 00 degrees 28 minutes 52 seconds E., 67.01 feet to the Southerly right of way line of State Highway No. 19 (Main Street); thence N. 90 degrees 00 minutes 00 seconds W., along said right of way line, a distance of 27.32 feet to a point distant 50.00 feet Easterly of and measured at right angles to the centerline of said main track; thence S. 04 degrees 22 minutes 30 seconds E., parallel with the centerline of said main track, 464.37 feet; thence N. 07 degrees 06 minutes 51 seconds E., 90.22 feet to the point of beginning.

Neighborhood Conditions

North – Central Business District / Main Street and underutilized portions of the former mill building which are also currently zoned I1-Light Industrial

South – I1-Light Industrial Zoned properties and to the southeast are some residential dwellings (RL-70 and RL-84 Single Family Residential Districts) separated by public roads from the subject site

East – Mach Lumber which is currently zoned I1-Light Industrial and single family homes (RL-70 and RL-84 Single Family Residential Districts) further east

West – Union Pacific Railroad and beyond that is the B-3 Highway Commercial Zoning District and TH13/21.

Overall, the former mill property is very unique in that it is surrounded by a variety of zoning districts. It’s especially unique in that it is an industrially zoned property along downtown Main Street, where existing commercial use occurs. In the 2045 Comprehensive Plan, the subject property is guided as “Downtown Flex” to fit the use of the greater downtown area. At this time, “Downtown Flex” does not have defined standards, but it’s anticipated that commercial uses such as service and retail will be allowed in the district, while industrial uses likely would not.

Applicant’s Statement

The applicant (Bill Gibson on behalf of New Prague Mill, LLC) submitted a statement of practical difficulty (two different letters) and other related information, which can be found as an appendix to this staff report.

Lot Size

The New Prague Mill property is approximately 253,955 sq ft (5.83 acres) in total. The rail car repair is proposed to occur under the 28,000 sq ft canopy (which is considered “exterior” as it’s not within an enclosed building space) and would extend up to a tall fence with vegetation around it, which can be seen in the rendering in this report. The rail cars would be parked on the spur line south of the large canopy area.

Zoning

The property is currently zoned I1-Light Industrial District. The purpose of the district is to provide for industrial uses for activities that, because of their nature, are not well suited for close proximity to residential and business areas of the community. Existing industry that is located close to residential areas is allowed to continue and must meet certain performance criteria when applicable. Industrial areas have good access to highway and railroad lines because of their need to receive and distribute products and goods. While certain automobile repair is allowed as a permitted use in the I1-Light Industrial

District, that would only include said uses that occur within a building. This particular use is requesting to occur in an “exterior” area and outside of a building which poses a number of concerns, including, but not limited to noise and visual nuisances.

The 2045 Comprehensive Plan was adopted in October 2024. In the Comprehensive Plan, the subject property is anticipated to be guided as “Downtown Flex”. At this time, there are no specified standards for this district, but commercial uses such as retail and services will likely be allowed. The city’s consultants, Bolton & Menk are currently in the process of drafting the Unified Development Code (UDC), which would rewrite the Zoning and Subdivision Ordinance. Once the UDC is adopted, the property will likely be rezoned from I-1 Light Industrial to “Downtown Flex”. In other words, after the property has been rezoned as “Downtown Flex”, industrial uses will likely be prohibited. The property owners intend to have rail car repair occur for a few years to generate additional revenue at the site. The property owners are requesting an interim use permit to temporarily allow rail car repair for 10 years under the 28,000 sq ft., and behind the northern fence found in the rendering.

Parking

According to Zoning Ordinance 717 (2)(P) titled Off-Street Parking and Loading, one parking stall is required for every 1,000 sq ft for industrial uses. Cypress Rail Solutions intends to do work under the 28,000 sq ft canopy and approximately 8,400 sq ft of uncovered space up to the approved northern fence. A minimum of 36.4 parking stalls are required for this proposed use.

In C5-2023 and V4-2023 for 2 If By Sea Tactical, the firing range needs a minimum of 24 parking stalls, in I1-2024 Faith, Recovery, & Music require a minimum of 10 parking stalls, and in I1-2025 Fancy Bones Pet Salon requires at least 2 parking stalls. The approved parking lot plan from C5-2023 showed 52 striped parking stalls. Based on this information, that means there are 18 available parking spaces left in the planned 52 stall parking lot. A minimum of 36 parking stalls are needed for the project. If the project uses the remaining 18 parking stalls, at least 18 more paved parking stalls would be needed at the site before this use could occur. An updated parking lot plan would be need to be provided to show where this parking would be provided. Additionally, the parking should show parking for the re-use of the remainder of the building including for potential users as mentioned in the applicants letters including a post office and dance studio.

The proposed parking lot must follow Section 717 of the Zoning Ordinance, detailing the standards for parking stall dimensions, setbacks, and minimum stall requirement. The parking lot must be striped in white or yellow paint no less than 4” wide. For a 90-degree angled parking lot, the parking stalls must be 9’ wide, 20’ deep, and a minimum lot drive aisle width of 24’ (for two-way traffic).

Public Works /Utilities / Engineering Comments

Utilities General Manger Bruce Reimers mentioned that he does not have an issue with their utilities but is uncertain about how they are going to set up the electrical service or their requirements. There is currently one meter for the entire site. There is also not a good site to have work being done on rail cars due to the noise. Public Works Director Matt Rynda concurs with the Utilities General Manager’s comments.

City Engineer, Chris Knutson, was not solicited for comments in relation to this request.

Building Official Comments

Building Official Scott Sasse was not solicited for comments as the use is “exterior” and does not occur within a building.

Police Chief Comments

Police Chief Tim Applen had similar concerns regarding noise as noted by other city staff. Even if they are within the noise requirements, it could be considered a nuisance according to our ordinance.

Fire Chief Comments

Fire Chief Steve Rynda was solicited for comments, but no comments were provided at the time of writing this report. In the previously approved report I2-2024, Fire Chief Steve Rynda noted that their only concern would be to maintain some sort of 6’ walking lane to get to all doors adjacent to the storage area. Staff drafted the following condition for I2-2024 to address the concern: *A 6’ access aisle must be maintained through the exterior storage area to ensure access to all doors that abut the storage area for fire access.*

WAC/SAC Fees

N/A.

General Planning Staff Comments

Although staff do not want the mill to be underutilized or empty, the proposed use does not match the Future Land Use Map in the Comprehensive Plan. The 2045 Comprehensive Plan was recently adopted in October 2024, guiding the subject property away from I-1 Light Industrial to “Downtown Flex”. The standards for “Downtown Flex” have not been established yet but would likely allow commercial uses commonly seen along Main St. Several of the existing tenants inside the building are similar to uses currently allowed in our B-1 Central Business and B-2 Community Commercial District such as office uses, religious institutions, and retail/service establishments. Based on the existing tenants, the uses have shifted the site towards commercial uses rather than industrial. Even though the applicants are requesting the interim use permit to allow rail car repair for 10 years, that is a substantial amount of time for an interim use permit. Most interim use requests are usually 1-5 years long.

Staff have concerns about possible nuisance complaints regarding noise. No industrial uses have occurred on the property since 2019 when Miller Milling closed the facility. For the past 5 to 6 years, the residents have likely become accustomed to the lack of noise or smell. If the interim use is approved, loud noises will emit from the property (as noted by their own submitted sound decibel readings) especially since the rail car repair will occur in an exterior area. The noise may also be a nuisance for the tenants and businesses operating within the Mill. The City may receive multiple complaints from neighbors depending on the loudness and frequency of noise resulting in more staff time review of enforcement and compliance. Furthermore, the noise could conflict with future POPS concerts, which is directly north of the property.

As noted in the applicants submitted sound testing, which staff did witness of the “ramp drop” test as measured at 74 dBA at the sidewalk, there was certainly sounds from vehicle traffic that approached the sounds measured from the proposed exterior site for repair. *Chapter 7030 for MPCA Noise Pollution control notes that sound must be measured based on the land use activity at the location of the receiver.* Generally, sound limits are lowest for residential receivers and higher for industrial. The downtown area

(where the measurements were taken at the sidewalk) would be considered “Noise Area Classification 2” which limits daytime decibels to 65 to 50% of an hour or 70 for 10% of the hour. Depending on the amount of time the “ramp drop” or “hammer on metal” or other activities would occur within an hour, the MPCA threshold could be exceeded. While sound readings were not taken at adjacent residential properties, the threshold drops to 60 and 65 decibels respectively. This reading would apply to residential apartments above a commercial area and it’s notable that there are apartments directly north of Main Street where the sound readings were taken.

Absent any possible violations for Chapter 7030 for MPCA Noise Pollution, Section 92.15 of the City Code states that the following is a public nuisance: “Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public”. This code can be utilized for noises not exceeding the MPCA thresholds.

The applicant makes the statement that “if this usage is denied, the city has effectively condemned by property.” In determining of a zoning regulation violates a property owner’s rights, the US Supreme Court has recognized two classes of regulatory takings: Categorical (regulation denies ALL economically beneficial or productive use of land) and Case-Specific (involving the economic impact of the regulation). The City argues that this is not a categorical taking as there are many viable businesses already operating on the property, that can and will continue to operate at the property not related to the specific request at hand.

Interim Use Permit Criteria

The City Council may consider an interim use permit for a use which is not specifically listed in this Ordinance as an interim use within the affected district and may grant a permit provided such interim use, after review by the Planning Commission and the City Council, is found to otherwise meet the criteria for granting an interim use permit within the affected district. The City Council shall make the following findings in order to approve an interim use:

- A. The proposed interim use will utilize property where it is not reasonable to utilize it in a manner provided for the City’s Comprehensive Plan and Zoning Ordinance. (The proposed interim use for rail car repair will not utilize property in a reasonable and temporary manner considering the property is currently zoned I-1 Light Industrial Zoning, but is guided as “downtown flex” according to the 2045 Comprehensive Plan and of which exact requirements have not yet been determined.)
- B. The proposed interim use is presently acceptable but, given anticipated development, will not be acceptable in the future. (The proposed rail car repair is not acceptable in that while the property is currently zoned I1-Light Industrial and uses such as automobile repair are listed as permitted, this specific use is proposed to happen in an “exterior” fashion and not within a building. It is additionally noted that the property will be rezoned to “downtown flex” in 2025 or early 2026 to fit the current comprehensive plan and noting that the use is requested to continue 10 years from the date of approval.)

- C. The proposed use will not hinder permanent development of the site. (The proposed designated rail car repair area will hinder permanent development of the site because even though it is utilizing an underutilized canopy covered rail spur, the property is guided as “downtown flex” in the Comprehensive Plan which will lead to continued redevelopment of the site in a non-industrial fashion. The industrial use even as an interim use for a limited time period could deter continued development of the site for commercial purposes, could disturb existing uses on the property itself and could hinder development of adjacent properties.)
- D. The proposed use will not adversely impact implementation of the Comprehensive Plan for the area. (The proposed designated rail car repair area will adversely impact implementation of the Comprehensive Plan as the site is guided as “downtown flex” in the Comprehensive Plan and not guided for industrial uses which is at odds with allowing this industrial use even in an interim fashion.)
- E. The proposed use will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare. (The proposed rail car repair may be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it may result in noise nuisances relating to Section 92.15 of the City Code or Chapter 7030 of MPCA Noise Pollution regulations.)
- F. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area. (The rail car repair business may result in noises that may conflict with the planned Praha Outdoor Performance Stage, directly north of the Mill and Main Street and potentially other parks, schools, street and other public facilities.)
- G. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. (Adequate utilities, access roads, drainage and necessary facilities exist for the proposed rail car repair business.)
- H. The date or event that will terminate the use has been identified with certainty. (The proposed designated exterior storage area shall cease to operate at the site no later than 3/3/2035.)
- I. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future. (The proposed designated rail car repair area will not impose additional costs on the public if it is necessary for the public to take the property in the future.)

In permitting a new interim use, the City Council may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or the community as a whole. Any City Council approval of an interim use shall be subject to the following conditions:

- A. Except as otherwise authorized by this section, an interim use shall conform to this Ordinance as if it were established as a conditional use.
- B. The date or event that will terminate the interim use shall be identified with certainty. The City Council may require the applicant to deposit a cash amount with the City, or provide some other form of security, to ensure compliance.
- C. 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.
- D. Other conditions as the City Council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards of this Ordinance and policies of the Comprehensive Land Use Plan.

As City staff is not recommending approval of the request, conditions for approval have not been developed at this time.

Staff Recommendation

Staff recommends **denial** of the Interim Use Permit (#I2-2025) request to allow a rail car repair business in the I-1 Light Industrial Zoning District, at the former mill located 100 2nd Ave. SW, as proposed by New Prague Mill, LLC with the following findings:

- A. The proposed interim use for rail car repair will not utilize property in a reasonable and temporary manner considering the property is currently zoned I-1 Light Industrial Zoning, but is guided as “downtown flex” according to the 2045 Comprehensive Plan and of which exact requirements have not yet been determined.
- B. The proposed rail car repair is not acceptable in that while the property is currently zoned I-1 Light Industrial and uses such as automobile repair are listed as permitted, this specific use is proposed to happen in an “exterior” fashion and not within a building. It is additionally noted that the property will be rezoned to “downtown flex” in 2025 or early 2026 to fit the current comprehensive plan and noting that the use is requested to continue 10 years from the date of approval.
- C. The proposed designated rail car repair area will hinder permanent development of the site because even though it is utilizing an underutilized canopy covered rail spur, the property is guided as “downtown flex” in the Comprehensive Plan which will lead to continued redevelopment of the site in a non-industrial fashion. The industrial use even as an interim use for a limited time period could deter continued development of the site for commercial purposes, could disturb existing uses on the property itself and could hinder development of adjacent properties.
- D. The proposed designated rail car repair area will adversely impact implementation of the Comprehensive Plan as the site is guided as “downtown flex” in the Comprehensive Plan and not

guided for industrial uses which is at odds with allowing this industrial use even in an interim fashion.

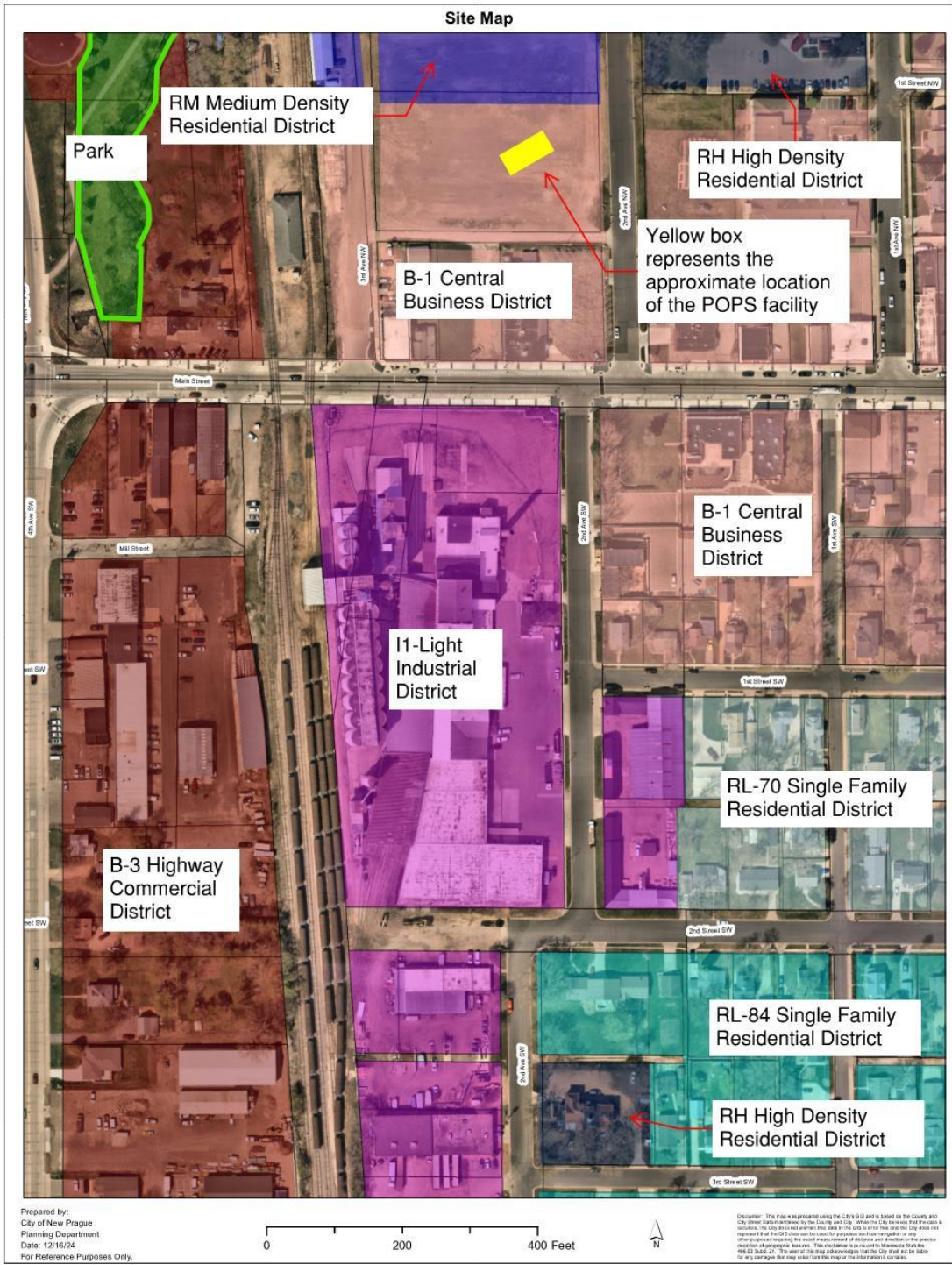
- E. The proposed rail car repair may be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it may result in noise nuisances relating to Section 92.15 of the City Code or Chapter 7030 of MPCA Noise Pollution regulations.
- F. The rail car repair business may result in noises that may conflict with the planned Praha Outdoor Performance Stage, directly north of the Mill and Main Street and potentially other parks, schools, street and other public facilities.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed rail car repair business.
- H. The proposed designated exterior storage area shall cease to operate at the site no later than 3/3/2035.
- I. The proposed designated rail car repair area will not impose additional costs on the public if it is necessary for the public to take the property in the future.

Attachments

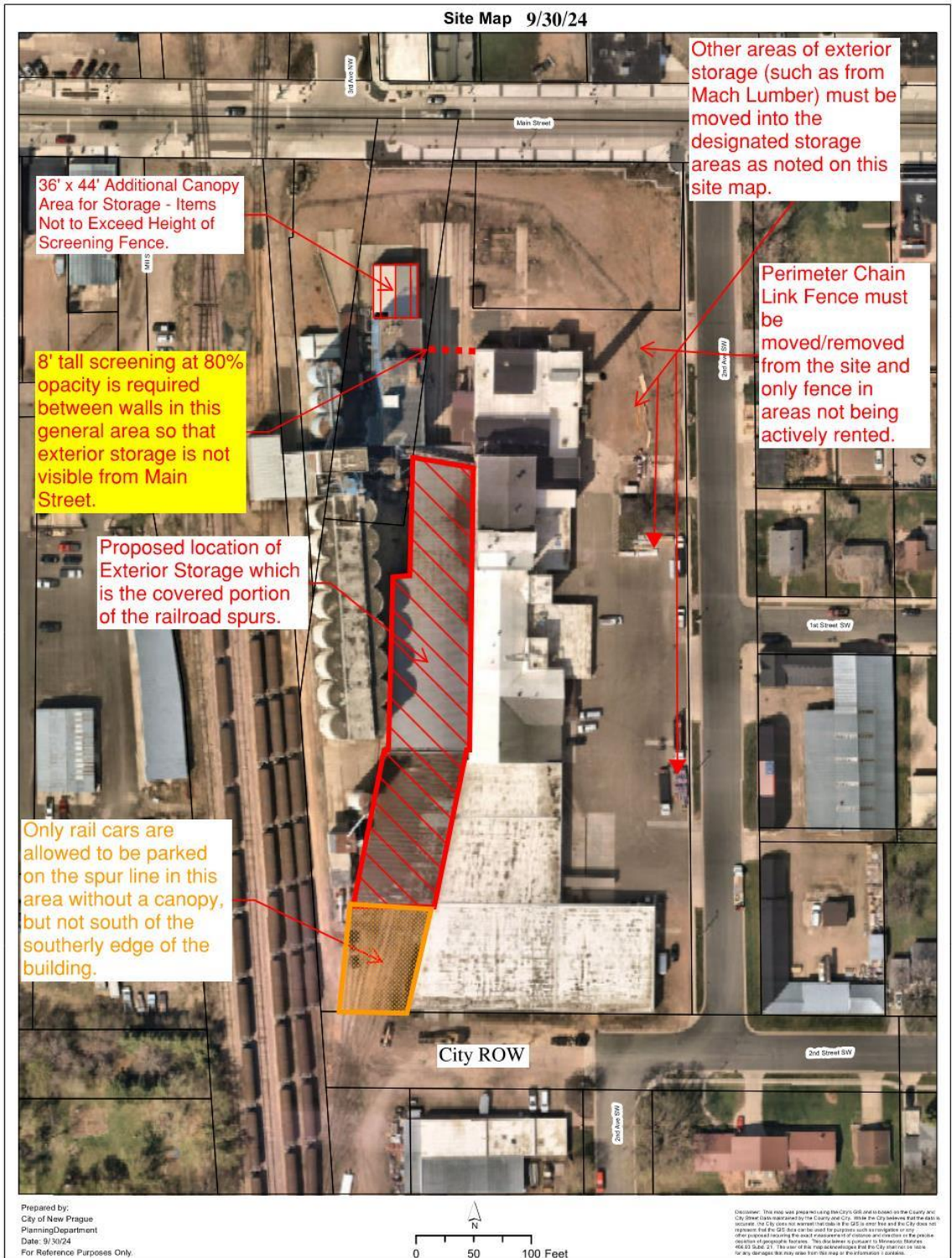
- 1. Site Map Aerial – Dated 2/6/25
- 2. Site Map Zoning – Dated 2/6//25
- 3. Approved Mark Up of I2-2024 – Dated 9/30/24
- 4. Location of Rail Car Storage & Repair – Dated 2/14/2025
- 5. Future Land Use Map – Undated
- 6. Concept Plan of the Mill – Dated 2/14/2025
- 7. Pictures – Dated 2/21/25



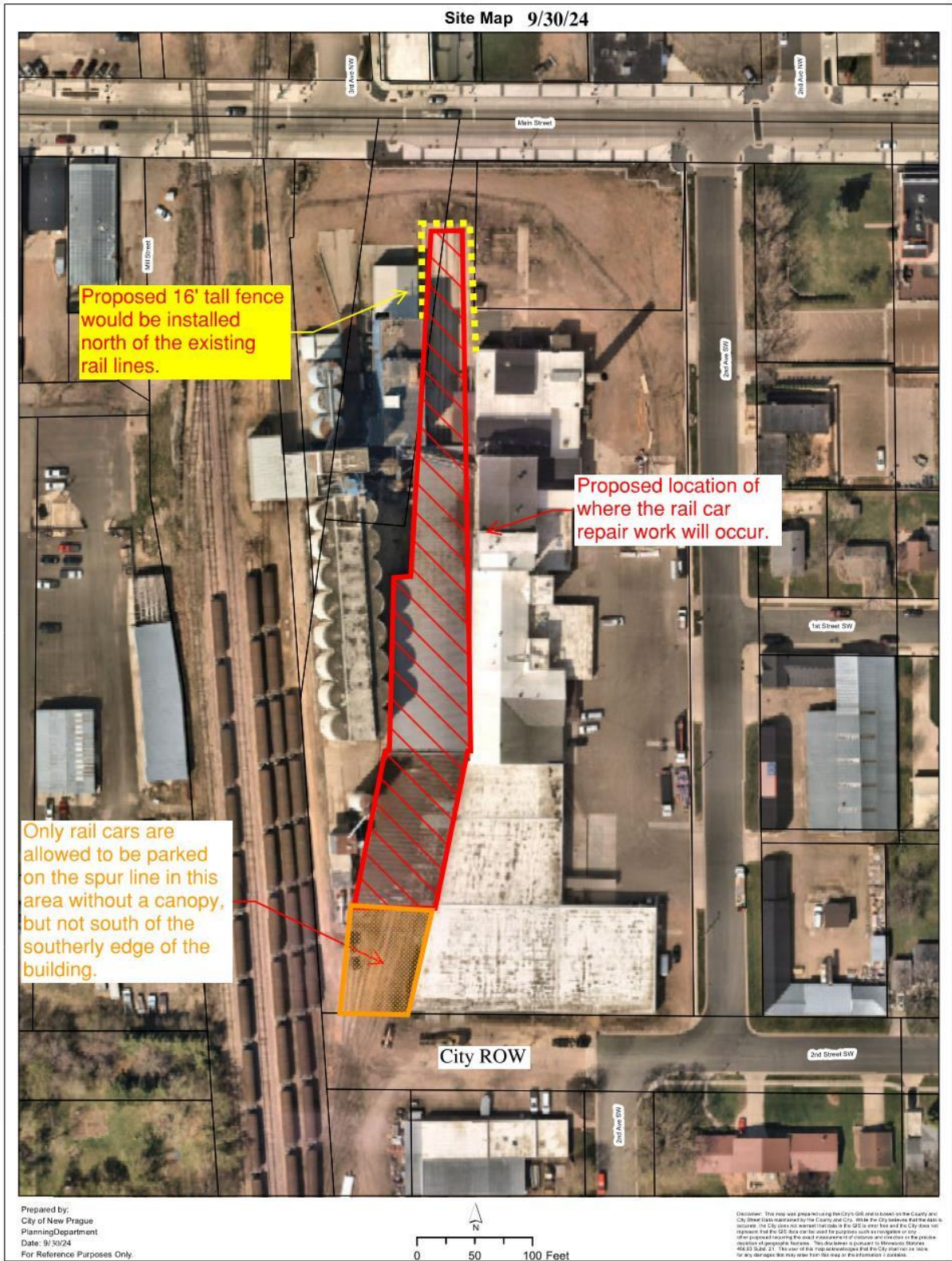
Aerial View of the Property



Zoning of the Subject Site and Surrounding Properties

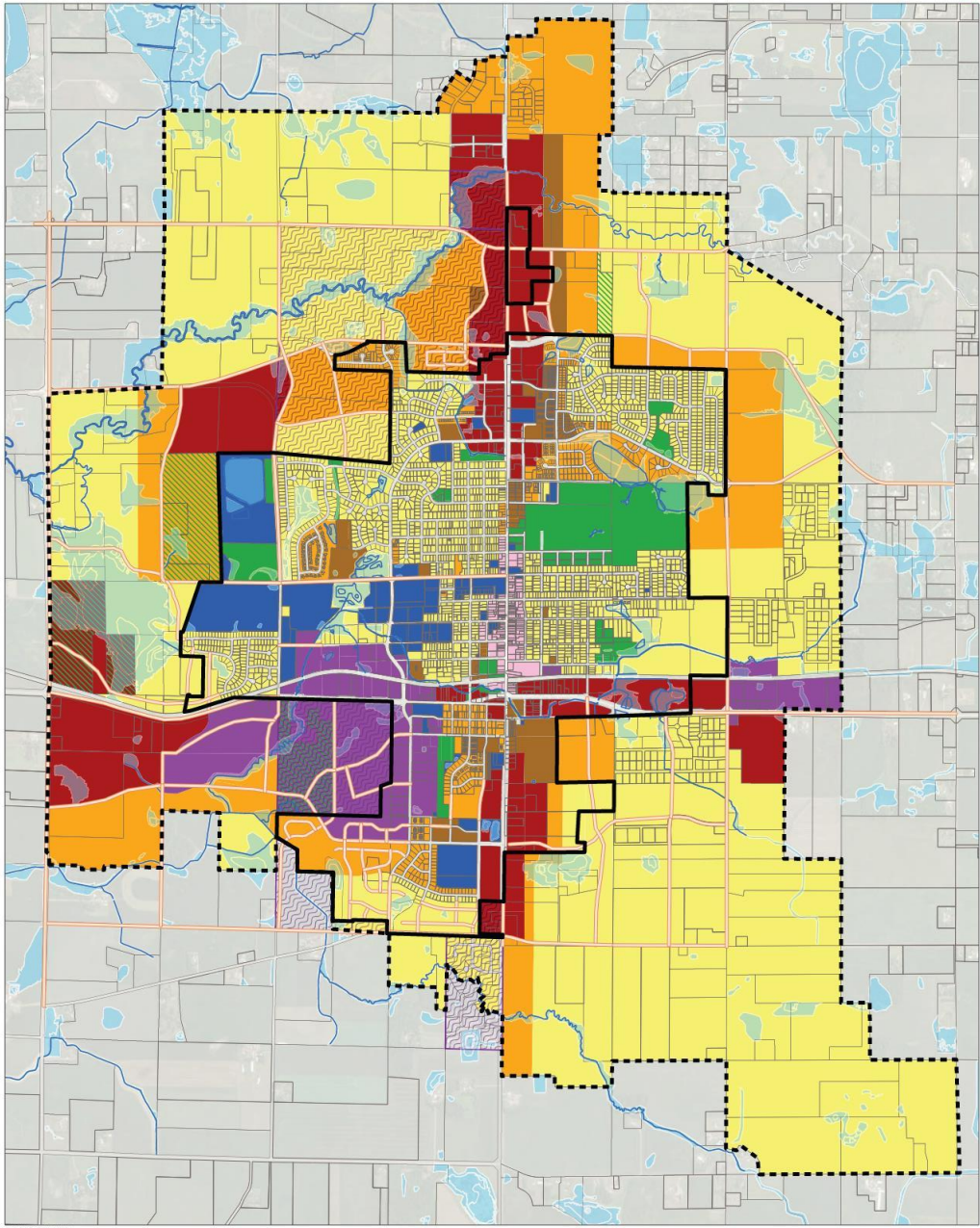


Approved Plan from I2-2024



Intended Location of Rail Car Storage and Repair

FUTURE LAND USE
CITY OF NEW PRAGUE
COMPREHENSIVE PLAN UPDATE
CITY OF NEW PRAGUE
SCOTT/LE SUEUR COUNTY, MINNESOTA



- Future Land Use Categories
- Single Family Res
 - Medium Density Res
 - High Density Res
 - Downtown Flex
 - Business Flex
 - Industrial
 - Public
 - Parks and Green Space
 - Proposed Parks
 - Future Road Corridors
 - Wetlands
 - Surface Water
 - Helena Township OAA
 - New Prague City Limits
 - 2040 Comprehensive Plan Boundary
 - New Prague Parcels

Date Sources:
Scott County, Le Sueur County, City of New Prague, FEMA



Future Land Use Map



Zoomed In Image of the Future Land Use Map



NEW PRAGUE MILL PERSPECTIVE
25-03-0025
02-14-2025

Concept Plan of the Mill Looking Southwest from Main St (Shows the 16' Tall Northern Fence)



View of Canopy Area from Main St W – Sound Blanket Currently Covering Front Entrance



Looking at the NW Corner of the Site from Main Street



Looking West from 2nd Ave SW



Looking West Along 2nd St SW ROW from Rail Spur



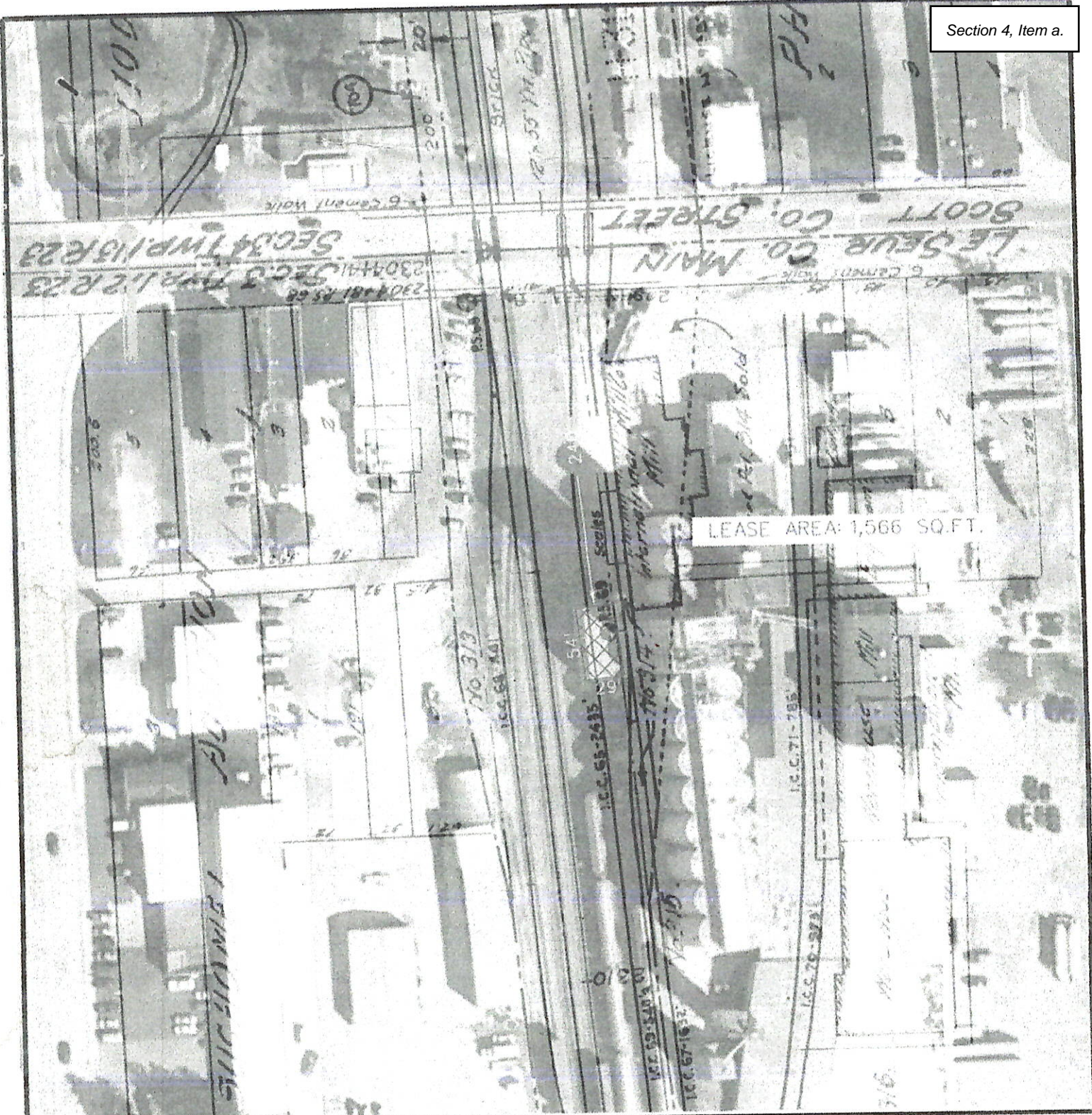
Looking North on the Rail Spur Towards the Southside of the Canopy Storage Area



Looking North on the Rail Spur Towards the Southside of the Canopy Storage Area


EXHIBIT A

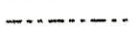




LEASE AREA: 1,566 SQ. FT.

LEGEND:

LEASE AREA SHOWN 

UPPRCO. R/W OUTLINED 

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.
EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY
NEW PRAGUE, LE SUEUR COUNTY, MN
M.P. 54.03 - MONTGOMERY SUB.
TO ACCOMPANY AGREEMENT WITH MILLER MILLING COMPANY, LLC.

SCALE: 1" = 100'

OFFICE OF REAL ESTATE
OMAHA, NEBRASKA DATE: 5-28-2014
DSK FILE: 2874-77

CADD FILENAME 0287477

SCAN FILENAME CNW/MN/MSL/V-101B/S-9

Sound decibel rating-tested 1/22

measured at the sidewalk

ramp drop	74
welder running	58
hammer on metal	71
semi truck on stret	73
traffic on street	53-65
no traffic	45

witnessed by Ken Ondich

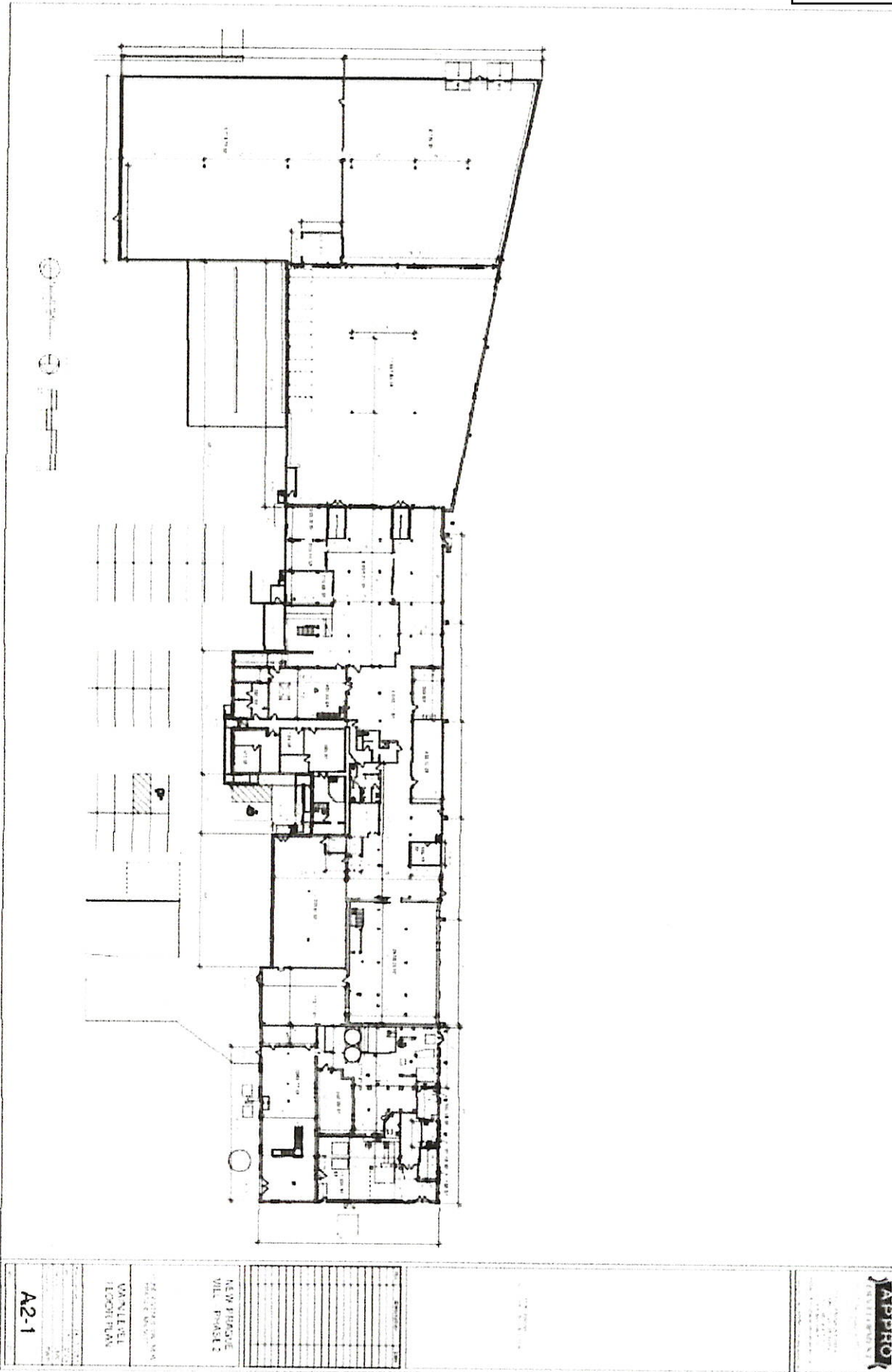
from Google

train horn	96-110
siren	100-135
trtain	70-100
air conditioner	72
vacuum	70
busy restaurant	85

New Prague Mill renters

-  CVF Motorsports
-  2 if by Sea
-  MVE
-  First Look Remodeling
-  Fancy Bones Dog Grooming
-  Faith Recovery Music
-  Post Office
-  Cory Newsome
-  Cypress Railway
-  Future retail/restaurant





New Prague Mill

To the New Prague planning commission:

Currently there are 12 businesses that are working through the mill. There are 18 employees working. Most of these are new jobs. As these businesses grow, they will need more employees, potentially 12-24 new jobs.

Cypress Rail will be bringing new high long term paying jobs. Potentially we will see 8-10 new opportunities. All of these employees will need housing, food, clothing etc. They will spend money to boost our local economy. I believe this falls in line with the vision New Prague has for the future.

Future tenants for the mill may include the post office and a dance studio. Talks are in process. The first floor will be close to full if successful.

We've used several local contractors at the mill to do improvements: SR painting Steve Ries, Rynda Landscaping Steve Rynda, Lakers Disposal, Cedar Lake Electric, Benny's Plumbing, Braith Auto, Kubes Flooring, Simon Concrete, Brick and Stone, IO Threads, Scott Equipment, Climate Control, Escape Fire.

We have spent almost \$1,000,000 for safety infrastructure and remodeling for tenants. This project is good for New Prague. Please help us to continue the project in good faith by allowing this tenant to help us succeed.

Thanks

Bill Gibson partner New Prague Mill LLC
612-272-1139

New Prague Mill

To the New Prague planning commission:

When we bought the mill in 2022, it was zoned Industrial. The property has silos, railroad tracks, milling equipment, warehouse and office space. Since that time, the city has gone to a “business flex” plan that currently doesn’t have rules, but is clearly designed for service or retail type business.

We currently have a potential tenant that would lease our railroad tracks and some warehouse to repair railroad cars. This would clearly be allowed in an I-2 district, but does not seem to be compliant with the “business flex” intention. The problem is that nothing in the business flex program would use railroad tracks or silos to be compliant. In essence, if this usage is denied, the city has effectively condemned my property.

We have thought about alternative uses for the silos, i.e. condominiums, event center, but parking will be a problem. In fact, any alternative use to change the Industrial use to business flex will have a parking issue as those uses will need more parking per sq ft.

Tearing down the silos and pulling the tracks will be very expensive, beyond our means. If we bring in a developer, they will do a big project and more than likely would eliminate the historic portion of the property that the city is trying to protect.

This particular customer has the ability to contact UP rails directly and sign a lease with them to do the repairs outside the mill property 100 feet to the west without city approval. It would not be concealed or covered. Doing this on the mill property would be the very best solution to contain noise and maintain a pleasant exterior. This would be covered by a very tall fence housed in vegetation. There would be no view from the street.

I propose that we leave the west side of the property including the tracks and silos and blue building to be long term I-2 zoning to solve this problem. If we put an end time to this, and the rails are still being used, all we have done is to kick this ball down the road for a future problem with different players.

Regards,

Bill Gibson, partner New Prague Mill LLC

612-272-1139



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KYRA CHAPMAN – PLANNER
SUBJECT: REQUEST FOR VARIANCE PERMIT #V2-2025 TO ALLOW 0’ SETBACKS, 76’ MINIMUM LOT WIDTH AND TO ALLOW A MAXIMUM LAND COVERAGE OF 63.7% FOR A LOT SPLIT IN THE I1-LIGHT INDUSTRIAL DISTRICT AT 100 2ND AVE SW, AS PROPOSED BY NEW PRAGUE MILL, LLC.
DATE: MARCH 14, 2025

Background

The New Prague Flouring Mill was first established in 1896 and was the main economic driver in the City, making New Prague a large manufacturer of farm produce for several years. However, in 2019 Miller Milling closed their business, later selling the property to current owners, New Prague Mill, LLC, who use the property largely for warehousing and commercial purposes. Businesses currently operating out of the facility include 2 If By Sea Tactical, Faith, Recovery & Music, and Fancy Bones Pet Salon & Boutique.

New Prague Mill, LLC intends to separate their property into two lots from north and south. The applicant intends to divide the southern portion of the building into one parcel (1.11 acres) from the northern/western building (4.72). When a platted property is being divided into two, staff administratively complete a minor subdivision. However, if the proposed new parcels do not meet the district’s bulk standards such as minimum lot area/width, setbacks, or maximum land coverage, a variance will be required first. The proposed new lots do not meet the I1-Light Industrial District’s minimum setbacks, minimum lot width and maximum land coverage by structure requirement. The applicant is requesting Parcel A to have 0’ setback from the west and north property lines and to allow a 63.7% maximum land coverage. The applicant is also requesting that Parcel B have a 76’ minimum lot width and 0’ setbacks on the east and south property lines.

Legal Description

Parcel 1:

Lots 1, 2, 3, and 4 in Block No. 4, in the Village (now City) of New Prague, Le Sueur County, Minnesota.

Parcel 2:

Lot 4, Block 26, Syndicate Addition to New Prague, Le Sueur County, Minnesota, together with that part of the North half of the Vacated alley lying West of the Southerly extension of the East line of said Lot 4.

Parcel 3:

Block 22 of “Beans Re-Arrangement of Block 22 and 23 Syndicate Addition to New Prague”.

Parcel 4: Block 23 of “Beans Re-Arrangement of Blocks 22 and 23 Syndicate Addition to New Prague”, together with the vacated alley and the North half of vacated “L” street as shown on said Plat.

Parcel 5:

Lots 1 and 2, Block 23-1/2, of “Beans Re-Arrangement of Blocks 22 and 23 Syndicate Addition to New Prague”, together with the South half of vacated “L” Street as shown on said Plat.

Parcel 6:

Commencing with the intersection of the County Road with the line of the right way of the M. & St. L. Ry. Co., on the East side of their track, thence running East 70 feet, thence South 356 feet to a point 75 feet East of the said right of way line, thence west 75 feet to said right of way, thence running North 356 feet to the point of beginning, being in the NW1/4 of NW1/4 of Sec. 3-112-23, Le Sueur County, Minnesota.

Parcel 7:

The tract of land lying and being in the County of Le Sueur and State of Minnesota, described as follows, to wit: Beginning at a point on the North line of Section Three (3), Township One Hundred Twelve (112) North, Range Twenty-three (23) West, said point being distant East, One Hundred Fifty (150) feet, measured along said section line from the original centerline of the Railways main track; thence Southwardly Four Hundred Nine and Five-Tenths (409.5) feet, to a point distant Easterly Sixty-Seven and Ninety-seven Hundredths (67.97) feet, measured at right angles thereto, from said centerline of main track, thence Northwardly, parallel with said centerline of main track, Three Hundred Seven and One-Tenth, (307.1) feet; thence eastwardly at right angles, Three and Six Tenths (3.6) feet; thence Northwardly about One Hundred (100) feet to a point on said Section line distant West Sixty-Nine and Seventy-Three Hundredths (69.73) feet from the point of beginning; thence East, upon and along said Section line Sixty-Nine and Seventy-three Hundredths (69.73) feet to the point of beginning.

Parcel 8:

That part of the NW1/4 NW1/4 of Section 3, Township 112 North, Range 23 West, City of New Prague, Le Sueur County, Minnesota, described as follows: Commencing at the intersection of the centerline of main track of the Union Pacific Railroad Company and the North line of Section 3; thence N. 90 degrees 00 minutes 00 seconds E. (assumed bearing) along the North line of Section 3, a distance of 150.00 feet; thence S. 07 degrees 06 minutes 51 seconds W., 409.64 feet to a point distant 67.97 feet Easterly of and measured at right angles from the centerline of said main track; thence N. 04 degrees 22 minutes 30 seconds W., parallel with the centerline of said main track, 307.10 feet; thence N. 85 degrees 37 minutes 30 seconds E., 3.60 feet; thence N. 00 degrees 28 minutes 52 seconds E., 67.01 feet to the Southerly right of way line of State Highway No. 19 (Main Street); thence N. 90 degrees 00 minutes 00 seconds W., along said right of way line, a distance of 27.32 feet to a point distant 50.00 feet Easterly of and measured at right angles to the centerline of said main track; thence S. 04 degrees 22 minutes 30 seconds E., parallel with the centerline of said main track, 464.37 feet; thence N. 07 degrees 06 minutes 51 seconds E., 90.22 feet to the point of beginning.

Neighborhood Conditions

North – Central Business District / Main Street and underutilized portions of the former mill building which are also zoned I-1 Light Industrial

South – I-1 Light Industrial Zoned properties and to the southeast are some residential dwellings separated by public roads from the subject site

East – Mach Lumber which is zoned I-1 Light Industrial and single-family homes further east

West – Union Pacific Railroad and beyond that is the B-3 Highway Commercial Zoning District and TH13/21.

Overall, the former mill property is very unique in that it is as very large lot that is unconventionally shaped. The property is located along Main Street W, which typically has smaller sized lots that are usually rectangular shaped. Furthermore, the property is surrounded by a mix of commercial and residential properties. It’s especially unique in that it is an industrially zoned property along downtown Main Street, where existing commercial uses occur. In the 2045 Comprehensive Plan, the subject property is guided as “Downtown Flex” to fit the use of the greater downtown area. At this time, “Downtown Flex” does not have defined standards, but it’s anticipated that commercial uses such as service and retail will be allowed in the district, while industrial uses likely would not.

Applicant’s Statement

The applicant submitted the following statement on 3/9/2025:

We want to separate the block building from the rest of the property for a couple reasons. The block building has been rented out to three long term tenants. We are able to finance this portion of the building, and insure it. This will result in considerable financial savings for the rest of the property. These funds can be used to propel forward the renovation of the remaining property. Also, its possible that this could be sold off. We have had a couple of offers, but have not come to terms at this point.

Bill Gibson
The New Prague Mill, LLC

Lot Size

The entire New Prague Mill property is roughly 253,955 sq ft (5.83 acres) in total. If the variance request is approved, the applicant intends to split the property into two. Parcel A would amass 1.11 acres (48,650 sq ft) and consist of the southern portion of the building and include 2 If By Sea Tactical. Parcel B would consist of the track canopy and the northern portion of the building, amassing 4.72 acres (205,305 sq ft). Parcel B would include Faith, Recovery & Music and Fancy Bones Pet Salon & Boutique. In the I1-Light Industrial District, the parcel must have a minimum lot area of 40,000 sq ft. The two proposed parcels would mee this minimum lot area requirement.

Zoning

The applicant, New Prague Mill, LLC, intends to divide their property into two lots. When platted properties are being divided into two lots, staff would administratively complete a minor subdivision. Variances are required if the two new proposed lots do not meet their zoning district’s bulk standards such as the minimum lot area, minimum lot width, setbacks (front, side, rear, alley), and maximum land

coverage by structure. The property is zoned I1-Light Industrial District, therefore, must meet its district bulk standards found in section 611 (7) in the Zoning Ordinance:

611 I1-Light Industrial District

- A. Minimum Lot Area: 40,000 square feet
- B. Minimum Lot Width: 150 feet
- C. Minimum Front Yard Setback: 40 feet
- D. Minimum Side Yard Setback: 15 feet
- E. Minimum Rear Yard Setback: 25 feet (50’ when abutting a residential district)
- F. Minimum Alley Setback: 10 feet
- G. Maximum Height: 50 feet
- H. Maximum Land Coverage by Structures: 40 percent

The proposed lot split does not meet the I1 Light Industrial District’s setbacks and maximum land coverage by structure requirement. Parcel A is not meeting the 25’ rear setback (west) and 15’ side setback (north) and has a 63.7% maximum land coverage by structure instead of the maximum allowed 40%. Parcel B is not meeting the 40’ front (south/east), and 150’ minimum lot width (along the platted 2nd Street SW gravel roadway on the SE corner of the site).

The applicant is requesting that Parcel A have a 0’ setback on north and west property line and a maximum land coverage of 63.7%. The applicant would also like Parcel B to have a 0’ setback on the south and east property lines and 76’ minimum lot width. A variance is required before a minor subdivision can be complete, because the proposed lots are not meeting the I1-Light Industrial District’s bulk standards.

North and east of the subject site, there are properties zoned as B-1 Central Business District. In the B-1 Central Business District, there is no lot size/width, setbacks or maximum land coverage requirements. The Future Land Use Map in the Comprehensive Plan has this property guided as “downtown flex”. At this time, the bulk standards have not been determined or rezoned but it would likely have similar requirements as the B-1 District.

Parking

The applicant will need a dedicated access agreement and shared parking agreement. Once complete, it must be filed with Le Sueur County. The parking lots at the site still must meet Section 717 of the Zoning Ordinance and parking lot plan in C5-2023 and V4-2023.

Public Works /Utilities / Engineering Comments

Utilities General Manager Bruce Reimers stated that there must be access to the shared domestic water service and the fire protection system on how it is shared throughout the entire complex. Public Works Director Matt Rynda did not have any comments on the subject.

City Engineer Chris Knutson did not provide any comment on the subject.

Police Chief Comments

Police Chief Tim Applen did not provide any comment at the time of this report.

Building Official Comments

Building Official Scott Sasse provided the following information:

Per Code section MNBC 2020 706.1.1 exception 2 says a fire walls are not necessary when dividing a building for ownership purposes. Each owner will have to sign a dedicated access easement agreement that states clearly the defined usages and access for each side. This shall be reviewed by the City of New Prague and then filed at the County’s property records for each property before the property line will be assumed. This exception does take both properties into account when an addition might be proposed to either side of the ownership division line. Meaning, if either side wanted to add on they would not be able to discount the building area on the other side of the ownership property line. The building area, height and stories will all still be added together when looking at maximum allowable areas. So assuming that the building currently fits within the buildings allowable area, height and stories this could a code path for their architect to use for code compliance.

706.1.1 Party walls.

Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 706. Party walls shall be constructed without openings and shall create separate buildings.

Exceptions:

1. 1.Openings in a party wall separating an anchor building and a mall shall be in accordance with Section 402.4.2.2.1.
2. 2.Fire walls are not required on lot lines dividing a building for ownership purposes where the aggregate height and area of the portions of the building located on both sides of the lot line do not exceed the maximum height and area requirements of this code. For the code official’s review and approval, he or she shall be provided with copies of dedicated access easements and contractual agreements that permit the owners of portions of the building located on either side of the lot line access to the other side for purposes of maintaining fire and life safety systems necessary for the operation of the building.

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 evaluated 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 industrial and commercial uses are allowed in the I-1 Light Industrial Zoning District.)
- B. The variance is consistent with the comprehensive plan. (The requested variance is consistent with the comprehensive plan because minor subdivisions are consistent with land use goals in the comprehensive plan.)
- 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 in that the variances are only needed to facilitate a minor subdivision.)
- 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 applicant had no control and which do not generally apply to other properties in the same zoning district because the subject property is very large and unconventionally shaped and surrounded by a variety of different zoning districts and is also only necessary as the property is currently zoned I-1 Light Industrial District which has more strict bulk requirements than the guided zoning of the property as downtown flex which will more closely resemble the existing B-1 Central Business District zoning which does not have setbacks, minimum lot size/width, or maximum building coverage requirements.)
- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because there are no physical changes being proposed but rather a minor subdivision.)
- 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 a portion of the property to be sold or the lot split would make it easier to finance and insure.)
- 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 dedicated access easement agreement and shared parking agreement must be made, clearly defining the usages and access as well access to the shared domestic water service and fire protection system.)

Staff Recommendation

Staff recommends approval of Variance #V2-2025 to allow reduced access to allow 0’ setback on Parcel A’s north and west property line, and 63.7% maximum land coverage as well as a variance for Parcel B to have a 0’ setback on the south and east property lines and a minimum lot width of 76’ at 100 2nd Ave SW, as proposed by New Prague Mill, LLC, with the following findings for the variance:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because industrial and commercial uses are allowed in the I-1 Light Industrial Zoning District.
- B. The requested variance is consistent with the comprehensive plan because minor subdivisions are consistent with land use goals in the comprehensive plan.
- C. The applicant will continue to use the property in a reasonable manner in that the variances are only needed to facilitate a minor subdivision.
- 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 same zoning district because the subject property is very large and unconventionally shaped and surrounded by a variety of different zoning districts and is also only necessary as the property is currently zoned I-1 Light Industrial which has more strict bulk requirements than the guided zoning of the property as downtown flex which will more closely resemble the existing B-1 Central Business District zoning which does not have setbacks, minimum lot size/width, or maximum building coverage requirements.
- E. The variance does not alter the essential character of the neighborhood because there are no physical changes being proposed but rather a minor subdivision.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow a portion of the property to be sold or the lot split would make it easier to finance and insure.
- G. A dedicated access easement agreement and shared parking agreement must be made, clearly defining the usages and access as well access to the shared domestic water service and fire protection system.

And with the following conditions:

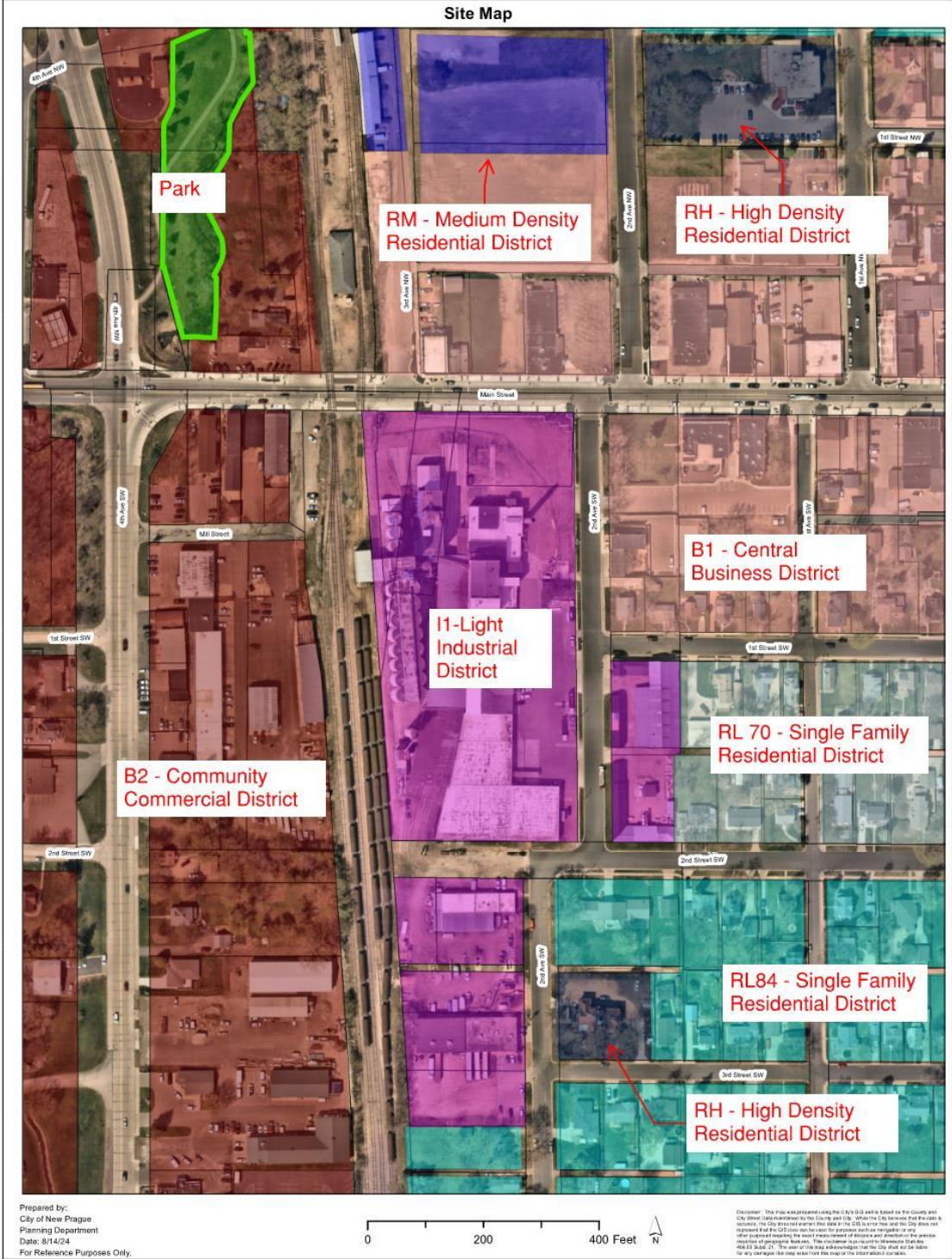
- 1. A dedicated access easement agreement and shared parking agreement must be made, clearly defining the usages and access as well as access to the shared domestic water service and fire protection system and filed with Le Sueur County.

Attachments

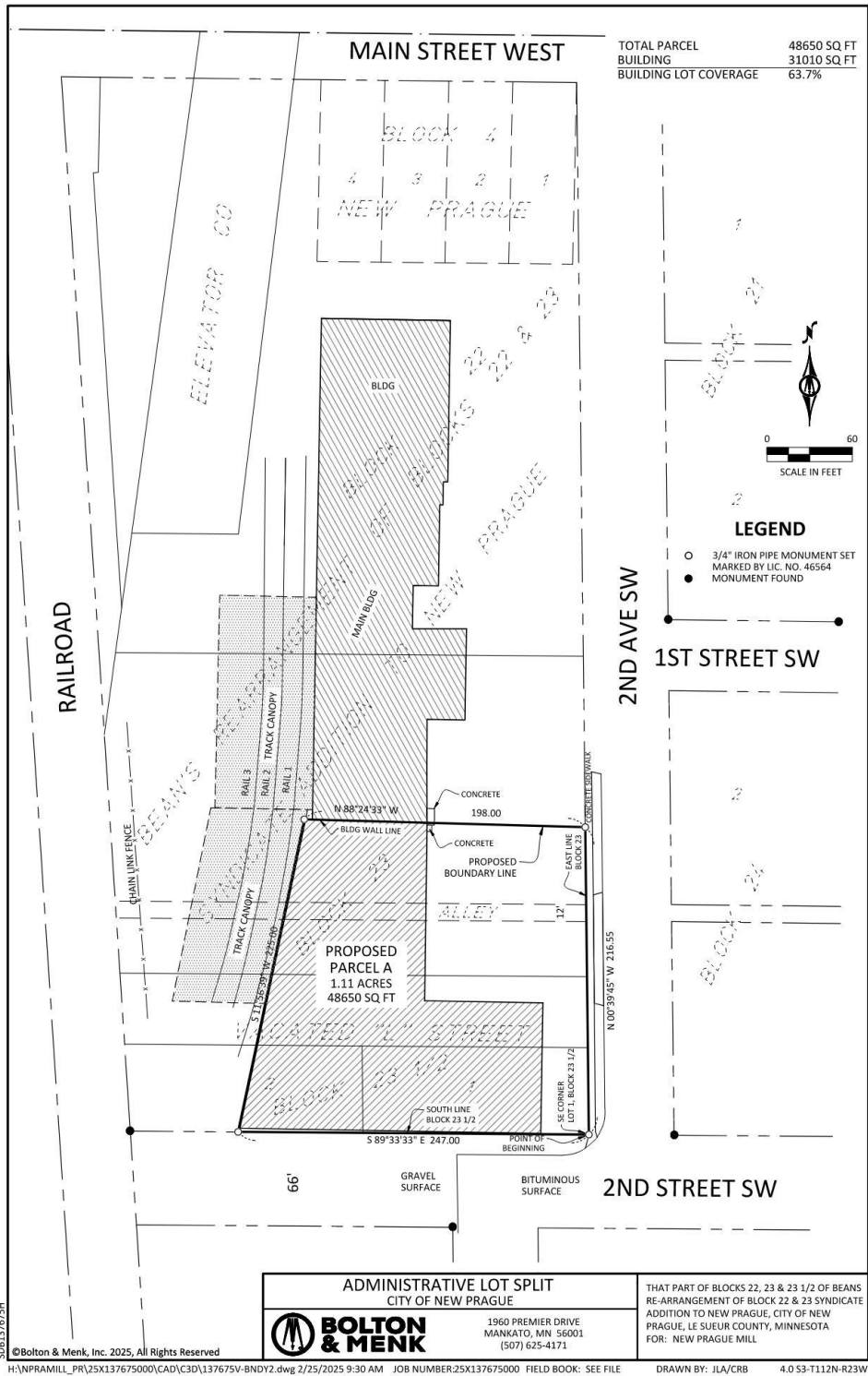
- 1. Site Map Aerial – Dated 8/14/24
- 2. Site Map Zoning – Dated 8/14/24
- 3. Survey of Proposed Lot Split – Dated 2/25/25
- 4. Markup of the Survey – Dated 3/11/25
- 5. Pictures – Dated 3/11/25



Aerial View of the Site

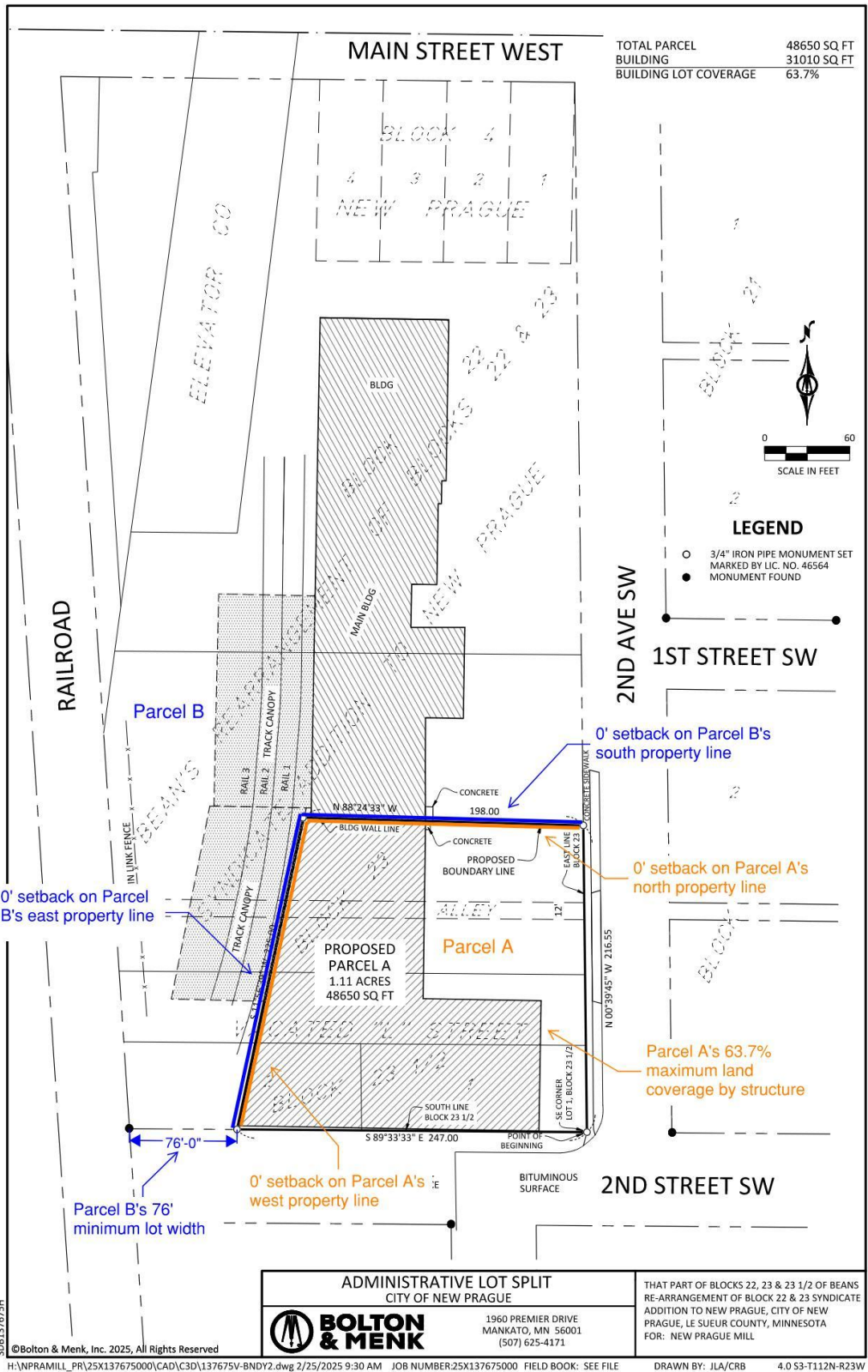


Zoning Districts of Subject and Neighboring Properties



Survey of Proposed Lot Split

Variance #V2-2025 – Setback, Lot Width & Maximum Land Coverage Variance
3/26/25 Planning Commission Meeting
Page 10 of 14



Markup of the Variance Requests

Variance #V2-2025 – Setback, Lot Width & Maximum Land Coverage Variance
 3/26/25 Planning Commission Meeting
 Page 11 of 14



Picture of the Mill Looking South from Main St (TH19/13)



Picture of the Mill Looking Southwest from 2nd Ave SW



Picture of the Mill Looking West from 2nd Ave SW



2 If By Sea Tactical Shooting Range Looking Southwest from 2nd Ave SW



Back of 2 If By Sea Tactical Shooting Range Looking North from the City ROW/2nd Ave 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: 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.

March 2025 EDA Business Updates:

- **0 new home permits** were issued in February (0 single family homes, 0 townhome units and 54 apartment units). 54 residential units have been issued so far in 2025 (0 single family, 0 townhomes and 54 apartment units).
- **Neisen Investments** purchased the former Corner Bar Property at 100 Main St. W. and are working on renovations to the building.
- **The Broz Hotel** at 212 Main Street W. is under contract for new ownership. The new ownership currently operates 3 Ten Event Venue in Faribault. (<https://www.3teneventvenue.com/>) They are working with the City to obtain a liquor license and are also actively seeking a restaurant to occupy the kitchen space.
- **Wells Fargo** at 217 Main Street W, applied for a sign permit to change out all signage at the location.
- The **Interim Use Permit application (I2-2025)** from New Prague Mill, LLC to allow a railcar repair business (Cypress Rail) to operate at 100 2nd Ave. SW (former mill) was tabled by the Planning Commission at their February Meeting and will be further discussed at the March Planning Commission meeting.