

**INTERIM ORDINANCE NO 2023-02
PURSUANT TO MINNESOTA STATUTES
SECTION 462.355, SUBDIVISION 4, ESTABLISHING A TWELVE MONTH
STUDY PERIOD AND MORATORIUM ON CERTAIN NEW NON-RESIDENTIAL
USES IN B-2, MX-1, and MX-3 DISTRICTS**

THE CITY COUNCIL OF THE CITY OF NEWPORT DOES ORDAIN THAT:

Section 1. Purpose and Intent. The purpose and intent of this Ordinance is to prohibit new construction or development of certain non-residential uses in the B-2, MX-1, and MX-3 Districts (the “Study Area”), as defined by the City of Newport City Code, Sec. 36-241. The City last reviewed the comprehensive plan in 2019. Since this review, the patterns of work and home have changed due to access to Highway 61, the COVID-19 pandemic, and technological advances. In addition, several outdated or ambiguous terms have been identified within the Newport Zoning Code (the “Studied Uses”)(*supra* Section 2), leading to the possibility of non-uniform application of said regulations. For these reasons, the City Council intends to study the Studied Uses and their associated conditions within the Study Area to align the Newport Zoning Code with the vision of the residents of Newport.

Section 2. Studied Uses. The following uses shall be known as the Studied Uses:

<p><u>MX-1 and MX-3 Districts</u> <i>Principal Uses</i></p> <ul style="list-style-type: none"> • Funeral Home • Parking garage • Parking lot, surface • Social and fraternal clubs and lodges, union halls • Transit stations and related parking facilities • Animal boarding, grooming, veterinary clinics, retail sales; • Auto body repair and major auto repair, towing services • Automotive services and car specialty services (not including body repair or major repair) • Bakeries, wholesale • Building materials and services • Catalog and mail order • Conference center, 50,000 square feet or less; • Contracting offices • Entertainment/amusement halls, bowling alley, indoor skating rink • Financial services, including banks with drive-through facilities • Gas, diesel or other motor fuel retail sales • Veterinary clinics; • Motion picture and sound recording industries • Motor Vehicle Sales—Single Licensed Dealer • Motor Vehicle Sales—Multiple Licensed Dealers • Printing, publishing, bookbinding, blueprinting • Processing and packaging of drugs, pharmaceuticals, 	<p><u>B-2 District</u> <i>Civic and Public Uses</i></p> <ul style="list-style-type: none"> • Airports • Cemetery or crematorium • Day care centers • Day care centers in a mixed-use building • Essential services/public utilities • Funeral home • Hospitals • Medical clinics • Military reserve, national guard centers • Park and public recreation facilities • Parking garage (as a principal use) • Parking lot, surface (as a principal use) • Penal/correctional facilities • Place of worship and associated facilities, except schools • Post office • Public facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities • Sanitary landfill • Schools-K-12, college, vocational, and associated facilities • Schools for business, trade, dancing, music • Social, fraternal clubs and lodges, union halls • Transit stations and related parking facilities <p><i>Commercial Uses</i></p>
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<p>perfumes and cosmetics</p> <ul style="list-style-type: none"> • Research, development and testing laboratory • Restaurants with drive-through service • Theaters (with structured parking) • Theaters • Towing services (no outside storage of vehicles) • Vehicle services (does not include body work or painting) <p><i>Accessory Uses</i></p> <ul style="list-style-type: none"> • Drive up facilities • Parking lot • Rental of vehicles (with limited outside storage) 	<ul style="list-style-type: none"> • Adult uses (bookstore, theater, nightclub, nude or partially nude dancing) • Animal boarding, grooming, retail sales • Auto painting and body work • Auto storage • Bakery, wholesale • Biotechnology businesses • Building materials and services • Commercial greenhouse operations • Fabrication of apparel, leather products and products from prepared products • Fabrication of office and computer equipment • Gas, diesel or other motor fuel retail sales • Industrial buffer • Medical, dental or veterinary clinics and laboratories • Motor vehicle sales—Single licensed dealer • Motor vehicle sales—Multiple licensed dealers • Printing, publishing, bookbinding, blueprinting • Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics • Salvage yards (auto or scrap iron) • Storage, mini-storage, cold-storage • Vehicle service (does not include painting or body work) • Vehicle storage lot • Veterinary clinic, animal hospital • Wholesale sales <p><i>Warehouse and Industrial Uses</i></p> <ul style="list-style-type: none"> • Manufacturing • Micro- and regional brewery • Retail sale, installation and remanufacturing of vehicle parts and accessories • Storage and distribution of bulk petroleum products, oil and gasoline • Storage, mini-storage, cold storage • Warehousing <p><i>Accessory Uses</i></p> <ul style="list-style-type: none"> • Outdoor sales, in conjunction with a permitted use • Parking lot, as an accessory use • Renewable energy system
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Section 2. Preliminary Findings. The City Council hereby makes the following preliminary findings to serve as the basis for the necessary study to be made during the moratorium. These preliminary findings serve as the reasons why it is in the public interest for the City to declare a moratorium by virtue of this Ordinance:

1. The current regulations and controls applicable to the Studied Uses within the Study Area may not adequately address the impacts of such uses on neighboring properties, may limit the opportunities for true comprehensive plan review, and

may not provide sufficient guidance to newer types of businesses, unfairly stopping their development in the City.

2. To serve the public interest, the City needs to determine how the resource-intensive Studied Uses and associated conditions can be located in the Study Area while ensuring the utmost protection of the public health, safety, and welfare of the community.
3. A moratorium is necessary to allow the City to establish a baseline of current Studied Uses and preserve the largest flexibility in future comprehensive planning efforts.
4. The public interest and public health, safety, and welfare require that the City study, analyze, and evaluate the impacts and effectiveness of the Studied Uses within the Study Area for the purpose of determining the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's comprehensive plan, are necessary or appropriate.
5. This moratorium will ensure ordinance changes will be carefully considered and evaluated; all the issues, including, but not limited to, density, parking, traffic, pedestrian safety measures, and land use, among other issues, can be fully examined; and the protection of the City's planning process and public health, safety, and welfare during the moratorium period.

Section 3. Moratorium Declaration. Until the City has completed a study related to the aforementioned findings, the City shall not accept or process applications, issue permits for, or allow new construction or development of any new Studied Uses within the Study Area.

Section 4. Study. During the period of this moratorium, the Study Group, as defined by Resolution No 2023-20 or subsequent resolutions, will conduct a study to determine the appropriate regulatory controls that may need to be adopted or revised to protect the public's health, safety, and welfare related to the aforementioned purpose, intent, and findings. In addition, the Study Group shall review the comprehensive plan to determine whether an amendment to the comprehensive plan is necessary or appropriate.

Section 5. Duration. Unless otherwise provided in this section, this Ordinance shall expire, without further City Council action, twelve months from the effective date of this Ordinance following its passage by the City Council pursuant to Minn. Stat. § 462.355, subd. 4; or it may be repealed earlier if the Council determines that no further study is necessary, that no further action is necessary, and/or any revisions of the City Code or Comprehensive Plan have been adopted by the City Council and are effective. The duration of this Ordinance may be extended by the adoption of a subsequent Ordinance for a total time not to exceed the statutory limits in Minn. Stat. § 462.355, subdivision 4.

Section 6. Separability. Every section, provision, or part of this Ordinance is declared separable from every other section, provision, or part; and if any section, provision, part thereof, or action taken under this ordinance is held to be invalid, it shall not affect any other section, provision, part, or action taken hereunder.

Section 7. Repealer. The interim ordinance establishing a short-term moratorium on new non-residential development in the B, I, and MX districts is hereby repealed in its entirety.

Section 7. Effective Date. That this ordinance shall take effect upon its publication.

Passed by the City Council of the City of Newport, Minnesota, this 16th day of March 2023.

Mayor

Attested By:

City Administrator