

**INTERIM ORDINANCE PURSUANT TO MINNESOTA STATUTES
SECTION 462.355, SUBDIVISION 4, ESTABLISHING A THREE MONTH
STUDY PERIOD AND MORATORIUM ON NEW NON-RESIDENTIAL
USES IN NON-RESIDENTIAL 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 all non-residential uses in Non-Residential Districts, as defined by the City of Newport City Code, Sec. 36-241. The City last reviewed the comprehensive plan in 2019. In the intervening years, the long-term impacts of the finalization of the lengthy project to restrict access to Highway 61, the additional sophistication and specialization of businesses attempting to move to the City due to technological advances, and the changed patterns of work and home due to the COVID-19 pandemic have all altered traffic patterns, hours spent at home by residents, and the overall needs of the City. Due to the larger size and more intense usage of resources, non-residential uses uniquely intensify traffic, create noise, impact the surrounding areas, and limit planning opportunities of the City more so than residential uses. For these reasons, the City Council seeks additional time to study which areas of the Non-Residential Districts should be studied in order to align the vision of the residents of Newport with the Newport Zoning Code.

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 so declare a moratorium by virtue of this Ordinance:

1. The current regulations and controls applicable to non-residential uses in the Non-Residential Districts 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 which areas and uses in the existing City regulatory framework should be reviewed to ensure 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 non-residential 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 non-residential uses within Non-Residential Districts 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 non-residential uses within the Non-Residential Districts of the City.

Section 4. Study. During the period of this moratorium, City staff will conduct a study to determine what specific non-residential uses in Non-Residential Districts should be further reviewed; such study to help determine the 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 City staff shall study 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, three 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. Effective Date. That this ordinance shall take effect upon its publication.

Passed by the City Council of the City of Newport, Minnesota, this 2nd day of February, 2023.

Mayor, Laurie Elliott

Attested By:

City Administrator, Joe Hatch