

City of Newport, MN
Ordinance No. 2023-06

An Ordinance Amending Chapter 36 of the Newport City Code of Ordinances
by Rezoning All Property at PIDs 3602822220047 and 3602822220022 from
MX-3 to MX-3-PUD.

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

SECTION 1. The following property is hereby rezoned from MX-3 (General Mixed Use District) to MX-3-PUD (General Mixed Use Planned Unit Development):

Lots One (1) to Sixteen (16), inclusive, of Riverwood Acres No. 5, according to the plat thereof on file and of record in the Office of the Register of Deeds of Washington County, Minnesota, including that portion of vacated 5th Avenue accruing thereto by reason of the vacation thereof except that part of Lots 1, 2, 3, 4, 13, 14, 15, and 16, Riverwood Acres No. 5, according to the plat thereof on file and of record in the Office of the County Recorder in and for Washington County, Minnesota, including that portion of vacated 5th Avenue accruing thereto by reason of the vacation thereof; which lies easterly of Line 1 described below:

Line 1. Beginning at the southwest corner of Block 1, Riverwood Acres No. 4; thence northerly on an azimuth of 00 degrees 10 minutes 11 seconds along the west line thereof for 186.005 meters (610.25 feet); thence on an azimuth of 359 degrees 09 minutes 15 seconds for 15.242 meters (50.01 feet) to the southwest corner of Lot 15, said Riverwood Acres No. 5; thence on an azimuth of 49 degrees 14 minutes 05 seconds for 80.579 meters (264.37 feet); thence on an azimuth of 70 degrees 43 minutes 06 seconds for 76.509 meters (251.01 feet) to a point hereinafter referred to as "Point A"; thence on an azimuth of 346 degrees 39 minutes 04 seconds for 325.484 meters (1067.86 feet) and there terminating

SECTION 2. PUD District Regulations. Permitted uses and regulations acceptable to the PUD are hereby established as follows:

1. Principal Land Use – Uses permitted within this PUD shall be:
 - a. Multiple Family Dwellings over 8 units.
 - b. Four principal structures on one lot.
 - c. Uses listed as “Permitted” within Section 36-241
 - d. Uses listed as “Permitted with a conditional use permit” within Section 36-241, consistent with requirements for a CUP in Section 36-45
2. Accessory Land Use – Accessory uses shall be incidental to the principal uses of the property and as allowed in the MX-2 District in Section 36-241.
3. Design Standards – The Use permitted within this PUD is allowed to deviate from the following design standards:
 - a. Section 36-240(1) by providing a front yard parking setback of 17 feet.
 - b. Section 36-162(1)(a) by allowing a maximum of 85% of overall façade areas to be covered in Class I and II building materials but also including fiber cement siding products.
4. Other Standards – Unless a PUD deviation has been granted or conditions imposed, the standards for this property shall be those found for the MX-3 General Mixed Use Development District in Chapter 36 of the City Code.

SECTION 3. Zoning Map. The zoning map of the City of Newport shall be republished to show the aforesaid zoning, and in the interim, the Clerk shall appropriately mark the zoning map on file with the Clerk’s Office for the purpose of indicating the rezoning hereinabove provided for in this ordinance, and

all of the notations, references, and other information shown thereon are hereby incorporated by reference and made part of this ordinance.

SECTION 4. Sunset Clause. This ordinance shall become null and void without further City Council action if: (1) a building permit is not issued for the project, as approved by the City Council through Resolutions 2023-41 and 2023-42, within one year of the date of approval of this ordinance; or (2) an extension of the time period for completion for good cause shown is not received and approved by the Newport City Council.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon the adoption and publication in the official newspaper of the City of Newport.

SECTION 6. This Ordinance shall take effect following its passage and publication with an effective date of 9-25, 2023.

Passed by the City Council of Newport, Minnesota this 21th day of September 2023.

Motion by: Ingemann

Seconded by: Sumner

VOTE:

Elliott	<u>Aye</u>
Chapdelaine	<u>Aye</u>
Ingemann	<u>Aye</u>
Taylor	<u>Aye</u>
Sumner	<u>Aye</u>

Attest: [Signature]
Joe Hatch, City Administrator

Signed: Laurie D. Elliott
Laurie Elliott, Mayor