

ORDINANCE NO. 2023-486

Motion By: Nichols
Seconded By: Schultz

AN ORDINANCE AMENDING THE TEXT OF SECTIONS 1040.140 AND 1070.010 OF THE ZONING ORDINANCE OF THE CORCORAN CITY CODE RELATED TO PLANNED UNIT DEVELOPMENTS (CITY FILE 22-045)

THE CITY OF CORCORAN ORDAINS:

SECTION 1. Amendment of the City Code. The text of Section 1040.140 of the Corcoran City Code is hereby amended by removing the ~~stricken~~ material and adding the underlined material as follows:

1040.140 – PUD (PLANNED UNIT DEVELOPMENT)

Subd. 1. Purpose. In return for greater flexibility in site design requirements, the Planned Unit Development (PUD) district is expected to deliver creative community designs of exceptional quality. PUDs shall honor the rural character of Corcoran by prioritizing nature through preservation, restoration, and/or enhancement of the natural systems that sustain the City. PUDs will include a combination of public benefits such as above-average open space amenities; incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The purpose of the PUD, Planned Unit Development District, is to promote creative and efficient use of land by providing design flexibility. A PUD can be used in the development of residential neighborhoods and/or nonresidential areas in a manner that would not be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the City Council to make in its legislative capacity.

Subd. 2. Intent. The intent of this district is to include most of the following:

- I. Provide for the establishment of PUD districts in appropriate settings and situations to create or maintain a development pattern that is consistent with the City's Comprehensive Plan.
- II. Potentially Allow for the mixing of land uses within a development when such mixing of land uses is determined to be compatible with the surrounding area and could not otherwise be accomplished under the existing zoning and subdivision regulations.
- III. Provide for variations to the strict application of the land use regulations to improve site design and operation, while at the same time incorporating design elements, ~~e.g. construction materials, landscaping, lighting, etc.~~, that exceed the City's standards to offset the effect of any variations. Desired design elements may include the following: innovative design, integration of historical or rural structures and design elements, utilization of newly established technologies in

ORDINANCE NO. 2023-486

building design, special construction materials, additional landscaping, creating parking and pedestrian connections, stormwater management, pedestrian-oriented design, or transitions to residential neighborhoods.

- IV. Promote more creative and efficient approach to land use within the City, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the City.
- V. Preserve and enhance natural features, ~~and~~ open spaces, trees, and scenic views.
- VI. Maintain or improve the efficiency of public streets and utilities.
- VII. Ensure appropriate transitions between differing land uses.
- VIII. Ensure high quality of design and designs that are compatible with surrounding land uses, including existing and planned.

Subd. 3. Application Applicability. A PUD district shall not be established for parcels guided in the Comprehensive Plan for Rural/Ag Residential and Rural Service/Commercial, except where allowed for an Open Space Preservation Plat. ~~It will be used in areas guided Mixed Use or Mixed Residential on the Land Use Plan and in other areas where A PUD district can be established for parcels guided in the Comprehensive Plan as any other land use designation than those stated above when~~ the City finds that the proposal meets the intent of ~~this the PUD~~ district.

Subd. 4. Allowed Uses. ~~All permitted uses, permitted accessory uses, conditional uses, and interim uses contained in the underlying zoning districts shall be treated as potentially allowable uses within a PUD district. Uses within the PUD will generally be limited to those uses considered associated with the general land use category shown for the area on the City's Comprehensive Plan.~~

A. Low Density Residential. PUDs located on land that is guided for existing and low density residential shall be limited to permitted and accessory uses in addition to uses allowed by conditional, interim, and/or administrative permit as contemplated with the following single-family residential districts: RSF-1, RSF-2, and RSF-3.

B. Presumption of Underlying Zoning District.

I. PUDs located on land that is guided as one of the land use designations in the table below will be presumed to include permitted and accessory uses in addition to uses allowed by conditional, interim, and/or administrative permits of the underlying zoning district(s) associated with the land use designation.

<u>Land Use Designation in Comprehensive Plan</u>	<u>Underlying Zoning District</u>
<u>Medium Density Residential</u>	<u>RMF-1</u>
<u>Mixed Residential</u>	<u>RMF-2</u>
<u>High Density Residential</u>	<u>RMF-3</u>

ORDINANCE NO. 2023-486

<u>Mixed Use</u>	<u>GMU and DMU</u>
<u>Commercial</u>	<u>C-1 and C-2</u>
<u>Business Park</u>	<u>BP</u>
<u>Light Industrial</u>	<u>I-1</u>
<u>Public/Semi-Public</u>	<u>PI</u>

II. Additional uses not contemplated in the underlying zoning district may be approved by Ordinance if the Council determines such uses to be compatible with the intent of the underlying zoning district.

C. Mixed Use. PUDs located on land guided as mixed use are expected to include a combination of residential and commercial uses.

Subd. 5. **Presumptive Performance Standards. Lot Dimensions, Setbacks and Building Heights.** The district regulations (e.g., minimum lot dimensions, building height, and building coverage ratio) of the most closely related underlying zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purpose and intent described in this Section.

Subd. 6. **Design Standards.** The PUD plan establishes the requirements for a PUD and shall govern land uses and design. The following is a list of minimum standards required of PUDs:

A. Appropriate Integration. PUDs shall be appropriately integrated into existing and proposed surrounding development. This does not mean the PUD reflects the specific standards of the surrounding area such as lot size, density, setbacks, or design. While integration may be achieved through such standards, it may also be achieved through continuation of existing land use types, architectural transitions, landscaping buffering, or other means.

B. Variety and Enhanced Design. Since PUDs are expected to exceed standards, most residential PUDs should include a wide variety of styles. Style refers to the exterior image and footprint, not the floor plan. Where a wide variety of styles does not make sense, the PUD should include enhanced building design that exceeds underlying standards.

I. PUDs with detached homes must provide house elevations for approval. There should be no less than 5 styles of detached homes.

II. PUDs with attached homes (not including apartment buildings) must include no less than 2 styles.

III. For PUDs without a residential component, applicants must provide material boards with renderings for design evaluation.

C. Open Space. A low-density residential PUD shall provide a percentage of the project area as open space based on the requested lot width minimum as shown in the subsequent table.

ORDINANCE NO. 2023-486

<u>Proposed Lot Width</u>	<u>Required Open Space</u>
<u>72' or more</u>	<u>0%</u>
<u>Less than 72' - 65'</u>	<u>7%</u>
<u>Less than 65' - 55'</u>	<u>12%</u>
<u>Less than 55'</u>	<u>15%</u>

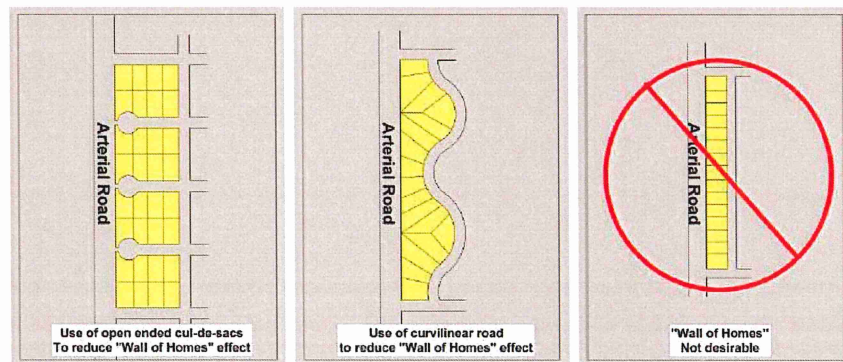
- I. If the PUD is to be developed in phases, the applicant must include the entire site to be designated as open space in the plat of the first phase of development.
- II. Open space is a vegetated area or areas available for the common use of and is accessible by all residents or occupants of the buildings within the PUD.
 - a. Open space shall consist of upland and be calculated on a net basis which excludes private yards, private streets from back of curb to back of curb, public rights-of-way, or any other non-recreational impervious surface area.
 - b. Areas within easements shall be used in calculating open space unless the easement is over an inaccessible and/or unusable space such as wetlands or stormwater ponds.
 - c. The calculation will be based off the net pre-development area.
 - d. Dedicated parkland or trails shall not be used in calculating open space for a development if it is anticipated in the 2040 Comprehensive Plan.
 - e. Outdoor recreational facilities or structures can be placed within the open space to be used by the residents of the development such as gardens, greens, and gazebos. However, enclosed structures such as club houses or sheds cannot be placed within the open space.
 - f. The applicant shall be required to submit an open space plan along with the PUD development plan. The open space plan will illustrate the use and/or function of the open space area or areas. The open space plan shall include any proposed improvements and/or design of the open space area.
- III. These open space requirements do not apply to Open Space & Preservation PUDs in the Rural Residential and Urban Reserve zoning districts.
- IV. The Council can waive or reduce the open space requirement at their discretion when an applicant shows that the open space cannot be accommodated with other City requirements (including a minimum density of 3 units per acre) and/or proposed public benefits.
- D. Perimeter Buffer. PUDs shall provide a landscaping buffer to screen homes from arterial and major collector roads.
- E. Public Accessibility. When a PUD includes natural features such as creeks, streams, ponds, and lakes, the PUD shall provide public access to these features.
- F. Discretionary Standards. In addition to the above standards, the City Council may impose such other standards for a PUD project as are reasonable and as the

ORDINANCE NO. 2023-486

Council deems are necessary to protect and promote the general health, safety, and welfare of the community and surrounding areas.

G. Prohibited Features and Modifications.

- I. The City will not grant side setbacks that result in less than a 15-foot minimum required separation between two detached dwellings.
- II. PUDs with detached homes shall be designed to avoid interior perimeter roads that are parallel to arterial roadways. Roadways should be curvilinear wherever feasible with a variety of building orientation along arterial roadways.



- III. PUDs cannot request flexibility from meeting the minimum required screening and/or buffering standards otherwise required in the Zoning Ordinance unless the applicant can show there is a site constraint out of their control that justifies a deviation from these requirements, proposes an alternative screening method that will meet the intent of the requirements, and/or proposes relocating screening methods to a more beneficial location within the development.

Subd. 7.

PUD Benefits. PUDs are expected to provide a combination of public benefits in exchange for flexibility in Zoning Ordinance requirements. All new PUDs that have not submitted a sketch plan for City Council review prior to 5/25/2023 shall be reviewed against Corcoran's PUD Public Benefit Policy, hereby made a part of this Section, as may be amended from time to time.

- A. PUDs should seek to satisfy several of the identified public benefits in the PUD Public Benefit Policy. The size of the PUD, constraints of the site, and flexibility requested will be considerations for the City in determining whether an appropriate amount of public benefits are proposed to justify granting the PUD district.
- B. If an applicant would like the City Council to consider a potential benefit not captured by the PUD Public Benefit Policy, this should be discussed with staff and Council as part of the concept plan.

ORDINANCE NO. 2023-486

- C. A PUD that offers tree preservation as a public benefit will be required to replace any removed trees that were intended for preservation on a 1:1 caliper inch basis.
- D. PUDs for Open Space and Preservation plats in Rural Residential and Urban Reserve districts are not subject to the PUD Public Benefit Policy.

Subd. **68.** **Processing Procedures.** The general sequence for application, review and action on a PUD shall be according to the following procedures:

A. Pre-application Conference

Prior to filing of an application or submittal of a sketch plan the applicant shall arrange for and attend a conference with the Zoning Administrator. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area and its conformity to the provisions of this district prior to incurring substantial expenditures in the preparation of plans, surveys, and other data.

B. PUD Sketch Plan

Prior to filing a preliminary PUD development plan application, the applicant shall submit a sketch plan of the project to the Zoning Administrator prior to submission of a formal application. The Zoning Administrator shall refer the sketch plan to the City Council for discussion, review and informal comment. Any opinions or comments provided to the applicant shall be considered advisory only and shall not constitute a binding decision on the request.

The purpose of the sketch plan is to inform the City of the applicant's intentions and to inform the applicant as to the general acceptability of the proposal before extensive costs are incurred.

The PUD Sketch Plan shall be conceptual in nature but shall be drawn to scale and shall contain at a minimum the following:

1. Location map showing the location within the City and more detailed locations on half-section plat maps showing all perimeter property lines.
2. Aerial photograph of the area.
3. General location of all identified natural resources and wetland inventories on and abutting the premise.
4. General location of existing and proposed structures.
5. Tentative access, circulation and street arrangements, both public and private.
6. Amenities to be provided such as recreational areas, open space, walkways, parking, landscaping, etc.
7. A representative example of the style of structures to be constructed.

ORDINANCE NO. 2023-486

8. Proposed public sanitary sewer, water and storm drainage.
9. A general statement of concept, identifying the intent of the project and compatibility with the surrounding area.
10. Extent of and any proposed modifications to land within the Overlay Districts as described and regulated in Section 1050.
11. Any other items as may be deemed necessary by City staff.

(Ord. 286, passed 9-25-14)

C. Neighborhood Meeting

Prior to filing an application or submittal of a preliminary PUD plan, the applicant shall arrange and conduct a neighborhood meeting with notice provided to property owners within at least 350 feet of the desired site's perimeter. The primary purpose of this meeting shall be to provide information on a proposed development to surrounding neighborhoods and allow feedback to be provided and incorporated early in the process. An application for a preliminary PUD development plan will not be considered complete until after a neighborhood meeting is held.

D. Preliminary PUD Development Plan

The purpose of the preliminary PUD development plan is to establish the intent, density, and intensity of the proposed development. Upon receipt of the complete application for rezoning to PUD and the preliminary PUD development plan, the item shall be scheduled for a public hearing at the Planning Commission. The Planning Commission shall conduct a public hearing in accordance with the provisions of the City's Code. Upon due consideration, the Planning Commission shall make a recommendation to the City Council.

Following the Planning Commission recommendation, the City Council shall consider the rezoning request and preliminary PUD development plan. At this meeting the City Council shall receive the recommendation from the Planning Commission and a report from the City Staff. Upon due consideration the City Council shall approve, disapprove, or approve with specified modifications and/or conditions by majority vote.

If a preliminary development plan has been denied by the City Council, the owner or applicant may not reapply for the same or similar on the same property for a six (6) month period following the date of the denial.

E. Final PUD Development Plan

The applicant shall submit a final PUD development plan to the City. The Planning Commission shall review the final plan in accordance with the provisions of this Section. The Planning Commission shall review the application to ensure that the proposed final PUD development plan is in substantial conformance with the approved preliminary PUD development plan. Upon due consideration the Planning Commission

ORDINANCE NO. 2023-486

shall make their recommendation to the City Council.

Following the Planning Commission recommendation, the City Council shall consider the final development plan. Upon due consideration the City Council shall approve, disapprove, or approve with specified modifications and/or conditions by majority vote.

If the applicant desires, and the City Council concurs, the preliminary and final development plans may be processed concurrently, provided all items required for both applications are submitted.

The rezoning of the property defined in the development plan shall not become effective until such time as the City Council approves an ordinance reflecting said amendment, which shall take place at the time that the City Council approves the final development plan.

- Subd. **7 9.** Required Findings. The Planning Commission and the City Council shall find the following prior to the approval of a preliminary development plan or final development plan:
- A. The planned development is not in conflict with the Comprehensive Plan.
 - B. The planned development is not in conflict with the intent of the underlying zoning district and is compatible with surrounding land uses.
 - C. The planned development is not in conflict with other applicable provisions of the City's Zoning Ordinance.
 - D. The planned development or unit thereof is of sufficient size, composition, and arrangement that its construction, marketing, and/or operation is feasible as a complete unit without dependence upon any other subsequent unit or phase.
 - E. The planned development will not create an excessive burden on parks, **schools,** streets and other public facilities and utilities which serve or are proposed to serve the planned development.
 - F. The planned development will not have an undue and adverse impact on the reasonable enjoyment of the neighborhood property.
 - G. The quality of the building and site design proposed by the PUD plan shall substantially enhance the aesthetics of the site, shall demonstrate higher standards, more efficient and effective uses of streets, utilities and public facilities, it shall maintain and enhance any natural resources within the development, and create a public benefit that is greater than what would be achieved through the strict application of the primary zoning regulations.

- Subd. **8 10.** Preliminary Development Plan Content. The intent of the preliminary development plan is to allow City review of site plan and general development issues, without the need for detailed architectural plans. The applicant shall submit preliminary development plans which include the following:

ORDINANCE NO. 2023-486

- A. A location map which indicates existing and future land uses.
- B. Maps of existing and proposed site features and uses at a minimum scale of 1" = 100' scale which indicates topography in two-foot contours; building outlines; location of significant vegetation; water bodies and wetlands; location of streets, drives and parking areas; and other significant features.
- C. A site plan showing all proposed structure and building locations including signs. Plans shall note structure height, general architectural design features and anticipated exterior materials.
- D. A preliminary circulation plan indicating pedestrian and vehicular movement systems. This plan shall also include service access and screening for receiving material and trash removal.
- E. Preliminary drainage, grading, utility and erosion control plans.
- F. A concept landscaping plan illustrating preservation of existing vegetation, and new landscaping and buffer areas.
- G. A written report which describes the proposed uses, indicates covenants or agreements which will influence the use and maintenance of the proposed development, describes the analysis of site conditions and development objectives which has resulted in the planned development proposal, and statement of which primary zoning district provisions are being modified by the planned development.
- H. A shift of density or intensity of the plan, if applicable. For example, a ten-acre site with seven acres of "Commercial" guiding and three acres of "Medium Density Residential" guiding could be developed with 70 percent of the land area commercial and 30 percent of the land area at the Medium Residential density identified in the Comprehensive Plan. This type of shift would only be allowed as part of a PUD and the location of uses within the site would be determined as part of the PUD process. This implementation technique would not require an amendment to the Land Use Guide Plan Map.
- I. Any other information deemed necessary by the City Staff in order to evaluate plans.
- J. Twenty copies of the above information shall be submitted no larger than 11 x 17 inches.
- K. Five copies of the above information shall be submitted on 24 x 36 inch sheets.
- L. For City initiated rezonings to Planned Unit Development District, the preliminary development plan may consist of any information deemed necessary to identify and protect the public interest.

Subd. 9 11. Final Development Plan Content. The final development plan shall include all of the

ORDINANCE NO. 2023-486

information required for submission of the preliminary development plan plus architectural plans, detailed site, landscaping, grading and utility plans and all additional information which was requested by the planning commission as a result of its review of the preliminary plan. The final plan shall incorporate all recommendations of the planning commission and City Council, or shall indicate how the final plan fails to incorporate the commission's recommendations. The final plan shall also include and reflect all changes in preliminary plan data since the submission of the preliminary plan. The applicant shall submit final development plans which include the following information:

- A. A location map which indicates existing and future land uses.
- B. Maps of existing and proposed site features and uses at a minimum scale of 1" = 100' scale which indicate topography in two-foot contours; building outlines; location of significant vegetation; location of streets, drives and parking areas; and other significant features.
- C. Detailed drawings of all proposed structure elevations, including scaled elevations and exterior building materials of all buildings and signs. Samples of all proposed materials which will be used on the exterior of structures may be required with the elevation drawings.
- D. Proposed floor plans for all floor levels of multi-family and non-residential buildings, including locations of electrical, mechanical and gas metering equipment, and storage areas for trash and recyclable materials.
- E. A landscape plan indicating tree, shrub and ground cover species, size, provisions for plant material watering.
- F. A final circulation plan indicating pedestrian and vehicular movement systems. This plan shall also include service access for receiving and trash/recycling removal.
- G. A lighting plan showing foot-candle levels, luminaire location, fixture type and height.
- H. Rooftop equipment and screening plan and elevation drawings of rooftop equipment and screening of views from adjacent streets and property.
- I. A final drainage, grading, utility, and erosion and sedimentation control plan. Such plans shall comply with the requirements of this Ordinance.
- J. Identification and delineation of all wetlands on the site including preservation and filling and mitigation.
- K. A written report which completely describes the proposal and indicates covenants or agreements which will influence the use and maintenance of the proposed development, describes the analysis of site conditions and development objectives which has resulted in the planned development proposal, describes any changes

ORDINANCE NO. 2023-486

from the approved preliminary development plan, and statement of which primary zoning district provisions are being modified by the planned development.

- L. A shift of density or intensity of the plan, if applicable. For example, a ten-acre site with seven acres of "Commercial" guiding and three acres of "Urban Residential" guiding could be developed with 70 percent of the land area commercial and 30 percent of the land area at the urban residential density identified in the Comprehensive Plan. This type of shift would only be allowed as part of a PUD and the location of uses within the site would be determined as part of the PUD process. This implementation technique would not require an amendment to the Land Use Guide Plan Map.
- M. Any other information deemed necessary by the City Staff in order to evaluate plans.
- N. Twenty copies of the above information shall be submitted no larger than 11 x 17 inches.
- O. Five copies of the above information shall be submitted on 24 x 36 inch sheets.

Subd. ~~10~~ 12. Performance Guarantees

- A. The City Council shall require the owner and developer of a PUD to execute a development agreement which may include, but not be limited to, the approved development plan, conditions of approval, association and maintenance agreements, and a timetable for construction.
- B. The City Council shall require an applicant for PUD rezoning/development plan to provide a financial guarantee in accordance with Section 1070.050 of this Chapter to ensure that the development will be executed in performance with the approved final PUD development plan.
- C. The City Council is empowered to require that all required improvements be constructed and completed prior to the issuance of any occupancy permits.
- D. Construction of each PUD development shall be commenced within one year after the effective date of the PUD rezoning by the City Council. Upon good cause shown, the City Council may extend the time for one additional year. If construction is not commenced within these time periods, any building permits issued for the PUD shall be void and the Planning Commission may initiate proceeding to rezone the subject property.
- E. Any building permit issued for construction pursuant to PUD rezoning shall be valid only so long as there is compliance with the final development plan as accepted by the City Council.

Subd. ~~11~~ 13. Changes To Final Development Plans. Minor changes to final development plans adopted by the City Council may be approved by the City Administrator, provided that the changes do not involve the following:

ORDINANCE NO. 2023-486

- A. Increase in floor area of structures or number of dwelling units.
- B. Change in exterior building material.
- C. Alteration of any condition attached or modification to the final development plan made by the City Council.
- D. A major change to a final development plan which is at variance with any standards of the City Code or is less restrictive than any conditions of approval for the initial final development plan, shall require approval by a majority vote of all members of the City Council.

SECTION 2. Amendment of the City Code. The text of Section 1070.010, Subd. 1 of the Corcoran City Code is hereby amended by removing the ~~stricken~~ material and adding the underlined material as follows:

1070.010 – ZONING AMENDMENTS (TEXT AND MAP)

- Subd. 1. Procedure. An application for an amendment to the Zoning Ordinance or Zoning Map shall be approved or denied, pursuant to Minnesota Statutes 15.99. Additional City requirements are as follows:
- A. Request for rezoning (text or map) shall be filed with the Zoning Administrator on an official application form. A non-refundable fee as set forth in the City Code shall accompany such application. Detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use, shall also accompany such application. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.
 - B. Upon completion of preliminary staff analysis of the application and request, the Zoning Administrator, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
 - C. Notice of said hearing shall be mailed to all owners of land within 350 feet of the boundary of the property in question. This provision shall not apply in the case of a rezoning if the amendment affects an area greater than five (5) acres pursuant to Minnesota Statutes §462.357.
 - D. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Chapter.
 - E. Notice of said hearing shall also be published in the official newspaper at least 10 days prior to the hearing and consist of:
 - 1. Legal property description.
 - 2. Description of request.

ORDINANCE NO. 2023-486

3. Map detailing property location.
- F. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter.
- G. The applicant or a representative thereof may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
- H. The Planning Commission shall make findings of fact and a recommendation on the request. Such recommendations shall be accompanied by the report and recommendation of the City staff.
- I. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission and the City staff.
- J. Upon receiving said reports and recommendations of the Planning Commission and the City staff, the City Administrator shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- K. Upon receiving said reports and recommendations, the City Council shall have the option to set and hold a public hearing if deemed necessary.
- L. The applicant or a representative thereof may appear before the City Council in order to present information and answer questions concerning the proposed request.
- M. For any application that changes all or part of the existing classification of a zoning district from residential to either commercial or industrial, approval shall require passage by a two-thirds vote of the full City Council. Approval of any other proposed amendment shall require passage by a majority vote of the full Council.
- N. For any application requesting a rezoning to a Planned Unit Development District, approval shall require passage by a four-fifths vote of the seated City Council present at the time of the vote. Approval of a proposed amendment shall require passage by a majority vote of the entire Council. A vote that fails due to failure of requisite votes is deemed a denial.
- ~~NO.~~ The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment.
- ~~OP.~~ Whenever an application for an amendment has been considered and denied by the City Council, the Planning Commission or City Council shall not consider a

ORDINANCE NO. 2023-486

similar application for an amendment affecting substantially the same property again for at least 6 months from the date of its denial. A subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission or City Council for an additional 6 months from the date of the second denial unless a decision to reconsider such matter is made by not less than a majority of the full City Council.

SECTION 3. Effective Date

This Ordinance shall be in full force and effect upon its adoption.

ADOPTED by the City Council on the 25th day May 2023.

VOTING AYE

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Vehrenkamp, Dean

VOTING NAY

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan
- Vehrenkamp, Dean



Tom McKee - Mayor

ATTEST:



Michelle Friedrich – City Clerk

City Seal