

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2020-1568

An Ordinance Repealing Section 58-42(g)(3) of the Mequon Municipal Code Related to the Re-Referral of Certain Matters Before the Common Council to the Planning Commission

RECITALS

A. The Common Council previously created Section 58-42(g)(3) of the Mequon Municipal Code, which established a procedure relating to the re-referral of certain matters to the Planning Commission.

B. Following the input of the Planning Commission and a public hearing, the Common Council desires to amend the provisions related to re-referrals.

C. Establishing regulations related to the processing of zoning applications furthers the protection of the health, safety and welfare of the community.

BASED UPON THE FOREGOING RECITALS, THE COMMON COUNCIL OF THE CITY OF MEQUON, OZAUKEE COUNTY, STATE OF WISCONSIN, DO ORDAIN AS FOLLOWS:

SECTION I

Section 58-42(g)(3) of the Mequon Municipal Code is repealed and recreated to read as follows:

- a. The common council shall re-refer any ordinance covered by this section to the planning commission for reconsideration if:
 - i. A motion of the common council to approve the ordinance fails;
 - ii. The common council approves a motion to deny the ordinance; or
 - iii. The common council approves one or more amendments to the ordinance that are material, as determined by the mayor in the mayor's discretion, unless the applicant does not object to the amendments.
- b. If the ordinance is proposed pursuant to a petition for change or amendment submitted by a private property owner, the re-referral shall only occur if requested in writing by the applicant on or before the fifth business day following the common council meeting. If the applicant fails to make such written request, the decision of the common council shall be deemed final.

- c. If re-referral is required under this section, the common council shall not take final action until the planning commission once again reviews the ordinance and any related application and reports its recommendation to the common council. The planning commission shall report its recommendation to the common council within 60 days of the re-referral. Only one such re-referral shall be made for any such ordinance except by a motion to suspend the rules that is approved by the majority of the common council or by six of its members in the event of a valid protest petition.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

This ordinance shall be in full force and effect upon its passage and on the day after its publication.

Approved by: John Wirth, Mayor

Date Approved: June 9, 2020

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on June 9, 2020.

Caroline Fochs, City Clerk

Published: June 23, 2020