

\_\_\_\_\_ TOWNSHIP

WEXFORD COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE WEXFORD JOINT PLANNING COMMISSION ORDINANCE AND AGREEMENT OF 2016 BY AMENDING THE PROCEDURE AND VOTING REQUIREMENTS TO AMEND THE WEXFORD JOINT ZONING ORDINANCE, EFFECTIVE DECEMBER 31, 2017 AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH

THE TOWNSHIP OF \_\_\_\_\_ ORDAINS:

Section 1. Purpose

The purpose of this ordinance is to reduce the number of participating municipalities required to amend the Wexford Joint Zoning Ordinance while at the same time ensuring that the participating municipality most affected by an amendment is in favor of it.

Section 2. Amendment to Section 4 of Wexford Joint Planning Commission Ordinance and Agreement.

The Wexford Joint Planning Commission Ordinance and Agreement of 2016 (hereafter, the "Agreement") is hereby amended by amending Section 4. Powers and Duties, subsections a and b, to read in their entirety as follows:

- a. *Joint Planning Commission Powers and Duties.* Pursuant to 2003 PA 226 (MCL 125.135(2)) all the powers and duties of a planning commission under the Michigan Planning Enabling Act, 2008 PA 33 (MCL 125.380 et seq.) ("MPEA") are hereby transferred, effective immediately upon adoption of this ordinance/agreement, to the Joint Commission, and the Joint Commission shall have the sole power and duty under the MPEA to develop a joint master plan with respect to the jurisdictional area of the Joint Commission. In exercising this power and duty the Joint Commission shall follow the procedures of a township planning commission. Further, any joint master plan developed and adopted by the Joint Commission shall be subject to review and approval of the legislative bodies of the participating municipalities and may be adopted by the affirmative vote of a majority of legislative bodies of the participating municipalities.
- b. *Zoning Powers and Duties.* Pursuant to 2003 PA 226 (MCL 125.135(2)) all the powers and duties of a zoning commission or a planning commission under the Michigan Zoning Enabling Act, 2006 PA 110 (MCL 125.3101 et seq.) ("MZEA") are hereby transferred, effective immediately upon adoption of this ordinance/agreement, to the Joint Commission, and the Joint Commission shall have the sole power and duty under the MZEA to develop and amend a joint zoning

ordinance with respect to the jurisdictional area of the Joint Commission which shall be submitted for approval to the participating municipalities. An amendment to the joint zoning ordinance shall be adopted by the affirmative vote of a majority of the legislative bodies of the participating municipalities, provided however, that if an amendment proposes to rezone a parcel or parcels of land, the participating municipality or municipalities in which the lands to be rezoned are located must vote in the affirmative for such an amendment to be adopted or adopted with modification(s). In exercising this power and duty the Joint Commission shall follow the procedures of the MZEA which are applicable to a township.

Section 3. Tie Bar.

The amendments set forth in Section 2 hereof shall not be effective until all participating municipalities have adopted identical amendments to the Agreement and further shall not be effective until all participating municipalities have adopted identical companion amendments to the Wexford Joint Zoning Ordinance of 2016 relating to zoning amendments.

Section 4. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 5. Effective Date.

This ordinance shall be effective following its publication in accordance with Section 3 hereof.

THOSE VOTING IN FAVOR \_\_\_\_\_  
\_\_\_\_\_

THOSE VOTING AGAINST: \_\_\_\_\_

THOSE ABSENT OR ABSTAINING: \_\_\_\_\_

ORDINANCE DECLARED PASSED

\_\_\_\_\_  
Township Clerk

CERTIFICATION

The undersigned, Township Clerk, hereby certifies that the foregoing is a true and correct copy of the ordinance adopted by the Township Board of \_\_\_\_\_ Township at a \_\_\_\_\_[regular or special] meeting thereof, duly called and held on the \_\_ day of \_\_\_\_\_, 2019 at which a quorum of the Board was present.

\_\_\_\_\_  
Township Clerk