

_____ TOWNSHIP

WEXFORD COUNTY, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE WEXFORD JOINT ZONING ORDINANCE EFFECTIVE DECEMBER 31, 2016 BY AMENDING THE PROCEDURE AND VOTING REQUIREMENTS TO AMEND THE WEXFORD JOINT ZONING ORDINANCE, EFFECTIVE DECEMBER 31, 2016 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 Article 98, Section 9802 of the Wexford Joint Zoning Ordinance.

Article 98, Section 9802, subsection C, sub-subsection 2, of the Wexford Joint Zoning Ordinance (“Ordinance”) is hereby amended to read, in its entirety, as follows:

If the proposed amendment is to rezone a particular parcel or parcels of land, as determined by staff at the time of application, the applicant, shall present the request at a meeting of the elected officials of the participating municipality or municipalities where the lands proposed for rezoning are located. In addition, any participating municipality located within one mile of the lands proposed for rezoning shall also be notified of this meeting, by the applicant, so that their representatives may attend. The purpose of this meeting is for the applicant to learn of the participating municipality’s concerns, if any, and to be able to modify the proposed amendment to mitigate those concerns prior to submitting the same to the Commission. Officials at this meeting shall not indicate or otherwise commit the participating municipality to any particular action regarding the application. Minutes of the meeting shall be prepared by the participating municipality and the applicant shall provide a copy to the Commission with the application

Section 3. Amendment to Article 98, Section 9802 of the Wexford Joint Zoning Ordinance.

Article 98, Section 9802, subsection F, of the Ordinance is hereby amended to read, in its entirety, as follows:

F. After the public hearing and the finding in Section 9802.E.2.a.(1) or 9802.E.2.a.(2) has been made, the Commission shall submit:

1. a summary of the public and commission comments received at the public hearing,
2. the proposed amendment, and
3. any amended zoning maps, to each of the participating municipalities.

After receiving the recommended zoning amendment, each of the participating municipalities, at a regular meeting or at a special meeting called for the purpose, shall consider and act on the recommendation(s) within 60 (sixty) days of the date the Commission submits its recommendation. Amendment(s) shall be approved by the affirmative vote of a majority 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).

Participating municipalities shall not make a change or departure from the proposed text of an amendment and/or rezoning (including map amendment), as recommended by the Commission, unless the proposed change or departure is first submitted back to the Commission. The Commission shall have thirty (30) days from receipt of the proposed change or departure to review it and send its second recommendation to the participating municipalities. If the proposed change or departure is found by the Commission not to comply with the Master Plan or other formal adopted plan, then further action to adopt the amendment shall cease until the Master Plan or other formal adopted plan(s) upon which this Ordinance is based, is first or simultaneously amended so the Commission can find that the proposed amendment complies with the relevant plan(s). Upon receiving a second recommendation for adoption from the Commission, the amendment may be adopted by a majority 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).

Section 4. Tie Bar.

The amendments set forth in Section 2 and 3 hereof shall not be effective until all participating municipalities have adopted identical amendments to the Ordinance and further shall not be effective until all participating municipalities have adopted identical companion amendments to the Wexford Joint Planning Commission Ordinance and Agreement, relating to zoning amendments.

Section 5. Repealer.

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

Section 6. Effective Date.

This ordinance shall be effective following its publication in accordance with Section 4 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