

**WEXFORD JOINT PLANNING COMMISSION, WEXFORD COUNTY, MICHIGAN**  
**VOTING PROCEDURES AMENDMENTS**

The Wexford Joint Planning Commission and the legislative bodies of its member municipalities ordain:

**Section 1.** The Wexford Joint Zoning Ordinance of 2017 is amended by the following:

**Article 89: Amendment, Validity, Penalties**

**8902. Amendment Procedure**

**C.**

2. If the proposed amendment is to a particular geographic area, **as determined by staff at the time of application**, the applicant, shall present at a meeting of the respective participating municipality's elected officials for where the proposed amendment will affect. Another municipality within one mile of proposed amendment affected area shall also be made aware of this meeting, **by the applicant**, so that their representatives may attend. The purpose of this meeting is for the applicant to learn participant's concerns 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** 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

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 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 the recommendation(s) within 60 (sixty) days of the date of the commission recommendation by conducting and a roll call** vote upon the adoption of the proposed amendment(s). Any amendment(s) shall be approved **by a simple majority (i.e., 51 percent or more)** of the each participating municipalities. **Participating municipalities affected by a proposed amendment specific to a particular geographic area as determined by staff at the time of application must also vote in the affirmative for such an amendment to be adopted or adopted with modification(s).**

The legislative body of each participating municipalityies shall not make a change or departure from the proposed text amendment and/or zoning 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 and after receipt of the proposed change or departure to send its second report to the legislative body of each participating municipality. If the proposed change or departure is found by the Commission not to comply with **the Master Plan formal-adopted plan**, then further steps to adopt the amendment shall cease, regardless if the thirty (30) days has passed or not, until the **Master Plan formal-adopted plan(s)** adopted pursuant to the Zoning Act, upon which this Ordinance is based, is first or simultaneously amended so that the Commission can find the proposed zoning complies with the plan. Upon receiving the second report **a simple majority of** the legislative body of **the** each participating municipalities may adopt, adopt with modification, or not adopt the proposed amendment. **Participating municipalities affected by a proposed amendment specific to a particular geographic area as determined by staff at the time of application must also vote in the affirmative for such an amendment to be adopted or adopted with modification(s).**

**Section 2.** The Wexford Joint Planning Commission Ordinance and Agreement. July 21, 2016, is amended by the following:

**Section 4. Powers and Duties**

- 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 **Wexford** 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 by **by a simple majority vote (i.e., 51 percent or more)** of the 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 **Wexford** 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 **adoption** by **a simple majority (i.e., 51 percent or more)** approval to the participating municipalities. **Participating municipalities affected by a proposed zoning amendment must also 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. Repeal**

Portions of the Wexford Joint Zoning Ordinance and Wexford Joint Planning Commission Ordinance and Agreement that conflict with this Section are, to the extent of such conflict, hereby repealed, except that the terms defined in this Section do repeal or otherwise change any definitions of the same terms in other portions of the Wexford Joint Zoning Ordinance and Wexford Joint Planning Commission Ordinance and Agreement or other laws.

**Section 4. Savings Clause**

The provisions of this Section are severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration shall not void any or render inoperable other part or portion of this Section.

**Section 5. Publication and Effective Date**

This Section shall be published in the manner as required by law. Except as otherwise provide by law, this Section shall be effective on the day after its final publication.

**CERTIFICATION**

It is hereby certified that the foregoing Section was developed and proposed by the Wexford Joint Planning Commission, Wexford County, Michigan, at a meeting of the Board duly called and held on \_\_\_\_\_, 2019.

WEXFORD JOINT PLANNING  
COMMISSION

By:  
David Schroeder, Chair

\_\_\_\_\_

Beverley Monroe, Secretary

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First Reading: \_\_\_\_\_, 2019  
Second Reading \_\_\_\_\_, 2019  
Adopted: \_\_\_\_\_, 2019  
Published and Effective: \_\_\_\_\_, 2019 (upon publication)