

**Wexford County Planning Commission Ordinance to Confirm the Establishment of a  
Planning Commission with Zoning Authority (Annotated)  
Ordinance No. PC101 of 2009**

**Preamble**

An ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Wexford County Planning Commission; provide for the composition of that planning commission; provide for the powers, duties and limitations of that planning commission; and repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.

THE COUNTY OF WEXFORD, WEXFORD COUNTY, MICHIGAN, ORDAINS:

**Section 1: Scope, Purpose and Intent**

This ordinance is adopted pursuant to the authority granted the county board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Wexford County Planning Commission formerly established under the County Planning Act, Public Act 282 of 1945, MCL 125.101, et seq., to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

**Section 2: Establishment**

The county board confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Wexford County Planning Commission formerly established under the County Planning Act, Public Act 282 of 1945, MCL 125.101, et seq. The Wexford County Planning Commission shall have seven (7) members. Members of the Wexford County Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his or her term on the county board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

**Section 3: Appointments and Terms**

The county board chairperson, with the approval of the county board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member. To solicit candidates for planning commission members, the county board shall, at a minimum, advertise appointments in newspapers of general circulation in Wexford County.

The planning commission members, other than an ex officio member, shall serve for terms of 3 years each, with staggered terms so that 1/3 of the remaining members are appointed each year.

Terms shall begin on January 1 and end on December 31. A planning commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning commission members shall be qualified electors of the county except that one planning commission member may be an individual who is not a qualified elector of the county. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the county, in accordance with the major interests as they exist in the county.

The membership shall also be representative of the entire geography of the county to the extent practicable, such that the majority of members be residents of areas under county zoning.

One member of the county board shall be appointed to the planning commission as an ex officio member.

An ex officio member has full voting rights. An ex officio member's term on the planning commission shall expire with his or her term on the county board. No other elected officer or employee of the county is eligible to be a member of the planning commission.

The county shall make every reasonable effort to ensure that the membership of the county planning commission includes a member of a public school board or an administrative employee of a school district included, in whole or in part, within the county's boundaries. The requirements of this subsection apply whenever an appointment is to be made to the planning commission, unless an incumbent is being reappointed or an ex officio member is being appointed.

#### **Section 4: Removal**

The county board may remove a member of the planning commission for misfeasance, malfeasance, or non-feasance in office upon written charges and after a public hearing.

#### **Section 5: Compensation**

The planning commission members may be compensated for their services as provided by county board resolution. The planning commission shall adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the county board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

#### **Section 6: Officers and Committees**

The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the planning commission bylaws. The Planning Commission may appoint one or more members to serve as liaisons to other boards or commissions. The ex-officio member appointed by the county board shall serve as a liaison between the county board and Planning Commission.

The planning commission may also appoint advisory committees whose members are not members of the planning commission.

#### **Section 7: Bylaws, Meetings and Records**

The planning commission shall adopt bylaws for the transaction of business.

The planning commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings.

### **Section 8: Annual Report**

The planning commission shall make an annual written report to the county board concerning its operations and the status of the planning activities, including recommendations regarding actions by the county board related to planning and development. The Planning Commission shall also prepare a work program and proposed budget for the following year and submit it to the Board of Commissioners in time for inclusion in the following fiscal year budget.

### **Section 9: Authority to Make Master Plan**

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the county's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the county board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the county, any plan adopted or amended under the County Planning Act, Public Act 282 of 1945, MCL 125.101, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

### **Section 10: Zoning Powers**

The county board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former County Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Wexford County Planning Commission formerly established under the County Planning Act, Public Act 282 of 1945, MCL 125.101, et seq., and as confirmed by this ordinance and MCL 1225.3800 et seq.

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the county board.

### **Section 11: Capital Improvements Program**

To further the desirable future development of the County under the master plan, the County Board, after the master plan is adopted, shall prepare or cause to be prepared by the County Board Chairperson or by a designated non-elected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period. The prepared capital improvements program shall be submitted to the Planning Commission. The Planning Commission shall review the capital improvements program and make one of the following recommendations to the county board:

1. Recommend approval of the capital improvements program upon a finding of compliance with the County Master Plan,
2. Recommend approval of the capital improvements program with modifications, as suggested by the Planning Commission, to bring the capital improvements program into compliance with the County Master Plan., approve with modifications, or not approve the program, based on whether it complies with the County Master Plan., or
3. Recommend that the county board not approve the capital improvements program based on non-compliance with the County Master Plan.

The prepared capital improvements program, if prepared by someone other than the County Board, shall be subject to final approval by the County Board. The planning commission is hereby exempted from preparing a capital improvements plan.

**Section 12: Subdivision and Land Division Recommendations**

The planning commission may recommend to the county board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the county.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the county board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the county. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

**Section 13: Severability**

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

**Section 14: Repeal**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Wexford County Planning Commission under the County Planning Act, Public Act 282 of 1945, MCL 125.101, et seq., is hereby repealed.

**Section 15: Effective Date**

This ordinance shall take effect on the date of its publication.

**CERTIFICATE**

The undersigned, as the duly elected and acting clerk of the county, hereby certifies that this ordinance was duly adopted by the county board at a regular meeting of said board, at which a quorum was present, held on March 18, 2009, and that copies of the ordinance were transmitted and published as directed.

---

Elaine Richardson, County Clerk

---

Mike Stump, County Board Chairperson