

ARTICLE II ADMINISTRATION

Section 2.01. OVERVIEW.

The Township Board or its duly appointed representative as specified in this Article is hereby charged with the duty of enforcing the provisions of the Ordinance. Accordingly, the administration of this Ordinance is hereby given to the following township entities:

- A. Township Board of Trustees
- B. Township Planning Commission
- C. Zoning Board of Appeals
- D. Zoning Administrator

The purpose of this Article is to set forth the responsibilities and scope of authority of these entities.

Section 2.02. TOWNSHIP BOARD OF TRUSTEES.

- A. Adoption of Zoning Ordinance and Amendments

Pursuant to the authority granted by the Zoning Enabling Act, Public Act 110 of 2006, as may be amended, the Township Board shall have the authority to adopt this Ordinance, as well as any amendments to this Ordinance previously reviewed by the Planning Commission at a public hearing or as decreed by a court of jurisdiction.

- B. Review and Approval of Subdivision Plats

Pursuant to the authority granted by the Subdivision Control Act, Public Act 288 of 1967, as may be amended, the Township Board shall review and approve all preliminary and final subdivision plats after review and recommendation by the Planning Commission.

- C. Waivers

The Township Board shall have the right to provide a waiver to any section of this Ordinance that specifically grants this authority.

- D. Fees and/or Deposits

Pursuant to Public Act 110 of 2006, as may be amended, the Township Board shall have the authority to set all fees related to permits, applications, and any other requests for action as set forth in this Ordinance. In the event the Township Board has not set a fee for a specific permit, application, or action, the Zoning Administrator shall assess the appropriate fee based on the estimated cost of processing and reviewing the permit, application or action.

- E. Approval of Planning Commission Members

In accordance with Public Act 110 of 2006, as may be amended, members of the Planning Commission shall be appointed by the Township Supervisor and approved by the Township Board.

F. Approval of the Zoning Board of Appeals

In accordance with Public Act 110 of 2006, as may be amended, members of the Zoning Board of Appeals shall be appointed by the Township Supervisor and approved by the Township Board.

G. Other Duties as Assigned

The Township Board shall fulfill other duties and responsibilities as are delegated to it by Township Ordinances and any state statutes.

Section 2.03. PLANNING COMMISSION.

A. Establishment

Pursuant to Public Act 110 of 2006, as may be amended, the Planning Commission of Arcadia Township shall be established and given authority to exercise jurisdiction over the unincorporated area of Arcadia Township as outlined in the Act.

B. Membership

1. The Planning Commission shall consist of seven members. One member may be a member of the Township Board. That member shall not be an elected officer of the Township Board or an employee of the legislative body.
2. Members of the Commission shall be electors of the Township who are representative of the community.
3. Each member shall be appointed by the Township Supervisor and approved by the Township Board.
4. Terms of membership shall be three years, except if the Township board member's appointment to the Township Board expires prior to completing their three-year term.
5. Vacancies will be filled in the same manner as allowed by this section for the remainder of the uncompleted term.
6. Members who have more than three unexcused absences within a calendar year will be expected to resign from the Commission. An unexcused absence is defined as missing a scheduled Planning Commission meeting without prior notification to either the Planning Commission Chair or Secretary.
7. Members may be removed by the Township Supervisor, with the approval of the Township Board, after a public hearing.

C. Operation

1. Officers

- (a) Planning Commission shall elect a Chairman, Vice Chairman, and Secretary in accordance with public Act 110 of 2006, as may be amended.
- (b) The officers shall be elected by the membership of the Planning Commission at the regular January meeting of the Commission.
- (c) Each officer shall serve for one year or until his successor shall take office.
- (d) The Township Board member who serves on the Planning Commission shall not be eligible to serve as an officer.

2. Meetings

- (a) Meeting dates for the Planning Commission shall be adopted at the last regularly scheduled meeting of the previous year.
- (b) Pursuant to Public Act 110 of 2006, as may be amended, at least two meetings a year shall be required. These meetings shall be designated the annual meeting at which any person may be heard on any matter relating to zoning or planning in the Township.
- (c) A majority of the members must be present to constitute a quorum for any meeting.
- (d) A special meeting may be called by the chairman, by any two members of the Commission who submit a written request, or by any petitioner. Any petitioner who requests a special meeting shall be liable for the full costs of the meeting.
- (e) All meetings are subject to the Open Meetings Act, Public Act 267 of 1976, and the Freedom of Information Act, Public Act 442 of 1976, as may be amended.

D. Jurisdiction

1. Formulation of Zoning Ordinance and Amendments

The Planning commission shall be responsible for the formulation of the Zoning Ordinance to include the official Arcadia Township Zoning Map, review of amendments to either the Zoning Ordinance or Map and hold a public hearing on any proposed Zoning Ordinance or amendments to the Ordinance or Map. A report outlining any findings and the Planning Commission's recommendation shall be forwarded to the Township Board.

2. Site Plan Review

The Planning Commission shall be responsible for the review and approval of certain site plans as outlined in this Ordinance. The Commission shall grant or deny final approval for such site plans. Modifications may be required to the site plan before final approval is granted.

3. Special Approval Land Use Review

The Planning Commission shall be responsible for holding a public hearing and reviewing all applications for Special Approval Uses as outlined in this Ordinance and in accordance with Public Act 110 of 2006, as may be amended. The Planning commission may attach reasonable conditions to any approvals granted.

4. Subdivision Plats

The Planning Commission shall conduct tentative, preliminary, and final plat reviews and shall make recommendations for the approval, modification, or denial of such plat proposals to the Township Board.

5. Formulation of a Basic Plan

The Planning Commission shall be responsible for the formulation and adoption of a basic plan (i.e., Arcadia Township Master Land Use Plan) as a guide for the development of the Township, in accordance with the Township Planning Act, Public Act 263 of 2002, as may be amended.

6. Report on the Operation of the Zoning Ordinance

Pursuant to Public Act 110 of 2006, as may be amended, the Planning Commission shall prepare a report for the Township Board at least once per year on the administration and enforcement of the Zoning Ordinance, as well as any recommendations for amendments or supplements to the Ordinance.

7. Other Duties as Assigned

The Planning Commission shall fulfill other duties and responsibilities as are delegated to it by the Township Board, Township Ordinances, and any state statutes.

Section 2.04. ZONING BOARD OF APPEALS

E. Establishment

Pursuant to Public Act 110 of 2006, as may be amended, the Arcadia Township Zoning Board of Appeals shall be established and given authority to exercise jurisdiction over the unincorporated area of Arcadia Township as outlined in the Act.

F. Membership

1. The Zoning Board of Appeals shall consist of five members. One member may be a member of the Township Board and one member may be a member of the Planning Commission. The three remaining members shall be electors of the Township who are not employees or contractors of the Township but are representative of the community.
2. Each member shall be appointed by the Township Supervisor and approved by the Township Board.
3. Terms of membership shall be three years, except if the Township Board or Planning Commission member's appointment to the Board or Commission expires prior to completing their three-year term.
4. Vacancies will be filled in the same manner as allowed by this section for the remainder of the uncompleted term.
5. Members who have more than three unexcused absences will be expected to resign from the Zoning Board of Appeals.
6. Members may be removed by the Township Supervisor, with the approval of the Township Board, after a hearing.

G. Operation

1. Officers
 - (a) The Zoning Board of Appeals shall elect a Chairman, Vice-Chairman, and Secretary.
 - (b) The officers shall be elected yearly by the membership of the Zoning Board of Appeals.
 - (c) The Township Board member who serves on the Zoning Board of Appeals shall not be eligible to serve as an officer.
 - (d) The Township Board may appoint two alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting right as a regular member of the Zoning Board of Appeals. (Ord. No. 101 eff. 01-19-94).

2. Meetings

- (a) Meeting shall be held at the call of the chairperson.
- (b) The majority of the members must be present to constitute a quorum for any meeting.
- (c) All meetings are subject to the Open Meetings Act, Public Act 267 of 1976, and the Freedom of Information Act, Public Act 442 of 1976, as may be amended.

H. Powers

The Zoning Board of Appeals shall have the power to vary or modify any ordinance provision whenever there are practical difficulties imposed on the property owner if the strict letter of the Ordinance is carried out. The Zoning Board of Appeals shall decide appeals in such a manner that the spirit of the Ordinance is observed, public safety secured, and substantial justice done.

I. Appeals

An appeal may be taken to the Zoning Board of Appeals by any person wishing to appeal any ordinance provision or any final decision of the Zoning Administrator or the Planning Commission. All appeals must be applied for in writing on forms provided by the Township. The Zoning Board of appeals shall give notice of the hearing to the parties involved. The Zoning Board of Appeals shall also give notice to property owners and occupants of all structures within a minimum of five hundred (500) feet from the property lines of the property which is the subject of the appeal. Notice shall be by regular mail or personal delivery and shall be sent to the property owners as shown on the latest tax assessment roll. Notice shall be given at least fifteen (15) days prior to the hearing in accordance with Public Act 110 of 2006, as may be amended.

J. Decisions

The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. In making the decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. No variance may be granted or decision overruled unless at least three (3) members vote in favor thereof. Any variance shall expire one year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance. The Zoning Board of Appeals shall state the grounds of each decision, which shall be based on the following:

- 1. That compliance with the Ordinance creates a practical difficulty.
- 2. That the problem requiring the variance is unique to the applicant's property and is not shared by properties in the same zoning district.
- 3. That the problem is not self-inflicted.
- 4. That the variance is the minimum necessary to permit reasonable use of the property.
- 5. That the variance, if granted, would not compromise the public health, safety, and welfare.

K. Conditions of Approval

Any conditions of approval imposed by the Zoning Board of Appeals shall meet the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

Section 2.05. ZONING ADMINISTRATOR. The provisions of this Ordinance shall be administered by a Zoning Administrator appointed by the Township Board. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Township Board may determine.

Section 2.06. ZONING COMPLIANCE PERMITS. A zoning compliance permit shall be acquired from the Zoning Administrator before any construction is undertaken, any structure is moved, or any change in the use of any land, structure, or building is undertaken within the Township.

A. Application

A zoning compliance permit shall be applied for in writing on an application form provided by the Township.

B. Issuance

A zoning compliance permit shall be issued by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance and any necessary Planning Commission, Board of Appeals, or Township Board approvals have been obtained.

C. Private Covenants

The Zoning Administrator shall not refuse to issue a zoning compliance permit due to violations of private covenants, agreements, or deed restrictions.

D. Invalid Permits

Any zoning compliance permit issued in error or pursuant to an application containing any false statements shall be invalid and void.

E. Fees

The amount of any fees charged for zoning compliance permits or inspections shall be established by the Township Board.

(Ord. No. 114 eff. 12-19-06)