

## **ARTICLE 12.00 – ADMINISTRATIVE ORGANIZATION**

### ***Section 12.01 Overview***

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The Township Board of Trustees or its duly authorized representatives as specified in this Article is hereby charged with the duty of enforcing the provisions of this Ordinance. Accordingly, the administration of this Ordinance is hereby vested in the following Township entities:

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

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

### ***Section 12.02 Township Board of Trustees***

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The Township Board of Trustees shall have the following responsibilities and authority pursuant to this Ordinance:

- A. Adoption of Zoning Ordinance and Amendments

Pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended (MCL 125.3101 et seq.), the Township Board of Trustees shall have the authority to adopt this Ordinance, as well as amendments, including map amendments and Conditional Rezoning Agreements, previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction.

- B. Adoption of a Master Plan

In accordance with Michigan Public Act 33 of 2008, as amended (MCL 125.3801 et seq.), the Township Board of Trustees may adopt a Master Plan. Specifically, Section 43 (3) provides that where it has been asserted by resolution, after approval of the proposed master plan by the Planning Commission, the Township Board of Trustees shall approve or reject the proposed master plan.

*Pine Grove Township Zoning Ordinance*

C. Setting of Fees

In accordance with Section 11.06 of this Ordinance and Section 406 of Michigan Public Act 110 of 2006, as amended, the Township Board of Trustees shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board of Trustees to set a fee for a specific permit or application, the appropriate Township administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

D. Appointment of Planning Commission Members

In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Township Supervisor with the approval of a majority vote of the members of the Township Board.

E. Appointment of Zoning Board of Appeals Members

In accordance with Michigan Public Act 110 of 2006, as amended, members of the Zoning Board of Appeals shall be appointed by a majority vote of the members of the Township Board.

**Section 12.03      *Township Planning Commission***

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The Township Planning Commission shall have the following responsibilities and authority pursuant to this Ordinance:

A. Creation

The Township Planning Commission is created pursuant to Michigan Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act, and Township Ordinance.

B. Membership and Operation

Members of the Planning Commission shall be appointed by the Township Supervisor with the approval a majority vote of the members of the Township Board. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Planning Commission shall be in accordance with Michigan Public Act 33 of 2008, as amended, and Township Ordinance.

The Planning Commission by resolution shall determine the time and place of meetings. A special meeting may be called by either two (2) members upon written request to the

*Pine Grove Township Zoning Ordinance*

secretary, or by the chairperson. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

C. Jurisdiction

The Planning Commission shall discharge the following duties pursuant to this Ordinance:

1. Formulation of Zoning Ordinance and Amendments

The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board of Trustees.

2. Site Plan Review

The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Section 11.02. The Planning Commission shall be responsible for granting approval, approval with conditions, or denial of a Site Plan.

3. Special Land Use Permit

The Planning Commission shall be responsible for holding hearings regarding all applications for special land use approval in accordance with Article 7.00. The Planning Commission shall be responsible for granting approval, approval with conditions, or denial of a Special Land Use Permit.

4. Planned Unit Development Review

The Planning Commission shall be responsible for holding hearings and review of all applications for planned unit development in accordance with Section 8.19. The Planning Commission shall be responsible for granting approval, approval with conditions, or denial of a Planned Unit Development proposal.

5. Formulation of a Master Plan

The Planning Commission shall be responsible for formulation and recommendation of a master plan to guide the development of the Township, in accordance with Michigan Public Act 33 of 2008, as amended.

6. Review of Matters Referred by the Township Board

The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Township Board of Trustees. The Planning Commission shall recommend appropriate regulations and action on such matters.

7. Report on Operation of the Zoning Ordinance

In accordance with Section 308(2) of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall periodically prepare for the Township Board of Trustees a report on the operations of the Zoning Ordinance, including recommendations as to the enactment of amendments or supplements to the Ordinance.

***Section 12.04 Township Zoning Board of Appeals***

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The Township Zoning Board of Appeals (hereinafter referred to as "ZBA") shall have the following responsibilities and authority pursuant to this Ordinance:

A. Creation

The Township ZBA is created pursuant to Michigan Public Act 110 of 2006, as amended.

B. Membership and Operation

Members of the ZBA shall be appointed by a majority vote of the members of the Township Board. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Zoning Board of Appeals shall be in accordance with Michigan Public Act 110 of 2006, as amended.

1. The ZBA shall consist of three (3) members. One (1) member shall be a member of the Township Planning Commission.
2. The remaining members (including any alternate members) shall be electors of the Township residing outside of incorporated cities and villages, and shall be representative of the population distribution and of the various interests present in the Township.
3. A member of the Township Board may be a regular member of the ZBA, but shall not serve as Chair.

*Pine Grove Township Zoning Ordinance*

4. No employee or contractor of the Township may be a member of the ZBA.
5. The ZBA shall not conduct business unless a majority of the members of the Board are present.
6. The Township Board of Trustees may appoint up to two (2) alternate members for the same term as regular members to the ZBA. An alternate member may be called to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the 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 rights as a regular member of the ZBA.
7. Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the Chairperson, or at such other times as the ZBA may specify in its rules and procedures.
8. The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk.

C. Jurisdiction

The ZBA shall have all the powers and jurisdiction granted by applicable laws and prescribed in this Ordinance, including the following:

1. Appeals

The ZBA has the jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

2. Interpretation

The ZBA has the jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including the interpretation of the zoning map.

3. Nonuse Variance

The ZBA has the jurisdiction and power to authorize a nonuse variance relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this Ordinance or to any other non-use related requirement in this Ordinance.

***Section 12.05 Township Zoning Administrator***

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A. Overview

As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Township Zoning Administrator, or their duly authorized assistants, agents or representatives. In carrying out their designated duties, all such enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of the Ordinance.

B. Responsibilities of the Township Zoning Administrator

In addition to specific responsibilities outlined elsewhere in this Ordinance, the Zoning Administrator shall have the following responsibilities:

1. Provide citizens and public officials with information relative to this Ordinance and related matters.
2. Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.
3. Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
4. Issue appropriate permits upon compliance with provisions of this Ordinance and other applicable ordinances.
5. Inform the Building Official of all issued and denied zoning compliance permits, and otherwise coordinate with the Building Official regarding all permit applications reviewed that may have implications for the responsibilities of the Building Official.
6. Perform inspections of property to insure proposed land use changes or improvements are in compliance with this Ordinance.

*Pine Grove Township Zoning Ordinance*

7. Investigate alleged violations of this Ordinance and enforce appropriate corrective measures in accordance with policies established by the Township Board and as otherwise provided by law.
8. Perform other related duties required to administer this Ordinance.
9. Maintain records of all inspections, applications and permits issued, with all special conditions recorded.