

Butler Township Zoning Ordinance

CHAPTER 21

ZONING ADMINISTRATION

SECTION 21.01 RESPONSIBILITIES

The Township Supervisor, or his/her duly authorized representative as specified in this Chapter, is hereby charged with the duty of enforcing the provisions of this Ordinance. Furthermore, administrative responsibilities are vested in the following Township entities:

- A. Township Board
- B. Planning Commission
- C. Zoning Board of Appeals
- D. Zoning Enforcement Officials, which shall include the Township Supervisor and his/her duly authorized assistants or representatives.

The purpose of this article is to set forth the scope of authority of these entities.

SECTION 21.02 TOWNSHIP BOARD

The Township Board shall have the following responsibilities and authority pursuant to this Ordinance.

- A. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by Michigan Public Act 184 of 1943, as amended, the Township Board shall have the authority to adopt this Ordinance, any amendments to this Ordinance which have been previously considered by the Planning Commission or at a hearing, or as decreed by a court of competent jurisdiction.
- B. **Setting of Fees.** The Township Board shall, by resolution, 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 to set a fee for a specific permit or application, the Township Supervisor shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

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- C. **Approval of Planning Commission Members.** In accordance with Michigan Public Act 184 of 1943, as amended, members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board.

SECTION 21.03 TOWNSHIP PLANNING COMMISSION

- A. **Creation.** The Township Planning Commission is created pursuant to Michigan Public Act 168 of 1959, as amended, the Township Planning Act. The Planning Commission shall have all the powers and duties provided for zoning boards created pursuant to Michigan Public Act 184 of 1943, as amended.
- B. **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.
 2. Site Plan Review. The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Chapter 12. As provided for in Chapter 12, the Planning Commission shall be responsible for making a determination to grant approval, approval subject to revisions, or denial of submitted site plans.
 3. Special Land Use Review. The Planning Commission shall be responsible for holding hearings and review of all applications for special land use approval in accordance with Chapter 19 of this ordinance to grant approval, approval subject to revisions, or denial of approval of a submitted special land use application.
 4. Planned Unit Development Review. The Planning Commission shall be responsible for holding hearings and review of all applications for planned development in accordance with Chapter 10. The Planning Commission shall be responsible for granting approval, approval with conditions, or denial of a Planned Unit Development proposal.
 5. Formulation of a Basic Plan. The Planning Commission shall be responsible for formulation and adoption of a basic plan (i.e., the Butler Township Master Plan) as a guide for the development of the Township, in accordance with Michigan Public Act 33 of 2008, as amended.

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6. Review of Public Works. In accordance with Michigan Public Act 33 of 2008, as amended, whenever the Planning Commission shall have adopted a master plan for the Township or of one or more major sections or districts thereof; no street, street widening, square, park, or other public way, ground, or open space, or public building or structure, shall be constructed or authorized in the Township or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved by the commission. In case of disapproval, the commission shall communicate its reasons to the Township Board, which shall have the power to overrule such disapproval by a recorded vote of not less than 2/3 of its entire membership. The failure of the commission to act within 60 days after the date of an official submission of a public works proposal to the commission shall be deemed approval.

7. Review of Plats. Whenever the Planning Commission shall have adopted a master plan relating to the major street system of the territory within the Township or part thereof, and shall have filed a certified copy of such plan in the office of the Branch County Register of Deeds, then no plat of a subdivision of land within the Township or part thereof shall be filed or recorded until it shall have been approved by the Planning Commission and such approval entered in writing on the plat by the chairman or secretary of the commission.

8. Review of Matters Referred by the Township Board. The Planning Commission shall be responsible for review of matters relating to land development referred to it by the Township Board. The Planning Commission shall recommend appropriate regulations and action on such matters.

9. Publicity and Education. The Planning Commission shall have the power to promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education. The Planning Commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and with citizens with relation to the protecting or carrying out the plan.

SECTION 21.04 ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall act on all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the zoning districts map. The Zoning Board of Appeals shall also hear and decide appeals from any order, requirements, decision, or determination made by an administrative official or body

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charged with enforcement of this Ordinance; and shall hear and decide matters referred to it or upon which it is required to pass under this Ordinance. The Zoning Board of Appeals shall not have the power to alter or change zoning district classification of any property. The creation, responsibilities, and limitations of power of the Zoning Board of Appeals are further specified in Chapter 20 of this Ordinance.

SECTION 21.05 ZONING ENFORCEMENT OFFICIALS

- A. **Establishment of Enforcement Officials.** As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Township Supervisor or his/her duly authorized assistants or representatives. In carrying out designated duties, enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of this Ordinance.
- B. **Responsibilities of the Zoning Administrator.** The Zoning Administrator shall be appointed by the Township Board and shall serve under the direction of the Township Supervisor. The Township Zoning Administrator may have the following responsibilities:
- Provide citizens and public officials with information relative to this Ordinance and related matters.
 - Assist applicants in determining the appropriate forms and procedures related to site plan review, zoning, and other zoning matters.
 - Review all applications for site plan review, special land use review, planned development proposals, and take any action required as outlined in this ordinance.
 - Forward to the Planning Commission all applications for site plan review, special land use review, planned unit development proposals, petitions for amendments to this Ordinance, and other applications which must be reviewed by the Planning Commission.
 - Forward to the Zoning Board of Appeals all materials related to applications for appeals, variances, of other matters on which the Zoning Board of Appeals is required to act.
 - Forward to the Township Board all recommendations of the Planning Commission concerning matters on which the Township Board is required to take final action.

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- Periodically report to the Planning Commission on the status of Township zoning and planning administration.
 - Maintain up-to-date Zoning Map, Zoning Ordinance text, and office records by recording all amendments and filing all official minutes and other documents in an orderly fashion.
 - Maintain a record of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and update this record as conditions affecting the nonconforming status of such uses or structures changes.
 - Perform other related duties, as specified by the Township Administrator.
- C. **Conformance with this Ordinance.** It shall be unlawful for the Zoning Administrator to approve any plans or issue any zoning permits or certificates of occupancy until he has inspected such plans in detail and found them to conform with this Ordinance.