

CHARTER TOWNSHIP OF BREITUNG

ARTICLE XII

TOWNSHIP PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY

Section 1201 Designation

The Breitung Township Planning Commission is hereby designated the Commission as specified in Section 3, of Act 168 of the Public Acts of 1959, as amended. Under said act, it shall be the duty of the Commission to advise the Township Board on matters of planning. ***Further, the Commission shall assume the duties of the Zoning Commission prescribed in Section 4, of Act 110 of the Public Acts of 2006, as amended.***

Section 1202 Changes and Amendments

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by an individual.

- (A) Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Section 1002 of this Ordinance.
- (B) Following the public hearing, the Planning Commission shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.
- (C) The Township Board may hold additional public hearings if it considers it necessary. Notice of public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. ***The notice shall be given not less than 15 days before the hearing.*** After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of a Zoning Ordinance for the Township. Any changes or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions. The Planning Commission shall have thirty 30 days from and after receipt of the proposed change or departure to send its report to the Township Board.
- (D) No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.
- (E) The petitioner shall transmit a detailed description of the petition to the Zoning Administrator. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:
 - 1. A legal description of the property;
 - 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;

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3. The name and address of the petitioner;
 4. The petitioner's interest in the property;
 5. Date of filing with the Zoning Administrator;
 6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information, and;
 7. The desired change and reasons for such change.
- (F) In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within sixty (60) days of the hearing date of the petition. The facts to be considered by the Planning Commission shall include, but not limited to, the following:
1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
 2. Is the requested zoning change consistent with the Goals and Policies, and other elements of the Breitung Township Comprehensive Plan.
 3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
 4. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
 5. Are there any significant and negative environmental impacts which would potentially occur if the petitioned zoning change and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
 6. Effect of approval of the petition on adopted development policies of the Township and other governmental units; and
 7. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.