

**CHARTER TOWNSHIP OF FENTON**  
**Ordinance No. 716**  
**Adopted: December 21, 2009**

An ordinance to amend Article 9 of Zoning Ordinance No. 594 to add provisions regarding the suspension, revocation or modification of a special use permit.

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN, ORDAINS:

**ARTICLE I.** Article 9 (Special Use Permit Review), of Zoning Ordinance No. 594 is hereby amended to add the following sections:

**SECTION 9.12 Suspension, revocation or modification of the special use permit**

- A. The Planning Commission shall have the power to suspend, revoke or modify an approved special use permit if it finds that one or more of the following criteria are met:
  - 1. The special use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the special use permit.
  - 2. Compliance with the special use permit and any conditions has not been consistently demonstrated and administrative attempts to secure compliance have been unsuccessful.
  - 3. The special use permit is issued erroneously on the basis of incorrect or misleading information supplied by the applicant and/or his/her designee.
  - 4. The operation of the use granted by special use permit has created a risk or danger to public health, safety and welfare.
  - 5. The special use is a violation of any provision of this Ordinance or other Township, County, State or Federal regulations.
- B. The Zoning Administrator or Planning Commission may initiate the suspension revocation or modification of the special use permit if the Planning Commission determines there is sufficient cause to hold a public hearing on suspension, revocation or modification of the permit.
- C. Notice of the public hearing shall be sent by both first class and certified mail return receipt to the owners of property for which the special use permit has been issued and to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, as identified by the most recent tax roll as required in the notice requirements of this Ordinance.
- D. If the Planning Commission determines there is sufficient cause to hold a public hearing a public hearing will be scheduled. Members of the Commission may request such additional information as is reasonably necessary to evaluate whether the permit should be suspended, revoked or modified.
- E. At the conclusion of the public hearing, the Planning Commission may choose not to take any action, postpone decision pending review of additional

information, suspend, revoke or modify the permit based evidence presented at the hearing and the criteria set forth as the basis of determination described in this Ordinance.

- F. The Planning Commission shall state the basis for their decision.
- G. If the Planning Commission suspends, revokes or modifies the special use permit, the Commission may require improvements, restoration or reclamation of or to the property. The Commission may set time limits for the completion of improvements, restoration or reclamation and may require performance grantees in accordance with this Ordinance to insure compliance.
- H. If the Planning Commission suspends or revokes the special use permit, the use for which the permit was granted must cease immediately unless the Commission otherwise establishes a time frame cessation.
- I. The Planning Commission decision shall not be reconsidered, except as a new application or appealed to the Zoning Board of Appeals. The appeal must be filed within twenty one (21) days of the posting of the minutes of the meeting and state the basis for the appeal.

#### **SECTION 9.13 Cancellation by surrender of a special use permit**

Any special use permit, which has been previously approved, may be offered for surrender by the property owner or his/her designee by submitting request to the Zoning Administrator.

**ARTICLE II.** This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

**ARTICLE III.** All ordinances and provisions of ordinances of the Charter Township of Fenton in conflict herewith are hereby repealed.

**ARTICLE IV.** This amendatory ordinance shall be published as required by law and shall take effect 7 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 21st day of December 2009.

**Bonnie K. Mathis, Supervisor**

**Robert E. Krug, Clerk**