

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF APRIL 12, 2012**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER  
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Chairperson Pro-Tem Tucker called meeting to order at 7:04 p.m.  
Present: Franz, Hemeyer, McGuirk, Richard, Tucker, Warren  
Recording Secretary: McDonald  
Absent: Carlson

**APPROVAL OF AGENDA:**

Motion to approve the agenda

Motion by: McGuirk

Seconded by: Franz

Ayes: Franz, Hemeyer, McGuirk, Richard, Tucker, Warren

Nays: None

Absent: Carlson

Motion carried

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

Article 3 District Regulations, Section 3.16 C-2 & 3.17 C-3 to classify restaurants with live entertainment and restaurants with outdoor seating as separate uses permitted by special use permit.

Article 11 Design Standards, Section 11.63 adding language to require restaurants with outdoor seating to be 100 ft. from residential district and allow a waiver for those existing that do not meet that requirement.

Article 11 Design Standards, Section 11.63 A, requiring an applicant requesting live entertainment that is performed outdoors to take steps to make sure that it will not be a nuisance.

Warren noted in Article 3 the amendment that is intended to separate restaurants with outdoor seating and restaurants with live entertainment into two separate categories the language referring to restaurants with live entertainment should be stricken from Section 11.63 in the text of the proposed ordinance. The Commission agreed. McGuirk stated Section 11.63A was missing the word "entertainment" and suggested the language include a reference to entertainment be it indoors or out. The Commission discussed and suggested the language be changed in Section 11.63 A subsection A. to If a restaurant is permitted to have live entertainment the applicant must demonstrate that adequate steps are taken to ensure that the sound is not a nuisance to any nearby residential uses through improvements such as, but not limited to, soundproof fencing or overhead soundproof structures.

Motion to recommend approval as amended

An ordinance to amend Article 3 and Article 11 of Zoning Ordinance No. 594 to add provisions relating to outdoor seating for restaurants.

**ARTICLE I.** Sub-section C (Uses permitted by special use permit) of Section 3.16 (C-2 General Business) and Section 3.17 (C-3 Highway Service) of Zoning Ordinance No. 594 are hereby amended to add the following use:

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Restaurants with outdoor seating

**ARTICLE II.** Items A and B of Section 11.63 of Article 11 (Design Standards) of Zoning Ordinance No. 594 is hereby amended to provide as follows:

**SECTION 11.63 Restaurants with outdoor seating**

Restaurants with outdoor seating are permitted by special use permit in the C-2 and C-3 zoning districts provided:

- A. The principal building shall be setback at least one hundred (100) feet from a residential district. Existing buildings that are less than one hundred (100) feet from a residential district may request a waiver of this requirement if they can demonstrate compliance with the other requirements of this ordinance.
- B. The applicant must demonstrate that adequate steps are taken to ensure that the sound is not a nuisance to any nearby residential uses through improvements such as, but not limited to, soundproof fencing or overhead soundproof structures.

**ARTICLE III.** Article 11 (Design Standards) of Zoning Ordinance No. 594 is hereby amended to add the following section:

**SECTION 11.63A Restaurants with live entertainment (not adult entertainment or dancing)**

Restaurants with live entertainment (indoor or outdoor) are permitted by special use permit in the C-2 and C-3 zoning districts provided:

- A. If a restaurant is permitted to have live entertainment, then the applicant must demonstrate that adequate steps are taken to ensure that the sound is not a nuisance to any nearby residential uses through improvements such as, but not limited to, soundproof fencing or overhead soundproof structures.

Motion by: Tucker  
Seconded by: Franz  
Ayes: Franz, Hemeyer, McGuirk, Richard, Tucker, Warren  
Nays: None  
Absent: Carlson

Motion carried

Article 3 District Regulations, Sections 3.14 OS, 3.15 C-1, 3.16 C-2, 3.17 C-3, M-1, M-2 & M-3 to add the use of outdoor speakers as a use permitted by special use permit.

Section 11 Design Standards, Section 11.49 B, requiring an applicant using outdoor speakers to demonstrate that the sound is not a nuisance to any nearby residents.

There was no further discussion about the use of outdoor speakers.

Motion to recommend approval as presented

**ARTICLE I.** Sub-section C (Uses permitted by special use permit) of Section 3.14 (OS Office

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Service), Section 3.15 (C-1 Local Business), Section 3.16 (C-2 General Business), Section 3.17 (C-3 Highway Service), Section 3.18 (M-1 Low Intensity Industrial), Section 3.19 (M-2 Light Industrial) and Section 3.20 (M-3 General Industrial) of Zoning Ordinance No. 594 are hereby amended to add the following use:

Outdoor Speakers

**ARTICLE II. Article 11 (Design Standards) of Zoning Ordinance No. 594 is hereby amended to add the following section:**

**SECTION 11.49B Outdoor speakers**

Outdoor speakers are permitted by special use permit in the OS, C-1, C-2, C-3, M-1, M-2, M-3 and PUD zoning districts provided:

- C. The applicant must demonstrate that adequate steps are taken to ensure that the sound is not a nuisance to any nearby residential uses through improvements such as, but not limited to, soundproof fencing or overhead soundproof structures.

Motion by: Tucker  
Seconded by: Franz  
Ayes: Franz, Hemeyer, McGuirk, Richard, Tucker, Warren  
Nays: None  
Absent: Carlson

Motion carried

**PUBLIC COMMENT & COMMUNICATION CONCERNING ITEMS NOT ON THE AGENDA:**  
5 Minute Limit – There were none

**MINUTES:**

**ADJOURN: 7:27 pm**

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John Tucker, Chairperson Pro-Tem  
Minutes Posted 04/05/12

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Jim McGuirk, Secretary