

CHARTER TOWNSHIP OF FENTON
Ordinance No. 746
Adopted: May 7, 2012

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

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

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:

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.

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 V. All ordinances and provisions of ordinances of the Charter Township of Fenton in conflict herewith are hereby repealed.

ARTICLE VI. 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 7th day of May 2012.

Bonnie K. Mathis, Supervisor

Robert E. Krug, Clerk