

**To:** Bingham Township Planning Commission  
**From:** Mathew Cooke, Community Planner  
**Date:** February 4, 2020  
**Re:** Summary of Zoning Ordinance Amendment

Below is a quick summary of the changes to the Zoning Ordinance as proposed in the attached Zoning Ordinance Amendment.

**Section 1 of Township Ordinance**

- Mobile Home standards language moved here to be applied to all districts as opposed to having the language in each residential district where it now is (Sections 5.4 and 6.3)
- Also reformats the rest of Section 3.6.1

**Section 2 of Township Ordinance**

- Refers each mention of Mobile Homes back to Sect 3.6.1 where we just put the standards.

**Section 3 of Township Ordinance**

- Delete most references to short-term rentals because they are covered in a separate police power ordinance that was adopted in October 2020.
- Add reference to Short Term Rental Ordinance in Definitions (Section 2.2) and Home Business Uses (Section 12.5)

**Section 4 of Township Ordinance**

- Removes Tasting Rooms and Farm Markets from being a Use Permitted by Right in the Rural Residential District

**Section 5 of Township Ordinance**

- Deletes acreage requirements for livestock as determined by discussion and research

**Section 6 of Township Ordinance**

- Deletes a chart we never use which uses a term not found elsewhere in the Ordinance

**Section 7 of Township Ordinance**

- Deletes acreage requirements for livestock as determined by discussion and research

**Section 8 of Township Ordinance**

- Adds in Farm Market as a Special Land Use in the Rural Residential District
- Tasting Rooms language is not added back in; therefore is not an allowed use in the Rural Residential District

**BINGHAM TOWNSHIP  
ORDINANCE NO. \_\_\_\_\_**

**(Zoning Ordinance Amendment No. 21-001)**

**AN ORDINANCE TO AMEND  
THE BINGHAM TOWNSHIP ZONING ORDINANCE**

AN AMENDMENT TO THE BINGHAM TOWNSHIP PERMANENT ZONING ORDINANCE BY AMENDING ARTICLE 3 GENERAL PROVISIONS, ARTICLE 4 AGRICULTURAL DISTRICT, ARTICLE 5 RURAL RESIDENTIAL DISTRICT, AND ARTICLE 6 RESIDENTIAL DISTRICT.

**BINGHAM TOWNSHIP ORDAINS:**

**Bingham Township Ordinance Section 1: Amendment of Articles 3**

Section 3.6.1 is hereby amended to add a new Section 3.6.1.A and to renumber the remainder of the Section to read in its entirety as follows:

**Section 3.6.1 Standards for Residential Development**

A. Mobile Homes are recognized by Bingham Township as valid single family dwellings. They are permitted, provided:

1. The home is used as a single family dwelling.
2. Is attached to a permanent foundation meeting the requirements of the applicable state construction code.
3. It has health department approval for well and septic systems.

B. The following standards shall apply to residential development created after the effective date of this amendment. A residential development is defined as:

- Subdivisions
- Site condominiums
- Multi-family dwelling projects
- Private Road that services three (3) or more parcels.

1. Agricultural Buffer Zone

Any lot or lots in a residential development that borders property that is zoned agricultural shall have a side and/or rear structure setback of 100 feet from the adjacent agricultural property(ies) unless one of the following applies:

- a. The adjacent property is a parcel of less than fifteen (15) acres.
- b. The adjacent property is separated by a private or Public Road or a recreational trail overlay zone.

- c. That the first one-hundred (100) feet of the parcel bordering the proposed residential development is a woodlot or has not been under cultivation or used for commercial food or fiber production within the previous five years and is not likely to be under cultivation in the near future.  
(Added by Amendment 06-003 effective July 2006)

Notwithstanding, the side and/or rear structure setback must meet the minimum requirements of Section 3.6 Schedule of Area, Height, Placement Regulations.

- 2. Underground Utilities  
Any new utility lines (gas, electric, telephone, cable T.V.) within a residential development shall be placed underground.
- 3. Access  
Lots in a residential development shall be accessed from a secondary access road unless a practical difficulty exists as determined by the planning commission (during site plan review) or the Zoning Board of Appeals (variance request).
- 4. Greenbelt Planting  
The portion of a residential development with frontage on an existing public road shall provide a planted greenbelt buffer meeting Section 3.12.5 Right-of-Way Greenbelts. Existing trees of the size listed in the Ordinance shall be counted towards the greenbelt.  
See Section 3.12.10 Planting Size and Spacing.

**Bingham Township Ordinance Section 2: Amendment of Article 4, Article 5 and Article 6**

Sections 4.5.A and 5.4.A and 6.3.A are hereby amended to read in their entirety as follows:

Mobile Homes provided they meet the requirements of Section 3.6.1 Standards for Residential Development.

**Bingham Township Ordinance Section 3: Amendment of Article 2, Article 4, Article 5, and Article 12**

Strike references to short-term rentals in the following sections, reference the Bingham Township Short Term Rental Ordinance in Definitions (Section 2.2) and in Short Term Rentals (Section 12.5 and 12.5.1), and renumber the remaining items in these Sections as applicable.

**Section 2.2**

~~RENTAL, SHORT TERM: The renting of a dwelling for less than thirty (30) days.~~

RENTAL, SHORT-TERM: Short Term Rentals are defined by the Bingham Township Short Term Rental Ordinance, as amended.

**Sections 4.2.F**

~~Short Term Rentals No Land Use Permit necessary to rent on a short term basis, however, structures and additions over one hundred (100) square feet require a Land Use Permit.~~

**Section 5.2.F, Section 6.2.E, and Section 7.3.D.d**  
~~Short Term Rentals~~

**Sections 12.5.1, 12.5.1, and 12.5.2**  
**SECTION 12.5 SHORT-TERM RENTALS**

**SECTION 12.5.1 PURPOSE**

Short Term Rentals are allowed as provided for by the Bingham Township Short Term Rental Ordinance, as amended.

**SECTION 12.5.1 INTENT**

~~Short term rentals have been used as temporary lodging for decades in Bingham Township. Given the lack of traditional motels and hotels and the increase of tourist and vacation demand for this use, it is the intent of this section to accommodate short term rentals in Bingham Township.~~

**SECTION 12.5.2 DISTRICTS ALLOWED**

~~Short term rentals shall be an allowable use in the Residential, Agricultural Rural Residential, and Commercial Zoning Districts.~~

**Bingham Township Ordinance Section 4: Amendment of Article 5**

Strike Sections 5.2.G. and 5.2.H in their entirety and renumber the remaining items in these Sections.

~~G. Tasting Room, provided it qualifies as a Farm Market as defined in the Generally Accepted Agricultural Management Practices (GAAMP), published by the Michigan Department of Agriculture, as outlined in the Right To Farm Act.~~

~~H. Farm Market, as defined in the Generally Accepted Agricultural Management Practices (GAAMP), published by the Michigan Department of Agriculture, as outlined in the Right To Farm Act.~~

**Bingham Township Ordinance Section 5: Amendment of Article 4 and Article 5**

Strike Sections 4.4.B and 5.4.G in their entirety and renumber the remaining items in these Sections.

~~Keeping horses and livestock: for personal use~~

- ~~1. There shall be a minimum parcel size of two (2) acres for up to two (2) horses and/or livestock.~~
- ~~2. There shall be one (1) additional acre for each additional horse and/or livestock.~~

**Bingham Township Ordinance Section 6: Amendment of Article 5**

Strike the chart in Section 5.4.I in its entirety

**Bingham Township Ordinance Section 7: Amendment of Article 4 and Article 5**

Strike Sections 4.4.C and 5.5.H in their entirety and renumber the remaining items in these Sections.

~~Keeping horses and livestock for profit or as a business (i.e., Boarding Stable), provided:~~

- ~~1. There shall be a minimum parcel size of ten (10) acres for up to the first two (2) horses and or livestock.~~
- ~~2. There shall be one (1) additional acre for each additional horse and/or livestock.~~
- ~~3. Setback for stables, barn, and manure storage: 200 feet from all property lines.~~

**Bingham Township Ordinance Section 8: Amendment of Article 5**

Add new Section 5.5.H to read in its entirety as follows:

Farm Market

1. The minimum parcel size shall be ten (10) acres. The minimum parcel width shall be three hundred thirty (330) feet.
2. Pre-existing structures built prior to 2008 that are located within one hundred (100) foot setback may be approved for use of a farm market subject to site plan review by the Planning Commission.
3. The actual area under roof used for the display and sale of farm produce shall not be greater than one thousand (1,000) square feet.
4. Parking
  - a. Shall be a minimum of fifty (50) feet from any lot line.
  - b. A lesser setback may be approved by the Planning Commission, upon site plan review, and based upon such factors as parcel size, topography, neighboring uses, road access, and other such factors.
  - c. There shall be no parking on county or state roads.
  - d. Emergency access to the site shall be maintained at all times.

- e. Parking may be located on non-paved surfaces.
  - f. All parking shall meet the parking standards of Section 11.2 Off Street Parking and Loading.
  - g. There shall be one parking space provided for each one hundred (100) square feet of usable floor space and one additional space for every two employees and meet all other standards of Section 11.2 Off Street Parking and Loading. Parking shall be located a minimum of fifty (50) feet from any lot line.
5. Hours of operation shall not extend past 8:00 PM.
  6. Sales shall be limited to: farm products such as fruit, vegetables, or baked goods; plant nursery stock; or farm related products such as milk, cheese, honey, preserves or butter. Sale of other items (pop, candy, newspapers, etc.) shall not exceed ten (10) percent of all goods sold. A bakery may exist as part of a farm market.
  7. Sales of plant nursery stock shall be limited to that which has been grown in Leelanau County for at least one full growing season, i.e. planted in the spring, sold no sooner than the next spring, except that bedding plants, sown on the premises, may be sold when ready for market.
  8. Sales: Sales shall be derived from products grown or produced in Michigan and at least twenty five (25) percent from products grown on the premises, or on land owned by the farm market operator.
  9. All signs shall comply with Section 3.13 Signs.
  10. Limited Food Service Kitchens are allowed in Farm Markets if requirements of Section 4.6.O are met.

**Bingham Township Ordinance Section 9. Severability.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

**Bingham Township Ordinance Section 10. Effective Date.**

This Ordinance shall become effective eight (8) days following publication of a synopsis in a newspaper of general circulation within the Township, as provided by law.

Ordinance No. \_\_\_\_\_ was adopted on the \_\_\_\_\_th day of \_\_\_\_\_ 2020 by Bingham Township Board of Trustees, as follows:

Motion By:  
Support By:

Roll Call Vote: Yeas:  
Nays:  
Absent:  
Motion Carried.

I certify that this is a true copy of Ordinance No. \_\_\_\_\_ was adopted at a regular meeting of the Bingham Township Board of Trustees on \_\_\_\_\_, 2021 and published in the Leelanau Enterprise on \_\_\_\_\_, 2021.

BINGHAM TOWNSHIP

\_\_\_\_\_ By:  
Midge Werner, Supervisor

\_\_\_\_\_ By:  
Kathy Morio, Clerk

Date of Township Approval:  
Date of Publication:  
Effective Date: