

## ARTICLE IV

### AGRICULTURAL DISTRICT INCLUDING AG-BUSINESS AND AG-TOURISM

Replaced in its entirety by Amendment 2008-001, effective November 7, 2008

#### SECTION 4.1 INTENT

The intent of the Agricultural District is to encourage and maintain agriculture as part of a balanced and diversified economy, and to protect viable farmland from encroachment by other uses. It is also intended to provide a low density rural atmosphere which will accommodate the growing demand for residential development, while still protecting scenic and ecologically sensitive areas which make Bingham Township attractive both to home ownership and to the tourism so important to Leelanau County. Large minimum frontage requirements are designed: to permit larger side setbacks to protect adjacent farmland, to discourage the long narrow lots which extend wastefully into agricultural land and which are used to get around platting and lot area requirements, and to avoid frequent driveway cuts which pose safety hazards and reduce the carrying capacity of public roads. Lot sizes will be large enough to provide for individual wells and septic systems.

In 2008 Bingham Township determined that some Agricultural Business and Agricultural Tourism uses are acceptable in the Agricultural District and will help maintain Agriculture as a viable use in Bingham Township.

#### SECTION 4.2 USES PERMITTED BY RIGHT

Uses permitted by right require a Land Use Permit unless specified.

- A. Farming, including livestock and poultry, grain, grass, mint and seed crops, vegetables, orchards, silviculture, nuts and berries, floriculture, ornamental trees, shrubs and nursery stock, including retail sales on the premises, greenhouses, sod farming, apiculture, and aquaculture. New structures or structure additions over one-hundred (100) square feet shall require a Land Use Permit.
- B. One (1) Single Family Dwelling per lot.
- C. Family Day Care Homes. Such facilities shall be registered with the Grand Traverse/Leelanau County Department of Human Services.
- D. Wildlife Management Areas, plant and wildlife conservancies, refuges and sanctuaries. This use does not require a Land Use Permit except for new structures or structure additions over one-hundred (100) square feet.
- E. Adult Foster Care Family Care Homes. Such facilities shall be licensed by the Michigan Family Independence Agency. The area required by the

Grand Traverse/Leelanau County Department of Human Services for an AFC septic system is a great deal larger than for a single family dwelling of comparable size, and must be permitted before building an AFC facility.

F. Short-Term Rentals

(Added by Amendment 05-001 effective August 12, 2005)

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.

G. Community Supported Agriculture (CSA)

1. Parking: A parking area to accommodate customers shall be provided off the public road right-of-way.
2. Pick up hours or picking times: Sunrise to sunset.
3. No land use permit is required for CSA's, except for structures or structure additions over one-hundred (100) square feet.

## **SECTION 4.3 PERMITTED ACCESSORY USES**

The following uses are deemed accessory to the principle use of any parcel in the Agricultural District. Land Use Permits are necessary for structures or additions to structures over one-hundred (100) square feet.

- A. Accessory Structures normally associated with Single Family Dwellings, such as a private garage, shed for yard tools, playhouse, boat house, woodshed, sauna, and the like.
- B. A small, unlighted identification sign, four square feet maximum area. Centennial farm signs and Historical Markers are exempt from this requirement.
- C. Swimming pools.
- D. Parking of automobiles, boats, and other vehicles, licensed by the owner of the property or by a resident for their own use.
- E. Pens and enclosures for household pets. See Section 4.4.D and Section 4.6.L. relating to keeping dogs.
- F. Accessory Uses or Structures, clearly incidental to the operation of an existing farm, including barns, silos, sheds, equipment storage and similar structures customarily incidental to the permitted principal use and structures.
- G. Activities typically associated with the actions and functions of individual family members participating in organizations such as 4-H, Future Farmers of America, and the like.
- H. Small Picnic Areas that are accessory to and for patrons of the primary use.

## **SECTION 4.4 USES PERMITTED WITH CONDITIONS - WHERE THE “USE” DOES NOT REQUIRE A LAND USE PERMIT OR SITE PLAN REVIEW.**

The following “USES” are permitted provided they meet the requirements listed or referenced for the particular “USE”. However, Land Use Permits are required for Structures and additions to Structures pursuant to Article 15.

- A. Home Occupations, provided they meet the requirements of Section 3.9 of Article III, General Provisions.
- B. Keeping horses, provided it is not for profit or as a business:
  - 1. There shall be a minimum parcel size of two (2) acres for up to two (2) horses.
  - 2. There shall be one (1) additional acre for each additional horse.
- C. Keeping horses 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.
  - 2. There shall be one (1) additional acre for each additional horse.
  - 3. Setback for stables, barn, and manure storage: 200 feet from all property lines.
- D. Keeping dogs, provided it is not for profit or as a business:
  - 1. Kennels and any accessory pens housing more than two (2) dogs shall not be closer to any lot line than fifty (50) feet.
  - 2. If a dog is tethered, the tether shall not permit him to reach within fifty (50) feet of any lot line.
- E. Roadside Stands Roadside Stands are permitted in the Agricultural District to allow the active farmer to directly market their farm products.

The following conditions shall apply:

- 1. The Roadside Stand shall be located on the parcel owned or leased by the farmer.
- 2. The Roadside Stand shall not be located in the road right-of-way.
- 3. A minimum ten (10) foot front setback is required between Roadside Stand and the front property line.
- 4. One (1) Roadside Stand shall be allowed per parcel.
- 5. Additional agricultural produce may be sold at the Roadside Stand provided it is grown or produced ( i.e. honey, syrup,) in Bingham Township.
- 6. Sale of craft items is limited to those produced on the property.
- 7. A parking area to accommodate customers shall be provided off the public road right-of-way.

8. A minimum fifty (50) foot setback is required between the Roadside Stand and any rear or side property line.
  9. See Section 12.7.3 K. Seasonal farm produce signs.  
For the safety of the general public, no spinners, pennants, flags, flashing lights, reflectors, flicker tape, or other distractive devices may be used in conjunction with any sign or business. Roadside signs shall comply with MDOT and local County Road Commission regulations.
  10. Roadside stands shall not be greater than one-hundred (100) square feet in area and shall be temporary structures.
  11. Roadside stands shall be allowed May 1<sup>st</sup> through December 24<sup>th</sup> of the calendar year. Removal of the roadside stand is required after the stand is closed for the season.
- F. Seasonal Outdoor Maze (Corn, Straw Bale, etc.):
1. Minimum parcel size shall be 40 acres and secondary to a Commercial Farm or winery.
  2. A parking area to accommodate customers shall be provided off the public road right-of-way.
  3. A minimum fifty (50) foot setback is required between the parking area and any rear or side property line.
  4. A minimum fifty (50) foot setback is required between any part of a maze and any property line.
  5. Hours of Operation: - 8:00 am to 8:00 pm
- G. Petting Farms, Animal Display, Pony Rides:
1. Minimum lot size shall be 40 acres and secondary to a Commercial Farm or winery.
  2. A parking area to accommodate customers shall be provided off the public road right-of-way.
  3. Parking areas shall be set back fifty (50) feet from all property lines.
  4. Hours of Operation: - 8:00 am to 8:00 pm
  5. Setbacks – Any part of the above uses shall be setback one hundred (100) feet from all property lines.
- H. Wagon, Sleigh and Hay Rides (for profit):
1. Minimum lot size shall be 40 acres and secondary to a Commercial Farm or winery.
  2. A parking area to accommodate customers shall be provided off the public road right-of-way.
  3. Parking areas shall be set back fifty (50) feet from all property lines.
  4. Setbacks – The trail or route provided for such use shall be setback one hundred (100) feet from all property lines.
  5. Hours of Operation: - 8:00 am to 10:00 pm.
- I. Seasonal U-Pick Fruits and Vegetables:
1. Minimum lot size shall be 40 acres.
  2. A parking area to accommodate customers shall be provided off the public road right-of-way.
  3. Parking areas shall be set back fifty (50) feet from all property lines.
  4. Hours of operation: Sunrise to sunset.

## **SECTION 4.5 USES PERMITTED WITH CONDITIONS THAT REQUIRE A LAND USE PERMIT, AND WHERE NOTED, SITE PLAN REVIEW AND PUBLIC HEARING.**

The following uses are permitted if they meet the requirements listed or referenced for the particular use. A Land Use Permit is required, and where noted, Site Plan Review and a public hearing are required.

- A. One (1) Duplex per lot of four (4) acres or more with a minimum front lot width of four hundred (400') feet. If the duplex is built on a zero lot line, each dwelling may have its own lot of two acres or more.
- B. 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. It is attached to a permanent foundation.
  - 3. It has District Health Department approval for well and septic systems.
- C. Bed and Breakfasts, provided they meet the requirements of Section 3.8 of Article III, General Provisions. Abbreviated (Medium) Site Plan Review and a public hearing is required.
- D. Home Businesses, provided the business meets the requirements of Section 3.10 of Article III, General Provisions. Abbreviated (Medium) Site Plan Review and a public hearing is required.
- E. Group Day Care Homes, provided:
  - 1. There are no more than twelve (12) children, including those children less than seven (7) years old in the resident family.
  - 2. Parking is provided off the road or unimproved road right-of-way for two (2) cars for every three (3) children not in residence.
  - 3. Playground equipment shall be thirty (30) feet from side lot lines.
  - 4. The home must be licensed by the State Department of Social Services.
- F. Temporary Accessory Housing, provided that the requirements of Article III, Section 3.11 Temporary Accessory Housing, are met.
- G. Private Wind Turbine Generator, provided that the requirements of Section 3.14, Private Wind Turbine Generator are met.
- H. Accessory Apartments, *deleted February 29, 2002*.  
Accessory Apartments are no longer allowed in the Agricultural District.

## SECTION 4.6 SPECIAL LAND USES

The following uses are permitted when the Bingham Township Planning Commission determines that the uses meet the standards and criteria of Article XI, Special Land Use Permits and Article VIII Site Plan Review, as well as the general criteria of this District and the individual criteria for each use.

- A. Clustered Housing, provided that the requirements of Article X, Clustered Housing Developments, are met.
- B. Churches, Temples, Schools of an academic nature, provided that they have sufficient off-road parking (see section 12.5 of the Standards Article), and pose no hazard to traffic, pedestrians, and residents of the area.
- C. BED AND BREAKFAST INN, provided they meet the requirements of Section 3.8a. Abbreviated (Medium) Site Plan review is required.
- D. Adult Foster Care Small Group Homes, provided:
  - 1. There are no more than twelve (12) adults, including members of the resident family, receiving care.
  - 2. Parking is provided off the road or unimproved road right-of-way for one (1) vehicle for every three (3) residents in foster care, for the use of visitors. This shall be in addition to parking for staff and/or family.
  - 3. A loading/unloading area shall be provided.
  - 4. The driveway should be kept plowed in winter.
  - 5. An outdoor seating area must be provided for residents.
  - 6. The parcel size must be large enough to accommodate the septic system and the equivalent reserve area required by the Benzie/Leelanau District Health Department.
  - 7. Abbreviated (Medium) Site Plan review is required.
- E. Public Buildings, such as post offices, libraries, or similar public office buildings, provided that the public use serves persons living in the local area. See section 12.5 of Standards Article. *Added by amendment BTPC5-18-94*
- F. Small Animal Kennel:  
(Subsection added by Amendment 05-003)
  - 1. Minimum parcel size for a kennel - ten (10) acres.
  - 2. Minimum setbacks for kennel and outside pens from all property lines are one hundred (100) feet.
  - 3. The maximum number of small animals allowed is twenty (20).
  - 4. If a dog is tethered, the tether shall not permit him to reach within one hundred (100) feet of any lot line.
  - 5. Buffering and Landscaping – a landscape plan that shows buffering as required in Section 12.6 shall be part of site plan.
  - 6. Lighting – all lighting shall be subject to Section 12.10.
  - 7. Maintenance Plan Required – a plan outlining general maintenance including the removal of wastes, removal of trash, upkeep of property, and pen repair shall be required.

8. Kennels shall be subject to the requirements of Section 3.10 Home Businesses.
  9. Abbreviated (Medium) Site Plan review is required.
- G. Public and Quasi-public Outdoor Recreational Uses and Areas per Section 3.13. *Added by amendment BTPC6-19-96*
- H. Golf Courses, provided:
1. The site area shall have its main ingress and egress from a State or County road having a bituminous aggregate surfacing. Should the road not meet the above conditions, a plan shall be submitted indicating how the proprietor will meet the above conditions within a reasonable time limit. This plan and a surety bond, certified check or irrevocable bank letter of credit, in an amount sufficient to cover the cost of implementing the plan, will be considered as meeting the above conditions.
  2. The site area shall be sixty (60) acres or more for a nine (9) hole course, and one hundred and twenty (120) acres or more for an eighteen (18) hole course.
  3. The number of off-road parking places shall be five (5) for each golf hole plus one for every two employees. *Amended BTPC9-21-94*
  4. Front, side and rear yard setback for all principal and accessory buildings, structures, and parking areas shall conform to the standards in Section 4.6 and shall not be less than forty (40) feet from any road right-of-way and not less than forty (40) feet from any adjoining property line. *Amended BTPC effective 11-1-01.*
  5. The site shall be screened, except along the road right-of-way. See the Standards Article, Section 12.6. This requirement may be waived if the proprietor submits written waivers from adjoining property owners.
  6. A clubhouse/pro shop, containing managerial facilities, toilets, lockers and food services, may be allowed in conjunction with the Golf Course. The clubhouse is intended to serve those individuals using the golf course; it is not intended to be used as a meeting/rental hall by the general public, nor are the food services intended to serve the general public.
- I. Sand and Gravel Extraction provided:
1. Every precaution is taken to guard against hazards of all kinds for the full protection of the general public.
  2. No mining shall be conducted within one hundred and sixty-five (165) feet of any public road right-of-way, nor closer than one hundred (100) feet from any neighboring property line.
  3. No more than five (5) acres of land may be actively mined at one time.
  4. Previously mined areas shall be reshaped to usable grades, and cover restored to prevent erosion.

5. This use shall be considered a temporary use. A time schedule for completion of each phase of the mining and a plan for restoration of the site, acceptable to the Bingham Township Planning Commission, shall be required. A surety bond, irreversible bank letter of credit, or certified check sufficient to cover the cost of restoration may be required by the Planning Commission.

J. Sawmills ( See definition, Article II.), provided:

1. The Sawmill shall not be located within two hundred and fifty (250) feet of any parcel line, nor public road right-of-way.
2. The Sawmill shall not be located within two hundred and fifty (250) feet of the shoreline of any lake, creek, stream, or wetland.
3. See the Standards Article, Section 12.6.4.
4. The parcel shall have a minimum area of ten (10) acres.
5. Abbreviated (Medium) Site Plan review is required.

K. Commercial Storage of Boats and Vehicles. It is our intent to provide for the seasonal storage of boats and vehicles in secluded settings where they will not become eyesores, or a nucleus for further commercial development. Such storage shall be subject to the following conditions:

1. Only currently licensed boats, cars, trucks, recreational vehicles, campers, trailers for recreational vehicles and boats, and equipment necessary to the principal use, shall occupy the storage area.
2. The parcel shall be a minimum of ten (10) acres in size for outside storage.
3. The actual outside storage area shall not be located so that it can be viewed from the surrounding land or right-of-way.
4. Nothing shall be stored in the setbacks.
5. If the storage area is protectively fenced, such fencing shall be around the storage area itself, and not along the lot perimeter.
6. No repairs and servicing shall be permitted.
7. The parcel cannot be used for other storage purposes.
8. The location of driveways entering the lot from any public road must be approved by the County Road Commission.
9. Abbreviated (Medium) Site Plan review is required.

L. Seasonal Worker Housing. In anticipation of a time when housing built for seasonal farm workers may become general rental housing, it is the intent of this section to ensure that such housing will meet the requirements necessary to keep it in conformance with the Ordinance. Seasonal Worker Housing shall meet the following requirements:

1. Such housing provides temporary living quarters for the use only of itinerant farm employees and migratory workers.
2. It meets all Federal and State requirements for transient agricultural worker housing.



3. It complies with the setback requirements of this District, except as provided in Section 10.3.9.
4. It meets the requirements of Article X, Clustered Housing Developments.

M. Fruit and Vegetable Receiving Stations. Although Fruit and Vegetable Receiving Stations are an intensive type of agricultural activity, this use is permitted as a special use in the Agricultural District because they are an integral part of fruit and vegetable farming. Fruit and Vegetable Receiving Stations shall meet the following requirements:

1. The operation is in compliance with the regulations of the Michigan Department of Agriculture and of the Michigan Department of Natural Resources, including all licensing requirements.
2. Minimum parcel size shall be forty (40) acres.
3. The operation shall be located on a paved public road.
4. The food storage areas/structures shall occupy no more than twenty-five thousand (25,000) square feet.
5. The building(s) and processing areas shall be set back fifty (50) feet from all lot lines, and shall be landscaped or visually screened.

N. Farm Market

1. The minimum parcel size shall be ten (10) acres with no less than 460 feet of road frontage.
2. The actual area under roof used for the display and sale of farm produce shall not be greater than 1,000 square feet.
3. The minimum setback from any lot line for any structure and parking is one hundred (100) feet. Vegetative planting or agricultural use of land is encouraged between the structure and the road right-of-way.
4. 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.
5. 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, crafts, etc.) shall not exceed 10% of all goods sold. A bakery may exist as part of a farm market.
6. 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.
7. Sales: Sales shall be derived from products grown or produced in Michigan and at least 25% percent from products grown on the premises, or on land owned by the farm market operator.
8. No more than two (2) permanent signs shall be erected on the property, no greater than twenty-five (25) square feet in area. For

the safety of the general public, no spinners, pennants, flags, flashing lights, reflectors, flicker tape, or other distractive devices may be used in conjunction with any sign or business.

9. Limited Food Service Kitchens are allowed in Farm Markets if requirements of 4.6-O are met.

O. LIMITED FOOD PROCESSING KITCHENS

1. A minimum parcel size of ten (10) acres is required.
2. The Limited Food Processing Kitchen must be operated by the owner of the parcel.
3. The building(s) and lot area devoted to a Food Processing Kitchen shall remain part of the principal farm unit and shall not be sold as a separate entity.
4. The area devoted to a Food Processing Kitchen shall not exceed twelve hundred (1,200) square feet, unless part of an approved winery food service operation.
5. A minimum fifty (50) foot setback is required between any property line and the Limited Food Processing Kitchen, and its accessory buildings.
6. The Limited Food Processing Kitchen shall be landscaped and visually screened if required by the Planning Commission.
7. Retail sales of food products produced on the premises are accessory uses, clearly secondary to food processing, and shall occupy no more than six hundred (600) square feet of floor area.
8. Food Processing Kitchens shall not create a nuisance or annoyance to adjoining property owners by reason of noise, smoke, odor, electrical disturbance, night lighting, or traffic as determined by the Planning Commission during Site Plan Review.
9. Food Processing Kitchens shall be subject to annual inspection by the Zoning Administrator and may be terminated by the Administrator whenever same fails to comply with this Ordinance.
10. The Food Processing Kitchen is in compliance with the regulations of the Michigan Department of Agriculture and the Benzie - Leelanau District Health Department, including all licensing requirements.
11. Parking:
  - a. A parking area to accommodate customers shall be provided off the public road right-of-way.
  - b. A minimum fifty (50) foot setback is required between any parking area and any property line.
12. Abbreviated (Medium) Site Plan review is required.

- P. Agricultural Support Business (A.S.B.): The business shall be farm related and is not intended to detract from the agricultural emphasis of the farm or to become a concentration of manufacturing or industrial activity which would appropriately be located in a light manufacturing district because of size or intensity of use. A.S.B.'s shall be allowed provided the following conditions are met:

1. The A.S.B. shall be operated on a farm of ten (10) acres or more in size and shall be owner operated.
2. The Accessory Buildings used for an A.S.B. shall have no exterior evidence, other than a permitted sign, to indicate that it is being used for any purpose other than farm/agricultural purposes.
3. The building(s) and lot area devoted to an A.S.B. shall remain part of the principal farm unit and shall not be sold as a separate entity.
4. The area devoted to an A.S.B. shall not exceed two thousand four hundred (2,400) square feet.
5. No A.S.B. shall be conducted upon or from the premises which would constitute nuisance or annoyance to adjoining property owners by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises.
6. All A.S.B.'s shall be subject to annual inspection by the Zoning Administrator and may be terminated by the Administrator whenever same fails to comply with this Ordinance.

Q. Wineries and Cideries. Wineries and Cideries are welcomed by Bingham Township as appropriate farm activities. All further references to Wineries in this Section shall include Cideries. It is the intent of this section to promote local agriculture production by allowing construction of a winery with tasting room and retail sale of winery products in the agricultural district subject to this ordinance. It is also the intent of this section to encourage the growing of wine fruit and production of wine as an integral component of the rural and agricultural ambiance of Bingham Township, and to maintain the viability of fruit farming through value added processing and direct sales of wine and wine related beverages made from locally grown fruit.

1. Wineries are permitted, provided:
  - A. The winery is licensed by the US Treasury, Bureau of Alcohol Tobacco & Firearms; and the Michigan Liquor Control Commission, and is in compliance with the regulations of the Michigan Liquor Control Commission, the Michigan Department of Agriculture, and the Michigan Department of Environmental Quality.
  - B. The parcel area is at least ten (10) acres. The minimum parcel width shall be at least 350 feet.
  - C. The winery parcel shall have a minimum of two planted acres of fruit maintained pursuant to generally accepted management practices.
  - D. The total land area covered by buildings and structures used for wine processing, storage and sales does not exceed two percent (2%) of the contiguous lot area.

- E. The above ground portion of any individual building shall not be greater than 20,000 square feet.
  - F. All winery buildings shall be setback at least 50 feet from any lot line. If the winery building is open to the public, that building shall be set back at least 100 feet from any lot line. To encourage the use of existing buildings, the setback requirements may be reduced to the other standards of the districts, subject to site plan review.
  - G. Retail sales and food service are clearly accessory to production of wine. Retail sales and food service areas shall occupy no more than twenty-five (25) percent of the floor area devoted to wine processing and storage, or no more than four thousand (4,000) square feet, whichever is less.
  - H. WINERY WITH FOOD SERVICE- A winery may offer food service that is directly related to the farm subject to the following conditions:
    - 1. The area serving food shall seat no more that twenty (20) patrons at one time.
    - 2. Sale of food shall not exceed 10% of gross sales of licensed products.
    - 3. Food service shall be completed at 10:00 pm.
    - 4. Carry-out and deli-type foods are prohibited.
    - 5. Winery must be licensed to prepare and serve food by the appropriate Health Agency.
  - I. Only wines and wine related beverages produced by the Winery may be sold at retail at the Winery.
  - J. Standards for Wineries:
    - 1. Parking shall be provided in an area behind the tasting room/food service area and shall be screened from neighboring properties.
    - 2. All lighting shall meet the Outdoor Lighting Standards as outlined in Section 12.10 of the Bingham Township Zoning Ordinance.
    - 3. All signs shall meet the Sign Standards as outlined in Section 12.20 of the Bingham Township Zoning Ordinance.
2. Approval Process for Wineries: An Abbreviated (Medium) Site Plan Review is required, except a Detailed Site Plan Review is required if the total land area covered by buildings and structures used for wine processing, storage, sales, food service and Special Events exceeds thirty thousand (30,000) square feet.

R. Special Events and Activities

Activities associated with the promotion of agriculture and education may be permitted. Such activities are not by right and are secondary to the agricultural function. Typical activities are wine appreciation/education seminars, non-profit benefits, weddings, wine and catered food events, seasonal natural events (mushroom hunts), vineyard harvest festivals, receptions, parties, picnics, barn dances, educational conferences, and agricultural research. Outside activities must be completed during daylight hours. These activities may be permitted provided:

1. Special Events and Activities are limited to wineries and Commercial Farms. The minimum parcel size for a commercial farm is forty (40) acres. The minimum parcel size for silviculture is one-hundred (100) acres with an active forest management plan.
2. Parking areas shall be off-road, forty (40) feet from all lot lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
3. The operator must have a written statement from the County Health Department indicating the maximum number of persons that can be accommodated with existing toilet facilities and additional portable toilets must be provided for any guests exceeding the aforementioned number.
4. Outside activities must be completed during daylight hours. Inside activities must be completed by 10:00 p.m. except as included in the Site Plan.
5. Any music or entertainment provided for the activity must be for background purposes and not a featured item of the activity. Sound amplifiers are permitted as determined in Site Plan review.
6. The applicant shall maintain a log of the activities occurring at the winery including dates, group identity, times and number of guests. This list must be submitted to Bingham Township annually, no later than March 1 for the previous calendar year.
7. An Abbreviated Site Plan must be approved by the Planning Commission at a Public Hearing. The following information must be provided in addition to information required for Abbreviated (Medium) Site Plan Review.
  - a. Existing and proposed structures with maximum capacity of each building where guests have access as established by the Fire Marshall.
  - b. Location of temporary toilet facilities, which may be required.
  - c. A written description of the planned activities including:
    - i. Type of gathering.
    - ii. Frequency and number of activities proposed in a calendar year.
    - iii. Maximum number of guests for any activity.

S. Site Plan Review Standards:

1. The Planning Commission shall review the site plan for conformance with the standards of the Zoning district in which

located; and in addition shall establish that the following standards have been satisfied:

- a. The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the Planning Commission based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate that there will be no adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the Planning Commission.
- b. There is adequate provision for parking of vehicles so that there is no parking on public roads and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the Planning Commission.
- c. The location and amount of time prior to an event for erection of temporary structures which are allowed and time for removal after the event.
- d. The Planning Commission shall require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.

2. Any activities other than those included in the original approval must have additional review by the Planning Commission. The scope of the additional review will be determined by the Commission at a preliminary hearing.

T. Other uses not included here or elsewhere in the Ordinance must first be added as a special use appropriate to Bingham Township by amending the Ordinance, before being considered in the particular as a project subject to a special land use permit.

## **SECTION 4.7 SETBACKS AND SETBACK AREAS**

The front setback shall be forty (40) feet. The side setbacks shall be thirty-five (35) feet. The rear setback shall be fifty feet. No dwelling, nor part thereof, including an attached garage, shall be permitted in the side setback areas; however, other accessory structures are permitted in the side and rear setback areas if they are at least ten (10) feet from the lot lines.

## **SECTION 4.8 LAKE ACCESS & SHORELINE USAGE**

See Section 12.8 of Article XII, Standards *Added by amendment BTPC 3-15-95*