

PARK TOWNSHIP
OTTAWA COUNTY, MICHIGAN

(Short-Term Rentals)

ZONING ORDINANCE AMENDMENT

(Ordinance No. 2024-01)

At a regular meeting of the Township Board for Park Township held at the Township offices on March 14, 2024, beginning at 6:30 p.m., this Ordinance/ordinance amendment was offered for adoption by Township Board Member Spoelhof and was seconded by Township Board Member Steggerda :

**AN ORDINANCE/ORDINANCE AMENDMENT TO AMEND
THE PARK TOWNSHIP ZONING ORDINANCE, AS
AMENDED, REGARDING ALLOWED USES, SHORT-TERM
RENTALS AND SIMILAR MATTERS.**

THE TOWNSHIP OF PARK (the “TOWNSHIP”) ORDAINS:

Article 1 – Intent and Legislative History.

The current Park Township Zoning Ordinance (the “Zoning Ordinance”), and the past zoning ordinances for Park Township going back to 1946, have not used the now commonly used term short-term rentals phrase (“STRs,” as defined below), but rather have used terms such as “transient lodging,” “lodging house,” “hotels,” “motels,” “tourist cabins,” and “tourist homes” to address and regulate such transient uses. The Zoning Ordinance adopted in 1946 allowed hotels and tourist cabins in the residential zoning district when approved by the Board of Appeals, and transient lodging and boarding as an accessory use like a home occupation. The Zoning Ordinance adopted in 1963 similarly allowed hotels and motels in each of the residential zoning districts when approved by the Board of Appeals, and allowed tourist rooms in only one of the two residential zoning districts. However, the current Zoning Ordinance adopted in 1974 removed these as

permitted uses within the residential zoning districts, and only allows hotels, motels, and tourist homes (e.g., lodging for transient guests) in the commercial/business zoning districts dedicated to accommodate the needs of tourists and associated recreational purposes (which is the C-2 Resort Service zoning district in the current Zoning Ordinance). Accordingly, STRs have not been lawfully allowed within the Township (except in the C-2 commercial/business zoning district) since the current zoning regulations were enacted by the Township in 1974, with the exception of nonconforming uses that were lawfully established prior to 1974 and lawful licensed Bed and Breakfast Establishments. Absent an STR located in a commercial or business zoning district or a lawful Bed and Breakfast Establishment, the only way that an existing STR could be lawful today is if it is a lawful nonconforming use (i.e. it lawfully existed before February 7, 1974, and perhaps even earlier, has been in constant operation or use ever since and has not been expanded, abandoned, etc.). To the best of the knowledge of current Township officials and after a careful review of Township records, the Township cannot locate any records, documents, minutes or evidence that an STR has ever been approved by the Township within the AG Agricultural and Permanent Open Space zoning district, the R-1 Rural Estate zoning district, the R-2 Lakeshore Residence zoning district the R-3 Low Density Single-Family Residence zoning district, the R-4 Medium Density Single- and Two-Family Residence zoning district, or the R-5 Low Density Multifamily Residence zoning district by the then-Park Township Zoning Administrator, code official or any other Township official with such approval authority. It is also likely that some or all of the STRs that may currently exist within the Township do not meet all of the applicable building codes, fire codes and/or similar codes or laws. Accordingly, the Township Board finds that any STR that currently exists in Park Township (except for any lawful STRs within the C-2 Resort Service zoning districts, lawful and licensed Bed and Breakfast Establishments, or any

lawful nonconforming use) are unlawful under the Zoning Ordinance (and potentially, the building code and/or fire code as well) and that the STR use of such unlawful operations must cease. That should not constitute a hardship for any property owner, because the dwelling involved presumably can still be used for non-commercial non-transient residential use and would likely remain a valuable property.

Article 2 – Findings.

The Township Board hereby finds that there are potentially many problems and negative consequences associated with STRs that are not located within the C-2 Resort Service zoning district. Such negative and adverse impacts can include, but are not necessarily limited to, the following:

- (a) The Township Board expressly finds that STRs are a commercial or business activity which is generally incompatible (and often in conflict) with non-commercial nearby single-family residential uses, neighborhoods and areas. That is particularly true regarding dwellings that are rented or leased out to transient guests entirely or for most of the calendar year or the majority of days during the summer season.
- (b) Although the ability to utilize a dwelling as an STR may enhance the value of the specific property being rented or leased out, the same may not be true regarding adjoining and nearby properties. An STR can devalue other single-family residential dwelling lots adjoining the STR and for some distance away from the STR due to the real or perceived negative impacts caused by the STR. It is not a reasonable policy or trade off to enhance the value of one property (which is utilized

for STR use) while causing the devaluation of other more adjoining or nearby residential lots or parcels in the area.

- (c) Even though most STRs in residential or agricultural zoning districts are supposed to be used for occupancy by only one family at a time, that often is not the case for STRs. STRs are frequently rented, used, or occupied by two or more families at the same time, which constitutes a multi-family use that is inconsistent with the zoning districts allowing only single-family residential use.
- (d) The transient nature of STRs and the constant “coming and going” of new renters (and their invitees) is akin to a hotel, motel or boarding house, potentially causes many problems, and is inconsistent with adjoining and nearby conventional noncommercial single-family residential uses. In many cases, new tenants or renters check into the STR dwelling (and vacate the same) within only two or three days. Such constant “turnover” is a characteristic of a commercial facility and is not consistent with single-family residential use.
- (e) In many cases, people who rent or lease a residential property for short time periods do not take the same level of care of that property as the owner of a property who resides thereon. Further, these transient occupants do not reside in the STR but merely occupy it on a short-term basis, and have no on-going relationship with the adjoining property owners akin to a residential neighborhood.
- (f) Park Township simply does not have the staff or resources to fully police STR properties and situations.
- (g) Although many advocates for STRs assert that problems with STRs can be minimized by the enactment and enforcement of local noise ordinances, blight

ordinances, barking dog ordinances, parking ordinances, etc., the enactment or full enforcement of such ordinances is frequently not feasible or practical for a municipality such as Park Township. Furthermore, to the degree that such ordinances can be enforced and might help in some situations, it is an “after-the-fact” solution reacting to a problem once it has already arisen.

- (h) In general, STR uses are more intensive, transitory, and problematic than conventional single-family and other residential uses.
- (i) Persons renting or leasing an STR property are often not familiar with the area involved, do not know local customs, and rarely know about local government ordinance requirements.
- (j) A significant number of STRs in a community can decrease the number of long-term residents.
- (k) STRs can decrease the availability of long-term housing stock, drive up dwelling prices and make long-term residency less affordable.
- (l) STRs can significantly increase the number of vacant homes and dwellings during the winter months or off-season times.
- (m) The presence of STRs in a neighborhood can increase levels of noise, traffic, and parking issues during the summer months.
- (n) Many of the problems associated with STRs can also occur in duplex and multi-family residential areas and neighborhoods.

Article 3 – Enforcement

Although Township officials believe that there are few if any lawful STR uses anywhere within the Township (apart from licensed Bed and Breakfast Establishments and potentially within

the C-2 Resort Service zoning district), the Township also recognizes that property owners who have been conducting unlawful STR uses within houses, cottages and cabins may need some time to cease such STR operations, particularly if third-parties have made arrangements for reservations ahead of time or entered into contracts to rent or lease those premises. Accordingly, absent a health or emergency situation for a specific property, the Township will generally not enforce these new Zoning Ordinance amendments regarding STRs or existing regulations or prohibitions in the Zoning Ordinance prohibiting STRs (except for Article 9 of this document) prior to October 1, 2024. It is anticipated that Township officials will attempt to find and ascertain the properties within the Township on which unlawful STRs are occurring and to notify the owners of those properties about these Zoning Ordinance amendments and the October 1, 2024 deadline. The Township Board expressly finds that such “wind down” period regarding enforcement is reasonable and still protects the health, safety and welfare of residents, property owners and visitors in and to the Township.

Article 4 – The following definition of a “Short-Term Rental” is hereby added to Section 38-6 of the Park Township Zoning Ordinance, as amended:

Short-Term Rental (“STR”): A dwelling unit, cabin, home, cottage or house (or part or portion thereof) that is available for rental, leasing, or use for habitation, accommodation or lodging of guests, renters, third-parties, or others paying a fee, money, charge or other compensation, for a period of 28 or fewer consecutive days and nights at a time. A “tourist home” is a type of STR.

Article 5 – The following new Section 38-521 is hereby added to Article IV (entitled “Supplemental Regulations”) of the Park Township Zoning Ordinance, as amended:

Section 20.31 - Short-Term Rentals.

Short-Term Rentals are prohibited in all zoning districts except for the C-2 Resort Service zoning district.

Article 6 – The following Subsection 38-452(27) is hereby added to the Park Township Zoning Ordinance, as amended, for the C-2 Resort Service zoning district:

(27) Short-term rentals and tourist homes.

Article 7 – The following Subsection 38-2(9) is hereby added to the Park Township Zoning Ordinance, as amended:

If a use, building, structure, fixture or activity is not expressly allowed by this Ordinance, it is unlawful and prohibited. In addition, if a specific use, building, structure, fixture or activity is not expressly listed as a permitted use or use with special land use approval for a specific zoning district, it is prohibited and unlawful in that zoning district.

Article 8 – Severability.

If any section, clause, or provision of this Ordinance/ordinance amendment is declared to be unconstitutional or otherwise invalid by a court of competent jurisdiction, that declaration shall not affect the remainder of the Ordinance/ordinance amendment. The Township Board hereby declares that it would have passed this Ordinance/ordinance amendment and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections,

subsections, phrases, sentences or clauses be declared invalid.

Article 9 – The Balance of the Park Township Zoning Ordinance (as amended) Remains Unchanged and in Effect.

Except as expressly amended by this Ordinance/ordinance amendment, the balance of the Park Township Zoning Ordinance, as amended, remains unchanged and in full force and effect.

Article 10 – Effective Date.

This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment (or a summary thereof) appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: Spoelhof, Serne, Steggerda and Keeter

NAYS: none

ABSTAIN/ABSENT: Gerard, DeHaan, and Jones

THIS ORDINANCE/ORDINANCE AMENDMENT IS HEREBY DECLARED
ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/Ordinance amendment adopted by the Township Board for Park Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By: 

Skip Keeter

Park Township Clerk