

PARK TOWNSHIP
OTTAWA COUNTY, MICHIGAN
(Ordinance No. 2024-02)

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

AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM ON THE ISSUANCE OF ANY PARK TOWNSHIP PERMIT, APPROVAL OR LICENSE FOR THE USE OF ANY PROPERTY, BUILDING, COTTAGE, CABIN OR DWELLING AS A SHORT-TERM RENTAL AND ALSO TO PROHIBIT UTILIZING ANY PROPERTY, CABIN, COTTAGE, DWELLING OR HOUSE AS A SHORT-TERM RENTAL OR FOR SHORT-TERM RENTAL PURPOSES WITHIN THE TOWNSHIP DURING THE MORATORIUM.

THE TOWNSHIP OF PARK (the "Township") ORDAINS:

Section 1. Findings.

The Township Board finds as follows:

- a. There is significant concern by the Township, as well as an increasing number of citizen complaints, about the proliferation of short-term rentals ("STRs") within the Township.
- b. There can be numerous problems associated with many STRs in single-family residential, multi-family residential and agricultural areas, including, but not limited to, improper use by multi-families, excessive noise, nuisances, overcrowding of neighborhoods and lake areas within the Township, negative impacts on adjoining and nearby property values and other negative matters.
- c. In many cases, STRs may not be consistent with adjoining and nearby lawful single-family residential uses and some multi-family residential uses, and are often more akin to commercial or business uses such as motels, hotels, tourist cabins, boarding or tourist rooms facilities, and bed and breakfast operations.

- d. STRs have always been unlawful within the residential and agricultural zoning districts (currently the AG Agricultural and Permanent Open Space District, the R-1 Rural Estate Residence District, the R-2 Lakeshore Residence District, the R-3 Low Density Single-Family Residence District, the R-4 Medium Density Single and Two-Family District and the R-5 Low Density Multi-Family Residence District) since the time when zoning regulations first went into effect in Park Township in 194__.
- e. Where a dwelling, house, cottage or other property is utilized solely or primarily as an STR, such use is clearly commercial and business in nature and not residential.
- f. The Township is diligently working on an ordinance or ordinance amendments to confirm the prohibition of STRs in the AG Agricultural and Permanent Open Space District, the R-1 Rural Estate Residence District, the R-2 Lakeshore Residence District, the R-3 Low Density Single-Family Residence District, the R-4 Medium Density Single and Two-Family District and the R-5 Low Density Multi-Family Residence District and to regulate STRs where lawful in the C-2 Resort Service zoning district, but the Township needs more time to complete such an ordinance/ordinance amendment and enact the same.
- g. The Township Board finds that this temporary moratorium is both reasonable and prudent, and will promote the public health, safety and welfare of the residents, property owners and visitors of and to the Township.

Section 2. Definition.

For purposes of this moratorium ordinance, a “short-term rental” (also, “STR”) shall be defined and mean as follows:

“Short-term rental” means a dwelling, cabin, cottage or house that is available for use or is used for habitation, accommodations or lodging of guests, renters or others, paying a fee, charge, money or other compensation, for a period of 30 or fewer consecutive days and nights at a time.

Section 3. Administrative Action; Prohibition of STR use.

- a. A moratorium is hereby imposed upon the processing or issuance of any Township permit, license, zoning approval, rezoning, variance, or similar approval for any STR. During the moratorium term specified in this Ordinance, no Township official, employee, body, commission or agent shall process, issue or approve any permit, zoning approval, rezoning, license, variance or other approval for any STR.
- b. In addition, during the time that this moratorium is in effect:

- (i) No STR shall commence, be operated, occur or be present within the Township.
 - (ii) No house, dwelling, cottage, cabin, property or building shall be used, advertised, promoted, rented or leased out, maintained or utilized as an STR.
 - (iii) No lawful existing STR shall be expanded, intensified, extended or increased in size, area or magnitude.
- c. Every existing lawful STR shall be rented or leased to only one (1) single family at a time and shall be used by only one (1) single family at one time.

Section 4. Exemptions. This Ordinance shall not apply to any existing STR use on a specific parcel or lot that:

- a. Is lawful and located within the C-2 Resort Service zoning district; or
- b. Is a fully lawful nonconforming use in any zoning district.

* * *

During the term of the moratorium pursuant to this Ordinance, even a lawful STR as specified in a. or b. above, shall not be expanded, increased in intensity, extended or increased in size, area or magnitude.

Section 5. Term of This Ordinance. The moratorium imposed by this Ordinance shall remain valid and in effect for six (6) months following the effective date of this Ordinance or until the regulatory, zoning or other ordinance (or ordinance amendment) discussed above is enacted by the Township Board and becomes effective, whichever occurs first. Prior to the expiration of this moratorium, the Township Board may extend the moratorium term to allow sufficient time to complete and enact any such ordinance (or ordinance amendment) and until it becomes effective.

Section 6. Compliance with the Injunction. This Ordinance shall be interpreted to be consistent with and not in conflict with the injunction/Order issued by the Ottawa County Circuit Court on December 1, 2023 in the case of *Park Twp Neighbors v Park Twp* (Ottawa County Circuit Court Case No. 2023-7474-CZ). To the extent that this Ordinance is inconsistent with, in violation of or conflicts with such injunction/Order, such portion of this Ordinance shall be unenforceable to the extent not allowed by that injunction/Order. However, to the extent that final court action in *Park Twp Neighbors v Park Twp* (Ottawa County Circuit Court Case No. 2023-7474-CZ) validates, affirms or otherwise upholds any prohibition or regulations in the Park Township Zoning Ordinance and/or this Ordinance or other Township ordinance regulating or prohibiting STRs, the provisions of this Ordinance shall “relate back to” and be deemed effective and enforceable as of the date of publication of this Ordinance to the extent allowed by law. Given that the injunction/Order only applies on its face to the enforcement of Park Township ordinance provisions regarding STRs and not as to the validity or effectiveness of any such Township

ordinance or regulations, this Ordinance should be fully consistent with the injunction/Order so long as Township enforcement efforts do not occur while the injunction/Order is in effect.

Section 7. Effective Date; Repeal; Extension. This Ordinance is declared to be an emergency ordinance and shall become effective on the day after a notice of adoption appears in the newspaper.

The vote in favor of this Ordinance was as follows:

YEAS: Spoelhof, Serne, Steggerda and Keeter

NAYS: none

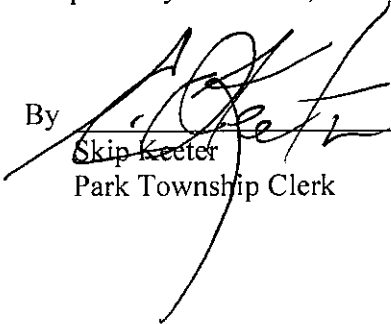
ABSENT/ABSTAIN: Gerard, DeHaan and Jones

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an emergency Ordinance 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