

**ORDINANCE NO. 382**

**ZONING TEXT AMENDMENT AND MAP ORDINANCE**

**AN ORDINANCE TO AMEND THE VILLAGE OF SPRING LAKE ZONING ORDINANCE, CHAPTER 390 OF THE CODE OF THE VILLAGE, TO ADD THE SHORT-TERM RENTAL OVERLAY ZONE AND TO PERMIT SHORT-TERM RENTALS IN THE VILLAGE AS A SPECIAL LAND USE IN ALL DISTRICTS; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.**

**THE VILLAGE OF SPRING LAKE, OTTAWA COUNTY, MICHIGAN, ORDAINS:**

Section 1. Overlay District. Article X of the Zoning Chapter, Chapter 390 of the Code, shall be added and shall state in its entirety as follows:

**ARTICLE X                    SHORT TERM RENTAL/OVERLAY DISTRICT**

**SECTION 390-64.    Intent.**

The Village is committed to preserving the residential character of its neighborhoods, minimizing potential nuisances, and maintaining the Village's small-town character. The Village intends to protect its residents and visitors from the potentially negative or harmful effects that can arise from commercial rentals, including the potential impact on the appearance, tranquility, and standard of living in the Village's prime residential areas.

However, the Village also recognizes the potential benefits of tourism and additional lodging opportunities for visitors, as well as the financial benefit that short term rentals can bring to property owners in the Village. Therefore, the Village wishes to achieve a balance between these considerations by providing that short term rentals are allowed as special land uses, based upon a consideration of the standards in Section 390-134 and in this Short Term Rental Overlay District.

**SECTION 390-65.    PERMITTED USES**

The uses permitted in the Short Term Rental Overlay District shall be the uses permitted in the underlying zoning district, plus Short Term Rentals as special land uses.

**SECTION 390-66.    DESIGN REQUIREMENTS**

The design requirements of the underlying zoning district shall apply to the Short-Term Rental Overlay District.

**SECTION 390-67.    PROPERTY INCLUDED IN THE SHORT TERM RENTAL OVERLAY DISTRICT**

The property in the Village included in the Short Term Rental Overlay District is illustrated in the diagram attached as Exhibit A, to be added to the zoning map established per Section 390-51 of this Zoning Chapter.

## **SECTION 390-68. SPECIAL LAND USE STANDARDS**

- A. The following standards shall apply to all short term rentals.
1. A short term rental must be located in the Short Term Rental Overlay District.
  2. A short term rental must comply with the Village's Registration of Rental Units Ordinance as now or subsequently amended, consisting of chapter 271 of this code.
  3. The applicant shall submit a floorplan of the dwelling unit and a site plan of the property drawn to a scale of not less than 1/8 inch = 1 foot.
  4. The rental unit must maintain the existing residential character of the subject property.
  5. If the subject lot does not meet the underlying district minimum lot area, has other dimensional nonconformities, or has an existing non-conforming use, the Planning Commission may deny approval, or it may condition approval on measures that mitigate potential adverse effects of operating a short term rental on the lot.
  6. Parking shall be located on the lot and comply with these requirements in addition to any other requirements for the applicable underlying zoning district in question.
    - a. For subject properties in the CC and CBD Districts where parking is not available on site, parking shall occur within those parking spaces devoted to use by the subject property.
    - b. The applicant shall provide parking location information on the site plan. This shall be considered the designated parking area and include the following information.
      - i. A minimum of two off-street parking spaces shall be provided per unit (up to six occupants), plus one space for every three occupants over six, based on approved occupancy for the dwelling unit.
      - ii. Any proposed expanded parking area must be shown on the site plan and will be subject to review by the Planning Commission and Zoning Administrator. Parking on the grass is prohibited.
        - a) All guest parking must occur in the designated parking area.
        - b) Parking and driveway materials shall be compliant with Section 390-117.A.
  7. Where they exist, fire pits be a minimum of three feet from any lot lines and shall meet the requirements of the fire code and any other applicable codes.

8. The number of overnight guests in a short term rental shall be based on occupancy limits established by the International Property Maintenance Code as referenced in the Michigan Building Code. All guests shall sleep in an approved bedroom. No guest may sleep on couches, the floor, in tents, or in trailers on the lot.
  9. No separate cooking facilities shall be allowed in bedrooms.
  10. All short term rentals shall be subject to the following performance standards.
    - a. Occupants shall not encroach on neighboring properties.
    - b. Owners shall provide sufficient waste receptacles and the subject property shall be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.
- B. Outdoor areas intended for the congregating of guests (e.g., porches, decks, pools and pool decks, gazebos, fire pits, etc) must meet the following requirements, in addition to other requirements established by this chapter.
- a. Decks, porches, and patios which qualify as a structure must meet the minimum setback requirements as established in the underlying zoning district.
  - b. At grade patios and decks, or those which do not meet the height requirement to be considered a structure, must be a minimum of three feet from any lot line.
  - c. Pools, hot tubs, and similar devices must meet the minimum setback requirements as established in the underlying zoning district.
  - d. If any of the above features are present on the lot and legally nonconforming in status, the Planning Commission shall require the area to be fenced in or screened with landscaping. Additionally, the Planning Commission may require any outdoor congregating area to be fenced in or landscaped in order to help buffer the short term rental from neighboring properties. The Village shall consider lot sizes in the area and of the short term rental lot, surrounding land uses, topography, and other considerations deemed relevant by the Village.
- C. The following site modifications are subject to review and approval by the Planning Commission as an amendment to the special land use; otherwise, these modifications shall void the approval of the existing special land use:
- a. Any structural expansion of the dwelling that increases the square footage of the dwelling, including the addition of a new decks and patios; or
  - b. Alteration of the interior of the dwelling in a manner that results in an increased number of sleeping rooms.
- D. If the conditions of approval for a special land use permit allowing a short term rental are not satisfied, the Village shall send written notification to the owner, explaining the alleged violations. If the alleged violations are not promptly resolved,

the Village may schedule a public hearing before the Planning Commission pursuant to Section 390-136.

- E. Failure to comply with the provisions of this Section or Chapter 271 of the Code of Ordinances shall void the approval of the existing special land use.

Section 2. Rental Regulations. Section 390-10 of the Zoning Chapter, Chapter 390 of the Code, shall be added and shall state in its entirety as follows:

**SECTION 390-10 RENTAL REGULATIONS**

- A. Rentals that are longer than and thus do not qualify as short term rentals are permitted by right in all zoning districts, as long as the use of the rented property is permitted by the terms of this Chapter.
- B. Notwithstanding any other provision in this Section or in this Chapter, all rental property in the Village must comply with all other Village ordinances, all Ottawa County requirements, and all applicable state and federal laws.

Section 3. Definition of Short Term Rental. Section 390-7.19 of the Zoning Chapter, Chapter 390 of the Code, shall be amended to include the following definition:

SHORT TERM RENTAL: The rental or subletting of any Dwelling for a term of less than 28 days. This definition does not include the use of Campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, other health-care related clinic, or housing for farm labor.

Section 4. Short-Term Rentals as a Special Land Use in the Multi-Family Residential (MFR) District. Sections 390-59.A and 390.59.B of the Village of Spring Lake Zoning Ordinance shall be restated in their entirety as follows:

- A. Land, buildings and other structures in this zoning district may only be used for the following purposes by right:
  - 1. Adult foster care family homes.
  - 2. Day care, family.
  - 3. Home occupations.
  - 4. Multiple-family dwellings.
  - 5. Single-family dwellings.
  - 6. Two-family dwellings.
  - 7. Parks and public facilities.
  - ~~8. Short term rentals.~~
- B. The following special land uses may be approved by the Planning Commission subject to the applicable general and specific standards in Article XVIII:
  - 1. Accessory dwellings

2. Adult foster care small and large group homes
3. Adult foster care congregate facilities
4. Bed and breakfast establishments
5. Day care, group
6. Senior assisted living facilities
7. Short term rentals

Section 5. Short-Term Rentals as a Special Land Use in the Central Business District (CBD). Sections 390-70.A of the Village of Spring Lake Zoning Ordinance shall be restated in their entirety as follows:

A. Land, buildings and other structures in this zoning district may only be used for the following purposes by right:

1. Convenience stores
2. Financial institutions without drive-through facilities
3. Medical clinics
4. Office buildings
5. Personal service establishments
6. Professional service establishments
7. Parks and public facilities
8. Residential above retail or offices
9. Restaurants without drive-through facilities
10. Retail businesses

B. The following special land uses may be approved by the Planning Commission subject to the applicable general and specific standards in Article XVIII:

1. Automobile gasoline stations
2. Automobile repairs, minor
3. Automobile repairs, major
4. Automobile wash
5. Farmer's markets
6. Financial institutions, with drive-through facilities.
7. Funeral homes
8. Hotels and motels
9. Indoor recreation facilities
10. Marinas
11. Open air business
12. Restaurants with drive-through facilities

- 13. Short term rentals of permitted dwelling units.
- 14. Tattoo or piercing parlor
- 15. Veterinary hospitals

Section 6. Effective Date.

This amendment to the Code of the Village of Spring Lake, Ottawa County, Michigan, was approved and adopted by the Village Council on January 16, 2023, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on February 8, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of this amendment in the *Grand Haven Tribune*, as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

VILLAGE OF SPRING LAKE

Dated: January 16, 2023

By: \_\_\_\_\_

Mark Powers

Its: President Pro Tempore

By: \_\_\_\_\_

Marvin Hinga

Its: Clerk

**CERTIFICATE**

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Village of Spring Lake Zoning Text Amendment Ordinance was adopted at a regular meeting of the Village Council held on January 16, 2023. The following members of the Village Council were present at that meeting: Abbott, Duer, Petrus, Powers, Roggenbau, VanLeeuwen-Vega. The following members of the Village Council were absent: TePastte. The Ordinance was adopted by the Village Council with members of the Council: 6 voting in favor and 0 of the Council voting in opposition. Notice of Adoption of the Ordinance was published in the Grand Haven Tribune on January 28, 2023.

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Marvin Hinga, Clerk  
Village of Spring Lake

# EXHIBIT A

## SHORT TERM RENTAL OVERLAY DISTRICT

