



**NOTICE OF PUBLIC HEARING
ADA TOWNSHIP PLANNING COMMISSION
PROPOSED AMENDMENT TO ZONING REGULATIONS**

PLEASE TAKE NOTICE that a public hearing before the Ada Township Planning Commission will be held as follows:

Date and Time of Hearing: Thursday, May 17, 2018, 7:00 p.m.

Location of Hearing: Ada Township Offices, 7330 Thornapple River Dr., SE, Ada, Michigan

Applicant: Proposed by Ada Township Planning Commission

Summary of Proposed Amendment:

The proposed amendment establishes regulations authorizing approval of special use permits for “short-term rental” use of residential property in the AGR, RP-1, RP-2, RR, R-1, R-2, R-3 and VR zoning districts, and establishes standards for such use. The proposed amendment defines “short-term rental use” as “all or part of a detached single-family dwelling unit that is either rented to a person for less than 30 consecutive days, or is advertised for that kind of occupancy.”

The text of the proposed amendment is on file at the Ada Township Hall, PO Box 370, 7330 Thornapple River Dr., SE, Ada, Michigan 49301, and may be examined during regular business hours. Written comments will be received until the close of the public hearing, and may be addressed to the Township Clerk at the Ada Township address set forth above, or delivered to the Chairman of the Ada Township Planning Commission at the public hearing.

ADA TOWNSHIP PLANNING COMMISSION

Summary of Proposed Regulations for Short-Term Rental of Residential Property

May 17, 2018 Planning Commission Public Hearing



Rationale for Proposed Regulations

- Growth in the “sharing economy” and online platforms for renters and property owners to conduct short-term rental transactions has led to growth in short-term rental of residential property.
- “Under the radar” short-term rental activity is already occurring in Ada Township, despite the fact that the zoning regulations currently prohibit this activity.
- The Township has issued a very small number of zoning violation notices to property owners conducting short-term rental activity, when it has become aware of such activity.

Rationale for Proposed Regulations

- Adopting reasonable rules that balance the desire of property owners to use their property for short-term rental use against the goal of maintaining the integrity, peace and tranquility of residential neighborhoods may be preferable to leaving this use unregulated.
- Left unregulated, short-term rental use has the potential to create adverse impacts in residential areas.

Broad Overview of Draft Regulations

- The draft framework for regulating short-term rental use consists of two separate ordinances:
 1. A regulatory ordinance requiring issuance of a permit for short-term rental units.
 2. A zoning ordinance amendment that requires approval of a special use permit by the Planning Commission for short-term rental use.
- Both ordinances define a “short-term rental unit” as **“all or part of a detached single family dwelling unit that is either rented to a person for less than 30 consecutive days, or is advertised for that kind of occupancy.”** (The definition excludes attached dwelling units).

Summary of Proposed Regulatory Ordinance

- Requires issuance of a permit by the Township Clerk to own or operate a short-term rental unit.
- Requires submittal of a permit application to the Township Clerk.
- Among the application contents required are the following:
 1. A certificate of zoning compliance from the Zoning Administrator.
 2. A certificate from the Fire Department stating an inspection has been completed, and the dwelling unit complies with building, health, fire and related safety codes, and has required notices posted.

Summary of Proposed Regulatory Ordinance

- Issuance of a permit requires conformance with the following conditions:
 1. The unit shall have a designated local agent, located within 15 miles.
 2. Name and contact information for local agent and maximum permitted occupancy shall be posted at the unit, visible from the exterior.
 3. Street address of the unit must be posted at several locations within the unit.
 4. Occupancy of the unit, including member's of the owner's household concurrently occupying the unit with guests, shall not exceed 2 persons per bedroom plus 2 persons per finished story meeting building code egress requirements.

Summary of Proposed Regulatory Ordinance

5. Attic or basement shall not count toward occupancy limit calculation unless it conforms with legal egress requirements.
6. Short-term rental use shall not produce noise, odor, or other disturbances to neighbors beyond what would be reasonable and typical for a residential neighborhood.
7. Subletting of a short-term rental unit is not permitted.

Summary of Proposed Regulatory Ordinance

- Grounds for revocation of a short-term rental permit:
 1. Violation of any of the ordinance provisions.
 2. Violation of the Township's trash regulations
 3. Violation of the Township's noise ordinance
 4. Violation of Township ordinance concerning disorderly conduct, check fraud, public nudity or underage purchase/possession/consumption of alcohol.
- A permit revocation decision by the Zoning Administrator is subject to a public hearing and determination by the Township Board, if requested by the owner or local agent.

Summary of Proposed Zoning Regulations

- Permits short-term rental units, with approval of a special use permit by the Planning Commission, in all of the Township's single family residential districts.
- A special use permit application is subject to holding of a public hearing by the Planning Commission, with publication of a hearing notice in a newspaper, and mailing of a hearing notice to all owners of property within 300 feet of the applicant's property.
- Approval of a special use permit is a discretionary decision by the Planning Commission, which must determine that the following general standards and specific standards are satisfied:

Summary of Proposed Zoning Regulations

- General standards for approval of a special use permit:
 1. The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 2. The special use shall not change the essential character of the surrounding area.
 3. The special use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes or glare.
 4. The special use shall not place demands on public services and facilities in excess of capacity.

Summary of Proposed Zoning Regulations

- **Specific standards applicable to short-term rental use:**

- a. Approval is contingent upon a short-term rental permit being issued by the Township Clerk.
- b. The subject property shall meet minimum lot area and width standards for the zoning district applicable to the subject property.
- c. The dwelling unit on the subject property shall meet minimum setback standards for the zoning district applicable to the subject property.
- d. If the dwelling unit does not have access to a public road on a driveway that is exclusively used for access to the subject property, one of the following conditions shall be satisfied:
 - 1) If the dwelling unit is located in a site condominium development, written approval from the Condominium Association Board must be submitted.
 - 2) If the dwelling unit is not located within a condominium, written approval by all property owners who share access on a private road with the subject property must be submitted.

Summary of Proposed Zoning Regulations

- **Specific standards applicable to short-term rental use:**

- e. The subject property must have a homestead exemption, unless located in the Village Residential (VR) district.
- f. If the property is located in the Village Residential (VR) district, the special use permit may only be approved if less than five (5) special use permits for short-term rental use have been previously approved by the planning commission and remain valid.
- g. Short-term rental use is permitted for a maximum of sixty (60) days per calendar year. The property owner or the owner's designated agent must maintain records of short-term rentals, and make them available to the Township on request.
- h. Maximum occupancy limit of two (2) persons per bedroom plus two (2) persons per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code. Owner occupants on the premises at the same time as the short-term rental use count toward the limit.
- i. No more than two (2) passenger vehicles used by short-term rental occupants and their guests shall be parked on the subject property at any time.
- j. The use of the dwelling unit and exterior decks, pools, and other outdoor yard areas for short-term rental unit use shall not produce noise, odor, or other disturbances beyond what would be reasonable and typical for a residential neighborhood.

AN ORDINANCE TO AMEND THE ADA TOWNSHIP ZONING REGULATIONS
CHAPTER 78 OF THE ADA TOWNSHIP CODE OF ORDINANCES
(ORDINANCE NO. O- 091100-1, AS AMENDED)

NOW THEREFORE, THE TOWNSHIP OF ADA ORDAINS:

Section 1. Amendment to Article II of Chapter 78 of the Code of Ordinances, to revise the definition of the term “motel or hotel.”

Sec 78-51, Definitions and rules of construction, is hereby amended to revise the definition of the term “hotel or motel” to read as follows:

“*Motel or hotel*” means a building or group of buildings on the same lot, other than a detached single-family dwelling for which a short-term rental unit permit is in effect as authorized under the provisions of this Chapter, containing sleeping units for public accommodation. The term shall include any building or group of buildings designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging for compensation to transient or resident guests.

Section 2. Amendment to Article II of Chapter 78 of the Code of Ordinances, to add a definition of the term “bedroom.”

“*Bedroom*” means a room in a dwelling unit intended for sleeping or placement of a bed, separated from other rooms or spaces by one or more functional doors. The following spaces do not qualify as bedrooms: kitchens, dining areas, gathering spaces such as family rooms, dens or living rooms, and attics or basements without egress meeting standards in applicable building, residential and fire codes.

Section 3. Amendment to Article II of Chapter 78 of the Code of Ordinances, to add a definition of the term “short-term rental.”

Sec 78-51, Definitions and rules of construction, is hereby amended to add the following:

Short-term rental unit: means all or part of a detached single-family dwelling unit that is either rented to a person for less than 30 consecutive days, or is advertised for that kind of occupancy.

Section 4. Amendment to Article VI of Chapter 78 of the Code of Ordinances, to add provisions allowing short-term rental units in the Agricultural Preservation (AGP) district, when approved as a special use by the Planning Commission, and establishing standards for approval of short-term rental units.

Sec. 78-152, Use Regulations of the Agricultural Preservation (AGP) district, is hereby amended by addition of the following item (19), to read in its entirety as follows:

- (19) Short-term rental units, when approved by the Planning Commission as a Special Use, according to the standards of article XXI of this chapter, and provided the following minimum standards are met:
 - a. The special use permit authorizing the short-term rental use shall be conditioned upon the issuance of a short-term rental unit permit, issued pursuant to ordinance number _____. No short-term rental use of the subject property shall occur without the property having a valid short-term rental unit permit.

- b. The subject property shall have a minimum lot area and width no less than the minimum lot area and width standards for the zoning district applicable to the subject property.
- c. The dwelling unit on the subject property shall have front, side and rear yards having dimensions no less than the minimum front, side and rear yard standards for the zoning district applicable to the subject property.
- d. If the dwelling unit does not have access to a public road on a driveway that is exclusively used for access to the subject property, a special use permit may only be approved if one of the following conditions are satisfied:
 - 1) If the dwelling unit is located within a condominium established pursuant to Michigan Public Act 59 of 1978, as amended, use of the dwelling unit for short-term rental use has been approved by the Board of Directors of the condominium association, as evidenced by written documentation submitted to the planning commission; or
 - 2) If the dwelling unit is not located within a condominium, use of the dwelling unit for short-term rental use has been approved by all of the owners of property for which vehicular access to a public road is obtained from a shared driveway or private road that also provides vehicular access to the subject property, as evidenced by written documentation submitted to the planning commission.
- e. The property shall be the principal residence of the owner of the subject property, as evidenced by the property having a principal residence exemption in the property assessment records of the Township, unless the property is located in the Village Residential (VR) district.
- f. If the property is located in the Village Residential (VR) district, the special use permit may only be approved if less than five (5) special use permits for short-term rental use have been previously approved by the planning commission and remain valid.
- g. A dwelling unit or any portion thereof may be used as a short-term rental unit for a maximum of sixty (60) days per calendar year. The property owner or the owner's designated agent shall maintain accurate written records of the frequency of short-term rental use of the dwelling unit and shall make the records available for review by the Township upon a written request from the Zoning Administrator.
- h. The number of occupants in a dwelling unit during a short-term rental, including members of the owner's household, shall not exceed two (2) persons per bedroom plus two (2) persons per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.
- i. No more than two (2) passenger vehicles used by short-term rental occupants and their guests shall be parked on the subject property at any time.
- j. The use of the dwelling unit and exterior decks, pools, and other outdoor yard areas for short-term rental unit use shall not produce noise, odor, or other disturbances beyond what would be reasonable and typical for a residential neighborhood.

Section 5. Amendment to Article VI-A of Chapter 78 of the Code of Ordinances, to add provisions allowing short-term rental units in the Rural Preservation-1 (RP-1) district.

Sec. 78-157, Use Regulations of the Rural Preservation-1 (RP-1) district, is hereby amended by addition of the following item (21), to read in its entirety as follows:

- (21) Short-term rental units, when approved by the Planning Commission as a Special Use, according to the standards of article XXI of this chapter, and the standards in Sec. 78-152.

Section 6. Amendment to Article VI-B of Chapter 78 of the Code of Ordinances, to add provisions allowing short-term rental units in the Rural Preservation-2 (RP-2) district.

Sec. 78-162, Use Regulations of the Rural Preservation-2 (RP-2) district, is hereby amended by addition of the following item (21), to read in its entirety as follows:

- (21) Short-term rental units, when approved by the Planning Commission as a Special Use, according to the standards of article XXI of this chapter, and the standards in Sec. 78-152.

Section 7. Amendment to Article VII of Chapter 78 of the Code of Ordinances, to add provisions allowing short-term rental units in the Rural Residential (RR) district.

Sec. 78-172, Use Regulations of the Rural Residential (RR) district, is hereby amended by addition of the following item (17), to read in its entirety as follows:

- (17) Short-term rental units, when approved by the Planning Commission as a Special Use, according to the standards of article XXI of this chapter, and the standards in Sec. 78-152.

Section 8. Amendment to Article XII of Chapter 78 of the Code of Ordinances, to add provisions allowing in the Village Residential (VR) district.

Sec. 78-292, Use Regulations of the Village Residential (VR) district, is hereby amended by addition of the following item (14), to read in its entirety as follows:

- (14) Short-term rental units, when approved by the Planning Commission as a Special Use, according to the standards of article XXI of this chapter, and the standards in Sec. 78-152.

Section 9. Severability.

If a term in this ordinance is held invalid, that invalidity shall affect no other term in this ordinance. Every term in this ordinance shall be enforced to the maximum extent permitted by law.

Section 10. Effective Date.

This Ordinance shall become effective upon the expiration of 7 days after publication in a newspaper of general circulation in the Township.

Jacqueline Smith
Township Clerk

George Haga
Township Supervisor

I hereby certify that this ordinance was adopted by the Ada Township Board in regular session held on _____, 2018, and that it was published in the _____ on _____, 2018.

Jacqueline Smith
Township Clerk

SHORT TERM RENTAL ORDINANCE

Section 1. Definitions.

As used in this Ordinance,

“Dwelling unit” means a building or portion of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, cooking, sanitation, and one or more bedrooms. In this definition, “bedroom” means a separate room or space used or intended to be used for sleeping.

“Habitable space” means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces. In this definition, “bathroom” means a room containing a sink, and either a water closet or urinal, and either a bathtub or shower; and “toilet room” means a room containing a sink, and either a water closet or urinal, but not a bathtub or shower.

“Occupant” of a space means a person living in, sleeping in, or otherwise having possession of that space.

“Operator” of a space means a person who owns; or has charge, care, or control of, that space, or otherwise has the legal right to rent that space to others.

“Person” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

“Rent” means to give, or offer to give, possession or occupancy of space under a lease, license, or other agreement, whether written or unwritten.

“Short-Term Rental Unit” means all or part of a detached single-family dwelling unit that is either rented to a person for less than 30 consecutive days, or is advertised for that kind of occupancy.

Section 2. Permit Required.

No person shall own or operate a short-term rental unit in Ada Township without a permit from the Township under this Ordinance.

Section 3. Application and Fee Requirements.

A person may apply to the Township Clerk for a permit for a short-term rental unit by submitting the following information. The person must consent to a Fire Department inspection to obtain the certificate in item (5) below.

- (1) The name and contact information for the unit’s operator.
- (2) Proof that the applicant is the operator of the unit.
- (3) An application fee, which shall be determined from time to time by resolution of the Township board.

- (4) A certificate of zoning compliance issued by the Zoning Administrator stating that the short-term rental unit complies with the all Township zoning regulations (Chapter 78 of the Ada Township Code of Ordinances, as amended).
- (5) A certificate from the Fire Department stating that the short-term rental unit has been inspected and (i) it complies with building, health, fire, and related safety codes, and (ii) it has the notices posted that section 6(2) and 6(3) require.
- (6) The applicant's certification that the short-term rental unit will comply with the conditions in section 6 and other ordinance requirements.
- (7) A statement that the operator has not had a previous short-term rental unit permit revoked within the past year.
- (8) All other information that the Township Clerk determines is necessary to determine whether this Ordinance's requirements for permit approval have been met.

Section 4. Standards for Approval.

The Township Clerk shall approve an application for a permit only if the application contains the information required in Section 3 and meets the conditions in Section 6.

Section 5. Duration of Permit.

A permit issued under this Ordinance automatically expires upon one or more of these events:

- (1) The short-term rental unit is physically altered so the habitable space within the unit is increased, decreased, or redistributed among living, sleeping, eating, or cooking areas without the Township's prior approval of an amendment to the permit.
- (2) The short-term rental unit no longer meets the requirements of this ordinance, whether the failure is because the ordinance standards have been amended or otherwise.
- (3) Ownership of the short-term rental unit is sold or otherwise transferred, or the unit's operator changes.

Section 6. Conditions.

Each short-term rental unit shall comply with these conditions:

- (1) The unit shall have a designated local agent, whose principal place of business shall be located no greater than 15 miles from the short-term rental unit.
- (2) A notice shall be posted (facing outside) in a prominent first-floor window of the unit stating, in 16-point type or larger, the name of the local agent, a 24-hour telephone number at which the agent can be reached, and the maximum occupancy permitted by this ordinance.
- (3) A notice giving the unit's street address in 16-point type or larger shall be posted in the kitchen, next to each landline telephone and pool, and in at least two other locations that are prominent locations within the unit. These notices assist occupants in directing emergency service personnel to the unit in an emergency.

- (4) The number of occupants in a dwelling unit during a short-term rental, including members of the owner’s household, shall not exceed two (2) persons per bedroom plus two (2) persons per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.
- (5) No attic or basement may be counted to determine the maximum number of occupants in a short-term rental unit, unless the Township has inspected the unit and determined that the attic or basement meets the legal egress requirements for occupancy.
- (6) The use of the dwelling unit and exterior decks, pools, and other outdoor yard areas shall not produce noise, odor, or other disturbances to neighbors beyond what would be reasonable and typical for a residential neighborhood.
- (7) A short-term rental unit shall not be sublet.

Section 7. Nuisance.

Violating this Ordinance is hereby declared to be a public nuisance, a nuisance per se, and offensive to the public health, safety, and welfare.

Section 8. Violations

- (1) A person who violates this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of \$500. Each day this Ordinance is violated is a separate violation.
- (2) The Zoning Administrator may determine that a permit should be revoked upon a violation of one or more of the following ordinances, when the violation relates to a short-term rental unit, whether the violation is committed by the owner, operator or an occupant of a short-term rental unit:
 - (a) Any provision of this ordinance.
 - (b) Any violation of the following provisions of the Code of Ordinances:
 - (i) Chapter 30, Article III, Trash. [\(Internet Link\)](#)
 - (ii) Chapter 30, Article VI, Noise Control [\(Internet Link\)](#)
 - (iii) Chapter 46, Article II, Offenses Against the Peace. [\(Internet Link\)](#)
 - (iv) Chapter 46, Article III, Offenses Against Property. [\(Internet Link\)](#)
 - (v) Chapter 46, Article IV, Offenses Against Public Morals. [\(Internet Link\)](#)
 - (vi) Chapter 46, Article V, Offenses Concerning Underage Persons. [\(Internet Link\)](#)
 - (vii) Chapter 78, Zoning. [\(Internet Link\)](#)
- (3) Upon a determination by the Zoning Administrator to revoke a permit, the Zoning Administrator shall give notice of that determination to the unit’s operator and local agent. The notice shall inform the operator and local agent of a right to a hearing before the Township board on whether the

revocation should be upheld. The operator or local agent may request a hearing by giving written request to the Township Clerk within 30 days after the Zoning Administrator gives notice of its determination. If a hearing is timely requested, the Township Clerk shall schedule the hearing and notify the operator and local agent in writing of a time and place for that hearing. At the hearing, the operator and local agent may present evidence that the requirements for revocation are not satisfied. At or after the hearing, The Township board shall decide whether to revoke the permit.

- (4) A person may not apply for another permit for that unit until one year after the revocation is effective.

Section 9. Enforcement Official

Municipal civil infractions may be issued by officers of the Kent County Sheriff's Department and any other person legally authorized to issue civil infractions.

Section 10. Civil Action

Besides enforcing this Ordinance through a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 11. Validity.

If a term in this ordinance is held invalid, that invalidity shall affect no other term in this ordinance. Every term shall be enforced to the maximum extent permitted by law.

Section 12. Review after Implementation

- (1) Within 120 days after this ordinance becomes effective, the Township shall begin a review of this Ordinance to determine whether its implementation has achieved its intent and what amendments should be made, if any.
- (2) The Township shall hold a public hearing before amending or repealing any provision of this Ordinance. Notice of that hearing shall be published in a newspaper of general circulation in the Township at least 15 days before the hearing.
- (3) Failure or delay by the Township under this section does not invalidate any part of this ordinance or any proceeding to enforce this ordinance.

Section 13. Effective Date.

The ordinance shall take effect 30 days after publication of the notice of its adoption.