

WHITE RIVER TOWNSHIP
MUSKEGON COUNTY, MICHIGAN
(Short-Term Rentals – Zoning Ordinance)

(Ordinance No. 3.46)

At a special meeting of the Township Board for White River Township held at the Township offices on January 23, 2025, beginning at 6:15 p.m., this Ordinance/ordinance amendment was offered for adoption by Township Board Member Laura Anderson and was seconded by Township Board Member Deb Harris:

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

THE TOWNSHIP OF WHITE RIVER (the “TOWNSHIP”) ORDAINS:

Article 1 – Intent and Legislative History.

The current White River Township Zoning Ordinance (the “Zoning Ordinance”), and the past zoning ordinances for White River Township, have expressly allowed short-term rental type uses (“STRs,” as defined below) only in the commercial zoning districts. Therefore, STRs have not been lawfully allowed within the Township (except in the commercial zoning districts) since the first zoning regulations were enacted by the Township decades ago. Absent an STR located in a commercial zoning district, the only way that an existing STR would clearly be lawful would be if it is a lawful nonconforming use (i.e. it lawfully existed before the first Zoning Ordinance was enacted for White River Township, 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 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 Township (or within

any zoning district) by the White River Township Zoning Administrator, code official or any other Township official. 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 White River Township (except for any lawful STRs within the commercial zoning district or any lawful nonconforming use) may be unlawful under the Zoning Ordinance (and potentially, the building code, maintenance code and/or fire code as well).

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 a commercial zoning district. Such negative and adverse impacts can include, but are not necessarily limited to, the following:

- (a) The Township Board expressly finds that many 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 with regard to dwellings that are rented or leased out 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 with regard to adjoining and nearby properties. In rural and semi-rural areas, 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 generally enhance the value of one property (which is utilized for STR use) while causing the

devaluation of half a dozen or 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. STRs are frequently rented by two or more families or unrelated persons 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) potentially causes many problems and is inconsistent with adjoining and nearby conventional noncommercial single-family residential uses.
- (e) In many cases, people who rent or lease a residential property do not take the same level of care of that property as the owner of a property who resides thereon.
- (f) Rural and semi-rural townships (such as White River Township) simply do not have the staff or resources to fully police STR properties and situations. White River Township does not have its own police department and is served by a fire department with part-time on-call firefighters. The White River Township Zoning Administrator is part-time only.
- (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, etc., the enactment or full enforcement of such ordinances is frequently not feasible or practical for rural or semi-rural townships. Furthermore, to the degree that such ordinances can be enforced and might help in some situations, it is an “after-the-fact” solution after a problem has already arisen.

- (h) In general, STR uses can be more intensive, transitory and problematic than conventional single-family 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.

Based on all of the above, the Township Board finds that White River Township should adopt these amendments to the White River Township Zoning Ordinance to protect the public health, safety and welfare.

Article 3 – The following definitions of a “Short-Term Rental” and “STR Lot” are hereby added to Section 2.20 (Definitions - S) of the White River Township Zoning Ordinance, as amended:

Short-Term Rental (“STR”): A dwelling unit, cabin, cottage or house that is available for rental, leasing, or use for habitation, accommodation or lodging of guests paying a fee, charge or other compensation or consideration, for a period of less than 30 consecutive days and nights at a time.

STR Lot: Any lot or parcel with an STR dwelling or use present or occurring thereon.

Article 4 – The following new and additional Section 3.46 is hereby added to the White River Township Zoning Ordinance, as amended:

Section 3.46 - Short- Term Rentals.

- A. There shall be no more than 55 STR Lots in total within White River Township (except for those in the C-Neighborhood Commercial zoning district).

- (1) Areas zoned as C-Neighborhood Commercial - For properties located in areas zoned as C-Neighborhood Commercial, there is no limit on STR Lots and shall not be counted for purposes of the 55 STR Lots maximum.
- (2) There shall be no other STR Lots within White River Township except for the areas and numbers as expressly allowed above.

B. For purposes of which STR Lots come within the allowed totals specified in Subsection A hereof above, priority shall be given to those STR Lots (and the STR activities and usage on such lots) which have been lawfully operating within the Township for the longest consecutive and continued period of time. Any STR Lot with an existing STR use, activity or structure which has had any of the following characteristics shall not be deemed lawfully in existence for purposes of the allowed or allocated total number of STR Lots:

- (1) The STR dwelling or living unit has been a shed or a trailer, boat, tent, yurt, mobile home or other non-stick built dwelling.
- (2) The STR dwelling has been rented to or used by more than one family at a time.
- (3) The dwelling or lot has been used as or for a commercial wedding venue, reunion, party or other gathering or activity which is commercial in nature or for profit.
- (4) The dwelling has not met applicable building codes, fire safety codes or the maintenance code.

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After the effective date of the amendment that added this section to this Ordinance, if any STR Lot has not actually been rented or leased as an STR for three (3) consecutive years or longer, it shall lose its priority for purposes of Subsections A and B, above.

C. None of the following shall be used as an STR Lot nor be rented or leased for use, habitation or lodging as an STR (or otherwise) unless it is part of an approved lawful campground (and such campground use was or is expressly approved pursuant to a Township zoning approval):

- (1) Any tent, bunkhouse, yurt, shed, barracks or similar item.
- (2) Any boat, pontoon, houseboat, barge or other water vessel or watercraft.
- (3) Any “tiny house” or any dwelling that does not meet the minimum dwelling size requirements of this Ordinance.
- (4) Any house, dwelling, cottage or cabin that was unlawfully built, expanded or modified.
- (5) Any camping trailer, recreation vehicle, popup trailer, bus, motorhome or similar item or vehicle.
- (6) Any lot or parcel with two (2) or more dwellings thereon. However, on a lot or parcel with two (2) lawful dwellings thereon, one (1) dwelling may be used as an STR if all of the following requirements are met:
 - (i) The dual dwelling lot or parcel must be a lawful nonconforming use. If the second dwelling was added illegally (and in violation of the then-existing zoning regulations), then an STR use will not be allowed on the lot or parcel.
 - (ii) Only one of the two dwellings can be used for STR use.

(iii) The owner of the lawful nonconforming lot or parcel must reside within one of the two dwellings and shall supervise the STR use in the other dwelling.

(7) Any lot or parcel accessed by or on a joint driveway, access easement or private road.

(8) Any dwelling or structure that does not comply with all applicable Zoning Ordinance requirements, building codes, fire safety codes and the maintenance code.

D. Every STR and STR Lot shall fully comply with the White River Township Zoning Ordinance and also with every other White River Township ordinance that licenses or regulates STRs and STR Lots.

E. No STR Lot or dwelling shall be occupied or used by more than one (1) family at a time.

Article 5 – The following new subsection is hereby added to Section 5.02 of the White River Township Zoning Ordinance, as amended, for the AR-Agricultural zoning district:

G. Short-Term Rentals (with limits as set forth elsewhere in this Ordinance).

Article 6 – The following new subsection is hereby added to Section 6.02 of the White River Township Zoning Ordinance, as amended, for the R-Residential zoning district:

E. Short-Term Rentals (with limits as set forth elsewhere in this Ordinance).

Article 7 – The following new subsection is hereby added to Section 7.02 of the White River Township Zoning Ordinance, as amended, for the WR-Waterfront Residential zoning district:

F. Short-Term Rentals (with limits as set forth elsewhere in this Ordinance).

Article 9 – The following new subsection is hereby added to Section 9.02 of the White River Township Zoning Ordinance, as amended, for the C –Neighborhood Commercial zoning district:

- O. Short-Term Rentals.

Article 10 – 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 11 – The Balance of the White River Township Zoning Ordinance (as amended) Remains Unchanged and in Effect.

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

Article 12 – 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: Deb Harris, Laura Anderson, Julie Goericke, and Ron Bailey.

NAYS: 0

ABSTAIN/ABSENT: Mary Kriesel

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 White River Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By: 
Julie Goericke
White River Township Clerk