

# Florence Township Short-Term Rental Property Ordinance

## Section I – Purpose.

In supplementation of and amendment to the existing Florence Township (the "Township") zoning ordinance (the "Ordinance"), the Township hereby adopts and enacts this ordinance (the "STR Ordinance") to allow a limited number of residences to be rented on a short-term basis to the extent consistent with the comprehensive plan and the existing residential, agricultural and historic district zoning, while also mitigating impacts upon surrounding properties by implementing balanced rules and regulations for the protection of the health, safety and welfare of the community.

## Section II – Definitions.

For the purposes of this section the following terms, phrases, words and their derivations shall have the meanings as given here. When consistent with the context, words in the plural include the singular and words in the singular include the plural.

- A. Bed and Breakfast: A Dwelling occupied by an Owner, manager, or operator that provides Short-Term Rentals for Guests for compensation and where a meal is offered but only breakfast.
- B. Certificate of Septic System Compliance. A compliance certificate that was issued on a new septic system installed within the past five years or a copy of a compliance inspection which was performed within the past three years.
- C. Duplex: a residential building containing two Dwelling Units within the same structure and on the same Property.
- D. Dwelling: A principal structure that contains one dwelling unit, intended or designated to be used, rented, leased, let or hired out to be occupied for living purposes.
- E. Dwelling Unit. A single unit providing complete, independent living facilities for one (1) or more Persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- F. Guest. A Person who is registered as staying at the Property as part of a Short-Term Rental
- G. Owner: The natural Person or entity who or which alone or with others has possessory title or interest in any building, Property, Dwelling, Dwelling Unit or portion thereof, including any Person who as tenant, agent, executor, administrator,

trustee, or guardian of an estate has charge, care, control of any Dwelling or Dwelling Unit, but not including a contract vendor.

- H. Person: a natural Person, not an entity such as a corporation, limited partnership, partnership, or limited liability company.
- I. Primary Residence: means the Dwelling Unit within which a Person lives for six months plus a day during a calendar year.
- J. Primary Resident: means a Person living on a Property where the Property is the Person's Primary Residence.
- K. Property: A separate parcel of land conforming to the Ordinance requirements upon which a Single-family Dwelling or Duplex is constructed.
- L. Short-Term Rental: Rental of a Dwelling Unit, or a portion of a Dwelling Unit for a period of less than thirty (30) days. No more than one (1) rental of a Short-Term Rental Dwelling Unit or portion thereof shall be permitted per day. Short-Term Rentals under any classification may be for no less than two nights duration nor for more than 180 nights cumulatively per calendar year.
- M. Short-Term Rental, Type A (intermittent short-term rental): means a Short-Term Rental of a homesteaded Dwelling Unit for less than 14 nights per year. A Type A Short-Term rental does not require a license but must operate in accordance with the performance standards in the STR Ordinance.
- N. Short-Term Rental, Type B (hosted short-term rental): means a dwelling unit that is offered to Guests for a period of less than 30 consecutive days, where the Property serves as a Person's Primary Residence and a Primary Resident of the Property is present while the Guests are present. A Bed and Breakfast is a Type B Short-term Rental.
- O. Short-Term Rental, Type C (unhosted short term rental): means a dwelling unit that is offered to Guests for a period of less than 30 consecutive days, where the Property serves as a Person's Primary Residence but a Primary Resident of the Property is not present while the Guests are present. This Type C also includes Short-Term Rental of any accessory dwelling units, non-Owner occupied Duplexes or "mother-in-law" apartments.
- P. Short-Term Rental, Type D (dedicated short-term rental): means a dwelling unit that is offered to Guests for a period of less than 30 consecutive days, where the Property does not serve as a Person's Primary Residence.
- Q. Single-family Dwelling Unit: A freestanding detached principal residential structure built on its own individual parcel of land; not attached to another dwelling unit (other

than an accessory dwelling unit, where allowed) and designed, maintained and used as a single housekeeping unit.

### **Section III – Authorization.**

- A. Required Interim Use Permit/ IUP: All Short-Term Rental Properties in Florence Township in R-1 and R-FHD-1 districts are required to have an Interim Use Permit/ IUP, which the Owner is required to renew annually to do Short-Term Rentals. Short-Term Rental properties outside of R-1 and R-FHD-1 districts are exempt from this ordinance. Florence Township will conduct an annual review of the Short-Term Rental Property to determine its compliance with the conditions of the IUP. This review will be at the Short-Term Rental Property Owner's expense. The IUP may include conditions not listed in this ordinance if needed to ensure compliance with the STR Ordinance's goals and principles. Individual reviews of Short-Term Rental IUP applications will begin on Dec 31. Both initial and renewal applications must be filed by the Owner each year, with the deadline set for December 31. The Township commits to processing and rendering a decision on the application sixty days from Dec 31. Public hearings for all STR applications shall be held no later than the March planning commission each year.
- B. The application must provide all information and documentation required by the STR Ordinance, including but not limited to:
1. Proof of Insurance as required below;
  2. Name, address, and phone number of caretaker/manager as required below;
  3. A Site Plan and Floor Plan of the Property, drawn to scale, with the Site Plan showing parking and driveways, all structures and outdoor recreational areas that Guests will be allowed to use, including but not limited to, deck/patio, barbeque grill, recreational fire, or sauna, and the Floor Plan of the Dwelling drawn to scale identifying which rooms are proposed to be used as Guest bedrooms or sleeping areas;
  4. Evidence of the boundaries of the Property being posted.

The Township will provide an application form upon request. Owners must attend the Township public hearing held annually to issue and renew Short-Term Rental IUP's to respond to questions of the Township for the renewal. The Township will set by regulation the fee for application and annual review.

- C. Limited Number of Short-Term Rental Properties: No more than a total of 15 Short-Term Rental Properties will be allowed in Florence Township's R-1 districts, including the Old Frontenac Historic Overlay District ("OFHD"). No more than a

total of 5 Short-Term Rental Properties will be allowed within an area whose boundaries are as follows:

Starting at the point where Frontenac State Park (the "Park") intersects with the shore of Lake Pepin north of the platted lots of Frontenac at PID #32.002.0300, then southeasterly along the shoreline until the boundary of the Park is reached south of PID #32.130.0110; then westerly and southerly along the border of the Park until it reaches Winona St.; then westerly along Winona St. until it reaches the Park boundary; then northerly and easterly along the Park border until the starting point is reached.

An IUP will be required for all existing or new Short-Term Rental Properties. The Short-Term Rental Property IUP is not transferable to a new Owner. Rather, the new Owner must obtain their own IUP to do Short-Term Rentals compliant with the STR Ordinance.

- D. Distance between Short-Term Rental Properties: A distance of no less than 1,000 feet from another Short-Term Rentals Property is required as a condition for issuance of a Short-Term Rental Property IUP. Provided, however, that Short-Term Rental Properties that are legal nonconforming uses as defined in Section 11 of the Ordinance at the time of the initial enactment of the STR Ordinance are exempt from this requirement until December 31, 2025.
- E. In the event that the volume of applications for short-term rental licenses surpasses the designated quota for such rentals within a specific district, or within the 1000' distance limitation, and no prior neighbor complaints have been registered, a lottery system shall be implemented to allocate licenses for the applicable year. Subsequently, in the following year, those who were granted licenses through the lottery process will be ineligible to participate in the lottery if the number of applications once again surpasses the predefined limit for short-term rentals within the given district. This process aims to ensure equitable distribution of licenses while fostering a balanced distribution of short-term rental opportunities within the community.
- F. Required Health and Safety Inspections or Licensing: The Short-Term Rental Property Owner will comply with all regulating government units, County and State Regulations, Licensing or Certifications, including and not limited to State of Minnesota Department of Health Lodging License. Documentation will be provided by the Owner to the Township as part of the Short-Term Rental Property IUP yearly review for reissuance of the IUP. Non-compliance with any applicable rule, regulation, or requirement or failure to present a valid State of Minnesota Lodging License is grounds for non-renewal.
- G. Required Insurance: The Short-Term Rental Property Owner must purchase and maintain an appropriate insurance policy providing liability coverage specifically coverage for the operation of a short-term rental on the property, and provide proof

of that insurance with their application for an IUP and with each annual renewal application. The Owner shall require that the Township will be notified by the insurer thirty days in advance of any cancellation or non-renewal of the insurance.

#### **Section IV – Conditions of Use.**

All Short-Term Rental Properties (referred to sometimes herein as a "Property" or "Properties") shall be subject to the following conditions of use by Short-Term Rental Guests:

- A. Occupancy Limits: No Short-Term Rental Property may be occupied by Persons numbering greater than the number of bedrooms in the Short-Term Rental Property times two (up to a total of three bedrooms), i.e., a three-bedroom Property may not be rented to Persons numbering greater than six Persons over the age of five.
- B. Maximum and Minimum rental of a Short-Term Rental Property: A Short-term Rental Property may be rented for no less than a 2-day rental period per group of Persons nor may it be rented for greater than a total of 180 days per calendar year. No 1-night rental periods shall be allowed. A yearly rental log is required and must be presented at the yearly IUP review as a condition of renewal of the IUP. Falsification of the rental log is sufficient grounds for non-renewal.
- C. Quiet Time; Fires; Fireworks: Loud or disruptive noise, music, or disturbance between the hours of 9:00 p.m. and 9:00 a.m. by Short-Term Rental tenants is prohibited. All recreational fires must be in an in-ground firepit, monitored at all times and extinguished properly after usage ends. No use of fireworks is allowed.
- D. Garbage & Recycling: Proper Waste Bins and Recycling Bins shall be provided by the Short-Term Rental Property Owner. Waste bins may only be brought to the street on the designated pickup day. Proper disposal and removal of garbage and/or recycling for all occupants is required.
- E. Dark Sky Lighting: All lighting shall be downward shaded, sealed or screened from neighboring properties.
- F. Manager or Caretaker: The resident and Owner of the Short-Term Rental Property is responsible for all requirements of the STR Ordinance. In addition, all Short-Term Rental Properties shall have a manager or caretaker within 20 miles of the Property. The Short-Term Rental Property Owner will provide their name, phone number, and address and the name, phone number, and address of their designated manager or caretaker to the Township and all neighbors within 500 feet of the Property. Failure to respond to calls within a reasonable time frame will qualify as a violation.

- G. Posting of Regulations and Rules: The Short-Term Rental Property Owner shall have posted at all times on the interior of the Property's front door the terms of this Section IV, Conditions of Use in readable form of no less than 11-point type. Boundaries of the Property shall be posted with the regulations.
- H. Signage: No Signage advertising or designating the Property as a Short-Term Rental or being available for Short-Term Rental may be posted in a manner that is allowed on the Property.
- I. No Events: An Event hosted by Persons renting a Short-Term Rental Property is prohibited from being held on that Property. For purposes of this section, "Event" means a gathering on the premises of more than three people other than the Persons renting the Short-Term Rental Property. This provision must be included as part of any advertisement for rental of a Short-Term Rental Property by the Owner or Manager.
- J. Parking: In residential zoning districts, all Guest parking must be accommodated on improved driveways and improved parking surfaces on the Property. No on-street parking is allowed for Guests. No Short-Term Rental Property will have more than 3 vehicles parked on its grounds at any one time. At a minimum, parking shall be provided as follows:
  - a. Units with one to two bedrooms or sleeping areas, one space.
  - b. Units with three-bedrooms or sleeping areas, two spaces.

No campers, recreational vehicles, or tent camping are allowed on Short-Term Rental Properties except by the Owner or a Primary Resident.

## **Section V – Enforcement.**

In addition to all other remedies for enforcement otherwise available in the Ordinance, the Township will be entitled to the following additional or supplemental remedies for enforcement of the STR Ordinance:

- A. Injunctive Relief. In the event of a violation or threatened violation of the STR Ordinance, the Township, in addition to other remedies stated in the Ordinance or available under law, is entitled to seek injunctive relief or proceedings to prevent, restrain, correct or abate such violations or threatened violations, including recovery of all attorney fees expended for the enforcement of the Ordinance.
- B. Suspension or Revocation of Permit. Any Short-Term Rental IUP permit may be suspended or revoked for one or more of the following reasons upon notice and the provision of an opportunity for hearing for good cause.

1. Violation of, or noncompliance with, any permit or license requirement or standard, or any applicable law, statute or ordinance, including but not limited to the requirements stated in Section 111.D and E. of the STR Ordinance.
2. Three documented and substantiated complaints or violations of the conditions of use stated in Section IV of the STR Ordinance within a 12-month period.
3. The Short-Term Rental Property Owner's failure to pay all of the appropriate fees related to the permit, or to promptly pay any fines levied pursuant to this or other provisions of the Ordinance.
4. Fraudulent statements, misrepresentations, or not fully disclosed information made by the Short-Term Rental Property Owner or their caretaker or manager in the IUP application or in response to Township inquiries made to the Owner with regard to compliance with the Ordinance, including but not limited to the STR Ordinance.
5. Conviction of the Short-Term Rental Property Owner of any crime or offense involving or relating to the Short-Term Rental of the Property and failure to show, by competent evidence, sufficient rehabilitation and present fitness to perform the duties required by the STR Ordinance for Short-Term Rental Property Owners.
6. The Short-Term Rental Property Owner has otherwise violated the conditions imposed by their IUP.
7. Any of the grounds above for suspension or revocation of an STR permit shall also be considered sufficient grounds for denial of permit renewal.

C. Procedure.

1. Except where immediate enforcement is required for reasons of health, safety, or other exigent circumstances, the Township shall send ten-days written notice to the address of the Owner, caretaker, or manager identified in the most-recent IUP application of violations of the STR Ordinance prior to undertaking suspension of the Short-Term Rental Property's IUP. Prior to suspension of the IUP, the Township will give the Owner an opportunity to be heard whether the violations of the STR Ordinance have ceased or been cured, and to provide evidence of why the IUP should not be suspended.
2. If the IUP is revoked for any reason, the Owner is prohibited from applying for issuance of a Short-Term Rental IUP for a period of 2 years. In the event of such a revocation, the Reapplication Fee will be \$1,500 in addition to all other required fees or escrow to cover the Township costs to investigate the Owner's entitlement to issuance of a Short-Term Rental IUP.

3. If a Property is found to be providing Short-Term Rentals without the required IUP, the Property Owner shall be prohibited from using the Property for Short-Term Rentals, or making application for a Short-Term Rental IUP, for a period of two years, subject to any reapplication fee or any penalty fees. The Reapplication Fee will be \$1,500 in addition to all other required fees or escrow.
4. Florence Township may delegate to a Zoning and Land Use firm the duty to conduct the initial IUP application review and the yearly IUP review, under the Township's care, control, and oversight. All application and yearly review expenses and escrow shall be paid at the time of application by the IUP applicant, and until paid, the application will not be considered complete. Fees and estimated escrow amounts shall be listed on the fee schedule for permits.