

## FLORENCE TOWNSHIP RESOLUTION FOR MORATORIUM ON SHORT TERM RENTAL

Whereas, a short term rental is a residential dwelling or portion thereof, either detached or attached, rented out on a nightly basis for less than 30 days to an individual, family, or group of transient guests, is not a permitted hotel or motel, and includes structures, buildings, and residences where the owner or manager is either on site or not, and includes but is not limited to properties that are advertised on internet platforms such as Airbnb and HomeAway, and

Whereas, a short term rental is a lodging use, that is not a hotel, motel, or bed and breakfast, in which a dwelling unit or portion thereof is offered or provided to a guest or guests by a short term rental operator for a fee for fewer than thirty consecutive nights\*; and

Whereas, a commercial use as any activity involving the sale of goods or services carried out for profit, and short term rental use requires payment of business related taxes for services rendered and must meet various state regulatory standards as a commercial lodging use and therefore is a commercial use; and

Whereas, commercial uses of property must be consistent with the township's comprehensive plan and appropriate zoning requirements; and

Whereas, for purposes of this moratorium, lodging facilities, guest inns, and tourist/recreational use facilities/permits not explicitly permitted in Florence Township ordinances for the R1 zone, must be included and subject to this moratorium in order to maintain its efficacy and prevent false applications; and

Whereas, the Florence Township Planning Commission has received, since February 2021, a significant amount of public input, complaints and urgent requests for consideration of regulation for short term rentals and has received testimony and documentation of said concerns and complaints, including multiple appeals by affected neighbors to the owners of properties being used as short term rentals; and

Whereas, short term rentals have potential negative impacts on residential areas not originally anticipated, including but not limited to nuisance impacts such as excess garbage, insufficient parking, excess noise, trespassing, infringement upon privacy, lack of septic capacity, increased fire risk, zoning code violations, inadequate insurance coverage, excess demands upon law enforcement, and other negative impacts on the peaceful enjoyment of neighborhoods and public health, safety, and welfare, and

Whereas, an unregulated proliferation of short term rentals also has a potential negative impact on property values and the availability and affordability of single-family housing stock for permanent residents;

State statute 297A.61subd.3g(2) Definitions for General Sales and Use Taxes (establishing commercial enterprise)  
(2) lodging and related services by a hotel, rooming house, resort, campground, motel, or trailer camp, including furnishing the guest of the facility with access to telecommunication services, and the granting of any similar license to use real property in a specific facility, other than the renting or leasing of it for a continuous period of 30 days or more under an enforceable written agreement that may not be terminated without prior notice and including accommodations intermediary services provided in connection with other services provided under this clause; (- Short term rental, under 30 days)

Whereas, the Old Frontenac Historic Overlay District is restricted to single-family home and allows for a residential bed and breakfast facility (only), as a conditional permitted use; and

Whereas, the Florence Township Comprehensive plan recognizes the importance of visitor and tourist lodging needs, the economic opportunities that this provides, that the township's history includes an array of such accommodations and that there are appropriate ways that short-term rental uses may occur in order to meet those needs; and

Whereas, in order to have effective and appropriate regulation of short term rentals, Florence Township needs to maintain the status quo and not allow any new or expanded short term rental property uses after the May 1<sup>st</sup>, 2021 moratorium date until such time as the new short term rental regulation adoption and implementation process finalizes, and

Whereas, at its April meeting, the Florence Township Planning Commission established a subcommittee to engage in a public process of drafting, reviewing, and seeking public input regarding regulations applicable to short term rentals, and

Whereas, as part of this process, the township will review applicable comprehensive plan provisions and available research information about impacts and challenges of non-owner occupied short term rentals to neighborhood character, safety, peace, health, and welfare, and impacts to affordable housing in residentially zoned neighborhoods; and

Whereas the subcommittee will also consider the commercial status of short term rentals, their licensing, regulatory enforcement mechanisms and rules for operation;

Whereas, the township currently has no existing permitted vacation rentals, and nothing in this moratorium binds nor restricts a future short-term rental code from being adopted that requires different standards from those of the moratorium; and

Whereas, this moratorium will pertain to any designation, permitting, construction, development, expansion, remodeling, creation, locating, and siting, etc., of short term rental uses and their structures, residences, businesses, lots, zones, buildings, etc.,

Whereas, this moratorium will be for a period not to exceed six months unless extended for good cause by resolution at a later date;

**NOW, THEREFORE, BE IT RESOLVED** as follows by the Florence Town Board of Supervisors:

1. The above recitals are hereby adopted as findings and conclusions herein.
2. Florence Township does hereby establish a six month moratorium on the designation, permitting, construction, development, expansion, creation, locating, and siting of any new or future short term rental structures, residences, businesses, uses, lots, zones, and buildings
3. While this moratorium is in effect, no application for any permits or approvals for a new or future short term rental use including any, new, or re-permitting of a permitted property as a vacation

rental, building, variance, conditional use, subdivision, short plat, rezone, comprehensive plan amendment, binding site plan, boundary line adjustment, other development, designation, or construction permits or approvals shall be accepted as either consistent or complete by any county department if said application pertains to either the creation of a new or future short term rental use, structure, site, business, lot, residence, zone, or buildings. And existing such uses will be subject to the standards of an adopted ordinance for short term rentals.

4. Florence Township Planning Commission may develop forms and procedures, or amend existing forms and procedures, as it deems useful and expedient to implement this moratorium, establish an ordinance, and enforce its standards.

5. This moratorium is in effect as of May 1<sup>st</sup>, 2021, as authorized by the Florence Town Board of Supervisors this day \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'Mike Blair', written over a horizontal line.

Signed Mike Blair, Town Board Chair