

Florence Township Short-term Rental Property Ordinance

Section I – Purpose.

In supplementation 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.

A. Short-Term Rental Property: A Single-family Dwelling containing three or fewer bedrooms that is rented for a period of less than 30 consecutive days (a “Short-Term Rental”). Examples of a Short-Term Rental include vacation rental, weekend rental, and seasonal rental. A Short-Term Rental Property shall be a dwelling complying with all building, health, and safety legal requirements, including being permanently affixed to the ground with a properly certified working well and septic system. The owner of the fee interest in the Short-Term Rental Property is referred to herein as the “Owner” or “Short-Term Rental Property Owner”.

B. Single-family Dwelling: A Single-family Dwelling is a freestanding detached principal residential structure designed for and occupied by one Family only.

C. Family: A Family is any number of persons living together in a room or rooms comprising of single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house, shall for the purpose of this Ordinance, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in each such group

Section III – Authorization.

A. Required Interim Use Permit / IUP: All Short-Term Rental Properties in Florence Township are required to have an Interim Use Permit / IUP lasting for a period of one year. Florence Township will conduct a yearly review of compliance of the operation of the the Short-Term Rental Property with the conditions of the IUP at the Short-Term Rental Property owner’s expense. The IUP may include conditions not listed in this ordinance if needed for purposes of ensuring compliance with this amendment’s goals and principles. Each Short-Term Rental IUP applicant will be reviewed individually on submission of the initial application and yearly review.

B. Limited Number of Short-Term Rental Properties: No more than a total of 10 Short-Term Rental Properties will be allowed in Florence Township. No more than a total of 5 Short-Term Rental Properties will be allowed in Old Frontenac Historic District R-1 Zoning. 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 of the Short-Term Rental Property. A new Short-Term Rental Property owner would need to apply for a new IUP to be compliant with the Florence Township Ordinance.

C. 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 non-conforming uses existing prior to the enactment of this ordinance are exempt from this requirement for as long as they hold that status under Section 11 of the Ordinance.

D. 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 Septic, Well and all other Minnesota Department of Health Requirements. 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 is grounds for non-renewal.

E. Required Insurance: The Township will determine on a yearly basis the property and liability coverage limits which the Short-Term Rental Property Owner must purchase and maintain upon their Property. The Owner shall include the Township as an additional insured upon the policies, and that the Township will be notified by the insurer thirty days in advance of any cancellation or non-renewal of the insurance. The Owner shall provide proof of this insurance being purchased and in force with their IUP application.

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 tenants:

A. Occupancy Limits: No Short-Term Rental Property may be occupied by a Family numbering greater than the number of bedrooms in the Short-Term Rental Property times two, *i.e.*, a three-bedroom property may not be rented to a Family numbering greater than six people, and may not be rented to more than one Family as defined herein.

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 Family, nor may it be rented for greater than a total of 120 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. Parking: No Short-Term Rental Property will have more than 3 vehicles parked on its grounds at any one time. No On Street Parking of tenants will be allowed. The Short-Term Rental Property owner will have proper off-street parking for all vehicles and or trailers. No campers, recreational vehicles or tent camping allowed on the Property.

D. Quiet Time; Fires; fireworks: Loud or disruptive noise, music, or disturbance between the hours of 10:00 p.m. and 7:00 a.m. by Short-Term Rental tenants is prohibited. All recreational fires must be in a in-ground firepit, monitored at all times and extinguished properly after usage ends. No use of fireworks is allowed.

E. 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.

F. Dark Sky Lighting: All lighting shall be downward shaded, sealed or screened from neighboring properties.

G. Manager or Caretaker: 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 r manager or caretaker to the Township and all neighbors within 500 feet of the Property.

H. 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.

I. Signage: No Signage advertising or designating the Property as a Short-Term Rental or being available for Short-Term Rental is allowed on the Property.

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:

- 1.) Injunctive Relief. In the event of a violation or threatened violation of the STR Ordinance, the Township, in addition to other remedies, is entitled to seek injunctive relief or proceedings to prevent, restrain, correct or abate such violations or threatened violations.

- 2.) 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.
 - a) 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 II.D and E. of the STR Ordinance.

 - b.) Three violations of the conditions of use stated in Section III of the STR Ordinance within a 12-month period.

 - c.) 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.

 - d.) 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.

 - e.) 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.

 - f.) The Short-Term Rental Property owner has otherwise violated the conditions imposed by their IUP.

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.

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.

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.