

# 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 has adopted and enacts this ordinance (the “STR Ordinance”) to allow for the purpose of allowing a limited number of residences to be rented on a short-term basis to the extent Short-Term Rental properties consistent with the comprehensive plan and the existing residential, agricultural and historic district zoning, while also where appropriate while mitigating impacts upon surrounding properties by implementing balanced rules and regulations for the protection of, and to protect the general public health, safety and welfare of the community.

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## Section II - Regulations and Rules Definitions:

A. Short-Term Rental Property: A Single-family Dwelling containing three or fewer bedrooms that is The rental or lease of a Single-Family Dwelling rented for a period of typically less than 30 consecutive days but no more than 120 consecutive days for tourist or temporary transient use. (a “Short-Term Rental”). Examples of a Short-Term Rental include: Temporary vacation rental property, weekend rental property, and/or seasonal rental property. All Short-Term Rental Properties shall be a livable 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”.

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B. Single-family Dwelling: A Single-family Dwelling is a freestanding detached principal residential structure designed for and occupied by one Family only that contains one dwelling unit, intended or designated to be used, rented, leased, let or hired out to be occupied for living purposes. No multi-unit properties will be used as a Short-Term Rental Property, only single-family residential properties.

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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

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## 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 owner with Florence Township oversight will have a yearly review of the compliance of the conditions of the IUP. Yearly review will be at the Short-Term Rental Property owner’s expense. The IUP may can include have more conditions not than 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.

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B. Limited Number of Short-Term Rental Properties: No more than a total of 10 Short-Term

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Rental Properties will be allowed in ~~all of~~ Florence Township. ~~No more than a total of Florence-Township will have a limit of no more than~~ 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 ~~to~~ transferable to a new owner of the ~~Short-Term Rental P~~roperty. 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 between~~ Short-Term Rentals Property ~~ies~~ is required as a condition for issuance of any a new operating Short-Term Rental property IUP after January 1, 2022. Provided, however, that ~~There will be a distance exception for existing and operating~~ 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. before January 1, 2022. If existing Short-Term Rental Properties operating before January 1, 2022 end Short-Term Rental usage than the new 1,000-foot distance rule applies to the property.

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D. Required Health and Safety Inspections or Licensing: ~~The Short-Term Rental Property Owner will comply~~ be compliant 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 ~~to be provided for~~ 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.~~

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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~~ will provide proof of this insurance being purchased and in force with their sufficient and suitable property insurance with the IUP application. ~~Florence Township reserves the right to determine proper umbrella insurance to protect neighboring properties.~~

**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:

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A. Occupancy Limited Number of Guests and Occupants: \_\_\_\_\_ Occupancy is limited to no more than 2 guests per bedroom up to and not to exceed 3 bedrooms. 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. will have more than 6 Guests or Occupants at one time. \_\_\_\_\_ No Short-Term Rental Property will have group events, hosted or unhosted group events that exceed 6 Guests or Occupants.

B. Maximum and Minimum rental of a Short-Term Rental Property: A Short-term Rental Property may be rented for no less than of a 2-day rental period required per Family guest, nor may it be rented for greater than a total of up to a maximum of 120 days per calendar year. No 1-night rental periods shall be allowed. A yearly rental log is required and must will 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 Pproperty owner will have proper off-street parking for all vehicles and or trailers. No campers, recreational vehicles or tent camping allowed on the Property.

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D. Quiet Time: Fires: fireworks Noise or Nuisances: \_\_\_\_\_ Loud No or disruptive Nnoise, music, or Ddisturbances between the hours of 10:00 p.m. and 7:00 a.m. by Short-Term Rental tenants is prohibited Quiet Times. All recreational fires must to be in a in-ground designated firepit, and to be monitored at all times, and extinguished properly after end-of-usage ends. No use of Ffireworks is Aallowed. No Loud Music.

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E. Garbage & Recycling: Proper Waste Bins and Recycling Bins to shall be provided by the Short-Term Rental Pproperty owner. Waste bins may will only be brought to the street on the designated pickup day. Proper disposal and removal of garbage and/or recycling for alleach-guest or occupants is required.

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

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G. Manager or Caretaker: All Short-Term Rental Properties shall are required to have a manager or caretaker within 230 miles minutes travel time of the pProperty. The Short-Term Rental Property owner will provide their name, phone number, and address and the name, phone number, and address of their owner, operating manager and or caretaker to the Township and all neighbors within 500 feet of the subject Pproperty.

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H. Posting of Regulations and Rules: The Short-Term Rental Property Owner shall have to provide and posted at all times on the interior of the Property's front door on the premises the terms of this Section IV, Conditions of Use in readable form of no less than 11 point type. e-Rules and Regulations to temporary guests and or occupants.

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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 pProperty showing advertising or designating the property as a Short-Term Rental.

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~~Required Health and Safety Inspections or Licensing: The Short-Term Rental Property Owner will be compliant 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 to be provided for Short-Term Rental Property IUP yearly review.~~

**Section V – Enforcement:**

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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.) ~~All Short-Term Rentals allowed in Florence Township will have an IUP permit with yearly review at property owners expense. An IUP for Short-Term Rental Properties can have individual conditions if needed above and beyond what is listed in this ordinance.~~

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2.) 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.

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3.) 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.~~

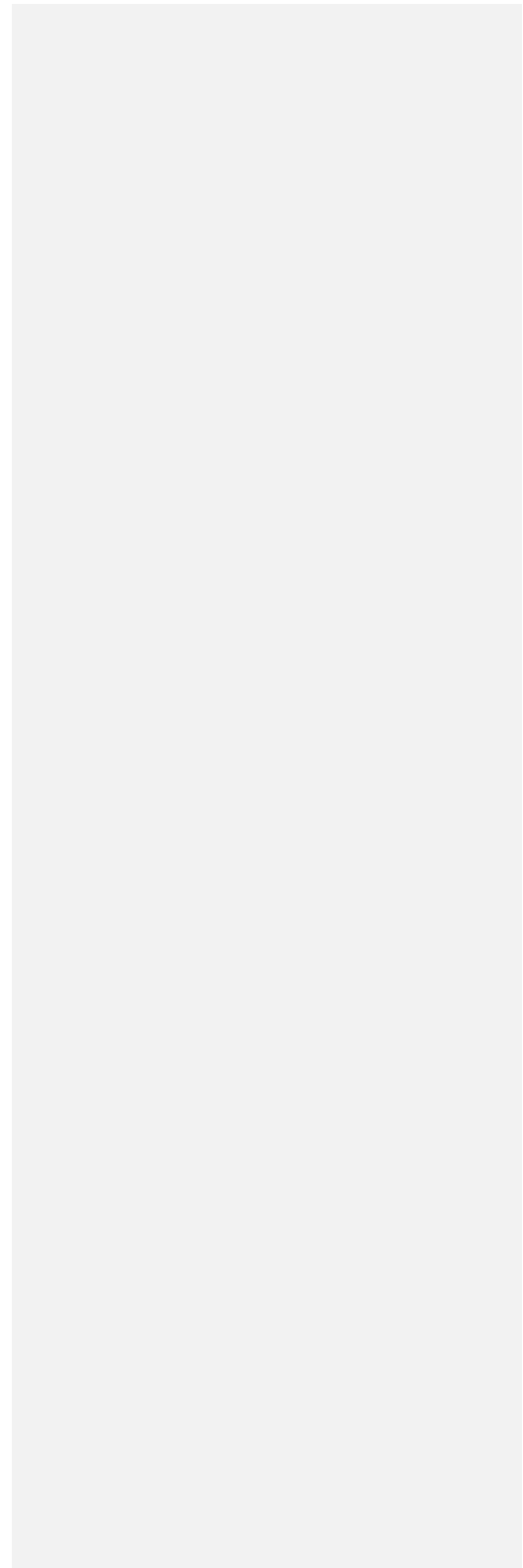
b.) ~~Three violations of the conditions of use stated in Section III of the STR Ordinance. It is the third substantiated and relevant complaint within a 12-month period. Examples of Relevant Complaints: Documented Law Enforcement Call, Documented Community Resident Complaint to Planning Commission or Township Board, Documented Violations of County or State Regulatory Rules. Evidence for violation can be gathered at any time and is considered admissible for suspension or revocation of a permit when collected from rental websites information, neighborhood complaints, photographic evidence or other means of collection.~~

c.) ~~The Short-Term Rental Property Owner's failure has failed 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.) ~~The Short-Term Rental Property owner has made fraudulent statements, misrepresentations, or not fully disclosed information made by the Short-Term Rental Property Owner or their caretaker or manager or made false statements in the IUP application for 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. the course of the Short-Term Rental operation.~~

e.) ~~Conviction of T~~the Short-Term Rental Property Owner ~~has been convicted~~ of any crime or offense involving or relating to the Short-Term Rental ~~of the Property business and the Short-Term Rental Property owner has failed and failure to show, by competent evidence, of sufficient rehabilitation and present fitness to perform the duties required by the STR Ordinance for of the Short-Term Rental business~~Property Owners.

f.) The Short-Term Rental Property owner has otherwise violated the conditions imposed by their acted in an unauthorized manner or beyond the scope of the IUP granted.



\* 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.

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Florence Township ~~may delegate to~~ ~~Reserves the Right to Choose the~~ Zoning and Land Use Professional Firm ~~the duty~~ to conduct and perform the initial IUP application review and conduct and perform the yearly review, under the Township's care, control and oversight. All application and yearly review expenses and escrow ~~shall~~ ~~are to~~ be paid at the time of the application by the IUP applicant, and until paid, the application will not be considered complete. ~~All~~ Fees and estimated escrow ~~shall~~ ~~will~~ be listed on the fee schedule for permits.