

TOWNSHIP OF FLORENCE

ORDINANCE 2025-26

AN ORDINANCE PROHIBITING SHORT-TERM RENTALS AND COMMERCIAL AMENITY RENTALS IN RESIDENTIAL ZONES

WHEREAS, the Township Council, in the interest of public safety, protection of the permanent housing stock and stabilizing of neighborhoods by regulating transient occupancy without community ties, and sanctity of the character of neighborhoods in residential zones, seeks to prohibit the short-term rental of homes and dwelling units (twenty-eight (28) days or less); and

WHEREAS, the Township Council wishes to prohibit the commercialization and renting of private residential amenities in the Township of Florence so as to combat increased traffic, parking pressures, noise, nuisance, safety and liability concerns in residential zones; and

WHEREAS, the Township may regulate accessory and principal uses to protect neighborhoods, as affirmed in Colts Run Civic Ass'n v. Colts Neck Twp., 315 N.J. Super. 240, and in cases upholding reasonable restrictions on short-term rentals.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Florence that:

Section 1.

There is hereby created in the Code of the Township of Florence Chapter 91, Land Development, Part XXII General Provisions, Section 91-159.3 which shall be titled: Short-term Rentals and Commercial Amenity Rentals in Residential Zones

Section 2.

Chapter 91, Land Development, Part XXII General Provisions, Section 91-159.3 Short-term Rentals and Commercial Amenity Rentals in Residential Zones shall read as follows:

91-159.3. Short-term Rentals and Commercial Amenity Rentals in Residential Zones

A. Purpose. The purpose of this chapter is provided regulation to the short-term (twenty-eight (28) days or less) of rental of homes in the residential zones of the Township of Florence, and to prohibit the commercialization and renting of private residential amenities.

B. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

Amenity rental platform - means any digital, online, internet-based or mobile application, service, website or intermediary that advertises, lists, brokers, facilitates or processes rentals of Amenities for monetary or other consideration.

Amenities - means private outdoor or indoor facilities or features located on Residential Property, including but not limited to swimming pools, hot tubs, gazebos, tennis courts, basketball courts, lawn or garden areas, patios, deck areas, balconies, playground equipment, fitness rooms, and similar appurtenances.

Commercial amenity rental - means the transaction or arrangement whereby Amenities on Residential Property are made available to individuals or the general public on a short-term basis (fewer than twenty-eight (28) consecutive days) in exchange for payment, fee, membership, subscription, credit, or other compensation.

Short-term rental - means any rental, lease, or license of a Dwelling Unit for Transient Occupancy, for a period of twenty-eight (28) days or less, in exchange for compensation.

Dwelling unit - means any building or portion thereof, designed or used for human habitation, including a single-family detached dwelling, two-family dwelling, townhouse, condominium unit, multifamily apartment or similar residence.

Transient occupancy - means occupancy of a Dwelling Unit for fewer than twenty-eight (28) consecutive days, whether or not for compensation.

Residential property - means any lot or parcel of land within a zoning district where Dwelling Units are permitted as a principal use.

Platform-based transaction - means any payment, booking, scheduling or contractual arrangement for Commercial Amenity Rental or Short-Term Rental conducted, facilitated or processed through an Amenity Rental Platform or Home-Sharing Platform.

Home-sharing platform - means any digital, online, internet-based or mobile application, service, website or intermediary that advertises, lists, brokers, facilitates or processes Short-Term Rentals of Dwelling Units for compensation.

C. Prohibition.

(1) Short-Term Rentals of Dwelling Units.

- (a) It shall be unlawful for any owner, occupant or other person to offer, advertise, broker or facilitate a Short-Term Rental of any Dwelling Unit in a Residential Property.
- (b) It shall be unlawful to post, list, display or distribute any advertisement for Short-Term Rentals of Dwelling Units via digital, internet, social media, print or other channels.

(2) Commercial Amenity Rentals.

- (a) It shall be unlawful for any owner, occupant or other person to offer, advertise, broker or facilitate a Commercial Amenity Rental of any Amenities on a Residential Property via an Amenity Rental Platform or Home-Sharing Platform.

- (b) It shall be unlawful to post, list, display or distribute any advertisement for Commercial Amenity Rentals of Amenities on Residential Property, regardless of transaction volume or duration.
- (c) Specific examples of prohibited activities include, but are not limited to:
 - 1. Listing or renting a private swimming pool, hot tub or spa;
 - 2. Listing or renting a gazebo, pergola or similar structure;
 - 3. Listing or renting a tennis court, basketball court or other sports facility;
 - 4. Listing or renting a lawn, garden, yard or landscaped area for gatherings or events;
 - 5. Listing or renting a patio, deck, balcony or rooftop terrace;
 - 6. Listing or renting any detached or attached Dwelling Unit, apartment, room or portion thereof, for fewer than thirty (30) consecutive days.

D. Exemptions.

The prohibitions of Section 115A-3 shall not apply to:

- 1. Traditional long-term leases or rentals of Dwelling Units for periods of twenty-nine (29) days or more, in compliance with all applicable Township ordinances and State law.
- 2. Non-commercial arrangements among family members, personal acquaintances or informal social groups where no payment, fee or compensation of any kind is exchanged.
- 3. Permitted commercial uses and accessory uses in non-residential zoning districts, including community or recreation centers, hotels, motels, inns, bed-and-breakfast establishments, clubs, and similar uses authorized under the Township's zoning ordinance.
- 4. Uses lawfully licensed and regulated under any other Township ordinance or State statute, provided such use is located in a district where it is expressly permitted.

E. Enforcement. The Florence Township Code Enforcement Officer, Zoning Officer, and Construction Code Official shall enforce this ordinance.

F. Separate Violations. Each violation of this ordinance shall constitute a separate offense. Each day a violation continues shall constitute an additional and distinct violation.

G. Civil Penalties. A violator shall be subject to a civil penalty for each violation in an amount not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00), or imprisonment in the county jail for a period not to exceed 90 days or by a period of community service not exceeding 90 days, or any combination thereof as determined by the Court.

H. Cease and Desist Orders. The Township may issue a written Cease and Desist Order requiring immediate cessation of any prohibited activity. Failure to comply within ten (10) days shall subject the violator to additional penalties and injunctive relief.

I. Platform Notification. Upon issuance of a final civil penalty or Cease and Desist Order, the Township may notify the relevant Amenity Rental Platform or Home-Sharing Platform of the violation, and demand removal of the listing or advertisement.

J. Cumulative Remedies. The remedies provided herein are cumulative and in addition to any other remedies at law or in equity, including injunctive relief.

Section 3. Chapter 116, Property Maintenance, Part Article I Standards and Inspections, Section 116-4 Continued certificate of occupancy shall be amended to add Paragraph D. to read as follows:

D. No continued certificate of occupancy (CCO) shall be granted for the Short Term Rental of a Dwelling unit as those terms are defined under Florence Township Code Section 91-159.3 Short-term Rentals and Commercial Amenity Rentals in Residential.

Section 4. If any clause, section, subsection, paragraph, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall apply only to the clause, section, subsection, paragraph, sentence or provision so adjudged, and the remainder of this ordinance shall remain in full force and effect.

Section 5. All ordinances or parts of ordinances of the Township of Florence heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect twenty (20) days after final adoption and publication as required by law.

JOSEPH FRAPPOLLI
Council President

NANCY L. ERLSTON, RMC
Township Clerk

TOWNSHIP OF FLORENCE

ORDINANCE NO. 2025-26

**AN ORDINANCE PROHIBITING SHORT-TERM RENTALS AND COMMERCIAL
AMENITY RENTALS IN RESIDENTIAL ZONES**

Take Notice that the Ordinance identified above prohibiting short-term rentals and commercial amenity rentals in residential zones has been adopted on first reading by the Township Council of the Township of Florence, County of Burlington, State of New Jersey, at a meeting held on October 15, 2025. It will be considered for final passage after public hearing to be held on November 5, 2025 at 7:00 PM in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

Copies of the full Ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. The ordinance is posted on the township's website www.florence-nj.gov

Nancy L. Erlston, RMC
Township Clerk