## ORDINANCE 2020-11

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AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL, MODIFYING ARTICLE 6 OF THE LAND DEVELOPMENT REGULATIONS RELATED TO VACATION RENTALS BY ADDING VACATION RENTALS TO TABLE 6.2-1: USE REGULATIONS SCHEDULE: **AMENDING** SEC.6.2.2.A BY CREATING SUPPLEMENTARY REGULATIONS FOR VACATION RENTALS: PROVIDING A CONFLICTS CLAUSE: PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 509, Florida Statutes, established certain regulations for lodging establishments, including vacation rentals and transient lodging; and

WHEREAS, Florida Statutes provide definitions, including but not limited to. vacation rental, transient lodging, and third-party rental platforms; and

WHEREAS, third-party online platforms have made Vacation Rentals easily available to the general public; and

WHEREAS, Section 509.032, Florida Statutes, restricts local governments from enacting regulations that prohibit Vacation Rentals and regulating the duration or frequency of rentals, but allows local governments to enact new regulations governing Vacation Rentals that do not pertain to duration or frequency; and

WHEREAS, Wellington has determined that regulations that comply with the Florida Statutes are appropriate in the Land Development Regulations (LDR) to address occupancy, licensing, residency requirements, sexual offenders/predators, swimming pool safety, compliance with trash, noise, public nuisance, parking, advertising, pet rules. property association approval (if applicable), and to ensure the health, safety, and welfare of the community; and

WHEREAS, these regulations are designed to protect the character of the residential neighborhoods and provide the public the opportunity to offer and use Vacation Rentals in a manner that is consistent with state and local regulations; and

WHEREAS, the Wellington Council, as the governing body, pursuant to the authority vested in it by Chapters 163, 166 and 177 of the Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (LDR); and

**WHEREAS**, the Planning, Zoning and Adjustment Board, acting as the Local Planning Agency, after notice and public hearing on July 8, 2020, recommended approval of the Zoning Text Amendment with a 5-0 vote; and

WHEREAS, the Council has taken the recommendations from the Planning, Zoning and Adjustment Board, Wellington staff and the comments from the public into consideration in adopting the amendments to the Land Development Regulations that are the subject of this ordinance.

## NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF WELLINGTON, FLORIDA THAT:

**SECTION 1:** Table 6.2-1: Use Regulations Schedule (Exhibit A) of the LDR is hereby amended as follows [strike-through formatted text is to be deleted; underline formatted text is to be added].

**SECTION 2:** Sec.6.2.2.A.5 hereby creates supplementary regulations for vacation rentals as follows [strike-through formatted text is to be deleted; <u>underline</u> formatted text is to be added]:

## 5. Vacation Rentals:

<u>a.</u> As used in this section, the following definitions apply:

i. Third-Party Platform Entity means any person, service, business, company, marketplace, or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer vacation rentals to transient occupants, whether though the internet or other means.

ii. Responsible Party means the owner of the property and any person or entity authorized by the property owner to obtain all necessary licensing for a vacation rental and who will be responsible for ensuring compliance with all regulations related to vacation rentals. Further, the Responsible Party must be available to respond 24 hours per day, seven (7) days per week to any issue that arises related to the vacation rental.

- iii. Transient Occupant means any person who rents or occupies any dwelling unit or part thereof for less than 30 days or one calendar month, whichever is less, and any guest or invitee of such person.
- iv. Vacation Rental means any dwelling unit or residence, including, but not limited to, any single family or any unit or group of units in a condominium, cooperative, or apartment building, that is rented in whole or in part, to a transient occupant, which is advertised or held out to the public as a place that may be rented to a transient occupant, but shall not include a hotel, motel, or bed and breakfast as defined or referenced in the LDR. For the purpose of this section, Vacation Rental is synonymous with the term short-term residential rental.
- <u>Vacation Rentals shall comply with all requirements of the Code of Ordinance (CO) and the LDR pertaining to the applicable zoning district, along with the following general standards for operation of a Vacation Rental:</u>
  - i. The Responsible Party shall maintain a register with the names and dates of stay of all guests, including but not limited to, all transient occupants and their invitees.
  - ii. Maximum occupancy for Vacation Rentals shall be limited to two (2) persons per bedroom, excluding children under the age of three (3), for overnight use. At all other times, the maximum occupancy for vacation rentals shall not exceed the maximum overnight occupancy of the rental, plus four (4), excluding children under the age of three (3). For the purpose of this section "overnight" means 11:00 p.m. until 6:00 a.m. the following day.
  - Overnight parking for Vacation Rentals shall be limited to, not including vehicles fully parked in garages, one (1) vehicle per bedroom, with a maximum of four (4) vehicles. Vacation Rentals with more than four (4) bedrooms and on a parcel which is one (1) acre in size or greater may park one (1) additional vehicle for each bedroom greater than four (4). Notwithstanding the maximums above, the maximum overnight parking is further limited to the number of vehicles that can be properly parked on a driveway, parking apron, or designated hard surfaced parking area. Vehicle parking which is not in a garage, on a driveway/parking apron, or in a designated parking area is prohibited.

- iv. The Responsible Party for all Vacation Rental properties is required to conduct a nationwide search to confirm that the prospective Transient Occupant(s) is/are not a registered sexual offender or sexual predator as a result of a conviction of a sexual offense. The Department of Justice offers a free search for all states on the National Sex Offender Public Website. Further, if a Vacation Rental property is located within 2,500 feet of a school, school bus stop, or park, it is a violation of Wellington's CO to allow any person to establish a temporary, permanent, or transient residence with knowledge that such person is a registered sexual offender or registered sexual predator in any jurisdiction.
- v. The Responsible Party and all Transient Occupants shall abide by all applicable state and local public nuisance regulations, including but not limited to, regulations that prohibit any place or premise from being used as the site for the unlawful sale or delivery of controlled substances, prostitution, youth and street gang activity, gambling, illegal sale or consumption of alcoholic beverages, or lewd or lascivious behavior that adversely affects the public health, safety, and welfare.
- vi. If the Responsible Party permits Transient Occupants to have pets at the vacation rental, such pets shall, at all times, be secured within the property lines or on a leash, but shall not be tethered. Continual nuisance barking by pets is prohibited.
- vii. All swimming pools on-site must have in place at least one (1) pool safety feature listed in section 515.27, Florida Statutes, prior to the use of the property as a Vacation Rental.
- viii. The Responsible Party and all Transient Occupants must comply with all applicable local, state, and federal regulations, including but not limited to, applicable laws pertaining to anti-discrimination, disability, and fair housing.
- c. No property owner, Responsible Party, or Third-Party/Platform Entity shall offer a Vacation Rental, or allow any person to rent or occupy as a Vacation Rental, any property, in whole or in part, without first obtaining a Business Tax Receipt (BTR) from Wellington and Palm Beach County. The property

159		er and Responsible Party shall both be listed on the BTR application.
160		documentation required by the Florida Department of Business and
161		fessional Regulation shall be provided with the BTR application.
162	<u>Add</u>	litionally, the applicant must submit the Vacation Rental Affidavit, which
163	<u>sha</u> l	Il contain:
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165	<u>i.</u>	Address of the Vacation Rental;
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167 168	<u>ii.</u>	Name, address, phone number and email of the property owner;
169	iii.	Name, address, phone number and email of the Responsible Party;
170	-	
171	iv.	Name and contact information for the Third-Party/Platform Entity or
172		Entities on which the Vacation Rental is, or will be, listed:
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174	 <u>V.</u>	Statement that the Responsible Party is, or will be, remitting all
175		applicable County business tax and tourist taxes as required by the
176		County and State. If the Third-Party/Platform Entity will be remitting all
177		such taxes associated with the Vacation Rental on behalf of the
178		Responsible Party, then the applicant must disclose this as part of the
179		affidavit;
180		<u>amacviii</u>
181	vi.	Statement that the Responsible Party has the permission of the
182		property owner and authority to offer the property as a Vacation Rental
183		and act as the Responsible Person;
184		and det de the Hoopertoisie Forocit,
185	vii.	Number of rooms and occupancy of the dwelling unit that will be used
186	<u> </u>	for a Vacation Rental;
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188	viii.	Statement acknowledging that the Vacation Rental must be registered
189		with the Florida Department of Revenue, or successor agency, for the
190		purposes of collecting and remitting applicable state taxes and all such
191		state taxes have been, or will be, paid;
192		State taxes have seen, or win so, para,
193	ix.	Statement acknowledging that the property is, and will at all times
194		during which it is used as a Vacation Rental, be in compliance with the
195		Vacation Rental standards set forth in this section, along with all other
196		applicable CO and LDR regulations;
197		

198	<u>X.</u>	Acknowledge and provide a copy of the consent from any governing
199		homeowners association, condominium association, or property
200		owners association with the BTR application;
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202	<u>xi.</u>	Statement acknowledging the Responsible Party will comply at al
203		times with the sexual offender/predator regulations for Vacation
204		Rentals; and
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206	<u>xii.</u>	Statement that all safety measures and features for swimming pools
207		are, and will be at all times, maintained in compliance with the Vacation
208		Rental regulations;
209		
210	<u>d.</u> The	property owner, Responsible Party and Third-Party/Platform Entity
211		mation shall be maintained regularly. When there are changes,
212		ication must be submitted to Wellington's Business Tax Official within
213		alendar days of the changes.
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215	e. All d	ocumentation must be readily available for inspection by Wellington at
216		time.
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218	SECTION 3	3. Should any section, paragraph, sentence, clause, or phrase of this
219		with any section, paragraph, clause or phrase of any prior Wellington
220		ution, or Municipal Code provision, then in that event the provisions of
221		all prevail to the extent of such conflict.
222		
223	SECTION 4	1. Should any section, paragraph, sentence, clause, or phrase of this
224		lared by a court of competent jurisdiction to be invalid, such decision
225		e validity of this Ordinance as a whole or any portion or part thereof,
226		t so declared to be invalid.
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232		[This section intentionally left blank.]
233		<u>,                                    </u>

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236 237 238	SECTION 5. This Ordinance shall become effective in the Wellington Council following second reading.	mmediately	upon adoption by
239 240	PASSED this 11th day of August, 2020, upon first read	ing.	
241	PASSED AND ADOPTED this 25th day of August, 2020	), on second	and final reading.
242 243	WELLINGTON		
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245		FOR	AGAINST
246	BY: My Glowis		
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247	Anne Gerwig, Mayor		
248	Thomas S. K.		
249	- Verige Solver		/
250	Tanya Siskind, Vice Mayor	_ /	
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253	Jehn McGovern, Councilman		
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256	Michael Drahos, Councilman		
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259	Michael Napoleone, Councilman		
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261 262	ATTECT.		
263	ATTEST:		
264	1001		
265	BY: Charles ). Harris		
266	Chevelle Addie, Clerk		
267			
268	ADDDOVED 40 TO TOTAL		
269	APPROVED AS TO FORM AND		
270	LEGAL SUFFICIENCY		
271	Janie Calm		
272	Digitally signed by: Laurie Cohen		
273	BY: Date: 2020 09.10 11:00:58 -04'00'		
274	Laurie Cohen, Village Attorney		

Ordinance No. 2020-11: Exhibit A - Use Regulation Schedule

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