

ORDINANCE 2020-11

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

41       **WHEREAS**, the Planning, Zoning and Adjustment Board, acting as the Local  
42 Planning Agency, after notice and public hearing on July 8, 2020, recommended approval  
43 of the Zoning Text Amendment with a 5-0 vote; and  
44

45       **WHEREAS**, the Council has taken the recommendations from the Planning,  
46 Zoning and Adjustment Board, Wellington staff and the comments from the public into  
47 consideration in adopting the amendments to the Land Development Regulations that are  
48 the subject of this ordinance.  
49

50       **NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,**  
51 **FLORIDA THAT:**  
52

53       **SECTION 1:** Table 6.2-1: Use Regulations Schedule (Exhibit A) of the LDR is  
54 hereby amended as follows [~~strike-through~~ formatted text is to be deleted; underline  
55 formatted text is to be added].  
56

57       **SECTION 2:** Sec.6.2.2.A.5 hereby creates supplementary regulations for vacation  
58 rentals as follows [~~strike-through~~ formatted text is to be deleted; underline formatted text  
59 is to be added]:  
60

61       5. Vacation Rentals:  
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63       a. As used in this section, the following definitions apply:  
64

65       i. Third-Party Platform Entity means any person, service, business,  
66 company, marketplace, or other entity that, for a fee or other  
67 consideration, provides property owners and responsible parties a  
68 platform or means to offer vacation rentals to transient occupants,  
69 whether through the internet or other means.  
70

71       ii. Responsible Party means the owner of the property and any person or  
72 entity authorized by the property owner to obtain all necessary  
73 licensing for a vacation rental and who will be responsible for ensuring  
74 compliance with all regulations related to vacation rentals. Further, the  
75 Responsible Party must be available to respond 24 hours per day,  
76 seven (7) days per week to any issue that arises related to the vacation  
77 rental.  
78

79                   iii.   Transient Occupant means any person who rents or occupies any  
80                   dwelling unit or part thereof for less than 30 days or one calendar  
81                   month, whichever is less, and any guest or invitee of such person.

82  
83                   iv.   Vacation Rental means any dwelling unit or residence, including, but  
84                   not limited to, any single family or any unit or group of units in a  
85                   condominium, cooperative, or apartment building, that is rented in  
86                   whole or in part, to a transient occupant, which is advertised or held  
87                   out to the public as a place that may be rented to a transient occupant,  
88                   but shall not include a hotel, motel, or bed and breakfast as defined or  
89                   referenced in the LDR. For the purpose of this section, Vacation Rental  
90                   is synonymous with the term short-term residential rental.

91  
92                   b.   Vacation Rentals shall comply with all requirements of the Code of  
93                   Ordinance (CO) and the LDR pertaining to the applicable zoning district,  
94                   along with the following general standards for operation of a Vacation  
95                   Rental:

96  
97                   i.   The Responsible Party shall maintain a register with the names and  
98                   dates of stay of all guests, including but not limited to, all transient  
99                   occupants and their invitees.

100  
101                   ii.   Maximum occupancy for Vacation Rentals shall be limited to two (2)  
102                   persons per bedroom, excluding children under the age of three (3),  
103                   for overnight use. At all other times, the maximum occupancy for  
104                   vacation rentals shall not exceed the maximum overnight occupancy  
105                   of the rental, plus four (4), excluding children under the age of three  
106                   (3). For the purpose of this section "overnight" means 11:00 p.m. until  
107                   6:00 a.m. the following day.

108  
109                   iii.   Overnight parking for Vacation Rentals shall be limited to, not including  
110                   vehicles fully parked in garages, one (1) vehicle per bedroom, with a  
111                   maximum of four (4) vehicles. Vacation Rentals with more than four  
112                   (4) bedrooms and on a parcel which is one (1) acre in size or greater  
113                   may park one (1) additional vehicle for each bedroom greater than four  
114                   (4). Notwithstanding the maximums above, the maximum overnight  
115                   parking is further limited to the number of vehicles that can be properly  
116                   parked on a driveway, parking apron, or designated hard surfaced  
117                   parking area. Vehicle parking which is not in a garage, on a  
118                   driveway/parking apron, or in a designated parking area is prohibited.

- 119
- 120        iv. The Responsible Party for all Vacation Rental properties is required to
- 121        conduct a nationwide search to confirm that the prospective Transient
- 122        Occupant(s) is/are not a registered sexual offender or sexual predator
- 123        as a result of a conviction of a sexual offense. The Department of
- 124        Justice offers a free search for all states on the National Sex Offender
- 125        Public Website. Further, if a Vacation Rental property is located within
- 126        2,500 feet of a school, school bus stop, or park, it is a violation of
- 127        Wellington's CO to allow any person to establish a temporary,
- 128        permanent, or transient residence with knowledge that such person is
- 129        a registered sexual offender or registered sexual predator in any
- 130        jurisdiction.
- 131
- 132        v. The Responsible Party and all Transient Occupants shall abide by all
- 133        applicable state and local public nuisance regulations, including but
- 134        not limited to, regulations that prohibit any place or premise from being
- 135        used as the site for the unlawful sale or delivery of controlled
- 136        substances, prostitution, youth and street gang activity, gambling,
- 137        illegal sale or consumption of alcoholic beverages, or lewd or
- 138        lascivious behavior that adversely affects the public health, safety, and
- 139        welfare.
- 140
- 141        vi. If the Responsible Party permits Transient Occupants to have pets at
- 142        the vacation rental, such pets shall, at all times, be secured within the
- 143        property lines or on a leash, but shall not be tethered. Continual
- 144        nuisance barking by pets is prohibited.
- 145
- 146        vii. All swimming pools on-site must have in place at least one (1) pool
- 147        safety feature listed in section 515.27, Florida Statutes, prior to the use
- 148        of the property as a Vacation Rental.
- 149
- 150        viii. The Responsible Party and all Transient Occupants must comply with
- 151        all applicable local, state, and federal regulations, including but not
- 152        limited to, applicable laws pertaining to anti-discrimination, disability,
- 153        and fair housing.
- 154
- 155        c. No property owner, Responsible Party, or Third-Party/Platform Entity shall
- 156        offer a Vacation Rental, or allow any person to rent or occupy as a Vacation
- 157        Rental, any property, in whole or in part, without first obtaining a Business
- 158        Tax Receipt (BTR) from Wellington and Palm Beach County. The property

owner and Responsible Party shall both be listed on the BTR application.  
All documentation required by the Florida Department of Business and  
Professional Regulation shall be provided with the BTR application.  
Additionally, the applicant must submit the Vacation Rental Affidavit, which  
shall contain:

- i. Address of the Vacation Rental;
- ii. Name, address, phone number and email of the property owner;
- iii. Name, address, phone number and email of the Responsible Party;
- iv. Name and contact information for the Third-Party/Platform Entity or  
Entities on which the Vacation Rental is, or will be, listed;
- v. Statement that the Responsible Party is, or will be, remitting all  
applicable County business tax and tourist taxes as required by the  
County and State. If the Third-Party/Platform Entity will be remitting all  
such taxes associated with the Vacation Rental on behalf of the  
Responsible Party, then the applicant must disclose this as part of the  
affidavit;
- vi. Statement that the Responsible Party has the permission of the  
property owner and authority to offer the property as a Vacation Rental  
and act as the Responsible Person;
- vii. Number of rooms and occupancy of the dwelling unit that will be used  
for a Vacation Rental;
- viii. Statement acknowledging that the Vacation Rental must be registered  
with the Florida Department of Revenue, or successor agency, for the  
purposes of collecting and remitting applicable state taxes and all such  
state taxes have been, or will be, paid;
- ix. Statement acknowledging that the property is, and will at all times  
during which it is used as a Vacation Rental, be in compliance with the  
Vacation Rental standards set forth in this section, along with all other  
applicable CO and LDR regulations;

198           x.   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;

201  
202           xi.   Statement acknowledging the Responsible Party will comply at all  
203               times with the sexual offender/predator regulations for Vacation  
204               Rentals; and

205  
206           xii.   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           d.   The property owner, Responsible Party and Third-Party/Platform Entity  
211               information shall be maintained regularly. When there are changes,  
212               notification must be submitted to Wellington's Business Tax Official within  
213               15 calendar days of the changes.

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215           e.   All documentation must be readily available for inspection by Wellington at  
216               any time.

217  
218           **SECTION 3.** Should any section, paragraph, sentence, clause, or phrase of this  
219 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington  
220 Ordinance, Resolution, or Municipal Code provision, then in that event the provisions of  
221 this Ordinance shall prevail to the extent of such conflict.  
222

223           **SECTION 4.** Should any section, paragraph, sentence, clause, or phrase of this  
224 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision  
225 shall not affect the validity of this Ordinance as a whole or any portion or part thereof,  
226 other than the part so declared to be invalid.  
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232                               [This section intentionally left blank.]  
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**SECTION 5.** This Ordinance shall become effective immediately upon adoption by the Wellington Council following second reading.

**PASSED** this 11<sup>th</sup> day of August, 2020, upon first reading.

**PASSED AND ADOPTED** this 25<sup>th</sup> day of August, 2020, on second and final reading.

**WELLINGTON**

	FOR	AGAINST
BY: <u>Anne Gerwig</u> Anne Gerwig, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Tanya Siskind</u> Tanya Siskind, Vice Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>John T. McGovern</u> John McGovern, Councilman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Michael Drahos</u> Michael Drahos, Councilman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Michael Napoleone</u> Michael Napoleone, Councilman	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**ATTEST:**

BY: Chevelle Addie  
Chevelle Addie, Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: Laurie Cohen  
Digitally signed by: Laurie Cohen  
DN: CN = Laurie Cohen email = lcohen@wellingtonfl.gov, C = US, O = Village of Wellington OU = Village Attorney  
Date: 2020.09.10 11:00:56 -0400  
Laurie Cohen, Village Attorney

**Table 6.2-1: Use Regulation Schedule**

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