

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

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

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

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

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59 5. Vacation Rentals:

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61 a. As used in this section, the following definitions apply:

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

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

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

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

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b. General standards for operation of a Vacation Rental:

- 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, plus two (2) additional persons per property, excluding children under the age of five (5), 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 five (5). For the purpose of this section "overnight" means 11:00 p.m. until 6:00 a.m. the following day.

- iii. In any area designated as single family or multi-family (up to four attached units), the Responsible Party shall reside on the property for more than six (6) months per calendar year. Nothing in the section shall preclude the rental of the property at the same time that the responsible party is residing there. The requirements for the Responsible Party to reside on-site shall not apply to vacation rentals located within any residential district with more than four (4) dwelling units per building.

- iv. Solid waste containers sufficient to handle the maximum occupancy permitted shall be maintained in accordance with the Code of Ordinances (CO) and LDR. This includes screening and collection times.

- v. Signs are allowed to the extent permitted by the regulations in the LDR applicable to the relevant zoning district. Any advertisements or signs pertaining to Vacation Rentals that do not comply with the regulations of the sign code will be considered a violation of this LDR.

- vi. If a Vacation Rental property is located within 2,500 feet of a school, it is a violation of Wellington's CO to allow any person to occupy the property with knowledge that such person is a registered sexual offender or registered sexual predator in any jurisdiction. The Responsible Party is required to conduct a nationwide search to confirm that the prospective Transient Occupant(s) is 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.

- vii. All parking must comply with Article 7 of the LDR based on use or district. In addition, all vehicles associated with the Vacation Rental, whether in the possession or control of the property owner, Responsible Party, or Transient

132 Occupant, shall only be parked within a driveway or in a designated parking
133 area.

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135 viii. The Responsible Party and all Transient Occupants shall abide by all
136 applicable state and local public nuisance regulations, including but not
137 limited to, regulations that prohibit any place or premise from being used as
138 the site for the unlawful sale or delivery of controlled substances, prostitution,
139 youth and street gang activity, gambling, illegal sale or consumption of
140 alcoholic beverages, or lewd or lascivious behavior that adversely affects the
141 public health, safety, and welfare.

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143 ix. If the Responsible Party permits Transient Occupants to have pets at the
144 vacation rental, such pets shall, at all times, be secured within the property
145 lines or on a leash, but shall not be tethered. Continual nuisance barking by
146 pets is prohibited.

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148 x. All swimming pools on-site must have in place at least one (1) pool safety
149 feature listed in section 515.27, Florida Statutes, prior to the use of the
150 property as a Vacation Rental.

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152 xi. The Responsible Party and all Transient Occupants must comply with all
153 applicable local, state, and federal regulations, including but not limited to,
154 applicable laws pertaining to anti-discrimination, disability, and fair housing.

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156 c. No property owner, Responsible Party, or Third-Party/Platform Entity shall offer a
157 Vacation Rental, or allow any person to rent or occupy as a Vacation Rental, any
158 property, in whole or in part, without first obtaining a Business Tax Receipt (BTR)
159 from Wellington and Palm Beach County. The property owner and Responsible
160 Party shall both be listed on the BTR application. All documentation required by
161 the Florida Department of Business and Professional Regulation shall be provided
162 with the BTR application. Additionally, the applicant must submit the vacation
163 rental affidavit, which shall contain:

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165 i. Address of the Vacation Rental;

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167 ii. Name, address, phone number and email of the property owner;

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169 iii. Name, address, phone number and email of the Responsible Party;

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171 iv. Name and contact information for the Third-Party/Platform Entity or entities
172 on which the Vacation Rental is, or will be, listed;

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174 v. Statement that the Responsible Party is, or will be, remitting all applicable
175 County business tax and tourist taxes as required by the County and State.

176 If the Third-Party/Platform Entity will be remitting all such taxes associated
177 with the Vacation Rental on behalf of the Responsible Party, then the
178 applicant must disclose this as part of the affidavit;

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180 vi. Statement that the Responsible Party has the permission of the property
181 owner and authority to offer the property as a Vacation Rental and act as the
182 Responsible Person;

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184 vii. Number of rooms and occupancy of the dwelling unit that will be used for a
185 Vacation Rental;

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187 viii. Statement acknowledging that the Vacation Rental must be registered with
188 the Florida Department of Revenue, or successor agency, for the purposes
189 of collecting and remitting applicable state taxes and all such state taxes
190 have been, or will be, paid;

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192 ix. Statement acknowledging that the property is, and will at all times during
193 which it is used as a Vacation Rental, be in compliance with the Vacation
194 Rental standards set forth in this section;

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196 x. Acknowledge and provide a copy of the consent from any governing
197 homeowners association, condominium association, or property owners
198 association with the BTR application;

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

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203 xii. Statement that all safety measures and features for swimming pools are, and
204 will be at all times, maintained in compliance with the Vacation Rental
205 regulations;

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207 d. The property owner, Responsible Party and Third-Party/Platform Entity information
208 shall be maintained regularly. When there are changes, notification must be
209 submitted to Wellington's Business Tax Official within 15 calendar days of the
210 changes.

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212 e. All documentation must be readily available for inspection by Wellington at any
213 time. Any violation of the Vacation Rental regulations may result in a citation by
214 Code Compliance.

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

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SECTION 4. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

SECTION 5. This Ordinance shall become effective immediately upon adoption by the Wellington Council following second reading.

(The remainder of this page left intentionally blank)

262 **PASSED** this ____ day of _____, 2020, upon first reading.

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264 **PASSED AND ADOPTED** this ____ day of _____ 2020, on second and final reading.

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266 **WELLINGTON**

267 **FOR** **AGAINST**

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269 BY: _____

270 Anne Gerwig, Mayor

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272 _____

273 Tanya Siskind, Vice Mayor

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276 John McGovern, Councilman

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278 _____

279 Michael Drahos, Councilman

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282 Michael Napoleone, Councilman

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284 **ATTEST:**

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288 BY: _____

289 Chevelle Addie, Clerk

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292 **APPROVED AS TO FORM AND**
293 **LEGAL SUFFICIENCY**

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296 BY: _____

297 Laurie Cohen, Village Attorney