

Vacation Rental Zoning Text Amendment

STAFF REPORT

Petition No: 2023-0003-ZTA
Ordinance No: 2023-13
Applicant: Village of Wellington

Request:
To amend Article 6 of Wellington's Land Development Regulations (LDR) by amending Vacation Rentals in Table 6.2-1: Use Regulations Schedule as a Special Use, amending Sections 6.2.2.A by amending supplementary regulations for vacation rentals and creating suspension and revocation provisions.

Boards, Committees, and Council:

	Date	Vote
PZAB	9/28/2023	5-1; Herman dissenting
Council (1 st)	11/7/2023	Approved
Council (2 nd)	12/5/2023	Pending

Wellington Vision:

A Great Hometown: Great Neighborhoods, Great Schools, and Great Parks.

Wellington Mission:

To provide high-quality services that create economic, environmental, and social sustainability for residents.

Wellington Goals:

- Economic Development
- Neighborhood Renaissance
- Protecting Our Investment
- Respecting the Environment
- Responsive Government

Project Manager:

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Background:

Vacation or short-term rentals continue to increase in popularity. In response to the increasing numbers of vacation rentals in Wellington and some of the associated issues that were being reported, Wellington adopted Ordinance No. 2020-11. This Ordinance established supplemental regulations for vacation rentals. The popularity of vacation rentals in Wellington continues to increase and so have the impacts to adjacent property owners and neighborhoods. The increase in impacts prompted the Village Council to direct the drafting of additional standards and enforcement provisions for consideration.

Analysis:

For vacation rentals in Wellington, the recent issues impacting adjacent properties and neighborhoods include parking, maximum occupancy, and the limitations of code compliance to enforce the supplemental standards. As the use is currently permitted, the only requirement of the vacation rental is to comply with the supplemental regulations and obtain a business tax receipt. Wellington does not have the authority to revoke a business tax based upon non-compliance with a vacation rental standard. In addition, with respect to the compliance process, once a property is no longer in violation of a standard, the property is considered in compliance and no additional actions are taken.

The proposed changes to the Vacation Rental supplementary regulations attempts to address these issues. One proposed change is to require a special use permit instead of listing it as a permitted use in the LDR. This is in addition to a business tax receipt for a vacation rental. In conjunction with the requirement for a special use permit are provisions for penalties, suspension, and revocation associated with the permit. The supplemental regulations are also revised to update the definition consistent with Florida Statutes and clarify parking standards.

Summary:

The Florida Statutes (509.032(7)(b)) preempts Wellington from regulating the length of stay of a rental, including vacation rentals. The proposed changes to revise the supplementary regulations are not preempted. Wellington is revising the supplementary regulations to establish a set of regulations that allow for the operation of a vacation rental but in such a way that it does not negatively impact the quality of life of adjacent residents or disturb a neighborhood. The regulations will further the ability to enforce standards by Wellington and by PBSO. Several neighboring communities have taken a similar approach as this issue is not limited to Wellington. The proposed amendment will essentially add steps to the approval process prior to being eligible for a BTR. It also allows for greater enforcement and the ability to suspend/revoke the approval to operate a vacation rental in Wellington.

The Planning, Zoning and Adjustment Board recommended approval (5-1; Herman dissenting) of Ordinance No. 2023-13 to amend Wellington's LDR related to vacation rentals.

Following the 1st Reading of the Ordinance, representatives from Airbnb met with Wellington staff to review the proposed amendment and request changes. The requested changes are based upon their experiences with other communities throughout Florida. The requested changes that have been incorporated into the proposed amendments include:

- Referring to the vacation renters and their party as "Guests" rather than "transient occupants" to ensure that the property owner has the respective rights of the unit as compared to a regular rental; *Residents impacted by vacation rentals have requested to maintain the reference to transient occupants.*
- Allowing a Third-Party Platform Entity to satisfy the requirement of the guest searches as this is offered by some platforms;
- Allowing individual sleeping rooms to be offered for rent as long as the unit is the primary residence of the property owner; *Residents impacted by vacation rentals have requested to only permit whole unit rentals.*
- Requiring training and certification in Human Trafficking prevention;
- Requiring the Responsible Party to maintain non-invasive monitoring systems for noise and wi-fi use;
- Requiring proof of licenses and registration with the Department of Business and Professional Regulation and Florida Department of Revenue.

Several requested changes that were not incorporated into the proposed amendments include:

- Changing reference to "short-term rentals" versus "vacation rentals";
- Elimination of the parking restrictions;
- Not requiring special use permit, but only business tax receipt;
- Modifying the revocation section to not revoke but refer a complaint to the Florida Department of Business and Professional Regulation (DBPR) to have the license revoked for all properties owned, or operated, in Wellington and suspension of BTR.

Exhibit A illustrates the proposed changes to the LDR, with formatting of text to be deleted in ~~strike through~~ format, new text in underline format and text/requirements required to be included per F.S. in *italic underline* format. Highlighted text illustrates changes from first and second readings.