1	ORDINANCE 2020-11		
2			
3	AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL,		
4	MODIFYING ARTICLE 6 OF THE LAND DEVELOPMENT		
5	REGULATIONS RELATED TO VACATION RENTALS BY ADDING		
6	VACATION RENTALS TO TABLE 6.2-1: USE REGULATIONS		
7	SCHEDULE; AMENDING SEC.6.2.2.A BY CREATING		
8	SUPPLEMENTARY REGULATIONS FOR VACATION RENTALS;		
9	PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY		
10	CLAUSE; AND PROVIDING AN EFFECTIVE DATE.		
11	,		
12	WHEREAS, Chapter 509, Florida Statutes, established certain regulations for lodging		
13	establishments, including vacation rentals and transient lodging; and		
14			
15	WHEREAS, Florida Statutes provide definitions, including but not limited to, vacation		
16	rental, transient lodging, and third-party rental platforms; and		
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18	WHEREAS, third-party online platforms have made Vacation Rentals easily available to		
19	the general public; and		
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21	WHEREAS, Section 509.032, Florida Statutes, restricts local governments from enacting		
22	regulations that prohibit Vacation Rentals and regulating the duration or frequency of rentals, but		
23	allows local governments to enact new regulations governing Vacation Rentals that do not pertain		
24	to duration or frequency; and		
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26	WHEREAS, Wellington has determined that regulations that comply with the Florida		
27	Statutes are appropriate in the Land Development Regulations (LDR) to address occupancy,		
28	licensing, residency requirements, sexual offenders/predators, swimming pool safety, compliance		
29 20	with trash, noise, public nuisance, parking, advertising, pet rules, property association approval		
30 31	(if applicable), and to ensure the health, safety, and welfare of the community; and		
32	WHEREAS, these regulations are designed to protect the character of the residential		
33	neighborhoods and provide the public the opportunity to offer and use Vacation Rentals in a		
34	manner that is consistent with state and local regulations; and		
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36	WHEREAS, the Wellington Council, as the governing body, pursuant to the authority		
37	vested in it by Chapters 163, 166 and 177 of the Florida Statutes, is authorized and empowered		
38	to consider changes to its Land Development Regulations (LDR); and		
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40	WHEREAS, the Planning, Zoning and Adjustment Board, acting as the Local Planning		
41	Agency, after notice and public hearing on July 8, 2020, recommended approval of the Zoning		
42	Text Amendment with a 5-0 vote; and		
43			

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 ar	nendments to the Land Development Regulations that are the subject of this	
47	ordinance.		
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49	NOW TH	IEREFORE BE IT ORDAINED BY THE COUNCIL OF WELLINGTON, FLORIDA	
50	THAT:		
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52	SECTIO	N1: Table 6.2-1: Use Regulations Schedule (Exhibit A) of the LDR is hereby	
53	amended as fol	lows [strike-through formatted text is to be deleted; underline formatted text is to	
54	be added].	· · · ·	
55	-		
56	SECTIO	N 2: Sec.6.2.2.A.5 hereby creates supplementary regulations for vacation rentals	
57		e-through formatted text is to be deleted; underline formatted text is to be added]:	
58	L	5 · · · · · · · · · · · · · · · · · · ·	
59	5. Vacat	ion Rentals:	
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61	<u>a.</u>	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 though the internet or other	
67		means.	
68			
69	ii	. <u>Responsible Party means the owner of the property and any person or entity</u>	
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	<u></u>	unit or part thereof for less than 30 days or one calendar month, whichever	
78		is less, and any guest or invitee of such person.	
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80	<u>iv</u>	. Vacation Rental means any dwelling unit or residence, including, but not	
81	<u> </u>	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.	

By b. General standards for operation of a Vacation Rental: 90 i. The Responsible Party shall maintain a register with the names and dates of stay of all quests, including but not limited to, all transient occupants and their invitees. 94 iii. 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. 103 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 vear. Nothing in the section shall preclude the rental of the property at the same time that the responsible party is residen the rental of the property at the same time that the responsible party is residen the four (4) evacation rentals located within any residential district with more than four (4) dwelling units per building. 111 iv. Solid waste containers sufficient to handle the maximum occupancy permitted shall be provided and maintained in accordance with the Code of Ordinances (CO) and LDR. This includes screening and collecton times, the sign code will be considered a violation of the LDR. 113 v. Signs are allowed to the extent permitted by the regulations of the sign code will be considered a violation of the LDR. <	88			
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129person is a registered sexual offender or registered sexual predator in any130jurisdiction.	127		Statute sections 775.21 and 775.215, to allow any person to establish a	
130 jurisdiction.	128		temporary, permanent, or transient residence with knowledge that such	
	129		person is a registered sexual offender or registered sexual predator in any	
131			jurisdiction.	
101	131			

132	vii.	All parking must comply with Article 7 of the LDR based on the use or district.
132	<u>vii.</u>	In addition, all vehicles associated with the Vacation Rental, whether in the
133		possession or control of the property owner, Responsible Party, or Transient
134 135		Occupant, shall only be parked within a driveway or in a designated parking
135		
		area.
137	viii	The Responsible Porty and all Transiant Oppurants shall shide by all
138	<u>viii.</u>	The Responsible Party and all Transient Occupants shall abide by all
139		applicable state and local public nuisance regulations, including but not
140		limited to, regulations that prohibit any place or premise from being used as
141		the site for the unlawful sale or delivery of controlled substances, prostitution,
142		youth and street gang activity, gambling, illegal sale or consumption of
143		alcoholic beverages, or lewd or lascivious behavior that adversely affects the
144		public health, safety, and welfare.
145		
146	<u>ix.</u>	If the Responsible Party permits Transient Occupants to have pets at the
147		vacation rental, such pets shall, at all times, be secured within the property
148		lines or on a leash, but shall not be tethered. Continual nuisance barking by
149		pets is prohibited.
150		
151	<u>X.</u>	All swimming pools on-site must have in place at least one (1) pool safety
152		feature listed in section 515.27, Florida Statutes, prior to the use of the
153		property as a Vacation Rental.
154		
155	<u>xi.</u>	The Responsible Party and all Transient Occupants must comply with all
156		applicable local, state, and federal regulations, including but not limited to,
157		applicable laws pertaining to anti-discrimination, disability, and fair housing.
158		
159		property owner, Responsible Party, or Third-Party/Platform Entity shall offer a
160	Vac	cation Rental, or allow any person to rent or occupy as a Vacation Rental, any
161		perty, in whole or in part, without first obtaining a Business Tax Receipt (BTR)
162	<u>fror</u>	m Wellington and Palm Beach County. The property owner and Responsible
163	<u>Par</u>	ty shall both be listed on the BTR application. All documentation required by
164	<u>the</u>	Florida Department of Business and Professional Regulation shall be provided
165	with the BTR application. Additionally, the applicant must submit the Vacation	
166	<u>Rer</u>	ntal Affidavit, which shall contain:
167		
168	<u>i.</u>	Address of the Vacation Rental;
169		
170	<u>ii.</u>	Name, address, phone number and email of the property owner;
171		
172	<u>iii.</u>	Name, address, phone number and email of the Responsible Party;
173		
174	<u>iv.</u>	Name and contact information for the Third-Party/Platform Entity or Entities
175		on which the Vacation Rental is, or will be, listed;

176		
178	V	Statement that the Responsible Party is an will be remitting all applicable
	<u>V.</u>	Statement that the Responsible Party is, or will be, remitting all applicable
178		County business tax and tourist taxes as required by the County and State.
179		If the Third-Party/Platform Entity will be remitting all such taxes associated
180		with the Vacation Rental on behalf of the Responsible Party, then the
181		applicant must disclose this as part of the affidavit;
182		
183	<u>vi.</u>	Statement that the Responsible Party has the permission of the property
184		owner and authority to offer the property as a Vacation Rental and act as the
185		Responsible Person;
186		
187	<u>vii.</u>	Number of rooms and occupancy of the dwelling unit that will be used for a
188		Vacation Rental:
189		
190	<u>viii.</u>	Statement acknowledging that the Vacation Rental must be registered with
191		the Florida Department of Revenue, or successor agency, for the purposes
192		of collecting and remitting applicable state taxes and all such state taxes
193		have been, or will be, paid;
194		
195	<u>ix.</u>	Statement acknowledging that the property is, and will at all times during
196		which it is used as a Vacation Rental, be in compliance with the Vacation
197		Rental standards set forth in this section;
198		
199	<u>X.</u>	Acknowledge and provide a copy of the consent from any governing
200		homeowners association, condominium association, or property owners
201		association with the BTR application;
202		
203	<u>xi.</u>	Statement acknowledging the Responsible Party will comply at all times with
204		the sexual offender/predator regulations for Vacation Rentals; and
205		
206	<u>xii.</u>	Statement that all safety measures and features for swimming pools are, and
207		will be at all times, maintained in compliance with the Vacation Rental
208		regulations;
209		
210	d. The	property owner, Responsible Party and Third-Party/Platform Entity information
211		Il be maintained regularly. When there are changes, notification must be
212		mitted to Wellington's Business Tax Official within 15 calendar days of the
213		nges.
214	<u></u>	
215	e. All	documentation must be readily available for inspection by Wellington at any
216		e. Any violation of the Vacation Rental regulations may result in a citation by
217		de Compliance.
218	<u></u>	

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

224 **SECTION 4:** Should any section, paragraph, sentence, clause, or phrase of this 225 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not 226 affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part 227 so declared to be invalid.

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229 <u>SECTION 5:</u> This Ordinance shall become effective immediately upon adoption by the 230 Wellington Council following second reading.

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263	PASSED this day of	, 2020, upon first reading.
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265	PASSED AND ADOPTED this day of	2020, on second and final reading.
266		
267	WELLINGTON	
268		FOR AGAINST
269		
270	BY:	
271	Anne Gerwig, Mayor	
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273		
274	Tanya Siskind, Vice Mayor	
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276		
277	John McGovern, Councilman	
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280	Michael Drahos, Councilman	
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282		
283	Michael Napoleone, Councilman	
284		
285	ATTENT	
286 287	ATTEST:	
288 289	BY:	
	Chevelle Addie, Clerk	
290	Chevelle Addle, Clerk	
291		
292		
293 294	APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
294 295		
296	DV:	
297	BY: Laurie Cohen, Village Attorney	
298	Laune Conen, village Allomey	