

STAFF REPORT

Vacation Rentals

Ordinance No: 2020-11

Applicant: Village of Wellington

Request: A Text Amendment to modify Article 6 of the Land Development Regulations (LDR) by adding Vacation Rentals to Table 6.2-1, Use Regulation Schedule, and creating Supplementary Regulations for Vacation Rentals.

LDR Modifications:

- Table 6.2-1
- Sec. 6.2.2.A

Location/Area: This amendment will apply Village-wide.

Project Manager:

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Boards, Committees, and Council:

	Date	Vote
Other	----	----
EPC	----	----
PZAB	7/8/2020	5-0
Council (1 st)	8/11/2020	Pending
Council (2 nd)	8/25/2020	Pending

Background

Wellington adopted new Land Development Regulations in 2020. Article 6 of the LDR establishes the Zoning Districts and regulations to ensure that each use is compatible with the surrounding uses, served by adequate public facilities, sensitive to natural resources, and consistent with the Comprehensive Plan.

In recent years, there has been an increase in the number of residential properties rented as short-term or extended stay vacation rentals. Third-party online platforms have also made it easier for property owners to list their vacation rentals. Chapter 509 of the Florida Statutes (F.S.) includes regulations for vacation rentals, transient lodging, and third-party rental platforms. Section 509.032, F.S., restricts local governments from prohibiting vacation rentals and providing limitations on duration and frequency. However, local governments are permitted to regulate other aspects of vacation rentals to protect the neighborhood and ensure the health, safety, and welfare of the community.

Summary of Amendments

The proposed amendment is to identify “Vacation Rentals” in Table 6.2-1, which is the Use Regulation Schedule, and to add Supplementary Regulations for Vacations Rentals in Sec.6.2.2 of the LDR.

Vacation rentals are proposed to be permitted in all residential zoning districts and residential pods of planned developments. The Supplementary Regulations address the following:

- Occupancy;
- Residency requirements;
- Licensing, business tax and other tax requirements;
- Sexual offenders/predators;
- Swimming pool safety;
- Compliance with trash, noise, public nuisance, parking, advertising and pet rules; and
- Consent from any applicable property owners, homeowners, or condominium association.



The Supplementary Regulations provide definitions specific to Vacation Rentals. Additionally, a list of requirements and acknowledgments will be compiled into an affidavit that will be required when a Business Tax Receipt (BTR) for a Vacation Rental is applied for within Wellington.

Below is a summary of the proposed regulations presented in Ordinance No. 2020-11:

- Occupancy standards limiting the number of people permitted to stay at the Vacation Rental based on the number of bedrooms, and the number of permitted guests that are not staying overnight but visiting.
- Licensing regulations include registration with the Department of Revenue, Department of Business and Professional Regulations, and local and county BTRs.
- Residency regulations proposed that for all single family and multi-family (up to four (4) attached units) Vacation Rentals, the property owner or responsible party shall reside on property for a minimum of six (6) months of a calendar year. This does not preclude the property owner from operating the residence as a Vacation Rental while the responsible party is on-site.
- The property owner, or responsible party, shall keep a register of all guests and invitees including the date(s) of their stay. Guests need to be verified that they are not listed as a sexual offender/predator on a nation-wide database if the location is within 2,500 feet of a school, school bus stop, or park. All Vacation Rentals shall be required to verify if guests are registered sexual offenders/predators. The Department of Justice offers a free search on their website.
- If the Vacation Rental has a swimming pool, safety measures that comply with Section 515.27, F.S., shall be in place at the time of, and be maintained while, the property is operating as a Vacation Rental. The swimming pool must also comply with the Florida Building Code, which is not part of this request because it is mandated in other sections of the LDR.
- Vacation Rentals shall comply with Wellington's Code of Ordinances and LDR, including but not limited to, trash pick-up and storage, noise, parking, pet regulations, advertising, signage, public nuisance regulations and shall obtain approval/consent from any active homeowners association, condominium association, or property owners association, when applicable. Trash containers shall be sized and screened properly. Parking and signage shall meet the requirements of Article 7 of the LDR.

The Vacation Rental affidavit information provided to Wellington shall be kept up-to-date at all times. Any changes to the information must be submitted to Wellington within 15 calendar days of the change. Any violation of the regulations may result in code violations and could jeopardize the use of the property as a Vacation Rental if there are repeat violations.

Although Wellington does not determine applicable tax exemptions, as these are determined by the property appraiser, it is noteworthy that based on the operation and information provided to the tax collector, properties used as Vacation Rentals may not be eligible for a Homestead Exemption. Additionally, Vacation Rentals are required to pay the Tourist Taxes as prescribed by Palm Beach County.

Consistency with the LDR and Comprehensive Plan

The proposed amendments are internally consistent with the LDR. All sections of the LDR that apply to the residences or zoning district, if not operating as a Vacation Rental, are still in effect.

The proposed amendment is consistent with the Comprehensive Plan. Goal 1 of the Land Use Element, in summary, states Wellington's desire to protect the individual neighborhood character and density, as well as enhance community economic opportunities, discourage urban sprawl, and maintain aesthetically appealing neighborhoods. The proposed amendment furthers this goal in several ways. The density will not change based on the operation of the unit as a residence verses a Vacation Rental. The regulations proposed specifically for Vacation Rentals are to ensure the nature of the operation will not affect the character of the community. Allowing Vacation Rentals in developed and established neighborhoods discourages urban sprawl and creates community economic opportunities. As with any Vacation Rental, the aesthetic and functional maintenance of the property inside and out is in the best interest of the business.

Objective 1.5 of the Land Use Element encourages innovative planning and development, which includes but is not limited to, flexibility and an integration of uses. While the land use will remain the same the operation of a Vacation Rental will allow the integration of uses similar to allowing home-based businesses. The use, if in compliance with the supplementary standards, should not illustrate an increase of intensity as the unit is still residential and will not exceed the occupancy of the residential unit. If the proposed amendment is adopted it will comply with Policy 1.5.3, which states that regulations will be provided in the LDR to further Objective 1.5

Policy 1.5.7(7) of the Comprehensive Plan states it is Wellington's desire to foster neighborhood re-investment and redevelopment. As previously mentioned, in order for a Vacation Rental to be successful, investing and maintaining the property inside and out are vital. Additionally, adding the requirements to the LDR and the other state requirements, licensing and tax obligations will be instrumental elements in ensuring that the operation follows all guidelines of all agencies that have jurisdiction.

Planning and Zoning Division Recommendation

In recent years there have several complaints about public nuisances, noise, parking, parties, trash, etc. Upon investigation, Code Compliance has identified several of these complaints to be related to a short-term rental, primarily through a third-party platform. Florida Statutes do not allow the prohibition or limitation of duration or frequency on Vacation Rentals. Currently, Wellington does not have regulations in place to manage the third-party platforms and the LDR does not provide supplementary standards for short-term or Vacation Rentals. Wellington is able to create standards that will protect our neighborhoods and community as whole. Wellington's equestrian community and the seasonal transient component that results from the equestrian shows is another factor in the consideration of the subject regulations.

The Planning and Zoning Division recommends approval of Ordinance No. 2020-11 to modify Table 6.2-1, Use Regulations Schedule, and to add supplementary standards to Article 6 of the LDR related to Vacation Rentals.