

ORDINANCE NO. 2022-267

AMEND ZONING ORDINANCE – CHAPTER 114

WHEREAS, after a public hearing held on October 20, 2021, the Planning Commission recommended the proposed amendment of the Zoning Ordinance to the Dothan City Commission for consideration; and,

WHEREAS, the regulation of the location and use characteristics of short-term rental housing units is found to be in the public interest; and,

WHEREAS, following a public hearing and consideration of the proposed amendment at the September 6, 2022 City Commission meeting, the ordinance was tabled to allow for the commercial liability insurance requirement to be further evaluated; and,

WHEREAS, after evaluation, the commercial liability insurance requirement was removed and notice of this ordinance was re-advertised for a public hearing to be held on October 4, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Dothan, Alabama, as follows;

Section 1. That Article II. Definitions, Sec. 114-26; Article VIII. District Regulations, Sec. 114-131.4. Table of permitted commercial uses; and Article XI. Supplemental Regulations, Sec. 114-131.7. Short Term Rentals is hereby amended as follows:

ARTICLE II. DEFINITIONS

Sec. 114-26. Definitions.

Add:

Short-term Commercial Rental (STCR). A non-owner-occupied, residential rental where one room or the entire dwelling is rented for no more than 30 consecutive days for visitors.

Short-term Residential Rental (STRR). An owner-occupied, residential rental where one or more rooms of a single-family home, the main use of which is residential living, is rented for no more than 30 consecutive days for visitors.

ARTICLE VIII. DISTRICT REGULATIONS

Sec. 114-131.4. Table of permitted commercial uses.

The table of permitted commercial uses shall be amended to include the use “Short-term Commercial Rental (STCR)” within the A-C, R-1, R-2, R-3 and R-4 zoning districts as a special exception and uses permitted by right within the R-A and B-1 zoning districts.

Section 114-131.4 - TABLE OF PERMITTED COMMERCIAL USES (Cont'd)

Legend P = Permitted S = Special Exception Blank = Not Permitted	Residential Districts								Non-Residential District							
	Single-Family Districts				Multi-Family Districts		Manufactured Home Districts		Business Districts			Office/Institutional Districts			Manufacturing Districts	
	AC	R-1	R-2	R-3	R-4	R-A	MH-1	MH-2	B-1	B-2	B-3	O-1	O-2	O-3	L-1	H-1
Commercial Uses (Continued)																
Racetrack	S															
Restaurant, Carry-Out/Take-Out/Delivery									P	P	P	P	P			
Restaurant, Fast-Food									P	P						P
Restaurant, full service ¹									P	P	S	P	P			P
Retail, other ²									P	P	S	P	P			P
Retail, Indoor Sales Only									P	P	P	P	P			P
Self-Service Laundry									P	P	P					P
Self-Service (Mini) Storage										P						P
Shooting Range (indoor)									S	P						P
Shooting Range (outdoor)	S															S
Short-term Commercial Rental (STCR)	S	S	S	S	S	P			P							
Small Appliance Repair									P	P						P
Specialty Retail									P	P	P					P
Stadium/Arena/Convention Center	S								P	P		P	P			P
Taxi Dispatch, Excluding Garage									P	P	S					P
Telecommunications Tower	S								P	P	S	S				P
Temporary/Seasonal Use ³	P								P	P	S	P				P
Theater (Indoor)									P	P	S	P				
Theater (Outdoor)	S								S	S		S				
Title Loans, Payday Lender, Check Cashing (deferred presentment)												P				
Utility Trailer Sales or Rental ⁴									S	P						P
Wrecker Service																S
Zoo	S															P

¹ Full service restaurants with extended hours shall not be located adjacent to a residential district.
² Display areas for exterior merchandise shall be shown on the development plan.
³ With approved access and off street parking.

Sec. 114-131.7. Table of permitted medical and residential uses.

The Table of permitted medical and residential uses table shall be amended to include the use “Short-term Residential Rental (STRR)” as a use permitted by right in the A-C, R-1, R-2, R-3, R-4, R-A and B-1 zoning districts.

Section 114-131.7 - TABLE OF PERMITTED MEDICAL AND RESIDENTIAL USES

Legend P = Permitted S = Special Exception Blank = Not Permitted	Residential Districts								Non-Residential District							
	Single-Family Districts				Multi-Family Districts		Manufactured Home Districts		Business Districts			Office/Institutional Districts			Manufacturing Districts	
	AC	R-1	R-2	R-3	R-4	R-A	MH-1	MH-2	B-1	B-2	B-3	O-1	O-2	O-3	L-1	H-1
Medical Uses																
Animal Hospital/Veterinarian	P								p ⁴	p ⁴	p ⁴	p ⁴				P
Assisted Living Facility	S				S	S			P	P	S	S				
Detoxification Clinic									S	S		S				
Hospital									P	P		P				
Medical Office									P	P	P	P	P	S		
Medical or Scientific Lab									P	P	S	P	P	S		
Nonresidential Drug Treatment Facility									S	S		S				
Nursing Home	S				S	S			S	S		P				
Outpatient Clinic (including surgery)									P	P		P	P			
Rehabilitation Facility									P	P		P				
Residential Uses																
Apartments (8 or more units)						P			p ⁴	P	P					
Live/Work									P	P	P	P	P	P	P	P
Manufactured Single-Family Home	S	S	S	S	S	S	P	P								
Single-Family Dwelling	P	P	P	P	p ²	p ¹										
Short-term Residential Rental (STRR)	P	P	P	P	P	P										
Two-Family Dwelling					P											
Three-, Four-, Five-, Six-, Seven-Family Dwelling					P	p ³			p ¹							

¹ Existing single-family dwellings are permitted uses in the R-A District
² Single-family dwellings shall comply with R-3 dimensional regulations, except minimum living area.
³ In compliance with R-4 dimensional regulations.
⁴ Special Exception is required if non-medical boarding is included.
⁵ Any combination of multifamily buildings containing minimum of 8 units is allowed.
⁶ Any number of apartments permitted.

ARTICLE XI. SUPPLEMENTAL REGULATIONS

Add:

Sec. 114-188. Short Term Rentals

The intent of this ordinance is to regulate short-term residential rental (STRR) where an owner-occupied home may let a portion of their home or a short-term commercial rental (STCR) where a non-owner-occupied home is let to an individual or individuals desiring to occupy the entire home for the purpose of short-term habitation through a web-based service. A business license is required for every address approved for short-term rental prior to advertising, booking, or renting property. A business license is required whether the listing is a full or part-time listing.

(a) *Applicability for STRR.* The operation of a short-term residential rental STRR shall meet the following use characteristics:

- 1) A business license is required to operate each STRR. Only owner(s) of said property may file an application to obtain a business license and shall comply with all applicable City of Dothan Municipal Code requirements before a license is issued.

- 2) The property must be recorded as a homestead with the county in which the property is located, and only the person(s) shown on the property records may apply for a business license.
- 3) The STRR dwelling unit shall remain as a household living unit with housekeeping facilities in common.
- 4) The STRR must be accessory and secondary to the use of a dwelling unit for residential household living purposes.
- 5) The utilities shall be in the name of owner(s) of said property. There shall be no transferring of utilities to non-owners or to an LLC form of ownership.
- 6) An STRR shall not adversely affect the residential character of the neighborhood. Short-term rental shall not, for example, generate noise, vibration, glare, odors, create parking or maneuvering issues or other effects that unreasonably interfere with any person's quiet enjoyment of his or her residence.
- 7) One additional vehicle shall be allowed at the residence. Hosts shall collect information on the make, model and year of the guest vehicles and disclose that information on demand to city representatives.
- 8) Signs for lodging are prohibited on the short-term rental home. Marketing and advertising for short-term rentals shall be displayed only on electronic network sites.
- 9) Quiet time shall begin at 8:00 p.m. and shall continue until 7:00 a.m. It shall be unlawful for persons occupying a STRR to make, create or maintain any unreasonable, loud, disturbing, or unnecessary noise of such character, intensity, or duration as to be detrimental to life, health, comfort, or repose of any individual.
- 10) Only two guests per bedroom not including children under 12 may occupy the licensed premise.
- 11) Tents or accessory structures are prohibited and cannot be used for short-term rentals.
- 12) Approved Accessory Dwelling Units may be used by the STRR host in lieu of letting a portion of the main home.
- 13) The STRR dwelling unit shall meet all applicable City of Dothan Municipal Code requirements with no outstanding code violations before a business license is issued.
- 14) Any other restriction as may be considered appropriate by the administrative official for an STRR.
- 15) A host or contact person shall be made available in case of emergency in the owner's absence. Said contact shall be available 24/7 and respond within 1 hour. Guest's must be given their contact information at the time of check-in.
- 16) Hosts failing to follow these rules will be issued a Notice of Violation. More than two NOVs annually to any host may be received before a license is subject to revocation. The notice shall specify the violation, the correction needed and a time frame for compliance. Hosts failing to correct the violation shall be subject to license revocation by the City Commission.
- 17) Violation of any of these conditions may result in criminal prosecution as provided for in Section 1-4 of the City of Dothan Code of Ordinances and could result in revocation of the approval and associated business license in accordance with Chapter 18 Business Licenses of the City of Dothan Code of Ordinances.

(b) *Applicability for STCR.* The operation of a short-term commercial rental (STCR) shall comply with the following use characteristics:

- 1) A business license is required to operate each STCR and shall comply with all applicable City of Dothan Municipal Code requirements before a license is issued.
- 2) There are no outstanding violation notices of any kind associated with the property for which the application is made.
- 3) Only owner(s) of said property may file an application to obtain a business license.
- 4) Tents, recreational vehicles, accessory structures, boats, or travel trailers shall not be used for short-term commercial rentals.
- 5) An STCR within a single-family zoning district shall not be located on a parcel or lot that is within 250 feet of a parcel or lot on which another STCR is located.

- 6) A host or contact person shall be made available in case of emergency in the owner's absence. Said contact shall be available 24/7 and respond within 1 hour. The guest must be given their contact information at the time of check-in.
 - 7) Hosts shall collect information on the make, model and year of the guest vehicles and disclose that information on demand to city representatives.
 - 8) Applications for an STCR located within a single-family zoned district shall require a special exception approval by the board of zoning adjustment as outlined in this chapter.
 - 9) The restrictions listed below shall be conditions of approval and shall not be varied. However, the board of zoning adjustment may add additional conditions of approval should conditions warrant.
 - a) The special exception is valid only for the applicant, the short-term rental, and this location.
 - b) The special exception is void if a privilege license, issued by the City of Dothan, is not obtained within 90 days of approval and subsequently if the license is allowed to lapse.
 - c) The applicant shall obtain a five-pound ABC type fire extinguisher, type 2A10BC per National Fire Protection Association (NFPA) 10. Interconnected smoke alarms shall be located in the bedrooms and hallways adjacent to the bedrooms.
 - d) Quiet time shall begin at 8:00 p.m. and shall continue until 7:00 a.m. It shall be unlawful for persons occupying a STCR to make, create or maintain any unreasonable, loud, disturbing, or unnecessary noise of such character, intensity, or duration as to be detrimental to life, health, comfort, or repose of any individual.
 - e) Proof of coverage under a homeowner's property insurance policy.
 - f) Off-street parking shall be provided.
 - g) Only two guests per bedroom not including children under 12 may occupy the licensed premise.
 - h) In addition to the house occupants, the maximum number of people allowed to gather on the premises shall not exceed 1.5 times the maximum number of permitted occupants.
 - i) There shall be no signs or advertisements at the home, including on the mailbox.
 - j) Applicant is responsible for observing any private covenants which may impact the proposed short-term rental.
 - k) The STCR shall have no more adverse effect on the health, safety or comfort of persons living in the area and will be no more injurious, economically, or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.
 - l) Any other restriction as may be considered appropriate by the board of zoning adjustment for an STCR. However, the board shall not deny a special exception without documentation that the applicant has violated any ordinance of the municipality or any criminal law of the municipality or the State of Alabama or has acted deceptively and in bad faith.
 - 10) Hosts failing to follow these rules will be issued a Notice of Violation. Any host receiving more than two NOVs annually will be subject to license revocation. The notice shall specify the violation, the correction needed and a time frame for compliance. Hosts failing to correct the violation as notified shall be subject to license revocation by the City Commission.
 - 11) Violation of any of these conditions may result in criminal prosecution as provided for in Section 1-4 of the City of Dothan Code of Ordinances and could result in revocation of the approval and associated business license in accordance with Chapter 18 Business Licenses of the City of Dothan Code of Ordinances.
- (c) To renew a license the owner shall provide:
- 1) Proof of current property insurance, which may include declarations, information or summary pages from the policy that show the amount of the insurance policy and the coverages.
 - 2) Proof of payment of City of Dothan lodging taxes for the preceding year. If not tax paid, a copy of your zero reports filed.

3) Payment of business license tax.

(d) Advertisement

Host's advertisement of the STCR shall reflect the occupancy restrictions outlined in Section 114-188 (a)(10) and (b)(9)(h) above.

Secs. 114-189—114-206. - Reserved.

Section 2. STRR's and STCR's existing upon the adoption of these regulations shall not be legal nonconforming uses as defined in the Zoning Ordinance.

Section 3. Existing STRR and STCR hosts shall register the location of each rental unit along with proof of prior occupancy as an STR. The STR shall be registered within 90 days from the date of adoption of this ordinance. The host shall obtain a business license within 6 months from the date of adoption of this ordinance. If a license is granted, all performance measures contained in this ordinance shall apply. Failure to register and/or obtain a license shall invalidate any claim of prior use of the property as an STR.

Section 4. Existing STCR's located in a single-family district and within 250 ft. of another STCR may continue to operate provided they register and obtain a license. Back taxes are not required to be paid before obtaining a license.

Section 5. That the City Clerk of the City of Dothan is hereby ordered and directed to cause this ordinance to be published.

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

PASSED, ADOPTED, AND APPROVED ON OCTOBER 4, 2022.

ATTEST:

Wendy Shiver
City Clerk

[Signature]
Mayor

[Signature]
Associate Commissioner District 1

Associate Commissioner District 2

[Signature]
Associate Commissioner District 3

[Signature]
Associate Commissioner District 4

[Signature]
Associate Commissioner District 5

[Signature]
Associate Commissioner District 6

BOARD OF CITY COMMISSIONERS

I hereby certify that advance notice of this ordinance was published in accordance with law in THE DOTHAN EAGLE, a newspaper of general circulation in the City of Dothan, Alabama, and following adoption, the ordinance was published on October 7, 2022.

Wendy Shiver
Wendy Shiver
City Clerk