

**ORDINANCE NO. 2018-1282**

**AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 172,  
CITY OF ORANGE BEACH ZONING ORDINANCE, SECTIONS 2.02, 4.01 AND 5.27  
TO DEFINE AND REGULATE HOSTED ACCOMMODATIONS,  
NON-HOSTED ACCOMMODATIONS, AND VACATION RENTALS  
(#0209-ZT-18)**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That Section 2.02 of the Orange Beach Zoning Ordinance is hereby amended as follows:

~~Use. The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.~~

**Vacation Rental.** A single-family dwelling unit or two-family dwelling unit, duplex constructed for residential occupancy under City Code in which the Owner or Authorized Lessee offers hosted or non-hosted accommodations for periods of fourteen (14) consecutive days or less. Vacation rental does not include any accessory structure such as garages and storage sheds.

~~Variance. A relaxation of certain regulations contained in this Ordinance, where such variance shall not be contrary to the public interest and where, owing to conditions unique to the property and not the result of the actions of the applicant, a literal enforcement on the Ordinance would result in unnecessary and undue hardship.~~

2. That Section 4.01 of the Orange Beach Zoning Ordinance is hereby amended as follows:

Permitted and Conditional Uses	Zoning Districts													
	R S 1 2 3	R M 1	R M 2	B R 1 2	M H P	M H S	N B	M R	G B	R O	I 1	R V P	A G	G O V
Utility company storage facility; must provide adequate screening											R			
Vacation Rentals		R	R	R	R		R	R	R			R	R	
Variety store							P		R	R				

3. That Section 5.27 of the Orange Beach Zoning Ordinance is hereby amended as follows:

5.27 VACATION RENTALS

5.2701 Definitions

a. **Vacation Rental.** A single-family dwelling unit or two-family dwelling unit, duplex constructed for residential occupancy under City Code in which the Owner or Authorized Lessee offers hosted or non-hosted accommodations for periods of fourteen (14) consecutive days or less. Vacation rental does not include any accessory structure such as garages and storage sheds.

5.2702 Prohibited Areas

Vacation rentals are prohibited in the RS and MHS zoning districts.

5.2703 Allowable Areas

Vacation rentals may be allowed in single-family residential/duplex Planned Unit Development zoning districts unless expressly prohibited in the approved Master Plan. Vacation rentals are allowed in the Beach Overlay District.

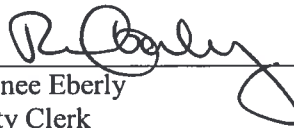
5.2704 Nonconforming Uses

Any person who, on the effective date of this ordinance, is lawfully operating a short term rental business in any RS and/or MHS zoning district shall have ninety (90) days from the effective date to apply for a vacation rental license in accordance with Chapter 50 of the Orange Beach City Code. Upon approval of the vacation rental license, the property that is the subject of the vacation rental license shall be deemed a legally nonconforming use as allowed by Section 5.12 of this Ordinance.

In addition to the restrictions set out in Section 5.12, no building permit for additional sleeping rooms or an increase in sleeping room floor area shall be allowed for legally nonconforming vacation rental structures.

- 4. All ordinances or parts of ordinances in conflict are to the extent of such conflict repealed.
- 5. That this Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS 3<sup>rd</sup> DAY OF APRIL, 2018.

  
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 Renee Eberly  
 City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing ORDINANCE 2018-1282 was posted on 04/04/2018 in the following three

- (3) public places:
- Orange Beach City Hall \_\_\_\_\_
  - Orange Beach Post Office \_\_\_\_\_
  - Orange Beach Public Library \_\_\_\_\_

  
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 Renee Eberly, City Clerk