

NOTICE OF PROPOSED AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF EUFAULA, AL

The City Council of the City of Eufaula will hold public hearings on the attached proposed Short Term Rental Ordinance, which constitutes an amendment to the City's Zoning Ordinance, at its regular meeting on December 4, 2023, at 5:15 pm and its regular meeting on December 18, 2023, at 5:15 pm. The December 4, 2023, meeting will be held at the Eufaula City Schools Central Office building located at 333 State Docks Road, Eufaula, AL 36027. The December 18, 2023, meeting will be held at the City Courtroom located at 545 East Barbour Street, Eufaula, AL 36027. The City Council will vote on the proposed amendment at its meeting on December 18, 2023, immediately following the public hearing. All persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance at said public hearings. This notice is being provided in accordance with Code of Alabama (1975) Section 11-52-77(1). A copy of the proposed ordinance is also available on the City's website at www.eufaulaalabama.com.

Certification of City Clerk

I, Joy White, City Clerk of the City of Eufaula, hereby certify that this notice and a copy of the proposed ordinance attached hereto were posted in the following conspicuous places in the City of Eufaula on November 16, 2023: Eufaula City Hall, Eufaula Community Center, the U. S. Post Office, and the Barbour County Courthouse.



Joy White
City Clerk

ORDINANCE 2023-6

(A ZONING TEXT AMENDMENT)

AN ORDINANCE AMENDING ORDINANCE 1986-26, AS AMENDED, TO ESTABLISH ZONING REGULATIONS AND REQUIREMENTS TO PERMIT SHORT TERM RENTALS ON APPEAL IN ALL ZONING DISTRICTS EXCEPT FOR M-1 AND M-2

WHEREAS, Code of Alabama 1975, Sec. 11-52-1, et. seq. empowers the City of Eufaula to enact zoning ordinances and to provide for its administration, enforcement, and amendment; and

WHEREAS, the City Council deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the City to enact a Short-Term Rental Ordinance; and

WHEREAS, the City Council has appointed the Planning Commission to recommend appropriate regulations to be enforced therein; and

WHEREAS, the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality; and

WHEREAS, there is currently no newspaper of general circulation, as defined under Alabama law, currently published in the City of Eufaula, and therefore notice to the public was provided under Code of Alabama 1975, Sec. 11-52-77(1) by posting the proposed ordinance in four conspicuous places within the municipality, namely, City Hall, the Barbour County Courthouse, the Eufaula Community Center, and the Eufaula Post Office, at least 15 days prior to its passage, as well as by posting it on the City of Eufaula website; and

WHEREAS, the City Council has given due public notice of hearings relating to zoning regulations and restrictions and has held such public hearings; and

WHEREAS, all requirements of Code of Alabama 1975, Sec. 11-52-1 et. seq., with regard to the preparation of the report of the Planning Commission approving the amendments as set forth below and subsequent action of the City Council have been met.

NOW THEREFORE, BE IT ORDAINED by the City Council of Eufaula, Alabama that Ordinance 1986-26 establishing comprehensive zoning regulations for the City of Eufaula, Alabama be further amended, as follows:

That Section 5.213 of the Eufaula Zoning Ordinance, pertaining to FAR Forestry-Agricultural-Residential District, is hereby amended to read as follows:

5.213 USES PERMITTED ON APPEAL:

1. Home occupations in accordance with the provision of Section 6.24.
2. Clubs operated and owned by non-profit corporations.
3. Resorts, campgrounds, riding academies and stables.
4. Airports.
5. Sanitary landfills, quarries.
6. Cemeteries.
7. Railroad rights-of-way and essential community facilities.
8. Tourist courts, tourists homes, motor courts, hotels,
9. Accessory structures or uses customarily incidental in any of the
aforementioned special exceptions.
10. Day Care Home. Subject to the requirements of Section 6.6
11. Short-Term Rentals, subject to the requirements of Section 6.28.

That Section 5.223 of the Eufaula Zoning Ordinance, pertaining to R-1 Low Density Residential District, is amended to read as follows:

5.223 USES PERMITTED ON APPEAL:

1. Public parks, recreational facilities, public utilities.
2. Associated structures or uses customarily incidental to the uses permitted on
appeal.
3. Home occupations only in accordance with the provisions specified in Article
6.24.
4. Day Care Home, Subject to the requirements to Section 6.6.
5. Bed and Breakfast or Tourist Houses, subject to the requirements of Section
6.27.

6. Short-Term Rentals, subject to the requirements of Section 6.28.

That Section 5.233 of the Eufaula Zoning Ordinance, pertaining to R-2 Medium Density Residential District, is amended to read as follows:

5.233 Uses Permitted on Appeal:

1. Public parks and recreational facilities, public utilities.
2. Associated accessory structures or uses customarily incidental to the use permitted on appeal.
3. Home occupations, only in accordance with the provisions specified in Article 6.24.
4. Townhouses as specified in these district regulations.
5. Day Care Homes, Subject to the requirements of Section 6 . 6.
6. Manufactured homes, subject to requirements of Section 5.239.
7. Bed and Breakfast or Tourist Houses, subject to the requirements of Section 6.27.
8. Short-Term Rentals, subject to the requirements of Section 6.28.

That Section 5.243 of the Eufaula Zoning Ordinance, pertaining to R-3 High Density Residential District, is amended to read as follows:

5.243 Uses Permitted on Appeal:

1. All uses permitted on appeal in an R-2 Medium Density Residential District.
2. Rooming, tourist and boarding houses provided that the floor area for such proposed use shall not exceed 75% of the total floor area of the residence.
3. Home occupations only in accordance with Article 6.24.
4. Day Care Home, Subject to the requirements of Section 6.6
5. Manufactured homes, subject to requirements of Section 5.239.
6. Short-Term Rentals, subject to the requirements of Section 6.28.

That Section 5.253 of the Eufaula Zoning Ordinance, pertaining to R-4 High Density Residential District, is hereby amended to read as follows:

5.253 Uses Permitted on Appeal:

1. All uses permitted on appeal in an R-3 Medium Density Residential District.
2. Rooming, tourist and boarding houses provided that the floor area for such proposed use shall not exceed 75% of the total floor area of the residence.
3. Home occupations only in accordance with Article 6.24
4. Day Care Home, Subject to the requirements of Section 6. 6.
5. Short-Term Rentals, subject to the requirements of Section 6.28.

That Section 5.273 of the Eufaula Zoning Ordinance, pertaining to MH Mobile Home Park Zoning District, is hereby amended to read as follows:

5.273 Uses Permitted on Appeal in the MH District:

1. Public utilities.
2. Semi-public buildings and uses.
3. Home occupations only in accordance with Article 6.24
4. Day Care Home, Subject to the requirements of Section 6.24.
5. Short-Term Rentals, subject to the requirements of Section 6.28.

That Sections 5.282 and 5.283 of the Eufaula Zoning Ordinance, pertaining to C-1 Neighborhood Commercial Zoning District, is hereby amended to read as follows:

5.282 Uses Permitted:

Retail convenience, personal service and business establishments primarily oriented to the sale of goods and provision of personal services to residents of a neighborhood. Such uses may include but are not limited to, barber shops, beauty shops, branch banks, cafes, drugstores, fruit markets, dry cleaning and laundry pick-up, flower shops, convenience grocery stores, ice cream stores, self-service stores, appliance stores. Uses permitted or permitted on appeal in the R-3 Residential District and subject to the requirements thereof, except for Short-Term Rentals. Public facilities to include hospitals, schools, etc. and their customary accessory uses, semi-public facilities.

5.283 Uses Permitted on Appeal:

Filling stations, not to include repair; outdoor advertising signs and structures provided, however, that such use is not located within 100 feet of a residential district; Short-Term Rentals, subject to the requirements of Section 6.28

That Sections 5.292 and 5.293 of the Eufaula Zoning Ordinance, pertaining to C-2 General Commercial Zoning District, are hereby amended to read as follows:

5.292 Uses Permitted:

Retail convenience, personal services and business establishments; motels, theaters, offices and banks, restaurants, lounges, taverns, bars, or beer parlors, filling stations, new and used automobile sales and service, funeral homes, parks and public recreational facilities, parking lots, package stores; cash advance/pay day loan, title pawn establishments as regulated in Section 6.26. Any use permitted or permitted on appeal in an R-3 District and subject to the requirements thereto, except for Short-Term Rentals; government buildings and offices to include, but not be limited to jails, police stations, and fire stations; any use permitted or permitted on appeal in the C-1 District and subject to the requirements thereto. (Amended Ord. 2014-10)

5.293 Uses Permitted on Appeal:

1. Light warehousing or storage related to retail trades and services.
2. Manufacturing incidental to a retail trade business where articles are sold on the premises.
3. Animal clinics
4. Hospitals
5. Kennels
6. Short-Term Rentals, subject to the requirements of Section 6.28

That Sections 5.302 and 5.303 of the Eufaula Zoning Ordinance, pertaining to C-3 Central Business District, is hereby amended to read as follows:

5.302 Uses Permitted:

1. Amusement Services, such as:
 - Amusement Arcades
 - Bowling Alleys
 - Theaters

2. Cultural and Community Facilities, such as:
 - Art Galleries
 - Libraries
 - Museum
 - YMCA
 - Philanthropic institutions and clubs

3. Institutional Services, such as:
 - Nursery schools
 - Training Schools

4. Uses permitted or permitted on appeal in the R-3 Residential District and subject to the requirements thereto, except for Short-Term Rentals.

5. Personal Services, such as:
 - Beauty and Barber Shops
 - Funeral Homes
 - Laundry Pick-up
 - Laundromats
 - Restaurants (fully enclosed, no drive-in facilities), but any such permitted restaurant shall not be permitted to sell or to serve for consumption alcoholic beverages past 12 midnight nor shall any permitted restaurant be allowed to permit alcoholic beverages to be consumed or possessed on the premises past 12 midnight.
 - Studios
 - Service Station

6. Professional Services, such as:
 - Banks
 - Business and Professional offices
 - Government Offices to include but not limited to jails, police and fire stations

7. Retail Uses, such as:
 - Antique Shops
 - Art Supply Stores
 - Appliance Stores
 - Bakeries
 - Book Stores
 - Clothing Stores
 - Craft Shops
 - Department Stores

Delicatessens
Drug Stores
Fabric Stores
Hardware Stores
Floor Covering
Flower Shops
Garden Supply Shops
Office Supply Stores
Paint Stores
Pawn Shops
Pet Shops
Shoe Stores
Toy Stores

Other stores of a similar nature designed for the retailing of merchandise and services to the general public,

8. Any use permitted or permitted on appeal in the C-2 (General Commercial) District, except for Short-Term Rentals.

5.303 Uses Permitted on Appeal:

Light warehousing or storage related to retail trade services.
Lounges, taverns, bars, or beer parlors.
Short-Term Rentals, subject to the requirements of Section 6.28.

That Sections 5.312 and 5.313 of the Eufaula Zoning Ordinance, pertaining to C-4 Highway Commercial Zoning District, are hereby amended to read as follows:

5.312 Uses Permitted:

Any retail, business or other use as permitted or permitted on appeal in the C-3 District, Section 5.30, except for Short-Term Rentals.

Stores intended primarily for the tourist trade.
Motels, Hotels,
Filling Stations
Indoor repair of automobiles.
Signs as regulated in Section 6.21.
Lounges, taverns, bars or beer parlors

Any use permitted or permitted on appeal in the R-3 District and subject to requirements thereof, except for Short-Term Rentals.

5.313 Uses Permitted on Appeal:

Large dry cleaners and laundries, manufacturing incidental to a retail trade business where articles are sold on the premises.

Animal clinics, hospital, or kennels.

Short-Term Rentals, subject to the requirements of Section 6.28.

That Sections 5.322 of the Eufaula Zoning Ordinance, pertaining to M-1, Light Industrial District, is hereby amended as follows:

5.322 Uses Permitted:

1. Any use permitted or permitted on appeal in the R-3 Residential District and subject to the requirements of said district as specified in Section 5.24, except for Short-Term Rentals, and the C-4 Commercial District, and subject to the regulations of Section 5.31, except for Short-Term Rentals.

2. Contractor's or construction equipment dealer's yard,
3. Grain and feed storage.
4. Heating fuel or building material storage or wholesaling; provided that the materials shall not be extracted or processed on the premises.
5. Lumber yard.
6. Radio or television towers.
7. Truck terminal.
8. Railroad installation.
9. Warehouse
10. Bottling plant or dairy
11. Assembly of parts for production of finished equipment
12. Manufacturing, fabricating, processing, or assembling uses which do not create any danger to health or safety in surrounding areas, which do not create any objectionable noise, vibration, smoke, dust, heat, odor, glare, such as the following:

boats

clothing
food
pharmaceuticals
furniture and wood products
glass products
hand tools
ice
musical instruments
office machines
plastic products, not including processing or raw materials
plating of silverware or utensils
signs
sporting goods
other similar uses

13. Accessory structures and uses.

That Section 5.343 of the Eufaula Zoning Ordinance, pertaining to PH-1 Professional Office/Historic Tourist District, is hereby amended to read as follows:

5.343 Uses Permitted on Appeal:

1. Personal services such as:

Beauty and Barber Shops
Restaurants (fully enclosed, no drive-in)

2. Retail uses such as:

Antique shops, art supply, appliance stores
Bakeries, book stores
Clothing stores, craft shops
Fabric stores, flower shops

3. *Short Term Rentals, subject to the requirements of Section 6.28.*

That Section 5.353 of the Eufaula Zoning Ordinance, pertaining to E-1 Estate District, is hereby amended as follows:

5.353. Uses Permitted on Appeal:

1. Clubs operated and owned by non-profit corporations.

2. Home Occupations.
3. Resorts and campgrounds
4. Airports
5. Accessory structure or uses customarily incidental in any of the aforementioned special exceptions.
6. Day Care Home. Subject to the requirement of Section 6 6.

7. Short-Term Rentals, subject to the requirements of Section 6.28

That Section 5.363, pertaining at R-2A Medium Density Residential District, is hereby amended as follows:

5.363 Uses Permitted on Appeal:

1. Public parks and recreational facilities, public utilities.
2. Associated accessory structures or uses customarily incidental to the use permitted on appeal.
3. Home occupations, only in accordance with the provisions specified in Article 6.24.
4. Day Care Homes, subject to the requirements of Section 6.6.
5. Short-Term Rentals, subject to the requirements of Section 6.28.

That Section 6.217 of the Eufaula Zoning Ordinance is hereby amended to add the following off-street parking requirements:

Short-Term Rentals: A minimum of one (1) off-street parking space for every two adults counting towards the occupancy limit.

That Article Six of the Eufaula Zoning Ordinance is hereby amended to add Section 6.28 which is to read as follows:

SECTION 6.28 SHORT-TERM RENTALS

A. The intent of this Ordinance is to provide a set of use regulations that will allow Short-Term Rentals within the city limits and establish minimum

standards for their use while also minimizing incompatibility with surrounding residential areas. It is the intent of this Ordinance that Short-Term Rentals in an area where they may be permitted create no greater impact than that of any private residence with a temporary houseguest. Short-Term Rentals cannot generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.

B. It shall be a violation of this Ordinance to operate a Short-Term Rental and/or advertise a property as being available for rent as Short-Term Rental without first complying with the requirements of this Ordinance. Each day such violation continues constitutes a separate violation. See also Section 10.4. The provisions of this Section 6.28 shall apply retroactively to any Short-Term Rental in operation as of the date of adoption of this Ordinance.

C. Short-Term Rentals are permitted only upon appeal to, and approval by, the Board of Adjustments in all zoning districts, except for M-1 and M-2, where they are prohibited.

D. All Short-Term Rentals shall be subject to the following minimum requirements, regulations, and criteria as a condition to their initial approval and continued use permitted on appeal:

(1) The building must be a permanent structure located on the site, able to be occupied.

(2) All applicable building and fire codes must be met.

(3) They may only be used for lodging (eating and sleeping). No commercial events such as concerts, weddings, or other large events are permitted.

(4) No on-site signage shall be permitted promoting or identifying the short-term rental.

(5) They may not be leased for a period of occupancy of less than twenty-four (24) hours.

(6) The standards of Section 66-446 of the Code of Ordinances of the City of Eufaula (pertaining to prohibition of unreasonable noises), shall be adhered to.

(7) They must be equipped with the following safety equipment and features:

- (a) Smoke detectors and carbon monoxide detectors.*
- (b) Operable egress windows in sleeping areas.*
- (c) Proper hand and guardrails.*

- (d) GFIC protection where required by the current National Electrical Code.
- (e) Fire extinguisher.
- (f) Properly displayed 9-1-1 address.

(8) The owner of the short-term rental shall comply with all business license and revenue collection laws of the City of Eufaula, Barbour County, and the State of Alabama.

E. In approving or denying a request for use as a short-term rental, the Board of Adjustments shall consider the requirements of Section 6.35 of this Ordinance together with the following, in addition to Section 6.28(A) and the minimum requirements set forth in Section 6.28(D):

(a) Whether or not the property is permanently occupied and leased in its entirety to one party for periods not less than thirty (30) consecutive nights.

(b) Whether or not Short-Term Rental is the primary or accessory use of the building.

(c) Whether adequate off-street parking exists. With the exception of Short-Term Rentals within the Central Business District, at least one off-street parking space for every two adults counting towards the occupancy limit should be provided. Parking spaces may be provided on driveways or within a parking area on the property. On-street parking may be approved only when off-street parking cannot be accommodated.

To minimize the impact of the short-term rental unit on the neighborhood, the Board may, in its discretion, establish a cap on the number of nights per calendar year that a building may be used as a Short-Term Rental.

F. All operators of any Short-Term Rental permitted under this Ordinance must have a permit to operate. Upon approval of a property for use as a Short-Term Rental by the Board of Adjustments, the owner or operator thereof shall provide the Zoning Administrator with a list of the rental platforms (such as VRBO, AirBnB, etc.) to be used to advertise the Short-Term Rental. Upon receipt thereof, determination by the Zoning Administrator that the Short-Term Rental is in compliance with the terms of this Ordinance, and payment of a \$150 permit fee, the Zoning Administrator shall issue a Short-Term Rental permit to the owner or operator. If at any time the Zoning Administrator shall determine a Short-Term Rental is not in compliance with this Ordinance, the Zoning Administrator shall initiate such enforcement procedures and seek such remedies as may be appropriate, including but not limited to the revocation of the permit to operate.

G. Permitted use of a property as a Short-Term Rental shall always be conditional on said Short-Term Rental being operated in compliance with the provisions of this Ordinance and other applicable codes, ordinances, laws, and regulations. Any aggrieved party shall have the right to bring to the attention of the Zoning Administrator and/or the Board of Adjustments a lack of compliance with this Section or any other applicable codes, ordinances, or regulations. In the event the Zoning Administrator receives more than two verified complaints (such as excessive noise, property damage, crowds, traffic, parking, etc.) about a Short-Term Rental within a twelve (12) month period, the Zoning Administrator shall have the authority to revoke the permit or refer the complaints to the Board of Adjustments for review and adjudication. In the event the Zoning Administrator administratively revokes the permit, the owner of the short-term rental may appeal to the Board of Adjustments pursuant to the appeal procedures set forth in the Ordinance.

H. In the event the Board of Adjustments deems any Short-Term Rental to be in violation of this Section or any other applicable codes, ordinances, laws, or regulations, it may revoke the permit allowing use as a Short-Term Rental. In making its determination, the Board of Adjustment may consider the number of complaints, violations, nature of violations, inconveniences to neighbors, and other departures from code that a property has experienced, as well as any other information deemed relevant by the Board.

That Section 11.218 of the Eufaula Zoning Ordinance is hereby amended to add the definition of the term "Short-Term Rental" which is to read as follows:

Short-Term Rental: a building that is leased in its entirety as overnight accommodations for any party for any period(s) of thirty (30) or fewer consecutive days, in return for a fee or charge. The term "party" as used in this definition shall mean one or more persons who as a single group rent a short-term rental pursuant to a single reservation and payment.

This Ordinance shall take effect and be in force from and after the date of its adoption and publication as required by law.

Adopted and approved this _____ day of _____, 2023.

THE CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, Council President

ATTEST:

Joy White, City Clerk/Treasurer