

ORDINANCE NO. 3288

AN ORDINANCE TO FURTHER AMEND ORDINANCE NUMBER 1883 OF THE CITY OF AUBURN, DATED DECEMBER 21, 1999, THE OFFICIAL ZONING ORDINANCE, AS AMENDED BY SUBSEQUENT AMENDMENTS, BY INCORPORATING THE FOLLOWING CHANGES:

Section 1. That Ordinance No. 1883 of the City of Auburn, Alabama dated December 21, 1999, as amended by subsequent amendments is further amended to read as follows:

Article II, DEFINITIONS.

Section 203. Definitions.

Family: Two (2) or more persons residing in a single dwelling unit where all members are related by blood, marriage, adoption, or guardianship up to the second degree of consanguinity, plus one unrelated person in the Limited Development District, Neighborhood Conservation District, Development District Housing, Large Lot Residential District, Neighborhood Redevelopment District (west of North Donahue Drive), or the Corridor Redevelopment District – West (west of North Donahue Drive). For the purpose of this definition “consanguinity” means husbands and wives, brothers and sisters, parents and children, grandparents and grandchildren, uncles and aunts, nephews and nieces, and first cousins. In all other zoning districts where residential units are permitted the term “family” may include up to five (5) unrelated persons occupying a single dwelling unit.

Homestay: A home occupation in which an individual who owns a dwelling and uses it as his or her permanent residence hires out such dwelling, or any portion thereof, as lodging.

Occupancy, Residential: For purposes of this zoning ordinance, this term refers to the number of persons who may reside together within one (1) dwelling unit, as a single housekeeping unit. See “Family.”

Residence, Permanent: Residential occupancy of a dwelling unit by the same individual(s) for a period of more than 180 consecutive days and the usual place of return for housing as documented by motor vehicle registration, driver’s license, voter registration, or other such evidence.

Short Term Non-Primary Rental: A dwelling unit that is not a permanent residence and that is leased in its entirety to one party for periods of less than 30 consecutive days. The term party as used in this definition shall mean one or more persons who as a single group rent a short term non-primary rental pursuant to a single reservation and payment.

Article IV, GENERAL REGULATIONS.

Table 4-1. Table of Permitted Uses. – See Exhibit A.

Section 408.02. Special Development Standards.

D. Institutional, Indoor Recreation & Special Residential Uses.

6. Short Term Non-Primary Rental

- a) A short term non-primary rental shall be limited in operation to 240 days each calendar year.
- b) Each zoning certificate for a short term non-primary rental will be valid from January 1 (or such other date during a calendar on which such

certificate is issued) through December 31 of the calendar year in which the certificate is issued.

- c) A zoning certificate for a short term non-primary rental may be revoked by the Planning Director (i) in the event that two (2) or more substantiated complaints are received by the city within a calendar year, or (ii) for failure to maintain compliance with any of the regulations set forth within this section. A property owner whose zoning certificate for a rental has been revoked pursuant to this paragraph shall not be eligible to receive any new zoning certificate for a rental for the remaining portion of the calendar year in which the certificate is revoked and for the entire succeeding year.
- d) Short Term Non-Primary Rentals may only be used for lodging (eating and sleeping); private and/or commercial events and activities are prohibited. Only the registered/contracted Short Term Non-Primary Rental guests may utilize the Short Term Non-Primary Rental.

Article V, DETAILED USE REGULATIONS.

Section 511.04(B). Detailed Use Regulations: Home Occupations. General Regulations.

- 10. Off-street parking shall be provided on the premises, as required by Section 513.

In addition to the provisions (1-13) above, the following regulations shall apply only to homestays:

- a) Homestays may only be established as a home occupation business in the following zoning districts: Comprehensive Development District (CDD), Corridor Redevelopment District-Urban, -Suburban, -East and -West (CRD-U, CRD-S, CRD-E, CRD-W*), Medium Density Residential District (MDRD), Neighborhood Redevelopment District (NRD*), Redevelopment District (RDD), Rural District (R), Urban Core (UC)/College Edge Overlay District (CEOD), and Urban Neighborhood-West, -East, and -South (UN-W, UN-E, UN-S). **East of North Donahue Drive*
- b) The homestay may operate no more than ninety (90) days per licensing year when the owner is not present.
- c) No food shall be prepared for or served to guests of the homestay by the owner or the owner's agent(s) or contractor(s).
- d) Each home occupation for a homestay will be valid from January 1 (or such other date during a calendar on which such home occupation for a homestay is issued) through December 31 of the calendar year in which the home occupation for a homestay is issued. During this period of validity, the owner of the homestay must occupy the dwelling as his or her residence for more than 180 days.
- e) A home occupation for a homestay may be revoked by the Planning Director (i) in the event that two (2) or more substantiated complaints are received by the City within a calendar year, or (ii) for failure to maintain compliance with any of the regulations set forth within this section. A property owner whose home occupation for a homestay has been revoked pursuant to this paragraph shall not be eligible to receive any new home occupation for a homestay for the remaining portion of the calendar year in which the home occupation for a homestay is revoked and for the entire succeeding year.
- f) Homestays may only be used for lodging (eating and sleeping); private and/or commercial events and activities are prohibited. Only the registered/contracted Homestay guests may utilize the Homestay.

Section 2. If any section or provision of this ordinance be declared invalid or unconstitutional by judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any other section or provision of this ordinance.

Section 3. This ordinance shall take effect upon its approval by the City Council or upon its otherwise becoming law, but shall be published as required by law and codified as part of the Code of Auburn, Alabama.

ADOPTED and approved by the City Council of the City of Auburn, Alabama, this the 16th day of March, 2021.

/s/Ron Anders, Jr.
Mayor

ATTEST:

/s/Megan McGowen Crouch
City Manager

Exhibit A

Table 4-1. Table of Permitted Uses.

Special Residential	SDS*	UC/CEOD	UN-E	UN-W	UN-S	MDRD	NRD	RDD	R	CDD	CRD-U	CRD-E	CRD-S	CRD-W
Short Term Non-Primary Rental	*	P	P	P	P	P	P*	P	P	P	P	P	P	P*

*East of North Donahue Drive