

AN ORDINANCE TO AMEND CHAPTER 64 – ZONING  
OF THE MOBILE CITY CODE, 1991

Sponsored by: \_\_\_\_\_

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

Section 1.

Sec. 64-2. – Definitions. of the Mobile City Code, 1991, is hereby amended to add the following definitions:

- (a) *Owner occupied short-term rental:* rental of a dwelling unit, dwelling of any type, room, building, house or other structure or part of a structure, including a manufactured home, that is or can be utilized as a transient sleeping place by one or more persons for less than one-hundred and eighty (180) consecutive days per rental period where an individual natural person holding fee simple title thereto also provides proof the same building, etc., is their primary residence and stays at the location each night while short-term rental guests are present. Acceptable proof of primary residence status shall include a recorded deed to the property plus one of the following: a valid Alabama driver's license or ID card; current voter registration card; current pay stub; current W2 form; current bank statement; or current year homestead tax exemption documentation. Excludes Bed and Breakfast, Hotel/Motel, and any building, etc., where fee simple title thereto is held by a corporation, LLC, trust or any other type of ownership other than that of a natural person. Excludes a rental between parties to the sale of such building, etc., where valid documentation of the sale is provided.
- (b) *Non-owner occupied short-term rental:* rental of a dwelling unit, dwelling of any type, room, building, house or other structure or part of a structure, including a manufactured home, that is or can be utilized as a transient sleeping place by one or more persons for less than one-hundred and eighty (180) consecutive days per rental period. Excludes Bed and Breakfast, Hotel/Motel, and Owner occupied short-term rental. Excludes a rental between parties to the sale of such building, etc., where valid documentation of the sale is provided.

Section 2.

Sec. 64-3.I.17 of the Mobile City Code, 1991, providing definitions to be applied to areas within the Downtown development district is hereby amended to add the following definitions:

- (a) *Owner occupied short-term rental*: rental of a dwelling unit, dwelling of any type, room, building, house or other structure or part of a structure, including a manufactured home, that is or can be utilized as a transient sleeping place by one or more persons for less than one-hundred and eighty (180) consecutive days per rental period where an individual natural person holding fee simple title thereto also provides proof the same building, etc., is their primary residence and stays at the location each night while short-term rental guests are present. Acceptable proof of primary residence status shall include a recorded deed to the property plus one of the following: a valid Alabama driver's license or ID card; current voter registration card; current pay stub; current W2 form; current bank statement; or current year homestead tax exemption documentation. Excludes Bed and Breakfast, Hotel/Motel, and any building, etc., where fee simple title thereto is held by a corporation, LLC, trust or any other type of ownership other than that of a natural person. Excludes a rental between parties to the sale of such building, etc., where valid documentation of the sale is provided.
- (b) *Non-owner occupied short-term rental*: rental of a dwelling unit, dwelling of any type, room, building, house or other structure or part of a structure, including a manufactured home, that is or can be utilized as a transient sleeping place by one or more persons for less than one-hundred and eighty (180) consecutive days per rental period. Excludes Bed and Breakfast, Hotel/Motel, and Owner occupied short-term rental. Excludes a rental between parties to the sale of such building, etc., where valid documentation of the sale is provided.

### Section 3.

The table titled as "Table 2: Use Table" set forth in Sec. 64-3.I.8 of the Mobile City Code, 1991, is hereby amended to add new Use Sub-Categories for *Owner occupied short-term rental* and *Non-owner occupied short-term rental* under the Use Category titled "Lodging" which provide that:

- (a) *Owner occupied short-term rental* shall be permitted by right in zoning districts T-3, T-4, T-5.1, T-5.2, T-6 and SD-WH.
- (b) *Non-owner occupied short-term rental* may be permitted with planning approval in zoning districts T-4 and T-5.1.
- (c) *Non-owner occupied short-term rental* shall be permitted by right in zoning districts T-5.2, T-6 and SD-WH.
- (d) A short-term rental that does not comply with the above zoning classifications shall be deemed a nonconforming use pursuant to Sec. 64-7.A.1. of the Mobile City Code, 1991 if:

- i) the location can be documented to have been in commercial operation as of January 1, 2021; and,
- ii) the owner thereof obtains a City of Mobile business license for the location in 2022; and,
- iii) the owner thereof is current on all City of Mobile taxes.

#### Section 4.

The Chart of Permitted Uses set forth in Sec. 64-12 of the Mobile City Code, 1991, is hereby amended to add Uses and Conditions categories for *Owner occupied short-term rental* and *Non-owner occupied short-term rental* which provide that:

- (a) *Owner occupied short-term rental* shall be permitted by right in zoning districts T-B, B-2, LB-2 and B-4.
- (b) *Owner occupied short-term rental* may be permitted with planning approval in zoning districts R-3, R-B, H-B and B-1.
- (c) *Non-owner occupied short-term rental* shall be permitted by right in zoning districts B-3 and B-4.
- (d) *Non-owner occupied short-term rental* may be permitted with planning approval in zoning districts T-B and H-B.
- (e) No short-term rental of any type shall be allowed in zoning districts R-A, R-1, R-2, B-5, I-1 and I-2 unless:
  - i) the location can be documented to have been in commercial operation as of January 1, 2021; and,
  - ii) the owner thereof obtains a City of Mobile business license for the location in 2022; and,
  - iii) the owner thereof is current on all City of Mobile taxes;

in which case the short-term rental shall be deemed a nonconforming use pursuant to Sec. 64-7.A.1. of the Mobile City Code, 1991.

#### Section 5.

- (a) All other provisions and sections of the City of Mobile zoning ordinance not amended herein shall remain in full force and effect.

- (b) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.
- (c) This Ordinance shall be effective within the City of Mobile immediately upon its adoption and publication as required by law.

Approved: \_\_\_\_\_

\_\_\_\_\_  
City Clerk