

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HELENA,  
ALABAMA, TO PROVIDE FOR SHORT TERM RENTAL  
Ordinance 884-2021**

**Section One.** The intent of the short term rental article is to provide a set of use regulations that will allow short term rental dwellings within the city limits and establish minimum standards for their use while also minimizing incompatibility with surrounding residential areas. These standards provide additional protection for the substantial investment, both private and public, being made while promoting a mix of lodging options that support the city's tourism base and local economy, upholding the health, safety, and welfare of the public.

**Section Two.** The Zoning Ordinance of the City of Helena, Alabama, is hereby amended to add Article XXIX SHORT TERM RENTALS:

**"Article XXIX – Short Term Rentals"**

**Section 1 – Definitions**

**Dwelling** – Any building or portion thereof which is designed or used exclusively for residential occupancy.

**Dwelling Unit** – Any portion of a building used as a separate abode for a family having its own cooking and kitchen accommodations and toilet facilities.

**Non Owner-Occupied Short Term Rental** - A residential dwelling unit that is not owner-occupied containing not more than four sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests and is not inhabited by the property owner as their primary residence.

**Owner-Occupied Short Term Rental** - An owner-occupied residential dwelling unit containing not more than four (4) sleeping rooms that is used and/or advertised through an online marketplace for rent for transient occupancy by guests and is inhabited by the property owner as their primary residence.

**Short Term Rental** – The transient use of any dwelling or any part of a dwelling for overnight occupancy.

**Short Term Rental Manager** – Any person or entity that arranges rental, cleaning, listing, advertising, or otherwise assists in the operation of a short term rental for profit. Short term rental manager does not include listing services or online platform for short term rental listings.

**Transient** – A person(s) occupying a dwelling or dwelling unit by rent for less than thirty (30) continuous days.

**Section 2 - Generally**

Non-Owner Occupied Short Term Rental dwellings are permitted in B1, B2, and B4 zones. The following sections notwithstanding, no person or company shall operate a short term rental business within the corporate limits of the City of Helena outside of districts of B1, B2, and B4, without obtaining a variance in accordance with Article XXX of the City of Helena Zoning Ordinance.

- 2.1 It shall be unlawful for any person, company, or entity to list, advertise, or hold out for rental, any room or building as a short term rental without first obtaining a business license under City of Helena Ordinance 734-07 Amended, and including said business license number on the advertisement or listing.
- 2.2 The name and telephone numbers of a rental manager shall be conspicuously posted within the short term rental property unit. The responsible party shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short term rental period to address problems or complaints associated with the short term rental property. Short Term Rental Manager must maintain residence within 20 miles geographically of the farthest unit.
- 2.3 A dwelling or dwelling unit must be located on the site, able to be occupied.
- 2.4 All building and fire codes must be met.
- 2.5 No events, such as concerts, weddings, or other events are permitted at any rental unit location.
- 2.6 Maximum Occupancy is limited to the total number of bedroom(s) times two provided within the rental unit.  
  
\* Children 8 and younger shall not be counted toward the maximum occupancy.
- 2.7 The short term rental shall comply with applicable municipal ordinances including but not limited to all noise, trash, parking, and sign regulations outlined in the City of Helena Zoning Ordinance.
- 2.8 A short term rental property shall not be occupied for a period less than twenty-four (24) hours.
- 2.9 No dwelling or dwelling unit shall be used as a short term rental in excess of thirty (30) consecutive days for same transient.
- 2.10 All property owners and/or their agents shall comply with all Fair Housing Act compliance guidelines.

- 2.11 Property owners and/or their agents shall verify the renter's identity with a government-issued form of identification prior to the execution of any rental agreement.
- 2.12 Short-term rental properties shall utilize 24/7 secure video surveillance at the front, rear, and sides of the property and maintain recordings for no less than 30 days. Renters must agree to external surveillance at time of booking.
- 2.13 No off-street parking shall be permitted forward of the front building line. A minimum of 1.5 designated off-street parking spaces per two (2) bedrooms shall be provided. Parking on the street is not permitted.

### **Section 3. Non-conforming uses.**

Short term rentals currently in existence within the corporate limits of Helena will be allowed to continue operations within any zoning district in accordance with the provisions of nonconforming use. The below items must be met with supporting documentation to be provided.

- 3.1 Property is currently being used for short term rental as its sole purpose.
- 3.2 Property has been sole purpose use of short term rental for a minimum ninety (90) days before this ordinance becomes effective.
- 3.3 Property and all items associated must be in compliance with Article XXIX Business License pursuant to the Business License Code of the City of Helena must be obtained within ten (10) calendar days of this ordinance becoming effective."

**Section Three.** Severability: Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section Four.** This Ordinance shall become effective October 1, 2021 upon its enactment and publication as required by law.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HELENA,  
ALABAMA ON THE 23rd DAY OF AUGUST 2021.

[Seal]



Attest:

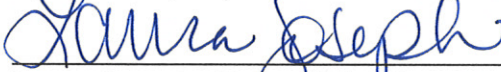
  
Amanda Traywick, City Clerk


  
J. Brian Puckett, Mayor

  
Leigh Hulsey, Council Member

  
Chris VanCleave, Council Member

  
Alice Lobell, Council President

  
Laura Joseph, Council Member

  
Harold Woodman, Council Member