ORDINANCE NO. 2026-105-A

AN ORDINANCE TO AMEND ORDINANCE NO. 105 OF THE TOWN OF DAUPHIN ISLAND, ALABAMA – ZONING ORDINANCE RELATING TO SHORT TERM RENTAL OVERLAY DISTRICTS

WHEREAS, the Town Council of the Town of Dauphin Island previously adopted Ordinance No. 105, known as the Town of Dauphin Island Zoning Ordinance, to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the Town and its residents; and

WHEREAS, Ordinance No. 105 establishes regulations governing Short-Term Rentals ("STRs"), including the creation of Short-Term Rental Overlay Districts designed to manage STR density and preserve the character of residential neighborhoods while allowing property owners to utilize their properties for temporary lodging purposes; and

WHEREAS, the Town Council has determined that certain residential areas of the Town are not presently included within a Short-Term Rental Overlay District and that amendments to Ordinance No. 105 are necessary to provide a more comprehensive and consistent framework for the regulation of STR activity throughout the Town; and

WHEREAS, the Town Council finds that establishing additional Short-Term Rental Overlay Districts and applying reasonable limitations on future STR density within those districts will further the Town's legitimate land use objectives, including the preservation of neighborhood character, protection of quality of life, promotion of orderly development, and balancing of residential and transient lodging uses; and

WHEREAS, the Town Council further finds that existing holders of valid STR licenses have relied upon the Town's current regulatory framework and that it is appropriate to provide for the continued operation and renewal of such licenses, subject to the terms and conditions set forth herein, while achieving the Town's long-term planning objectives through gradual attrition; and

WHEREAS, the Planning Commission of the Town of Dauphin Island has reviewed the amendments set forth herein and has submitted its recommendation to the Town Council in accordance with the requirements of the Town of Dauphin Island Zoning Ordinance and applicable law; and

WHEREAS, the Town Council has conducted a duly noticed public hearing and has determined that the amendments contained herein are consistent with the public health, safety, and welfare and are in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAUPHIN ISLAND, ALABAMA, AS FOLLOWS:

SECTION 1. Amendment of Article 2 – Definitions.

The definitions of "Short-Term Rental Overlay District 1 (STROD1)," "Short-Term Rental Overlay District 2 (STROD2)," and "Short-Term Rental Overlay District 3 (STROD3)" contained in Article 2 of Ordinance No. 105 are hereby repealed in their entirety and replaced with the following definitions, and the definitions of "Short-Term Rental Overlay District 4

(STROD4)" and "Short-Term Rental Overlay District 5 (STROD5)" are hereby added as follows:

Short-Term Rental Overlay District 1 (STROD1). An overlay district encompassing all R-1 and Village (V) zoned properties on the eastern portion of Dauphin Island, where in this geographic area a limit (cap) on Short-Term Rental (STR) licenses is established in order to preserve the character of historically full-time residential areas. Located beginning specifically on the westernmost boundary of R-1 lots adjacent to the west side of Omega and Orleans Streets and extending east to the eastern end of the island. See *Article 4, STROD1 Map* for the exact boundary location.

Short-Term Rental Overlay District 2 (STROD2). An overlay district encompassing all properties zoned R-1 adjacent to Cadillac Avenue, beginning at the western end of Cadillac Avenue and extending east to the west side of Perdido Street, where in this geographic area a limit (cap) on Short-Term Rental (STR) licenses is established in order to preserve the character of historically full-time residential areas. This area includes all R-1 lots on streets north of Cadillac Avenue and west of Perdido Street, including Pineda Street, Port Royal Street, Polaris Street, Quivira Street, Mallard Street, and Sandpiper Street. See *Article 4, STROD2 Map* for the exact boundary location.

Short-Term Rental Overlay District 3 (STROD3). An overlay district encompassing all R-1 zoned properties west of Pirates Cove Street that are not included within STROD2, extending west to the western end of Dauphin Island. In this geographic area there is no limit (cap) on the number of Short-Term Rental (STR) licenses, and special lodging and parking standards apply. See *Article 4, STROD3* Map for the exact boundary location.

Short-Term Rental Overlay District 4 (STROD4). An overlay district encompassing all properties within the DeSoto Landing subdivision, including properties located on Hernando Place, Hernando Street, Isabella Court, Magnolia Court, Lenora Court, and Arias Court. In this geographic area a limit (cap) on Short-Term Rental (STR) licenses is established in order to preserve the character of a historically residential neighborhood while allowing limited STR activity subject to the requirements of this Ordinance. See *Article 4, STROD4* Map for the exact boundary location.

Short-Term Rental Overlay District 5 (STROD5). An overlay district encompassing all properties within the Audubon Place subdivision. In this geographic area a limit (cap) on Short-Term Rental (STR) licenses is established in order to preserve the character of a historically residential neighborhood while allowing limited STR activity subject to the requirements of this Ordinance. See *Article 4, STROD5* Map for the exact boundary location.

SECTION 2. Amendment of Section 4.4 – Establishment of Zoning Districts.

The portion of Section 4.4 of Ordinance No. 105 entitled "SYMBOL OVERLAY DISTRICTS" is hereby repealed in its entirety and replaced as follows:

SYMBOL	OVERLAY DISTRICTS
WEOD	West End Overlay District

DPOD	Dune Protection Overlay District
ABOD	Aloe Bay Overlay District
WPOD	Wetland Protection Overlay District
SFHOD	Special Flood Hazard Overlay District
TLOD	Turtle Lighting Overlay District
STROD1	Short-Term Rental Overlay District 1
STROD2	Short-Term Rental Overlay District 2
STROD3	Short-Term Rental Overlay District 3
STROD4	Short-Term Rental Overlay District 4
STROD5	Short-Term Rental Overlay District 5

SECTION 3. Amendment of Section 4.5.5 – Overlay District Descriptions.

The descriptions for Short-Term Rental Overlay District 1 (STROD1), Short-Term Rental Overlay District 2 (STROD2), and Short-Term Rental Overlay District 3 (STROD3) contained in Section 4.5.5 of Ordinance No. 105 are hereby repealed in their entirety and replaced with the following descriptions, and the descriptions for Short-Term Rental Overlay District 4 (STROD4) and Short-Term Rental Overlay District 5 (STROD5) are hereby added as follows:

- ***STROD1: Short-Term Rental Overlay District 1***

  The purpose of this overlay district is to provide a limit (cap) on the number of available Short-Term Rental (STR) licenses and require a minimum three (3) night consecutive stay in historically full-time residential areas. Short-Term Rental Overlay District 1 (STROD1) shall include all properties zoned R-1 and Village (V) located beginning specifically on the westernmost boundary of R-1 lots adjacent to the west side of Omega and Orleans Streets and extending east to the eastern end of the island. See *Article 4, STROD1* Map for the exact boundary location.

- ***STROD2: Short-Term Rental Overlay District 2***

  The purpose of this overlay district is to provide a limit (cap) on the number of available Short-Term Rental (STR) licenses and require a minimum three (3) night consecutive stay in historically full-time residential areas. Short-Term Rental Overlay District 2 (STROD2) shall include all properties zoned R-1 adjacent to Cadillac Avenue beginning at the western end of Cadillac Avenue and extending east to the west side of Perdido Street, and all streets north of Cadillac Avenue and west of Perdido Street, including Pineda Street, Port Royal Street, Polaris Street, Quivira Street, Mallard Street, and Sandpiper Street. See *Article 4, STROD2 Map* for the exact boundary location.

- ***STROD3: Short-Term Rental Overlay District 3***

The purpose of this overlay district is to provide specific parking standards due to the environmental dynamics existing on the West End of Dauphin Island. There is no limit (cap) on the number of available Short-Term Rental (STR) licenses, and a minimum two (2) night consecutive stay is required. Short-Term Rental Overlay District 3 (STROD3) shall include all R-1 zoned properties west of Pirates Cove Street that are not included within STROD2 and extending west to the western end of Dauphin Island. See *Article 4, STROD3* Map for the exact boundary location.

- ***STROD4: Short-Term Rental Overlay District 4***

  The purpose of this overlay district is to provide a limit (cap) on the number of available Short-Term Rental (STR) licenses and require a minimum three (3) night consecutive stay in a historically residential neighborhood. Short-Term Rental Overlay District 4 (STROD4) shall include all properties within the DeSoto Landing subdivision, including properties located on Hernando Place, Hernando Street, Isabella Court, Magnolia Court, Lenora Court, and Arias Court. See *Article 4, STROD4 Map* for the exact boundary location.

- ***STROD5: Short-Term Rental Overlay District 5***

  The purpose of this overlay district is to provide a limit (cap) on the number of available Short-Term Rental (STR) licenses and require a minimum three (3) night consecutive stay in a historically residential neighborhood. Short-Term Rental Overlay District 5 (STROD5) shall include all properties within the Audubon Place subdivision. See *Article 4, STROD5 Map* for the exact boundary location.

SECTION 4. Amendment of Section 4.11.7 – Short-Term Rental Overlay Districts

Section 4.11.7 of Ordinance No. 105 is hereby repealed in its entirety and replaced as follows:

§ 4.11.7 STROD SHORT-TERM RENTAL OVERLAY DISTRICTS

The Short-Term Rental Overlay Districts (STRODs) and associated maps are established in part to provide limits (caps) on the number of available Short-Term Rental licenses, require minimum nightly consecutive stays in residential areas, and manage parking and lodging standards within the Town. All properties zoned R-1 and V shall be included within one of the five overlay districts identified.

The STRODs are divided into five (5) separate overlay districts due in part to differences in historical development patterns, residential character, rental density, parking considerations, lodging standards, and other land use factors present within each district.

- Short-Term Rental Overlay District 1 (STROD1)
- Short-Term Rental Overlay District 2 (STROD2)
- Short-Term Rental Overlay District 3 (STROD3)
- Short-Term Rental Overlay District 4 (STROD4)
- Short-Term Rental Overlay District 5 (STROD5)

A. General

The Short-Term Rental Overlay Districts are established to regulate Short-Term Rental densities in residential use areas based on real world conditions, neighborhood character, and the Town's land use planning objectives. The cap numbers are established by the Town Council in this Ordinance and may be reviewed on an on-going basis to determine if adjustments are needed. The overlay districts encompass five areas of the Island. The five districts are mapped separately because they have different historic residential and rental densities, see maps below in *Figures 4.8-4.12*.

B. Purpose

The purpose of these overlay districts is to regulate STR densities in residential use areas based on real world conditions; preserve neighborhood character; protect quality of life; balance residential and transient lodging uses; establish minimum lodging stays; and manage parking standards due to the differing conditions present within each district.

C. Application Review

The Dauphin Island Building Official's office will issue short-term rental licenses in accordance with the cap requirements established by this Ordinance. The Dauphin Island Building Official's office will also maintain the waiting list as established by this Ordinance.

All applications for new short-term rental licenses must be approved by the Dauphin Island Planning Commission. In addition, approval by the Dauphin Island Planning Commission is required for renewal of any short-term rental license where there have been documented infractions or if requested by the Dauphin Island Building Official.

D. Location

STROD1: The boundary of STROD1 specifically encompasses all R-1 and Village (V) zoned properties on the eastern portion of Dauphin Island. Located beginning specifically on the westernmost boundary of R-1 lots adjacent to the west side of Omega and Orleans Streets and extending east to the eastern end of the island, see *Figure 4.8, STROD1 Map*.

STROD2: The boundary of STROD2 specifically encompasses all properties zoned R-1 adjacent to Cadillac Avenue, beginning at the western end of Cadillac Avenue and extending east to the west side of Perdido Street. This area includes all R-1 lots on streets north of Cadillac Avenue and west of Perdido Street including Pineda, Port Royal, Polaris, Quivira, Mallard, and Sandpiper Streets, see *Figure 4.9, STROD2 Map*.

STROD3: The boundary of STROD3 specifically encompasses all R-1 zoned properties west of Pirates Cove Street that are not included in STROD2, extending west to the west end of Dauphin Island, see *Figure 4.10, STROD3 Map*.

STROD4: The boundary of STROD4 specifically encompasses all properties within the DeSoto Landing subdivision, including properties located on Hernando Place, Hernando

Street, Isabella Court, Magnolia Court, Lenora Court, and Arias Court, see *Figure 4.11, STROD4 Map*.

STROD5: The boundary of STROD5 specifically encompasses all properties within the Audubon Place subdivision, see *Figure 4.12, STROD5 Map*.

In the event of a conflict between a written district description and an adopted STROD map, the adopted map shall control.

* * *

Figure 4.9, STROD2 Map, is hereby repealed and replaced with the revised **Figure 4.9** attached hereto.

Figure 4.10, STROD3 Map, is hereby repealed and replaced with the revised **Figure 4.10** attached hereto.

Figure 4.11, STROD4 Map, attached hereto as **Figure 4.11**, is hereby adopted and incorporated into Ordinance No. 105.

Figure 4.12, STROD5 Map, attached hereto as **Figure 4.12**, is hereby adopted and incorporated into Ordinance No. 105.

SECTION 5 Amendment of Section 8.8 – Short-Term & Long-Term Rentals.

The introductory provisions of Section 8.8 of Ordinance No. 105 are hereby repealed in their entirety and replaced as follows:

SECTION 8.8 SHORT-TERM & LONG-TERM RENTALS

Short-term and long-term rentals are permitted in all zoning districts on Dauphin Island, with the exception of the Conservation Park (CP) and Central Business (CB) zoning districts. Short-Term Rental Overlay Districts (STRODs) and associated maps are established to provide limits (caps) on the number of available Short-Term Rental licenses in certain residential areas of the Town. All properties zoned R-1 and V shall be included within one of the five (5) overlay districts identified herein. These overlay districts are intended to regulate STR density in residential areas based upon existing land use patterns, neighborhood character, and other planning considerations. Properties included within the overlay districts are identified in *Article 4* of this Ordinance.

The STRODs are divided into five (5) separate overlay districts due in part to differences in historical development patterns, residential character, rental density, parking considerations, and other land use factors present within each district.

- Short-Term Rental Overlay District 1 (STROD1)
- Short-Term Rental Overlay District 2 (STROD2)
- Short-Term Rental Overlay District 3 (STROD3)
- Short-Term Rental Overlay District 4 (STROD4)
- Short-Term Rental Overlay District 5 (STROD5)

The cap numbers shall be established by the Town Council as set forth in this Ordinance and may be reviewed from time to time by the Town Council to determine whether adjustments are warranted. The overlay districts encompass distinct geographic areas of the Island with differing residential and rental characteristics. Properties included within these districts are identified on the maps contained in *Article 4* of this Ordinance.

It is the desire of Town officials to offer property owners on Dauphin Island the option of using their properties for temporary lodging purposes, provided all applicable regulations are met. It is equally important that the quality of life of residents, property owners, and visitors is protected and that the establishment and operation of temporary lodging accommodations remain compatible with the character of surrounding neighborhoods and the long-term planning objectives of the Town.

SECTION 6. Amendment of Section 8.8.10 – Short-Term Rental Overlay District Regulations.

Section 8.8.10, Section 8.8.10.1, Section 8.8.10.2, and Section 8.8.10.3 of Ordinance No. 105 are hereby repealed in their entirety and replaced as follows:

§ 8.8.10 SHORT-TERM RENTAL OVERLAY DISTRICTS REGULATIONS

The following regulations and procedures apply to Short-Term Rental Overlay Districts 1 through 5 (STROD1, STROD2, STROD3, STROD4, and STROD5).

§ 8.8.10.1 Licensing Procedure

The current number of Short-Term Rental ("STR") licenses within each STROD shall be calculated from license data maintained by the Town and mapped by Town staff. The number of allowed STR licenses (cap) permitted within each district is established to preserve neighborhood character, protect the quality of life of residents, promote a safe environment for residents and visitors, improve the availability of long-term residential housing, and balance the demand for STR accommodations with the Town's planning objectives. Other factors will include the availability of lodging in commercial and multifamily areas as well as impacts to economic sustainability and budgetary considerations.

Maximum license caps are established as follows:

- STROD1: Maximum ninety (90) licenses;
- STROD2: Maximum seventy (70) licenses;
- STROD3: No maximum number of licenses;
- STROD4: Maximum nine (9) licenses;
- STROD5: Maximum five (5) licenses.

Example 1 (Cap exceeded)

In STROD4, the current number of licensed STRs is:	26
The rental license cap in STROD4 is:	9
Available Licenses:	0

Waiting List:	2

In this example, 18 licenses must stop being active before the first license on the waiting list can be issued.

Example 2 (Cap not met)

In STROD1, the current number of licensed STRs is:	85
The rental license cap in STROD1 is:	90
Available Licenses:	5
Waiting List:	3

In this example, there are 5 available licenses. The three applications on the waiting list will be filled and two more will be available.

If there are more legally licensed STRs than the applicable cap within a district, the excess licensed STRs shall be allowed to continue operating and renewing their licenses in accordance with this Ordinance. No new STR licenses shall be issued within that district until the total number of active licenses falls below the applicable cap.

A waiting list shall be generated and maintained by the Building Department for each district in which the number of applications exceeds the number of licenses available under the applicable cap. Available licenses shall be issued to waiting list participants in the order that completed applications are received.

Existing valid STR licenses located within STROD4 and STROD5 on the effective date of this Ordinance shall be deemed grandfathered and may continue to be renewed annually notwithstanding the applicable district cap. The Building Official shall determine the number of grandfathered STR licenses existing within STROD4 and STROD5 as of the effective date of this Ordinance based upon Town licensing records. Grandfathered STR licenses are personal to the owner holding the license on the effective date of this Ordinance and shall not run with the land.

Grandfathered status shall automatically terminate upon:

(a) the sale, transfer, conveyance, assignment, gift, or other transfer of ownership of the property, other than transfers upon death to a surviving spouse;
(b) the surrender, revocation, or expiration of the STR license; or
(c) failure to timely renew the STR license in accordance with this Ordinance.

Upon termination of grandfathered status, the property shall thereafter be subject to all applicable caps and restrictions then in effect. The grandfathering provisions of this subsection apply only to STR licenses located within STROD4 and STROD5.

For purposes of this section, a license shall be deemed inactive if it is surrendered or if no realistic rental activity is documented within a six (6) month period as determined by the Building Official.

Any modification of an STR cap established herein shall require a public hearing and amendment of this Ordinance.

§ 8.8.10.2 Parking

The maximum number of vehicles permitted at any Short-Term Rental shall be based on the formula of one (1) parking space for every two (2) adult occupants eighteen (18) years of age and older. In STROD3, due in part to the sensitive nature of the environment in this area and changing conditions caused by wind and wave action, special parking allowances are provided. Specific parking allowance standards are established as follows:

- STROD1: maximum of one (1) parking space for every two (2) adult occupants eighteen (18) years of age and older;
- STROD2: maximum of one (1) parking space for every two (2) adult occupants eighteen (18) years of age and older;
- STROD3: maximum of one (1) parking space for every two (2) adult occupants eighteen (18) years of age and older. In addition, parcels located south of Bienville Boulevard, with addresses on the "court streets," all located west of Sehoy Street (Seneca Court thru Westward Ho Court), shall be permitted to park along the adjacent court street (parking permit required) as space is available, provided the total number of vehicles does not exceed the maximum number of parking spaces otherwise allowed for the STR. Parking along Bienville Boulevard is prohibited;
- STROD4: maximum of one (1) parking space for every two (2) adult occupants eighteen (18) years of age and older;
- STROD5: maximum of one (1) parking space for every two (2) adult occupants eighteen (18) years of age and older.

§ 8.8.10.3 Minimum Stays

A minimum consecutive stay shall apply to all Short-Term Rentals located within the STRODs.

Required minimum nightly stays are established as follows:

- STROD1: required minimum three (3) night consecutive stay;
- STROD2: required minimum three (3) night consecutive stay;
- STROD3: required minimum two (2) night consecutive stay;
- STROD4: required minimum three (3) night consecutive stay;
- STROD5: required minimum three (3) night consecutive stay.

SECTION 7. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8. Severability.

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 9. Codification.

The amendments adopted herein shall be incorporated into Ordinance No. 105, the Town of Dauphin Island Zoning Ordinance, and the Town's official copy of Ordinance No. 105 may be revised and updated as necessary to reflect the amendments approved by this Ordinance.

SECTION 10. Effective Date.

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED AND APPROVED by the TOWN COUNCIL of the TOWN OF DAUPHIN ISLAND, ALABAMA, this ___ day of _____, 2026.

_____
Jeff Collier, Mayor

ATTEST:

_____
Wanda Sandagger, Town Clerk

Planning Commission Recommendation: _____

1st Reading: _____

Council Public Hearing: _____

2nd Reading: _____

Adopted: _____

Posted: _____

Effective Date: _____

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