

## ORDINANCE # 64

### An Ordinance Amending Ordinance No. 62A

The City Council of the City of Forada ordains:

1. The purpose of this Ordinance is to amend Article 4, Section 4.01 of Ordinance No. 62A to prohibit the use of one- or two-family residential dwellings as short-term vacation rentals because such use is inconsistent with the residential character of the City of Forada and is not in the best interests of the health, safety and welfare of the City's residents.

2. The City of Forada Ordinance No. 62A, Article 4, Section 4.01 is hereby repealed and amended to read as follows:

"4.01 Use regulations. In the residential district, unless otherwise provided in this Ordinance, no building or land shall be used and no building shall hereafter be erected or structurally altered except for one or more of the following uses and provided such use meets the stated requirements:

- (1) One- or two-family dwellings, including manufactured homes, provided their location is approved and meets the requirements of Section 4.01(8) hereunder, accessory buildings and apartments, provided that no business shall be conducted therein except those for which a conditional use permit has been issued.
- (2) Agricultural; limited, however to plant husbandry and sale of plants and produce; plant nurseries or greenhouses.
- (3) Parks and playgrounds.
- (4) Churches, libraries, schools, clubs and lodges.
- (5) Boarding and lodging houses. A boarding or lodging house shall be designated as a structure, other than a hotel or motel, in which one or more rooms are rented out for definite periods to persons who are not members of the immediate family of the normal occupant, regardless of whether meals are provided to such persons, but not including a structure providing these services for more than six persons. A facility commonly known as "bed and breakfast inn" shall be considered a lodging or boarding house and is allowed in the residential district.

(6) The following uses, but only upon securing a conditional use permit if the City Council determines it will not materially affect adversely the health, safety or property of persons residing in the area:

(a) Hospitals, clinics, dental offices or other buildings used for the treatment of human ailments.

(b) Other professional offices in homes used incidentally in the carrying out of a business conducted away from the home.

(c) Home business as defined and further regulated in Section 4.01(7).

(d) Resort or campground.

(7) Home Business. A home business may be conducted only in accordance with the following requirements:

(a) Subordinate use. The use of the dwelling unit for the home business shall be clearly incidental and subordinate to its residential use.

(b) Outside appearance. The conduct of the home business shall result in no change in the outside appearance of the building or land, or other visible evidence of the conduct of the home business other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the dwelling.

(c) No sale of any goods or materials shall be made in connection with the home business, except for the occasional sale from a minimal inventory kept on the premises by a person, most of whose sales are made from efforts of the sales person conducted outside of the dwelling and further except that sales of goods that are incidental to the conduct of a service business (such as the sale of shampoo by a person conducting a beauty shop.)

(d) Traffic. No traffic shall be generated by such home business in greater volume than would normally be expected in a residential district.

(8) The principal residential building of any lot located in the residential district shall conform to the following regulations:

(a) For lots platted or created after the effective date of this Ordinance, the minimum width and/or length of such building, excluding its garage, screened porches, patios, decks, breezeways, or other seasonal use portions thereof, shall be not less than 40 feet, and the other dimension thereof, be it width or length, shall be not less than 24 feet.

(b) For lots existing on or prior to the effective date of this Ordinance, the minimum width and/or length of such building, excluding its garage, screened porches, patios, decks, breezeways, or other seasonal use portions thereof, shall be not less than 24 feet, and the other dimension thereof, be it width or length, shall be not less than 24 feet.

(c) Such building shall be permanently attached to a permanent foundation constructed of concrete, cement block or treated wood, and set below the frost line.

(d) For lots platted or created after the effective date of this Ordinance, the total area of all buildings and other impervious surfaces shall not cover more than 25% of the lot area.

(e) For lots existing on or prior to the effective date of this Ordinance, the total area of all buildings and other impervious surfaces shall not cover more than 50% of the lot area.

(9) No manufactured mobile home park shall be permitted in the City of Forada.

(10) The use of a dwelling, including but not limited to a one- or two-family dwelling or a manufactured home or camper, as a short-term vacation rental unit is prohibited.

(a) For purposes of this Ordinance, "short-term vacation rental unit" shall mean a dwelling which is rented, leased, subleased or assigned for transient habitation of a period of less than 30 days in duration.

(b) A dwelling used as a short-term vacation rental unit prior to the effective date of this Ordinance amendment may continue by virtue of grandfather rights, but such rights shall be considered abandoned if use of the dwelling as a short-term vacation rental unit lapses for a period of one year."

3. All other provisions of Ordinance No. 62A shall remain in full force and effect.

4. This Ordinance shall become effective and enforceable on the day following publication.

Passed by the Forada City Council this 7<sup>th</sup> day of May, 2012.

*Ken P. Zumb*  
Mayor

Attest: *Ruby Benson*  
Clerk