

ORDINANCE NO. 2006-5

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, IDAHO, BEING ORDINANCE 1983-2 TO DEFINE "BOARDING HOUSE, "ROOMING HOUSE", "BED AND BREAKFAST", AND "VACATION RENTAL"; REQUIRING A BUSINESS LICENSE AND NON PROPERTY TAX PERMIT FOR VACATION RENTALS; PROVIDING FOR THE POSTING OF SIGNS ON VACATION RENTALS; DESIGNATING OFF STREET PARKING REQUIREMENTS; PROVIDING FOR TERMINATION DATES FOR VACATION RENTALS IN RESIDENTIAL ZONES AND IN WHICH TO BE BROUGHT INTO COMPLIANCE WITHIN COMMERCIAL ZONES; DESIGNATING THE ZONES IN WHICH VACATION RENTALS WILL BE PERMITTED; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; WAIVING THE RULE THAT THIS ORDINANCE BE READ ON THREE (3) SEPARATE OCCASIONS; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAVA HOT SPRINGS, IDAHO, AS FOLLOWS:

**Section 1:** Chapter II, Ordinance 1983-2, is amended to revise the definition of "boarding house", and to add definitions for "bed and breakfast", "rooming house", and "vacation rental" as follows:

CHAPTER II  
DEFINITIONS

**BED AND BREAKFAST.** A dwelling where, for compensation, meals are provided on site for no more than fifteen (15) persons who are not immediate members of the household family residing in the dwelling, and is owner or manager occupied.

**BOARDING HOUSE.** A dwelling where, for compensation, meals are provided on site for no more than fifteen (15) persons who are not immediate members of the household family residing in the dwelling and is owner or manager occupied for long term stays, 30 days or more.

**MANAGER.** A person living on site who represents the owner of the boarding or rooming house.

**ROOMING HOUSE.** See boarding house.

**VACATION RENTAL.** (Also Tourist Home): A single family dwelling unit or multiple family dwelling unit, built or converted, where, for compensation, lodging facilities are provided for a duration for less than thirty (30) days, but not including a tent, recreational coach, motor home, camper, hotel, motel, hospital, yurt or nursing home.

**Section 2:** Chapter 3, Section 3, is hereby amended to add a new Subsection A thereto relating to vacation rental (tourist home) within the city as follows:

**CHAPTER 3  
GENERAL PROVISIONS**

**SECTION 3: Regulations.**

- A. Vacation Rental (Tourist Home)- Permitted use in the C-1 and C-2 Commercial Zones, the following restrictions and requirements shall apply.
1. A City of Lava Hot Springs business license and non property tax permit is required.
  2. On each Vacation Rental property, a visible sign must be posted with clear instruction for contacting the property owner or manager, with the following information:
    - a. Business Name
    - b. Area code and telephone number where assistance is available 24 hours a day
  3. Off-Street Parking Requirements. One (1) off-street parking space for every two (2) bedrooms shall be provided to accommodate such increase in intensity of use.
  4. No campers, motor homes, tents, or other forms of camping will be allowed on premises.
  5. All vacation rentals operating in a commercial zone will have one calendar year from the effective date of this ordinance to bring the property in compliance with these restrictions before a business license will be renewed for the following calendar year. Vacation rentals are not permitted in residential zones.
- B. Bed and Breakfast - Permitted use in the C-1 and C-2 Commercial and R-3 residential zones and a conditional use in a R-2 residential zone, the following restrictions and requirement shall apply:
1. A bed and breakfast must be licensed and the owner's name residing on site must be specified on the business license application.

**Section 3:** Chapter 3, Section 8, Ordinance 1983-2 is hereby amended to add a new subsection for parking space requirements for a vacation rental (tourist home) and bed and breakfast as follows:

## CHAPTER 3 GENERAL PROVISIONS

### SECTION 8. Off-Street Parking and Loading Requirement

- p. Bed and breakfast - one parking space for each two (2) bedrooms.
- q. Vacation rental or tourist home- one parking space for each two (2) bedrooms.

**Section 4:** Chapter 4, Section 3, Ordinance 1983-2, is hereby amended to add vacation rentals as permitted uses within the C-1 zone as follows:

## CHAPTER 4 USE DISTRICTS

### SECTION 1. R-2 Zone.

#### 2. Conditional Uses Permitted:

- g. Bed and Breakfast

### SECTION 2. R-3 Zone.

#### 1. Uses Allowed:

- c. boarding and rooming house; bed and breakfast

### SECTION 3. Regulations for the C-1 zone.

#### a. Uses allowed

- (1) retail stores and retail or personal service shops, banks, offices, hotels, motels, vacation rentals (tourist homes) and restaurants;
- (9) boarding and rooming houses; bed and breakfast;

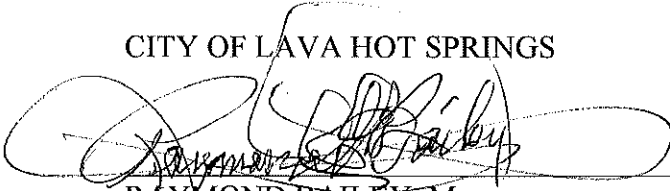
**Section 5:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 6:** The rule requiring that this ordinance be read on three (3) separate occasions is hereby waived.

**Section 7:** This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this 14th day of December, 2006 by the Mayor and City Council of Lava Hot Springs, Idaho.

CITY OF LAVA HOT SPRINGS



RAYMOND BAILEY, Mayor

ATTEST:



CANDA DIMICK, City Clerk