

Permit #



HILL CITY

HEART OF THE BLACK HILLS

Date Received

NIGHTLY VACATION RENTAL CONDITIONAL USE PERMIT APPLICATION

(Applications are due by 12:00 PM the Wednesday prior to the Planning & Zoning Meeting)

APPLICANT / AGENT* _____ Phone # _____

Mailing Address _____

Email _____ Cell Phone # _____

OWNER _____ Phone # _____

Mailing Address _____

Physical Address _____

Email _____ Cell Phone # _____

24/7/365 CONTACT FOR QUESTIONS, CONCERNS, EMERGENCIES

Name: _____ Cell Phone # _____

Other Contact # _____ Email _____

LOT INFORMATION

Parcel ID# _____ Tax ID# _____ Current Zoning _____

Property Address _____

Bedrooms _____ # Bathrooms _____ # Off-Street Parking Spaces _____

Legal Description _____

Lot _____ Block _____ Subdivision _____ Lot Size _____

CONDITIONAL USE INFORMATION

Please read the conditional use permit review criteria on the following page, before you complete the description information below. Each request for a conditional use permit shall be consistent with the adopted conditional use permit review criteria.

DESCRIPTION OF REQUESTED CONDITIONAL USE

CONDITIONAL USE PERMIT REVIEW CRITERIA

A request for a conditional use shall be permitted to be approved, approved with conditions or denied. Each request for a conditional use approval shall be consistent with the criteria listed below:

1. The request is consistent with all applicable provisions of the comprehensive plan.
2. The request shall not adversely affect adjacent properties.
3. The request is compatible with the existing or allowable uses of adjacent properties.
4. The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. The request can demonstrate adequate provision for maintenance of the use and associated structures.
6. The request has minimized, to the degree possible, adverse effects on the natural environment.
7. The request will not create undue traffic congestion.
8. The request will not adversely affect the public health, safety or welfare.
9. The request conforms to all applicable provisions of this code.

CONDITIONAL USE APPLICATION PROCESS


1. Application complete, with required attachments, non-refundable fee paid.
2. Planning & Zoning Commission reviews at their next meeting & forwards to City Council with their recommendation.
3. City Council sets hearing date (usually the following City Council scheduled meeting).
4. Certified notices go to all neighbors within 150' of property. Applicant will be invoiced and shall reimburse the City for all postage costs incurred. A physical sign, stating Conditional Use is being sought, is placed on the property.
5. City Council holds public hearing and votes to approve/approve with conditions/deny.
6. If approved, there will be a one year review by the Planning & Zoning Commission.
7. All conditional uses are subject to review by the Planning & Zoning Commission at any time.

ACKNOWLEDGEMENTS & REQUIRED ATTACHMENTS

When a conditional use permit is abandoned or discontinued for a period of 1 year, it shall not be reestablished, unless authorized by the legislative body on appeal. A conditional use permit shall be revoked when the applicant fails to comply with conditions imposed. _____ **Initial**

I have read and understand the requirements under Hill City Municipal Ordinance 2022-01 and will comply with all requirements. _____ **Initial**

I have or will upon approval, produce and provide to neighboring properties, 24/7/365 contact information for questions, concerns and emergencies. _____ **Initial**

 Attach copy or photocopy of the required posted information for guests to this application.

The State of South Dakota requires all nightly vacation home rentals, rented for more than 14 days in a calendar year, to be registered with the SD Dept. of Revenue and the SD Dept. of Health (to allow for health inspections). Conditional Use Permits for Nightly Vacation Home Rentals MUST comply with state requirements.

 Attach proof of registration with the state of South Dakota Dept. of Revenue to this application.

 Attach state of South Dakota Dept. of Health initial inspection report to this application.

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. THE GRANTING OF THIS PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY FEDERAL, STATE OR LOCAL LAW.

Signature of Applicant / Agent _____

Date _____

Signature of Owner _____

Date _____

OFFICE USE ONLY

APPLICATION REVIEW

- ☐ Application Complete
- ☐ Fees Paid
- ☐ Submit to the Planning & Zoning Commission for consideration and recommendation.
- ☐ Set hearing date with City Council
- ☐ Mail certified letters to neighboring property owners within 150 feet, 10 days prior to hearing date.
- ☐ Conduct hearing with City Council
- ☐ Scan documents to address file

PLANNING & ZONING COMMISSION

Meeting Date _____ Action _____

Notes:

CITY COUNCIL

Meeting Date _____ Action _____

Notes:

CITY COUNCIL

Meeting Date _____ Action _____

Notes:

Application Fee \$ _____ Date Paid _____ Cash/Credit Card/Check # _____ Receipt # _____

ORDINANCE 2022-01

AN ORDINANCE ESTABLISHING REGULATORY STANDARDS FOR NIGHTLY VACATION RENTALS WITHIN THE CITY OF HILL CITY, PENNINGTON COUNTY, SOUTH DAKOTA

Definitions

Nightly Vacation Rental/Vacation home establishment - any home, cabin, or similar building that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen days in a calendar year and is not occupied by an owner or manager during the time of rental. This term does not include a bed and breakfast establishment as defined in subdivision SDCL 34-18-9.1(1).

Bed and breakfast establishment - any building or buildings run by an operator which is used to provide accommodations for a charge to the public, with at most five rental units for up to an average of ten guests per night and in which family style meals are provided. SDCL 34-18-9.1(1).

Nightly Vacation Rental Limitation

Nightly vacation rentals shall be limited to no more than eight percent (8%) of properties within designated areas containing residential zoning. Designated areas shall be comprised of street(s) grouped together which are in close proximity to one another and conceptually convey a collective neighborhood. The designated areas shall be defined by resolution and adopted by the Common Council. The application of the eight percent (8%) limitation formula shall only result in whole numbers. Fractional values shall always be rounded down to a whole number. The resulting whole number shall be the number of nightly vacation rentals allowed within that designated area.

Exceptions to limitation --

- a. The property is owner occupied
- b. Properties with non-residential zoning
- c. Bed and breakfast establishments

Nightly Vacation Rental Requirements

The following are requirements of nightly vacation rentals operating within all types of residential zoning of the city:

- a. The Owner/Operator must obtain a South Dakota Sales Tax License from the SD Department of Revenue and present a copy of this license to the City of Hill City prior to business operation.
- b. The Owner/Operator must obtain a South Dakota Vacation Home Lodging License from the SD Department of Health and present a copy of this license to the City of Hill City prior to business operation.
- c. The Owner/Operator must produce and disseminate up to date information to overnight guests of the subject property. This information includes:
 - Property address and property boundaries identified physically and a hard copy map exhibit.
 - 24/7/365 contact information for questions, concerns and emergencies.
 - Maximum number of overnight guests permitted to stay in the unit.
 - Owner/Operator created, overnight guest policies. (Pets, parking, quiet hours, visitors, etc.).
 - The number and location of off-street parking spaces.
 - The use of fire pits, open flames, grills and other similar devices in accordance with all federal, state, county and local laws.
 - Refuse instructions (where to deposit or take trash).
 - Local emergency and law enforcement contact information.
 - Drawing showing the location of fire extinguishers and structure exits.
 - Statement of expectation that Overnight Guests and their Visitors be courteous and respectful of the neighboring properties.
- d. The Owner/Operator must produce and disseminate up to date information to adjacent neighbors of the subject property. This information includes:
 - Property address and property boundaries identified physically and a hard copy map exhibit.
 - 24/7/365 contact information for questions, concerns and emergencies.
- e. The Owner/Operator must comply with all applicable federal, state, county and local laws.

Nightly Vacation Rental Review

Upon the first, one year anniversary of the issuance of the nightly vacation rental conditional use, a review shall be conducted of that rental by City staff and results presented to the Planning & Zoning Commission for consideration. Thereafter, reviews shall be initiated via substantiated complaint. The review shall include items such as:

- a. Review of any calls for service reported to the Pennington County Sheriff's Department.
- b. Physical property inspection to determine compliance with city ordinance requirements.
- c. Verification with the state of a current and valid SD Department of Health: Vacation Home Lodging License.
- d. Verification with the state of a current and valid SD Department of Revenue sales tax revenue license.
- e. Review of most recent state conducted health inspection report.
- f. Verification with the state of the existence of any taxable sales within the prior 12-month period.
- g. Review any communication received from overnight guests or neighbors of the property.

Enforcement & Penalties

It is a violation of this section to operate or utilize any nightly vacation rental in a manner inconsistent with the terms set forth in this chapter or regulated further within other chapters. Any person including guests, property managers, local contact person, agent, and/or property owners that violates the provisions of this chapter may be subject to penalties or remedies set forth herein. Violations are subject to applicable general penalty provisions of all local and state regulations.

Persons in violation shall be notified via certified letter of each violation and shall have 14 days to correct each violation and remit payment of any penalty. Violations may be appealed to the Planning & Zoning Commission; receipt of such an appeal must be received no later than 10 days from the issuance date of the violation. Each day of violation constitutes a separate offense. Penalty amounts shall be established by resolution and adopted by the Common Council.