

The following INITIATED ORDINANCE will be submitted to the voters at the **HILL CITY MUNICIPAL SPECIAL ELECTION on JUNE 7TH, 2022.**

Title: AN ORDINANCE ESTABLISHING A BAN ON NON-OWNER-OCCUPIED NIGHTLY RENTALS IN RESIDENTIALLY ZONED AREAS WITHIN THE CITY OF HILL, PENNINGTON COUNTY, SOUTH DAKOTA

The use of properties in residentially zoned areas for the purpose of nightly rentals within the city limits of Hill City are not permitted. Conditional use permits for this use in residentially zoned areas as defined in this ordinance, will not be accepted or permitted.

Definitions for the purpose of this Ordinance

Residentially Zoned Area – Any areas within the Hill City, SD city limits, that are zoned R Division 1, R Division 2, R Division 3, R Division 4, or any Planned Unit Development or Planned Development Zone created for the primary purpose of residential housing.

Nightly Vacation Rental – 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.

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 5 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.

Exclusions

The following conditions will be exempt from this ordinance:

- A Bed and Breakfast
- A property in which the owner is an occupant
- Any property possessing a zone that is other than R1, R2, R3, R4, PUD or PDZ

Treatment of properties in residentially zoned areas in existence prior to the implementation of this ordinance

- This ordinance will immediately become effective as of the date of the signing of the ordinance.
- Properties impacted by this ordinance (non-owner-occupied properties that are in zones R1, R2, R3, R4, PUD or PDZ) that are currently utilized as a nightly rental and may possess a Conditional Use Permit to operate as nightly rental will remain in effect until:

1. The property changes ownership. At that time the pre-existing Conditional Use Permit use of the property as a nightly rental will become invalid.
2. The existing Conditional Use Permit is rescinded due to non-compliance or other action.

Stacia Tallon
Finance Officer

Publishing Dates:
05-11-2022
05-18-2022

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