

SECTION 319 – VACATION HOME RENTALS (Effective 06-26-24)

- A. *Purpose.* To establish regulations and standards for owners of Vacation Home Rental (VHR) properties in Pennington County for the protection of the public health, safety, and welfare.
- B. *Applicability.* This Section applies to all VHRs within Pennington County outside the jurisdiction of an incorporated municipality.
- C. *Definitions.*
1. *Long-term Rental.* Any dwelling that is rented for more than 28 consecutive days.
 2. *Operator.* Any person or organization designated to be in charge of the day-to-day operations of a VHR.
 3. *Vacation Home Rental (VHR).* Any home, cabin, or similar unit that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than 14 days in a calendar year and is not occupied by an owner or manager during the time of rental.
- D. *General Requirements.*
1. *License.* If all of the general requirements set forth in this Section and all performance standards set forth in PCZO § 319(E) are met, a VHR is issued a License.
 2. *Zoning.* VHRs are allowed in agriculture, commercial, and residential zoning districts.
 - a. VHRs are prohibited in industrial zoning districts.
 3. *Dwelling requirements.*
 - a. *One VHR per lot.* Only one VHR is allowed per lot.
 - i. Exceptions:
 - (1) Multiple VHRs per lot may be allowed in commercial zoning districts.
 - (2) Multiple-family, condominiums and apartments. VHRs are allowed in units located in apartments, condominiums or other multiple-family dwellings.
 - b. *Accessory Dwelling Units (ADUs).* VHRs are allowed in ADUs under the *following* conditions:
 - i. The property must be owner-occupied as determined by the Pennington County Department of Equalization or the main dwelling is occupied as a long-term rental.
 - ii. Only one rental ADU is allowed per lot. The main dwelling cannot be used as a VHR.
 - iii. The ADU must have an approved Conditional Use Permit in accordance with PCZO § 324.
 - c. *Recreational Vehicles.* VHRs are prohibited in Recreational Vehicles.

4. *Special Flood Hazard Area.* VHRs are prohibited in a floodway and no portion of the dwelling can be within the floodway boundaries.
5. *Local Contact.* An owner must have a Local Contact and the Local Contact must live within 50 miles of the licensed VHR.
6. *Application.* The following information must be submitted to the Planning Department with the License Application:
 - a. *Application Form.* On a form provided by the Planning Department.
 - b. *Fees.* In accordance with PCZO § 319(F).
 - c. *Site Plan.* The site plan showing the layout of the property, including all existing and proposed structures with setbacks, wells and/or water lines, on-site wastewater treatment system and/or sanitary sewer lines, and on-site parking spaces.
 - d. *Floorplan.* An interior diagram/floorplan of the dwelling to be used as a VHR.
 - e. *Utility Plan.* The location and type of all utilities serving the dwelling. This must include:
 - i. On-site wastewater treatment system information and location.
 - ii. Water supply information and location.
 - iii. Propane tank(s) locations, if applicable.
 - f. *Performance Standard Information.* All information supporting compliance with the required performance standards set forth in PCZO § 319(E).
 - g. *Local Contact.* The name, address, phone number, and email address.

E. *Performance Standards.*

1. *Bedrooms.* The maximum number of bedrooms in the dwelling cannot exceed 5.
2. *Maximum Occupancy.* The maximum occupancy is 14 people (guests) or the maximum allowed based on the size of the existing onsite wastewater treatment system (see South Dakota Administrative Rules 74:53:01:20, 74:53:01:25 and 74:53:01:31) serving the VHR, whichever is smaller.
 - a. All ages count towards the number of people.
3. *Parking.*
 - a. *Minimum parking requirement.* Parking is required in accordance with PCZO § 310.
 - b. *Designated parking.* All guests and guest's visitors must park in a designated parking spot.
4. *Wastewater Treatment.* The owner must provide a letter from South Dakota Department of Agriculture and Natural Resources for the wastewater system, unless the system is public.
5. *Operating License.* A valid Operating License is required if the VHR is served by an on-site wastewater treatment system.
 - a. An Operating License is required every three years (at the time of License renewal).

6. *South Dakota Department of Health Inspection Report (SD DOH).* The owner must submit a current VHR Inspection Report performed by the SD DOH at the time of application for a VHR License.
7. *South Dakota Department of Revenue (SD DOR).* All owners, or their designee, must have a SD DOR current Sales Tax License.
8. *South Dakota Department of Health Lodging License.* All owners must have a current SD DOH Lodging License for a VHR.
9. *Fire Protection District.* Any VHR located within the Black Hills Area Fire Protection District must obtain all permits as required by South Dakota Law and regulation prior to the use of fire on the property.
10. *Pennington County License Information.* On any listing for the vacation home rental, the following must be added to the listing: “Approved by Pennington County License Number (insert number here).”

F. *Fees.*

1. License Fee: \$150.00 every three years.
2. A fine of \$200.00 per day (from the date of notice) will be assessed for advertising a VHR without a License.
3. A fine of \$250.00 per day (from the date of notice) will be assessed for violating any other requirements of PCZO § 319.

G. *Sale or Transfer of a Dwelling with a License for a VHR.* Licenses for VHRs are not transferable.

H. *Revocation or suspension of VHR License.* Any License issued under this Section must be established and conducted in conformity with all applicable rules and regulations. Failure to comply is cause for revocation or suspension of the License.

1. *Grounds.* The Planning Director may schedule a revocation or suspension hearing before the Board of Commissioners, if:
 - a. The owner has received three or more separate notices from the Planning Department for violating PCZO § 319 in any 24-month period; or,
 - b. The continued use of the dwelling as a VHR determined by the Planning Director to be a threat to public health, safety, or general welfare.
2. *Notice.* Notice of time and place of hearing shall be given, in writing, to the Licensee at least 30 days in advance of hearing. Notice of time and place of the hearing shall be published at least 30 days in advance of hearing in the legal newspapers of the County.

3. *Hearing.* Upon hearing, the Board of Commissioners may revoke or suspend the License. In determining whether a License should be revoked or suspended, the Board must consider:
 - a. The nature and seriousness of the violation;
 - b. Corrective action, if any, taken by the licensee;
 - c. Prior violation(s), if any, at the licensed premises by the licensee and the effectiveness of prior corrective action, if any;
 - d. The length of time the License has been held by the licensee; and,
 - e. The number of violations by the licensee within the applicable twenty-four (24) month period.

- I. *Building Permit.* Building Permits will be issued in accordance with PCZO § 506.

- J. *Expiration.* Licenses issued in accordance with Zoning Ordinance § 319 will expire on December 31st of the third year from the year of issuance.

- K. *Appeals.* Appeals from PCZO § 319 are done in accordance with SDCL 11-2.

- L. *Enforcement.* Failure to comply with PCZO § 319 is a violation of Pennington County Zoning Ordinance and subject to the enforcement provisions of PCZO § 514. County enforcement actions, including revocation or termination, may be taken based on guests and invitee's acts or failure to conform to the provisions of this Ordinance.