

SECTION 319 – VACATION HOME RENTALS (VHRs)

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, and to minimize the impacts of such use.

B. Zoning Requirements:

VHRs are allowed uses in Highway Service and General Commercial Zoning Districts and may be allowed in Planned Unit Developments (see Section 213). VHRs are permitted with approval of a Conditional Use Permit in General Agriculture, Limited Agriculture, and Low Density Residential Zoning Districts. VHRs are permitted with approval of a Conditional Use Permit in a Suburban Residential Zoning District, if the applicant has a permit from the State of South Dakota to operate a VHR at the date of passage of this Ordinance Amendment, or if the applicant has applied for such permit at the date of passage of this Ordinance Amendment.

C. Permit Requirements:

1. A Conditional Use Permit is required for a VHR prior to operation in those zoning districts designated in accordance with the Zoning Requirements of this Section.
2. A Conditional Use Permit is not required for VHRs of 14 days or less (cumulative) in a calendar year in any zoning district. [ref. SDCL 34-18-1(21)]
3. The Owner must have applied for a South Dakota Vacation Home Rental License from the South Dakota Department of Health. A copy of the application or license must be provided to the Planning Department prior to operation. At the time of issuance of the Vacation Home Rental License from the South Dakota Department of Health, a copy of the license shall be furnished to the Planning Department.
4. The Owner must obtain a South Dakota Sales Tax License from the South Dakota Department of Revenue. A copy of the License must be provided to the Planning Department prior to operation.
5. The Conditional Use Permit shall be revoked upon sale or transfer of ownership of the property.
6. Permits required by this Section are in addition to any license, permit, or fee required elsewhere in this Ordinance or required by State Law. Any person holding a CUP issued under this Section must also comply with all applicable federal, state, and local laws and regulations.

D. Local Contact:

An Owner may retain a Local Contact to comply with the requirements of this Section, including, without limitation, the filing of an application for a Conditional Use Permit, the management of the VHR, and compliance with the conditions of the Conditional Use Permit. The Conditional Use Permit shall be issued only to the Owner of the VHR. The Owner of the VHR is ultimately responsible for compliance with the provisions of this Section. The failure of the Local Contact to comply with this Section shall be deemed as non-compliance by the Owner.

E. Application for Vacation Home Rental Conditional Use Permit:

The following information must be provided:

1. Site plan depicting 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.
2. An interior diagram/plan of the VHR.
3. The maximum number of overnight occupants.
4. Acknowledgement from the Owner that the VHR meets all Fire Safety Standards for Vacation Home Establishments requirements in accordance with SDCL 34-18-22.3.
5. Specifications of the existing wastewater treatment system.

F. Performance Standards:

All Conditional Use Permits issued, pursuant to this Section, are subject to the following standards:

1. The maximum occupancy allowed in a VHR shall be no greater than two (2) persons per bedroom, plus four (4) additional persons, but may be fewer based on the capacity of the wastewater system. Children age 5 and under are not counted as occupants.
2. VHRs are limited to a maximum of five (5) bedrooms.
3. The number of on-site parking spaces as determined in accordance with Section 310.
4. The Owner shall ensure that occupants and/or guests of the VHR do not create a Nuisance, per Pennington County Ordinance 106. It is not intended that the Owner or Local Contact act as a peace officer or be placed in harm's way through implementation of this directive.

5. Where the Owner does not reside full-time within 50 miles driving distance of the VHR, a Local Contact shall be designated. The Local Contact shall reside within 50 miles driving distance of the VHR. The Owner or Local Contact shall be responsible for responding in a reasonable time to complaints about the VHR. The name, address, and telephone contact number of the Owner and/or Local Contact shall be kept on file at the Planning Department. The Notice of Hearing Letter shall also contain the name and phone number of the Local Contact.
6. The wastewater system utilized by the VHR must be approved by the South Dakota DENR and/or must comply with Section 204-J.
7. The Owner shall keep records as required per SDCL 34-18-21. The report shall be provided to the Planning Department upon request.
8. Any lights used for exterior illumination shall direct light away from adjoining properties. Lighting shall be pointed/shielded downward to minimize upward glare.
9. Occupancy of recreational vehicles (RVs), camper trailers and tents shall not be allowed. Children under the age of 13 are allowed to “camp out” in a tent on the premises, but count toward the maximum occupancy.
10. The minimum age allowed for the principal renter of a VHR is 21 years of age.
11. Quiet hours shall be from 10 p.m. until 7 a.m. No outside activities shall be allowed after 10 p.m.
12. The use of open fires, fire pits, fireworks, charcoal-burning grills or other devices (as applicable) shall be the responsibility of the Owner or Local Contact. All authorized open fires shall be extinguished by 10 p.m. (refer to Section 319-G-1-e.).
13. The maximum number of day guests allowed shall be 50 percent of the maximum occupancy of the VHR.
14. In granting or denying a Conditional Use Permit for a Vacation Home Rental, the Planning Commission and/or Board of Commissioners shall uphold any restrictive covenants applicable to the property.

G. Sign and Notification Requirements:

1. Interior Informational Sign. Each VHR shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
 - a. The name of the Local Contact or Owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis;
 - b. The maximum number of occupants permitted to stay in the unit;
 - c. The maximum number of day guests permitted to visit the unit;

- d. The number and location of on-site parking spaces;
- e. A statement that: “The use of open fires, fire pits, fireworks, charcoal-burning grills, or other devices (as applicable) shall not be allowed without permission from the Local Contact or Owner to ensure compliance with all federal, state and county laws and regulations;”
- f. The rules/regulations for pets and applicable leash laws;
- g. The quiet hours;
- h. The trash pick-up day and location of trash disposal;
- i. Notification that the renter and occupants are responsible for the creation of any disturbances or for violating any other provisions of this Section;
- j. Notification that failure to conform to the parking and occupancy regulations of the VHR unit is a Violation of County Ordinance;
- k. A statement that: “Guests are expected to be courteous to all neighbors and to respect property boundaries;”
- l. Local emergency and law enforcement contact information; and,
- m. The property address.

Dated this 17th day of April, 2012.

PENNINGTON COUNTY COMMISSION

Lyndell Petersen, Chairperson

ATTEST:

Pennington County Auditor / Deputy

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Second Reading: April 17, 2012

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