

**DEADWOOD PLANNING AND ZONING COMMISSION**

**Wednesday, October 18, 2017 – 5:00 p.m.**

City Hall, 102 Sherman Street, Deadwood, SD

**AGENDA**

1. Call Meeting to Order
2. Approval of October 4, 2017 Minutes
3. Sign Review Commission  
**250 Main Street – Mike Gustafson – Install New Free Stand Sign and New Wall Sign – Continued from October 4<sup>th</sup> meeting**
  - a. Install New Free Standing Sign and New Wall Sign  
Action Required:
  - b. Approval/ Denial by Sign Review Commission
4. Planning and Zoning Commission and Board of Adjustments  
**Off of Mt. Roosevelt Road -- City of Deadwood**  
Lot 9, Block 1 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW ¼ Section 14, the SE ¼ Section of 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota
  - a. Approval/Denial by Planning and Zoning
  - b. Approval/Denial by Deadwood Board of Adjustments
5. Items from Staff
  - a. Whitewood Creek
  - b. Cadillac Jacks
  - c. Vacation Rentals – City Municipal Code and State Requirements – Discussion
  - d. Firewise
6. Adjourn

CITY OF DEADWOOD  
PLANNING AND ZONING COMMISSION  
Wednesday, October 4, 2017

The meeting of the Deadwood Planning and Zoning was called to order by Vice Chairperson Brett Runge on Wednesday, October 4, 2017, at 5:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

**Planning and Zoning Commission Present:** Jim Shedd, John Martinisko, Bill Rich and Brett Runge

**Absent:** Tony Biesiot

**Board of Adjustments Present:** No

**Staff Present:**

Bob Nelson, Jr., Bonny Anfinson and Meghan Wittmis

**Approval of September 6, 2017 Minutes:**

Mr. Shedd stated under the approval of minutes to change "Mr. Runge" to "Mrs. Runge". *It was moved by Mr. Martinisko and seconded by Mr. Shedd to approve the September 6, 2017 meeting minutes as corrected. Aye - All. Motion carried.*

**Sign Review Commission:**

**250 Main Street – Mike Gustafson – Install New Free Standing Sign and New Wall Sign**

Mr. Nelson Jr. stated the applicant is requesting permission to install a new free standing sign and new wall sign at 250 Main Street. The proposed signs are plastic and metal and will be internally illuminated. The upper two buildings on this property are going to be operated under a franchise agreement with Travel Lodge Inn and Suites Inc. The proposed new signs are to advertise the new franchise. The proposed sign locations are compliant with the sign ordinance. The proposed materials and illumination require a variance from the sign ordinance. Neither plastic nor internal illuminations are allowed in the National Landmark District. Mr. Rich asked how the free standing sign would be protected. Mr. Gustafson stated there would be pylons. Mr. Martinisko stated he prefers the signs meet the requirements of the Sign Ordinance so it does not impact the Landmark Status. There have been no special circumstances presented as a reason to grant a variance. Mr. Martinisko presented pictures of other Travel Lodge signs. There are some on this list that would fit better into Deadwood's guidelines. These are plastic signs and need to be more historic looking. Mr. Gustafson stated he doesn't understand when the Best Western was allowed to have an illuminated sign. The City should be focusing on the core district and the downtown area. This building is not in the core district. The downtown area is what is important. Mr. Nelson Jr. stated this building is in the Landmark District. Mr. Martinisko asked what would be a reason for not going with other sign options that would be more attractive. Mr. Gustafson stated an internally lit sign is more visible especially at night. Mrs. Runge asked if there could be more aesthetics instead of a pole with a sign on top. Mr. Nelson Jr. stated over the years he and Mr. Mohr have spoken with these franchises and they have been very accommodating and are willing to meet the Code. I have not spoken with Travel Lodge. Wells Fargo met the code. Best Western was a case where they would not. Mrs. Runge asked if the pole design is because of space or visibility. Mr. Gustafson stated it is in the parking lot and we have delivery trucks coming in there all of the time. Mr. Martinisko stated he sees no valid reason to grant the variance and to come back to the P & Z Commission with other sign options. We have ordinances to follow and that is how I will base my decision. *It was moved by Mr. Martinisko and seconded by Mr. Rich to deny the application as submitted for both signs. Aye - Mr. Martinisko. Nay - Mrs. Runge, Mr. Rich and Mr. Shedd. Motion does not carry.*

*Mr. Rich moved and seconded by Mr. Shedd to continue the sign review to the next scheduled meeting. Aye - All. Motion carried.*

Mr. Nelson Jr. stated a temporary banner has been approved for use until this issue is resolved.

**Planning and Zoning Commission and Board of Adjustments:**

No items on the agenda

**Items From Staff** (no action taken)

- Mr. Nelson Jr. stated cleanup on Whitewood Creek should be complete in about a week. New trees will be planted in the spring. Job Corp has adopted the creek from the trail head to Highway 385.
- Mr. Nelson Jr. stated Cadillac Jacks has been catching up on the time table for a May or June completion.
- Mr. Nelson Jr. stated the Comprehensive Plan surveys are available and stake holder meetings have been scheduled.

- Mr. Nelson Jr. stated three quarters of the vacation home rentals have complied with the city ordinance. I will have a meeting with the Chief of Police to formulate a plan. Citations could be issued to owners who are not complying. The fine is \$200 per day.
- Mr. Nelson Jr. stated there is discussion of a Housing Incentive Ordinance being presented to the City Commission.

**Adjournment:**

*It was moved by Mr. Shedd and seconded by Mr. Rich to adjourn the Regular Meeting of the Planning and Zoning Commission. Aye - All. Motion carried.*

There being no further business, the Planning and Zoning Commission adjourned at 5:27 p.m.

ATTEST:

---

Chairman, Planning & Zoning Commission

---

Secretary, Planning & Zoning Commission

*Bonny Anfinson, Planning & Zoning Office/Recording Secretary*

## SIGN PERMIT STAFF REPORT

Sign Review Commission  
October 4, 2017

**Applicant:** Mike Gustafson

**Address:** 270 Main Street, Deadwood, SD 57732

**Site Address of Proposed Signage:** 250 Main Street (First Gold)

### Computation of Sign Area

**Building Frontage:** 334 Feet

**Total Available Signage:** 668 Square Feet

**Existing Signage:** Five freestanding, two wall, and one hanging sign (approx. 288 Square Feet)

**Remaining Available Signage Area:** 380 Square Feet

**Proposed Sign Project:** Install new freestanding sign (72 Square Feet) and new wall sign (60 Square Feet).

**Proposed Building Materials:** Plastic and Metal. (see attached renderings).

**Proposed Lighting of the Signs:** Internally illuminated.

**Location of Proposed Sign:** Attached are photographs showing the proposed locations.

### Discussion

The sign permit applications in review are proposed at a location outside the locally-designated historic district and inside the national historic landmark district which is regulated by chapter 15.32.310 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The signs proposed in the current applications are regulated by 15.32.090 of the Sign Ordinance, reference below.

- A. *Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign.*

The upper two buildings on this property are going to be operated under a franchise agreement with Travel Lodge Inn & Suites Inc. The proposed new signs are to advertise this new franchise.

The proposed sign locations are compliant with the sign ordinance. The proposed materials and illumination require a variance from the sign ordinance. Neither plastic nor internal illumination is allowed in the National Landmark District per sections 15.32.200 and 15.32.210 of the Sign Ordinance (attached). Please see applicant's letter requesting a variance (attached).



## Variances

The sign permit applications in review as proposed require variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area."* However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

## Sign Review Commission Action

Motion to approve sign permits for one new freestanding sign and one new wall sign at 270 Main Street

OR

Motion to deny proposed sign permit applications as submitted.

1

## PYLON SIGN




GRAPHIC DETAIL  
SCALE: 3/16" = 1'-0"

APPROVAL BOX - PLEASE INITIAL

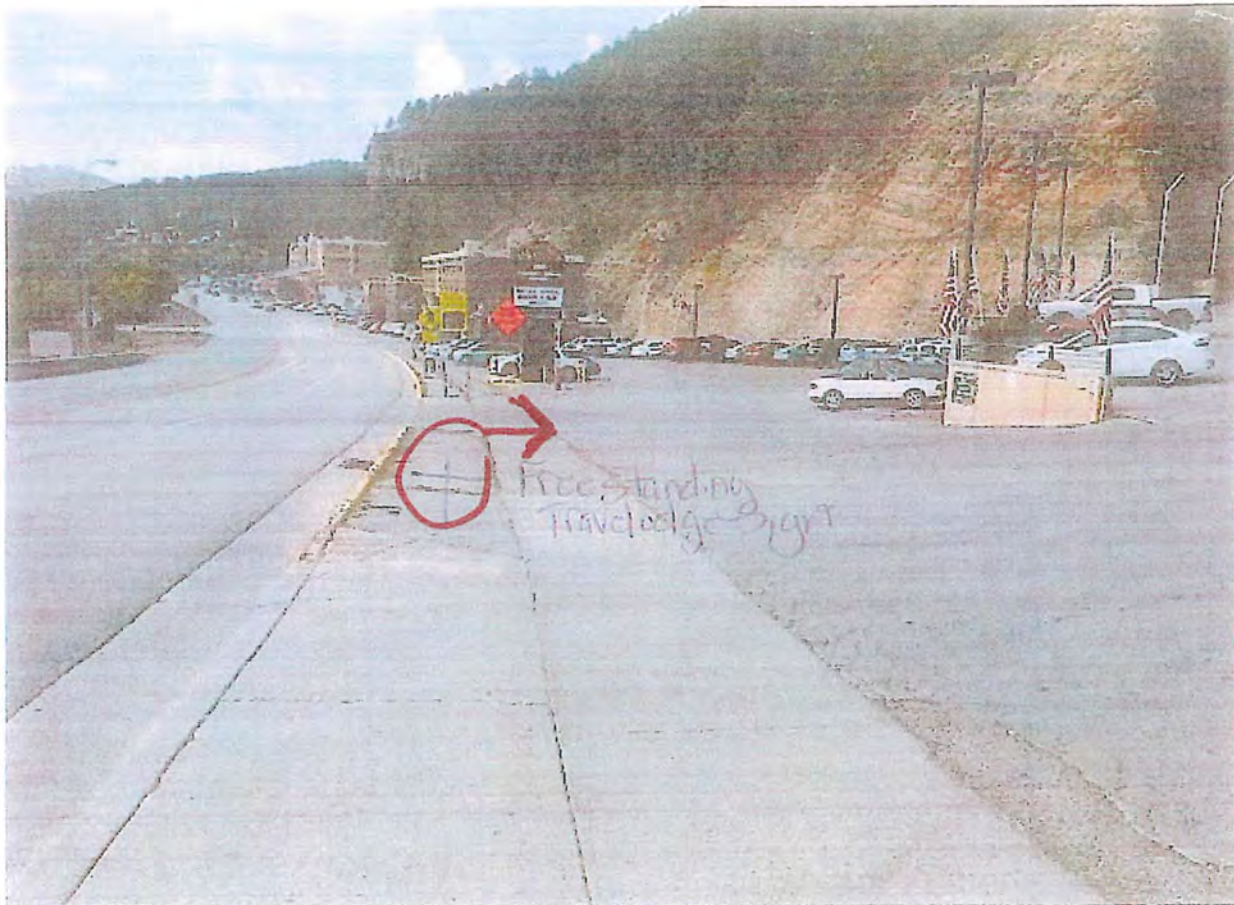
CUSTOMER APPROVAL

Date

**NOTE:** Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: <b>TRAVELODGE</b>	Date: <b>9/20/17</b>	Prepared By: <b>AT/AT</b>	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>	 <b>persona</b> SIGNS   LIGHTING   IMAGE	<b>DISTRIBUTED BY SIGN UP COMPANY</b> 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com
Location: <b>DEADWOOD, SD</b>	File Name: <b>160703 -R1- DEADWOOD, SD</b>	Eng: <b>-</b>			

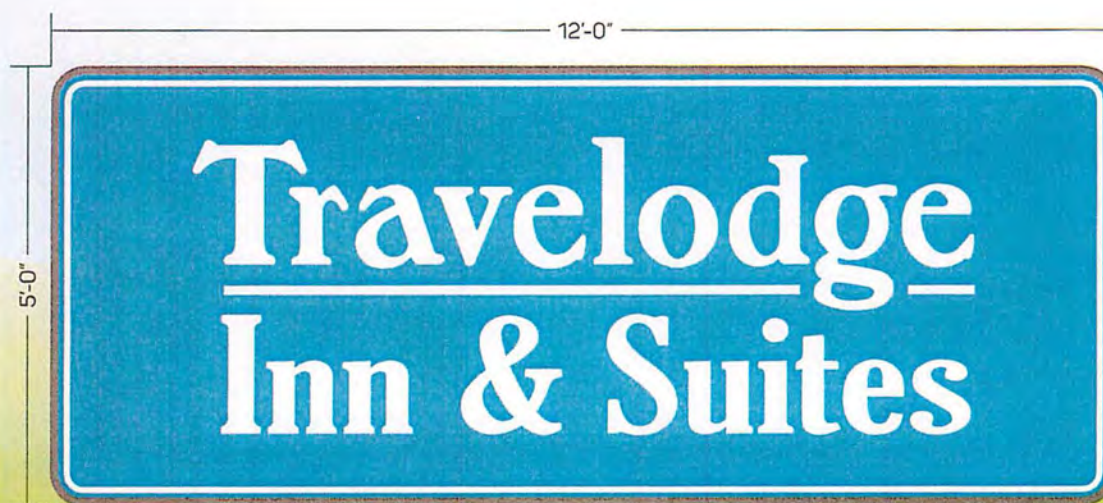




Sign will not be allowed to encroach  
into highway right of way. (TM)

2

# WALL SIGN OPTION 1




GRAPHIC DETAIL  
SCALE: 1/2" = 1'-0"

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

Date

**NOTE:** Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: <b>TRAVELODGE</b>	Date: <b>9/21/17</b>	Prepared By: <b>AT/AT/PKE</b>	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>	 <b>personna</b> SIGNS   LIGHTING   IMAGE	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personnaisigns.com
Location: <b>DEADWOOD, SD</b>	File Name: <b>160703 -R2- DEADWOOD, SD</b>	Eng: <b>-</b>			



Travelodge  
Wall Sign





## Deadwood, SD Code of Ordinances

**15.32.200 Illumination.**

A. Within the local historic district as established by Ordinance No. 777 and any amendment thereto, no internally illuminated signs shall be allowed. Outside the local historic district, opaque letters or designs set out from a building or sign face and lit by soft white illumination from behind the letters may be allowed on new construction within the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)). However, no other type of internally illuminated signs shall be allowed within the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)), outside of the local historic district as established by Ordinance No. 777 and any amendment thereto. All types of internally illuminated signs may be allowed outside of the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)).

B. Exterior signs shall not be illuminated by neon, the sole exception to this being historic landmark signs. Window signs may be illuminated by neon, but will be counted at one hundred (100) percent of their actual size for the purposes of Article V of this chapter.

C. Illumination of signs by direct lighting shall be accomplished in such a manner that light does not spill over onto adjacent properties.

D. Signs shall not have lights or illumination that flashes, moves, rotates, scintillates, blinks, flickers or varies in intensity or color. Signs shall not use intermittent electrical or electronic pulsations. Strings of light bulbs shall not be used in connection with commercial premises other than for traditional holiday decorations (See Section 15.32.130(7)).

(Ord. 1170 (part), 2012; prior code § 26-500)

**15.32.210 Materials.**

A. Sign faces shall generally be made of wood or metal within the federally designated Deadwood National Historic Landmark District, as indicated on the zoning map (see 17.68.010(B)). However, the decision as to which material is most appropriate shall be based upon historical evidence. In all cases the selection of such materials shall be based upon the historic evidence, the historic style of the architecture of the structure, and overall appropriateness. All exposed metal sign faces shall be painted.

B. Support systems shall generally be of metal. Such metal can be wrought iron, cast iron, or steel as most appropriate to the historic character and style of the architecture of the structure.

C. Plastic shall not be allowed unless the historical evidence shows otherwise and is completely documented by the applicant. Raised letters on wood or metal signs shall be made of high density, closed cell, polyurethane if the letters are painted.

D. No phosphorescent or reflective paint shall be used in any sign face or sign structure; however, notwithstanding the above, metallic leafing such as gold leaf, silver leaf, and copper leaf may be used.

E. Exposed guy wire and turnbuckles are permitted only when necessary and will be reviewed in the context of the overall sign design.

(Ord. 1170 (part), 2012; Ord. 1020 (part), 2004; prior code § 26-501)



September 20<sup>th</sup>, 2017

City of Deadwood

First Gold Hotel & Gaming has approximately 400 Square feet of remaining signage available to use. We are requesting two new Travelodge signs. We are franchising Building #2 & #3 to a Travelodge Inn & Suites. As per Travelodge franchise requirements, we are also requesting a variance, as both signs must be internally illuminated. Since other franchise signs, in Deadwood, such as Best Western, Super 8, Comfort Inn and Taco Johns are internally illuminated, we are asking that you include Travelodge signage as well.

The wall sign, will be installed on the South side of Building #2 facing the highway. The free-standing sign, will be installed between the 2 curb cut entrances by Building #2, within DOT right of way restrictions. Both signs will be manufactured by Persona in Watertown, SD and installed by Rosenbaum Signs. Both signs would use 132 square feet of our existing square footage available.

Thank you for your consideration

First Gold Hotel & Gaming





To: City of Deadwood Sign Review Commission

October 10, 2017

Enclosed is a copy of the current 2017 "Standards of Operation and Design Manual" for The Travelodge Hotel, Inc.

As highlighted, the last bullet point requires "All primary exterior signage is internally illuminated from dusk until dawn".

We realize this internal lighting requirement is contrary to Deadwood sign ordinances.

We respectfully request a variance be granted to allow internal illumination for the conversion of the former Terrace Motel into a Travelodge Hotel at 250 Main St. in Deadwood, SD. This request for a variance is due to "special circumstances or conditions" that are being imposed by the franchisor Travelodge Hotel, Inc.



Mike Gustafson

Owner, First Gold, Inc.



# Hotel Arrival And Exterior

## Exterior Signage

### Exterior Signage Requirements

**Manual Number:** 200.01.01

**Category:** Hotel Arrival And Exterior

**Section:** Exterior Signage

Required Travelodge Exterior signage must be installed including:

- Primary Identification Sign (pylon, pole or monument)
- Entrance or Directional Sign
- Secondary hotel Sign (mounted on the building façade)

Optional Exterior/Outdoor signs may be installed as follows:

- Construction Site sign (including "Coming Soon" sign)
- "Now Open" signs (must be removed within one year of opening)
- Federal/State DOT Highway Signage
- Awnings
- Billboards
- Banners
- Door and Glass Graphics
- Exterior Reader Board and professionally produced rates signs

Prohibited signs must not be displayed including:

- No other signs are displayed with the primary identification sign except the optional reader board
- No other signs are displayed with the entrance sign
- No additional directional arrows are displayed
- Permanent amenity signs such as "Indoor Pool" or "Spa" are not displayed
- Permanent rate signs are not displayed
- Other prohibited signs include ownership affiliation and portable signs

All signage installed (whether required or optional) must be in compliance with the following:

- All signage is in accordance with Travelodge signage specifications for fabrication and installation
- All signage is purchased from Travelodge authorized suppliers
- All signage is approved in advance by Travelodge
- All primary exterior signage is internally illuminated from dusk to dawn

**STAFF REPORT  
PLANNING AND ZONING  
OCTOBER 18, 2017 JOINT MEETING**

---

**APPLICANT:** PALISADES, LLC

**PURPOSE:** For building purposes and to transfer the property.

**GENERAL LOCATION:** Off of Mt. Roosevelt Road

**LEGAL DESCRIPTION:** Lot 9, Block 1 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW ¼ Section 14, the SE ¼ of Section 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

**FILE STATUS:** All legal obligations have been completed.

**ZONE:** R1 – Residential District

---

**STAFF FINDINGS:**

Surrounding Zoning Lot 9:

North: Lawrence County  
South: R1 - Residential  
East: R1 - Residential  
West: R1 – Residential

Surrounding Land Uses Lot 9:

Vacant Land  
Residential Housing  
Residential Housing  
Residential Housing

**SUMMARY OF REQUEST**

The Final Plat for Lot 9 of Block 1 of the Stage Run Addition has been submitted to facilitate the transfer of land. The property is located off of Mt. Roosevelt Road and the lot fronts Stage Run. The address for Lot 9 of Block 1 is 768 Stage Run.

**FACTUAL INFORMATION**

1. The property is currently zoned R1 – Residential District
2. Lot 9, Block 1, is comprised of 1.16 Acres<sup>±</sup>.
3. The subject property is located within a low density residential designation.



Lot 9 of Block 1  
Stage Run Addition  
October 18, 2017

4. Lot 9, Block 1 is not located within a flood zone or flood hazard zone.
5. Public facilities are available to serve the property.
6. The area is currently characterized by open space and a many new homes.

#### **STAFF DISCUSSION**

The subject property is currently vacant however in the near future construction will begin on a new home. Lot 9 meets the area and bulk requirements for square footage.

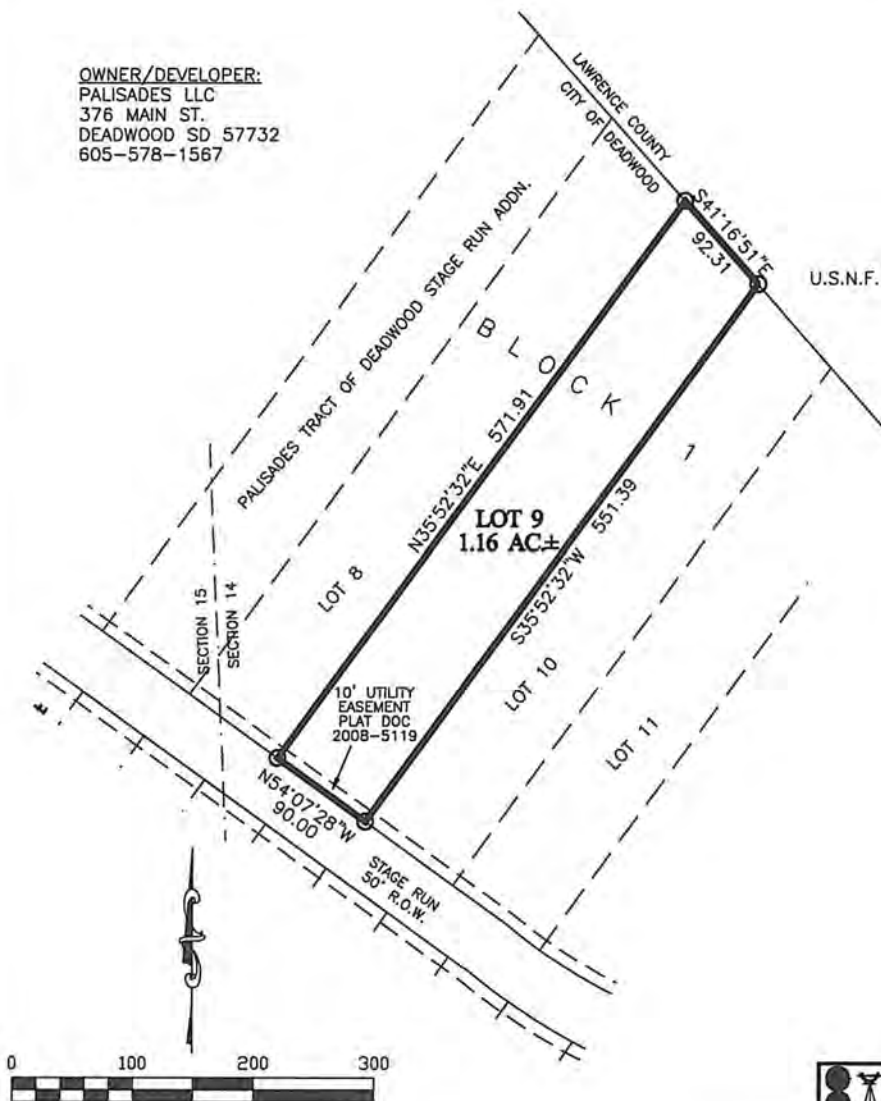
1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.

#### **ACTION REQUIRED:**

1. Approval / denial by Deadwood Planning and Zoning Commission.
2. Approval / denial by Deadwood Board of Adjustment.

OWNER/DEVELOPER:  
PALISADES LLC  
376 MAIN ST.  
DEADWOOD SD 57732  
605-578-1567

PLAT OF LOT 9, BLOCK 1 OF  
PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION,  
ALL LOCATED IN THE SW1/4 SECTION 14, THE SE1/4 OF SECTION 15,  
THE NE1/4 & NE1/4 OF SECTION 22 AND  
THE N1/2 NW1/4 OF SECTION 23 T.5N, R.3E, B.H.M.,  
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



LEGEND:  
● SET REBAR AND CAP STAMPED "LS 3977"  
○ FOUND MONUMENT STAMPED "LS 3977" UNLESS NOTED

NOTES:  
1. TOTAL AREA PLATTED THIS PLAT: 1.16 ACRES±.  
TOTAL AREA LOTS THIS PLAT: 1.16 ACRES±.  
TOTAL AREA R-O-W THIS PLAT: 0.00 ACRES±.  
REMAINING AREA PALISADES TRACT = 85.17 ACRES±.  
2. STAGE RUN AND MYSTERY WAGON RD. PREVIOUSLY RECORDED IN PLAT DOCUMENT NO. 2008-5119.  
PALISADES TRACT OF DEADWOOD STAGE RUN PREVIOUSLY RECORDED IN DOCUMENT NO. 2008-2791  
WITH AFFIDAVIT OF CORRECTION RECORDED IN DOCUMENT NO. 2008-3295.  
3. 5' DRAINAGE AND UTILITY EASEMENTS HEREBY GRANTED ALONG BOTH SIDES OF ALL LOTLINES.  
4. BASIS OF BEARING IS DEADWOOD COORDINATE SYSTEM.

SHEET 1 OF 2



PREPARED BY:  
ARLETH LAND  
SURVEYING LLC

24 CLIFF STREET  
DEADWOOD, SD 57732  
605-578-1637

DATE: OCT. 3, 2017  
JOB#: 7271  
SCALE: 1" = 100'

APPROVED: JMA  
DRAWN: FD  
DWC: 7271\LOT 9.dwg

SURVEYOR'S CERTIFICATE

I, JOHN M. ARLETH, 24 CLIFF STREET, DEADWOOD, SD, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA. THAT AT THE REQUEST OF THE OWNER AND UNDER MY SUPERVISION, I HAVE CAUSED TO BE SURVEYED AND PLATTED THE PROPERTY SHOWN AND DESCRIBED HEREON. TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE PROPERTY WAS SURVEYED IN GENERAL CONFORMANCE WITH THE LAWS OF THE STATE OF SOUTH DAKOTA AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING. DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JOHN M. ARLETH, R.L.S. 3977

OWNER'S CERTIFICATE

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

\_\_\_\_\_, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ACKNOWLEDGMENT OF OWNER

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_

\_\_\_\_\_, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC: \_\_\_\_\_

CERTIFICATE OF COUNTY TREASURER

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, \_\_\_\_\_, LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THAT \_\_\_\_\_ TAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID. DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

LAWRENCE COUNTY TREASURER: \_\_\_\_\_

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THE LOCATION OF THE PROPOSED ACCESS ROADS ABUTTING THE COUNTY OR STATE HIGHWAY AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

HIGHWAY AUTHORITY: \_\_\_\_\_

PLAT OF LOT 9, BLOCK 1 OF  
PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION,  
ALL LOCATED IN THE SW1/4 SECTION 14, THE SE1/4 OF SECTION 15,  
THE NE1/4NE1/4 OF SECTION 22 AND  
THE N1/2NW1/4 OF SECTION 23 T.5N, R.3E, B.H.M.,  
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THIS PLAT APPROVED BY THE CITY OF DEADWOOD PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CITY PLANNER

\_\_\_\_\_  
CHAIRMAN

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

BE IT RESOLVED THAT THE CITY OF DEADWOOD BOARD OF COMMISSIONERS HAVING VIEWED THE WITHIN PLAT, DO HEREBY APPROVE THE SAME FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS, LAWRENCE COUNTY, S.D. DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
FINANCE OFFICER

\_\_\_\_\_  
MAYOR

OFFICE OF THE COUNTY DIRECTOR OF EQUALIZATION

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, LAWRENCE COUNTY DIRECTOR OF EQUALIZATION, DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT. DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
LAWRENCE COUNTY DIRECTOR OF EQUALIZATION

OFFICE OF THE REGISTER OF DEEDS

STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_ O'CLOCK, \_\_\_\_ M., AND RECORDED IN DOC. \_\_\_\_\_.

\_\_\_\_\_  
LAWRENCE COUNTY REGISTER OF DEEDS FEE: \$ \_\_\_\_\_

SHEET 2 OF 2



PREPARED BY:  
ARLETH LAND  
SURVEYING LLC

24 CLIFF STREET  
DEADWOOD, SD 57732  
605-578-1637

DATE: FEB. 24, 2017  
JOB#: 7271  
SCALE: 1" = 100'

APPROVED: JMA  
DRAWN: FD  
DWG: 7271\LOT 11.dwg





## ***MEMORANDUM***

---

**Date:** October 13, 2017  
**To:** Deadwood City Council and Residents of Deadwood  
**From:** Bob Nelson, Jr., Zoning Administrator  
**Re:** Vacation Rentals -- City Municipal Code and State Requirements

---

The City of Deadwood Planning and Zoning Department has been working toward solving an ongoing issue of vacation rentals in Deadwood. Currently vacation rentals in residentially zoned districts are not allowed in the city limits and are in violation of the City of Deadwood Municipal Code and in violation of State Law.

City staff has notified property owners who are in violation of the municipal code. The majority of these owners have made contact with our office and are now in compliance. However, there are still about a third of them who have not contacted Planning and Zoning and are still operating illegally. Staff will be meeting with the Chief of Police to review the 17.53.060 Violation Penalty which states "Citations will be issued to any person who violates this title or any amendment hereto. The violator, upon being found guilty, shall be punished as for a misdemeanor, and any court having jurisdiction of misdemeanor cases shall be jurisdiction to try violators and upon finding them guilty, may penalize them with a fine not exceeding two hundred dollars (\$200.00) or by imprisonment no exceeding thirty days or by both such fine and imprisonment. Each day that any violation of this title is in effect shall constitute a separate offense."

Property owners who are currently renting their property at legal locations that are zoned commercial and are licensed with the State are collecting all related taxes. These owners are operating under the City of Deadwoods commercial water rate and their trash collection is through the private sector not the City of Deadwood residential service.

The majority of these vacation rentals have been using hosting websites such as Airbnb to advertise their property. Regardless of how the rental is being advertised every rental MUST have a sales tax license and MUST be a licensed lodging establishment with the South Dakota Department of Health. An agreement between the South Dakota Department of Revenue and Airbnb was signed on July 24, 2017 stating Airbnb would begin collecting taxes for rentals in South Dakota beginning September 1, 2017. Other hosting websites are being approached regarding the same type of agreement. Airbnb is now collecting State Sales Tax, Municipal Sales Tax, Municipal Gross Receipts Tax and Tourism Tax throughout the state.



# Airbnb Agreement Overview

South Dakota has more than 600 Airbnb hosts, whose typical annual host income is \$4,400. To date, there have been more than 160 million guest arrivals at Airbnb listings around the globe, including 26,000 in South Dakota in the last year.

## Nov 2015

The Dept. of Revenue was contacted by the Hotel & Lodging Association to discuss possible legislation requiring booking platforms to remit tax.

We informed this group that hosts already owe sales tax on receipts similar to what hotels do when a room is booked through a similar website.

## April 2017

Discussion on an agreement to allow Airbnb to collect sales tax for their hosts in South Dakota began.

## August 2017

Airbnb sales tax license was issued by the Dept. of Revenue.

## 2016

Airbnb began reaching agreements to collect and remit sales tax in various states and cities.

Some include: Florida, Alabama, Illinois, Hawaii, North Carolina, Rhode Island, Chicago, San Francisco, and Washington, DC.

## May - July 2017

The Dept. of Revenue continued discussions and meetings with various representatives from Airbnb.

An agreement was signed on July 24, 2017, stating Airbnb would begin collecting tax for hosts in South Dakota beginning September 1, 2017.

## Additional Items to Note:

- This agreement is with Airbnb only. Hosts who rent homes on another platform or individually must pay sales tax on those rentals.
- The agreement includes the following taxes, the same as hotels:
  - State Sales Tax
  - Municipal Sales Tax
  - Municipal Gross Receipts Tax
  - Tourism Tax
- The Dept. of Revenue is currently looking to engage in conversation to reach similar agreements with other platform sites including VRBO, Craigslist, FlipKey, and others.
- All individuals who rent on Airbnb must have a sales tax license even if this is the only platform the host uses.
- All hosts are responsible to pay any tax that may have been due prior to September 1, 2017 (effective date of the agreement).