

DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, July 1, 2015 – 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order
2. Approval of June 3, 2015 Minutes
3. Sign Review Commission

Blake Havergerg – 5 Lee Street

1. Add Lettering to Existing Sign
Action Required:
 - a. Approval/Denial of Free Standing Signs

Mike Trucano – Hickok's Hotel & Gaming – 685 Main

1. Relocate existing projecting sign
Action Required
 - a. Approval/Denial of New Wall Sign

Wells Fargo – 721 Main

1. Replace existing Freestanding Sign
Action Required
 - a. Approval/Denial of New Wall Sign

Matt Steiner – 606 Main

1. Install New Projecting Sign
Action Required
Approval/Denial of New Projecting Sign

4. Conditional Use Permit

John Martinisko – 29 Adams

1. Vacation Rental Establishment
Action Required
 - a. Approval/Denial of Rental

5. Items from Staff
 - Rodeo Grounds Grandstands Project
 - Highway 85 Reconstruction Update

6. Adjourn

CITY OF DEADWOOD
PLANNING AND ZONING COMMISSION
Wednesday, June 3, 2015

Planning and Zoning Commission Present : Jim Shedd, Marie Farrier, Tony Biesiot, Mel Allen and Sheree Green.

Board of Adjustments Present : Dave Ruth, Mark Spears and Chuck Turbiville

Staff Present: Bob Nelson Jr., Trent Mohr and Bonny Fitch

A quorum present Chair Shedd called the Planning and Zoning Commission and Board of Adjustments meeting to order Wednesday, June 3, 2015 at 5:00 p.m. in Deadwood City Hall at 102 Sherman Street, Deadwood, SD.

Approval of May 20, 2015 Minutes:

It was moved by Ms. Farrier and seconded by Mr. Biesiot to approve the May 20, 2015 meeting minutes. Aye - All. Motion carried.

Sign Review Commission:

Fur-Ever Wild - 305 Cliff Street

Mr. Mohr informed the Commission that Terri Petter is wanting to install a freestanding sign in the current location of existing framework. The sign is to be made of wood and painted with vinyl graphics with no illumination. The current signage at the property is compliant with the sign ordinance. The sign application as proposed requires no variances from the sign ordinance. *It was moved by Ms. Farrier and seconded by Mr. Allen to approve the freestanding sign at 305 Main Street, Fur-Ever Wild. Aye - All. Motion carried.*

Approval of Temporary Vendors

Gator Skinz - 616 Main - Gator Skinz -- Rally Vending

The applicant is requesting a temporary vending permit during the Sturgis Rally to sell Motorcycle Audio Systems. Gator Skinz has been a vendor in Deadwood before; has done business in South Dakota and has reported sales tax to the state in the past. Applicant does have a current sales tax number with the State Revenue Office in process. The venue will be indoors at 616 Main Street. *It was moved by Mr. Biesiot and seconded by Mr. Allen to approve the temporary vending permit for Gator Skinz at 616 Main. Aye - All. Motion carried.*

Vormehr and Youngquist Gallery - 627 Main - Rally Vending

The applicant is requesting a temporary vending permit during the Sturgis Rally to sell water color and oil prints. Vormehr and Youngquist Gallery has not been a vendor in Deadwood before but has reported sales tax to the state in the past. They do have a current sales tax number with the State Revenue Office. The venue will be indoors at 627 Main Street. *It was moved by Mr. Allen and seconded by Ms. Farrier to approve the temporary vending permit for Vormehr and Youngquist Gallery at 627 Main for Water Color and Oil Paintings. Aye - All. Motion carried.*

Mr. Nelson Jr. stated that as of June 1 we are beyond the deadline to accept any more vendors for the Sturgis Rally.

Planning and Zoning Commission and Board of Adjustment:

DGR Hospitality Resort LLC – Final Plat

Mr. Nelson Jr. stated this is a final plat to create new boundary lines and subdivide the property. This land is located at 230 Pluma and is currently for sale. Lots 1, 2 and 3 and Tracts A1 and A2 of Deadwood Gulch Addition II, A 24' Public Road Access and Utility Easement and a 20' Private Road Access and Utility Easement; being a subdivision of Tract A of Deadwood Gulch Addition II; all located in the NE ¼, SE ¼, and SW ¼ of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. This area is zoned Commercial Highway and will prevail over entire boundary. *It was moved by Ms. Green and seconded by Mr. Allen to approve the plat of Lots 1, 2 and 3 Tracts A1 and A2 of Deadwood Gulch Addition II, A 24' Public Road Access and Utility Easement and a 20' Private Road Access and Utility Easement, City of Deadwood, Lawrence County. Aye -All. Motion carried.*

City of Deadwood/Linda Harris and Mary Hollis – 424 Williams Street – Final Plat

Mr. Nelson Jr. stated this plat is to define property lines and clear up road way boundaries. Legally described as Lots 1A and 1B of Block J located on the North side of Williams Street has been submitted to define property lines and remove a portion of private property from the roadway. This will also clear up property lines for a public street as well as allow for the future transfer of Lot 1B. *It was moved by Ms. Green and seconded by Ms. Farrier to approve the plat for Lots 1A, 1B and 1C of Block J located on the North side of Williams Street. Aye -All. Motion carried.*

Kristopher Creger – 51 Taylor Avenue – Final Plat

Mr. Nelson Jr. stated this final plat is to transfer property. Lots 3A and 4A of Block 45, Original Town of Deadwood; Formerly Lot 3 and the south half of Lot 4 of Block 45; all located in the SW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Ms. Green and seconded by Ms. Farrier to approve the Final Plat; Lots 3A and 4A of Block 45, Original Town of Deadwood; Formerly Lot 3 and the South Half of Lot 4 of Block 45, located in the SW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, SD. Aye -All. Motion carried.*

Mr. Shedd closed the Planning and Zoning Meeting

Mr. Turbiville called the meeting to order of the Board of Adjustments.

DGR Hospitality Resort LLC – Final Plat

Mr. Turbiville stated Lots 1, 2 and 3 and Tracts A1 and A2 of Deadwood Gulch Addition II, A 24' Public Road Access and Utility Easement and a 20' Private Road Access and Utility Easement; being a subdivision of Tract A of Deadwood Gulch Addition II, all located in the NE ¼, SE ¼, and SW ¼ of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Mr. Ruth and seconded by Mr. Spears to approve the plat of Lots 1, 2 and 3 Tracts A1 and A2 of Deadwood Gulch Addition II, A 24' Public Road Access and Utility Easement and a 20' Private Road Access and Utility Easement, City of Deadwood, Lawrence County. Aye -All. Motion carried.*

City of Deadwood/Linda Harris and Mary Hollis -- 424 Williams Street – Final Plat

Mr. Turbiville stated the Final Plat for Lots 1A and 1B of Block J located on the North side of Williams Street has been submitted to define property lines and remove a portion of private property from the roadway. This will also clear up property lines for a public street as well as allow for the future transfer of Lot 1B. *It was moved by Mr. Ruth and seconded by Mr. Spears to approve the plat for Lots 1A, 1B and 1C of Block J located on the North side of Williams Street. Aye -All. Motion carried.*

Kristopher Creger – 51 Taylor Avenue – Final Plat

Mr. Turbiville stated Lots 3A and 4A of Block 45, Original Town of Deadwood; Formerly Lot 3 and the south half of Lot 4 of Block 45; all located in the SW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Mr. Ruth and seconded by Mr. Spears to approve the Final Plat; Lots 3A and 4A of Block 45, Original Town of Deadwood; Formerly Lot 3 and the South Half of Lot 4 of Block 45, located in the SW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, SD. Aye –All. Motion carried.*

Mr. Ruth moved to close the Board of Adjustments Meeting. Mr. Spears seconded. Aye –All. Motion carried.

Mr. Turbiville closed the Board of Adjustment meeting and turned the meeting over to the Planning and Zoning Commission.

Mr. Shedd called the meeting of the Planning and Zoning Commission back to order.

Items From Staff (no action taken)

- Rodeo Grounds Grandstands Project – Mr. Nelson Jr. stated the project is still on Schedule. The Commission approved the Kitchen Equipment and it has been ordered and should be here in about ten days.
- Highway 85 Reconstruction Update – Mr. Nelson Jr. stated the project is not running on schedule. They have run into some serious utility issues and the weather is not cooperating.
- The Boardwalk Project started three days ago.

Adjournment:

It was moved by Mr. Biesiot and seconded by Ms. Farrier 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 5:15 p.m.

ATTEST:

Jim Shedd
Chairman, Planning & Zoning Commission
Bonny Fitch, Planning & Zoning Office/Recording Secretary

Sheree Green
Secretary, Planning & Zoning Commission



"The Historic City of the Black Hills"
Deadwood, South Dakota 57732

OFFICE OF
PLANNING, ZONING
AND HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
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DEADWOOD CITY HALL
102 Sherman Street
Telephone (605) 578-2600

SIGN PERMIT STAFF REPORT

Sign Review Commission
June 17, 2015

Applicant: Blake Haverberg

Address: 33 Deadwood Street Deadwood, SD 57732

Site Address of Proposed Signage: 5 Lee Street Deadwood, SD 57732

Computation of Sign Area

Building Frontage: 119 Feet

Total Available Signage: 238 Square Feet

Existing Signage: N/A

Remaining Available Signage Area: N/A

Proposed Sign Project: Add lettering to existing freestanding sign. (see attached renderings)

Proposed Building Materials: Existing sign is wood and metal. Letters to be added are metal.

Proposed Lighting of the Signs: Externally illuminated.

Location of Proposed Sign: Sign to remain in existing location near the corner of Lee Street and Pioneer Way.

Discussion

The sign project application in review is proposed at a location inside the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The signage project proposed in the current application is 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 application in review is for adding lettering to an existing complaint sign. With the proposed alteration the sign will remain compliant.

Variances

The sign application in review as proposed requires no 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 permit application to add lettering to the existing freestanding sign at 5 Lee Street as proposed

OR

Motion to deny proposed sign permit application as submitted.





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SIGN PERMIT STAFF REPORT

Sign Review Commission
June 17, 2015

Applicant: Mike Trucano

Address: 685 Main Street Deadwood, SD 57732

Site Address of Proposed Signage: 685 Main Street (Hickok's Hotel & Gaming)

Computation of Sign Area

Building Frontage: 211 Feet

Total Available Signage: 422 Square Feet

Existing Signage: (2) Wall Signs = 53 Square Feet Total
(2) Suspended Signs = 7 Square Feet Total
(17) Window Signs = 29.5 Square Feet Total

Remaining Available Signage Area: 332 Square Feet

Proposed Sign Project: Relocate an existing projecting sign from the Main Street frontage of 681 Main Street to the Deadwood Street frontage of 685 Main Street. (see attached photographs)

Proposed Building Materials: Existing sign is metal.

Proposed Lighting of the Signs: No illumination mentioned in application.

Location of Proposed Sign: See attached photographs.

Discussion

The sign project application in review is proposed at a location inside the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The signage project proposed in the current application is 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 application in review is for relocation of existing compliant signage from the Main Street frontage of 681 Main Street to the Deadwood Street frontage of 685 Main Street with no alterations proposed to the sign. This is a result of the business located at 681 Main Street closing. The sign and its proposed location are compliant with the sign ordinance.

Variances

The sign application in review as proposed requires no 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.

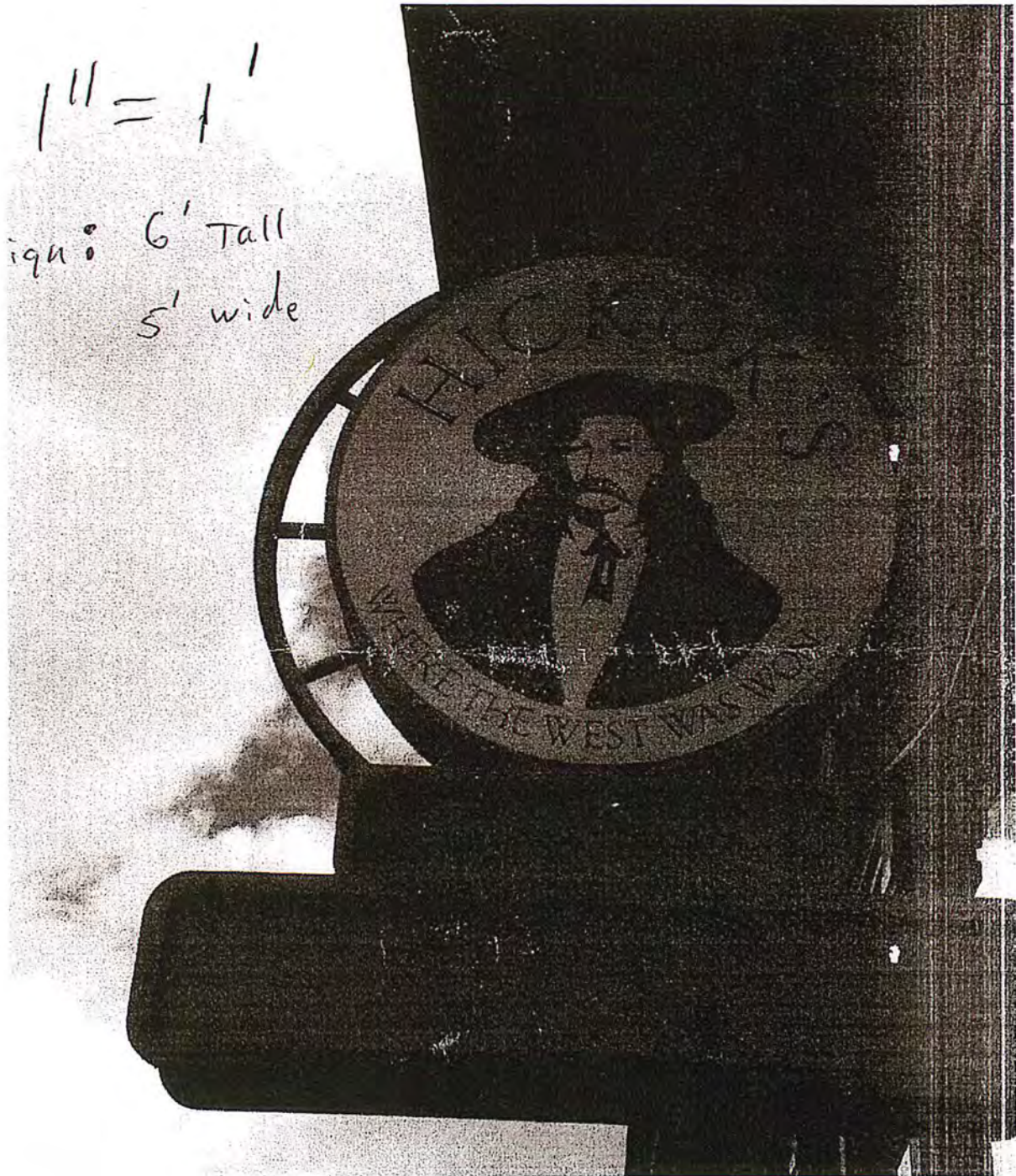
Sign Review Commission Action

Motion to approve sign permit application to relocate one existing projecting sign from 681 Main Street to 685 Main Street as submitted

OR

Motion to deny proposed sign permit application as submitted.

11' = 1'
ign: 6' Tall
5' wide







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SIGN PERMIT STAFF REPORT

Sign Review Commission
July 1, 2015

Applicant: Wells Fargo

Address: 721 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 721 Main Street, Deadwood (Wells Fargo Bank)

Computation of Sign Area

Building Frontage: 164 Feet

Total Available Signage: 328 Square Feet

Existing Signage: All to be replaced.

Remaining Available Signage Area: 328 Square Feet

Proposed Sign Project: Remove existing freestanding sign and replace with proposed freestanding sign (reference number E01 on attached) 48 Square Feet in size. Remove existing wall sign and replace with proposed wall sign (reference number E02 on attached) 40 Square Feet in size.

Proposed Building Materials: Metal.

Proposed Lighting of the Signs: Externally Illuminated.

Location of Proposed Sign: See attached renderings.

Discussion

The sign project applications in review are proposed at a location in the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The current signage at the subject property is not compliant with the sign ordinance but was granted variances in 2000. The signage project proposed in the current applications is 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 proposed sign project is part of a national rebranding effort on the part of the applicant. The signs as proposed are not complaint with the sign ordinance and would require variances.

Variances

The sign application in review as proposed requires 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. (see enclosed variance letter from applicant)

Proposed freestanding sign E01 requires a variance for size, it is greater than 10 square feet allowed by ordinance and a variance for height, the bottom of sign is less than 8 feet above the ground. Proposed wall sign E02 requires a variance for vertical dimension, it is greater than the 2 feet allowed by ordinance.

Following is text of the ordinance with applicable sections highlighted:

15.32.300 Historic district.

Within the local historic district as established by Ordinance No. 777 and any amendment thereto:

A. Residential Uses in Any Zone. One nonilluminated or indirectly illuminated identification sign, not to exceed two square feet in area shall be permitted for each residential use. If freestanding, such sign shall be located not less than five feet from any property line and shall not exceed five feet in height.

B. Commercial Uses (Whether Nonconforming, Use by Special Review, or Home Occupation) in Residential Zone. One nonilluminated or indirectly illuminated identification sign, not to exceed ten (10) square feet in area, shall be permitted for each building or use, whichever is less. If freestanding, such sign shall be located not less than five feet from any property line and shall not exceed five feet in height.

C. Commercial Uses in Nonresidential Zone. Each building in a commercial zone in which one or more commercial uses exist shall be allowed a maximum of two square feet of signage for each one foot of building frontage. Such signs shall be nonilluminated or indirectly illuminated, except in the case of landmark signs described in Article VI of this chapter or interior neon signs described in Section 15.32.200(B).

1. **Wall Sign.** One wall sign per public entrance so long as such entrances and signs are at least ten (10) feet apart. Such sign shall be attached parallel to the building and shall project not more than eight inches from the building surface. The maximum square footage

of the sign is fifty (50) square feet. The maximum vertical dimension of the sign shall be two feet. The top of any wall sign shall be no higher than the lowest of the following:

- a. Twenty-five (25) feet above grade;
- b. The bottom of the sills of the first level of windows above the first story, except in the case of upper story business with exterior entrances;
- c. The lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of such parapet.

2. Projecting Sign. One projecting sign per public entrance so long as such entrances are at least ten (10) feet apart. Such signs shall be attached at right angles to a building, shall have no more than two faces, shall be located on the same facade as the public entrance and within reasonable proximity to that entrance, and:

- a. Shall project no more than six feet from the face of the building, or four feet back from the face of the curb, whichever is less;
- b. The maximum area of one face shall not exceed one square foot of signage for each one foot of building frontage, subject to a maximum of thirty-six (36) square feet;
- c. The top of the sign shall be no higher than is permitted for a wall sign on that building; and
- d. In the case of a building set back more than fifteen (15) feet from the nearest sidewalk, street or property line, a freestanding sign may be substituted for each allowable projecting sign. The area of the sign face shall be the same as for a projecting sign with a maximum of ten (10) square feet, and the bottom of the sign shall not be less than eight feet or more than twelve (12) feet above grade.

3. Window Sign. One sign per window is allowed. Total sign size is not to exceed twenty (20) percent of the total area of all the windows of the story on which the sign is placed, nor fifty (50) percent of the window in which it is placed. Window signs shall be painted on or gilded directly to the window. Such sign shall be counted at twenty-five (25) percent of its actual size when computing the sign area pursuant to this article. Other window signs shall be considered wall signs in accordance with subsection (C)(1) of this section.

4. Awning Canopy and Marquee Signs.

a. Awning signs are signs painted or stitched on the canvas or fabric similar to canvas in appearance, or a movable awning or stationary canopy, and shall only be painted on the vertical face (valance) of the awning, which is parallel and perpendicular to the building face. These horizontal bands can be no higher than one foot in height. The square footage of these signs shall not be included in the computation of total available signage.

b. Marquee signs may be allowed by special review of the sign commission.

5. Mall Signs. For a shopping mall, a single sign identifying each business in the mall is permitted, provided that the area of that part of the sign devoted to each business shall be included in the total allowable sign area for that building.

6. Directory Signs. A directory sign for businesses with a common entrance shall be permitted adjacent to the entrance, provided such directory sign does not exceed six square feet. Such signage shall not be included in the computation of total available signage.

7. Shadow Boxes. In addition to the signs otherwise permitted, each business shall be allowed a shadow box or other display case, which will not project from a building or windows more than four inches and which shall not exceed four square feet in total area, for the purpose of displaying menus, entertainment, or other information regarding products or services provided by the business. Building frontage greater than thirty-five (35) feet will be allowed two shadow boxes.

Shadow boxes must be approved as to design and placement by the planning and zoning commission. Such signage shall not be included in the computation of other available signage.

8. Commercial Parking Lots. In commercial parking lots, a single sign identifying the name of the lot and any rules regarding its use is allowed. The square footage of the sign shall be calculated at two-thirds square foot per parking space subject to a maximum of thirty-six (36) square feet.

9. Freestanding Signs. The area of the sign face shall be the same as for a projecting sign, except with a maximum of ten (10) square feet, and the bottom of the sign shall not be less than eight feet or more than twelve (12) feet above grade.
(Ord. 1170 (part), 2012; Ord. 1105 (part), 2008; prior code § 26-600)

Sign Review Commission Action

Motion to approve proposed freestanding sign at 721 Main Street with variances for size and height contingent upon receipt of \$60.00 permit fee.

OR

Motion to deny proposed free standing sign as submitted.

Motion to approve proposed wall sign at 721 Main Street with a variance for vertical dimension contingent upon receipt of \$60.00 permit fee.

OR

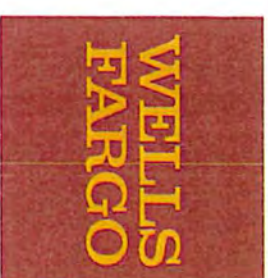
Motion to deny proposed wall sign as submitted.

Wells Fargo

Exterior Signage Proposal

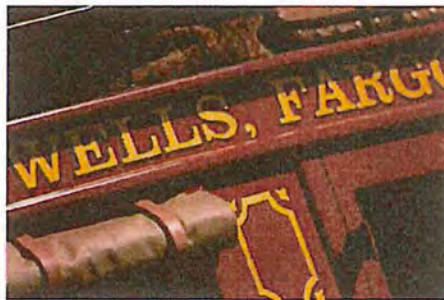
BE# 102209
721 MAIN ST
DEADWOOD, CO

June 22, 2015





Since 1852, the Wells Fargo stagecoach has been our unique and identifiable icon. Our customers readily associate the stagecoach with Wells Fargo and know that it stands for tradition, stability, longevity and a sense of moving forward.



The signature colors of the traditional Wells Fargo stagecoach are red and yellow.



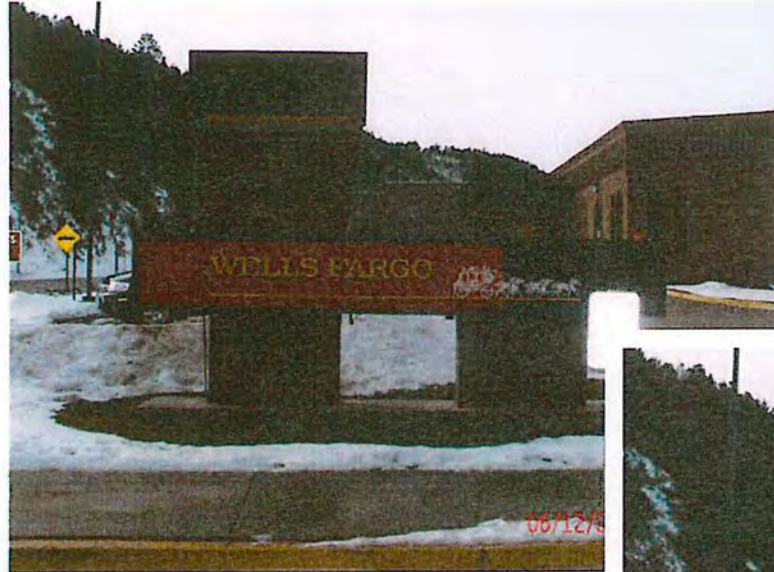
While the Wells Fargo brand is extremely important, our company believes in preserving the historical building of America and supports that with presented signage.



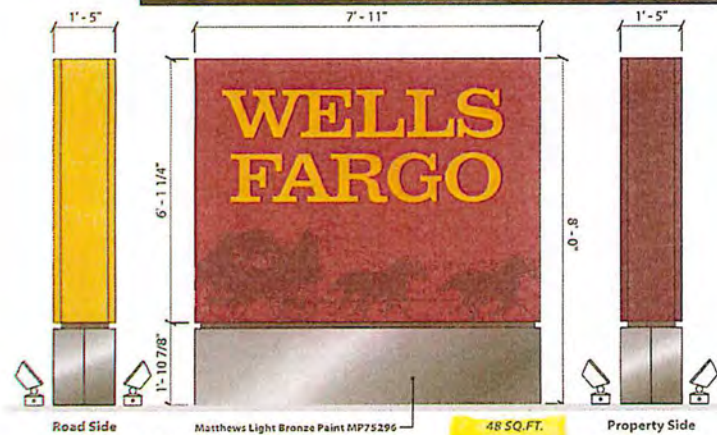
- Remove / Replace

Proposed Signage - Monument Sign
E01

Existing



Proposed



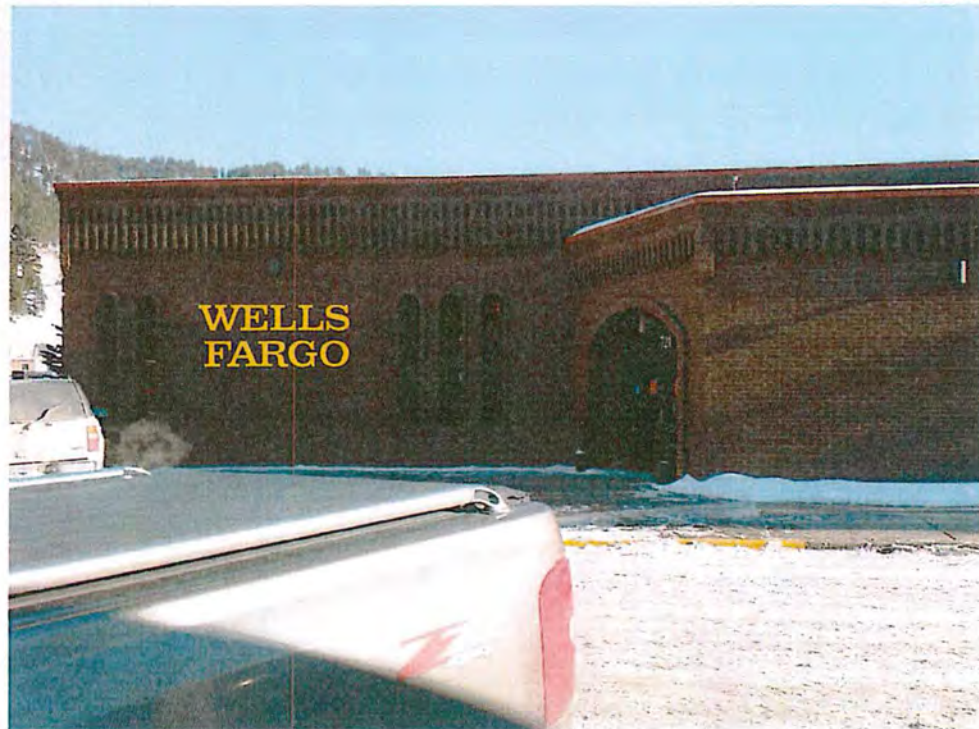
Sign E01 - M-48
Externally Illuminated Monument
Existing Square Feet: 43.3 | Proposed Square Feet: 48
Scale: 3/8"=1'

Proposed Signage - Reverse Channel Letters
E02

Existing



Proposed



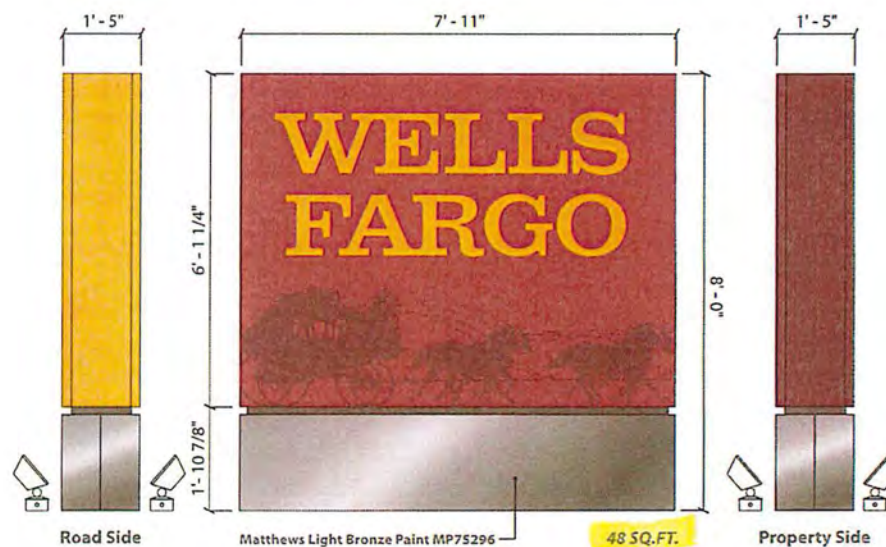
Sign E02 - RCL-21-ST
Non-illuminated Channel Letters
Existing Square Feet: 31.2 | Proposed Square Feet: 40
Scale: 3/8"=1'

**Monument
M-48**

Remove existing monument and install new externally lit monument with aluminum vinyl wrapped faces. Install 4 flood lights.

COLOR SPECIFICATIONS:

	VINYL: 3M #3630-4039 TRANSLUCENT YELLOW PAINT: MATTHEWS YELLOW MP66985, SEMI GLOSS
	PAINT: MATTHEWS LIGHT BRONZE MP75296, SEMI GLOSS
	VINYL: 3M #3630-2236 TRANSLUCENT RED PAINT: MATTHEWS RED MP65837, SEMI GLOSS
	VINYL: 3M #7725-1802 OPAQUE DARK RED PAINT: MATTHEWS DARK RED MP01126, SEMI GLOSS



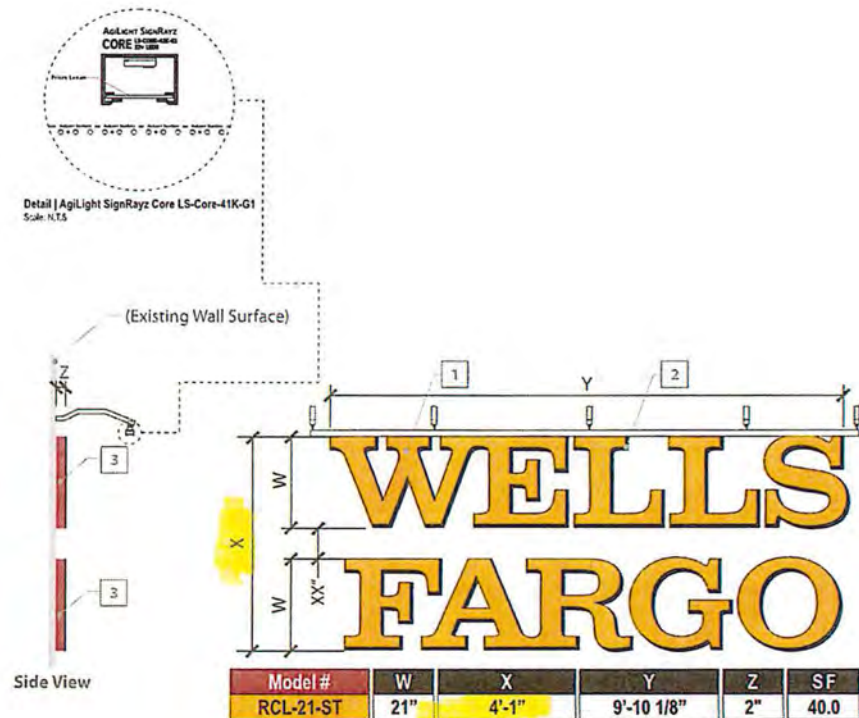
Reverse Channel Letters - West Elevation
RCL-21-ST

Remove existing sign, patch and repaint fascia to match existing.
Install non-illuminated reverse channel letters. Specifications are listed below. Letters are flush mounted to fascia. Light bar painted to match fascia.

1. Aluminum reverse channel letter, painted and flush mounted to existing wall surface.
2. **REVERSE CHANNEL LETTER FACE MATERIAL:**
Letters to be painted yellow with a painted black drop shadow.
3. **REVERSE CHANNEL LETTER RETURN:**
Returns surface finish to be aluminum painted Wells Fargo red.
 - 3a. Depth of return will vary based on height of letter:
Letter height 11"-24": 2" depth
Letter height 27"-30": 5" depth
 - 3b. Black drop shadow to be continued on return. The width of the black paint will depend on letter height:
Letter height 11"-24": 1/8" thickness
Letter height 27"-30": 1/4" thickness

COLOR SPECIFICATIONS:

VINYL: 3M #3630-4030 TRANSLUCENT YELLOW
PAINT: MATTHEWS YELLOW MP66905, SEMI GLOSS
VINYL: 3M #3630-22 BLACK
PAINT: MATTHEWS BLACK MP30132, SEMI GLOSS
VINYL: 3M #3630-2236 TRANSLUCENT RED
PAINT: MATTHEWS RED MP65937, SEMI GLOSS





SIGN PERMIT APPLICATION

Property Owner:

Wells Fargo

Mailing Address:

721 Main St Dnd SD 57732

Street

City

State

Zip

Telephone:

605 578-3400

Proposed Sign Location

Business Name & Address:

Wells Fargo Bank

Proposed Sign Location on Building:

721 - Main St - Dnd

Sign Contractor:

Solar Sand Corp

Business Name

Telephone:

605 343-1386

Sign Ordinance Requirements

Please refer to Title 15 of the City of Deadwood Code of Ordinances. The following must be submitted prior to any action being taken on your request.

- 15.32.170 Application fee of \$60.00 payable to the City of Deadwood.
- 15.32.190 A Drawings of the sign at a scale of not less than one inch equals one foot scale when the longest dimension of the sign is ten (10) feet or less.
- 15.32.190 B Drawings of the sign at a scale of one-half inch equals one foot when the longest dimension is greater than ten (10) feet.
- 15.32.190 C The drawings shall show all dimensions, materials, and connections. In addition, the drawings shall illustrate the following: details of the construction of the sign; its placement on the building; elevational representations; location on the building; clearances to the building, electrical lines, required exit doors, vents and heights above grade; illuminating type; and signage copy including letter style wording, and any logos or representations (include artist rendering and/or photograph).
- 15.32.190 D The finished colors of the materials shall either be keyed to the elevations of the sign including samples of paint colors, or provided in a separate means of identification that indicates which elements of the sign are to be painted which color, and indicating and including samples of paint colors.
- 15.32.190 E Particular attention should be paid to the anchor and support systems for all signage, with details provided, and a description of the type of material to which it is being attached with particular attention to pull-out strength. (Care should be given to not damage historic building materials by attachment of signs.)
- 15.32.190 F Historic photographs for Landmark signs (where applicable).

- 15.32.190 G Fully complete the sign permit application form, which is available at the office of the city building inspector.
- 15.32.190 H All submittals shall be given to the building inspector a minimum of seven (7) calendar days in advance of the next scheduled sign commission meeting. This sign application will be reviewed on ____/____/____ by the Deadwood Sign Commission.

Description and Dimensions of the following MUST also be submitted with your Application:

- Length of business frontage: _____ (to be verified by the building inspector).
- Existing signage: All to be replaced - See Attached Book

(detail what classes of signs exist (see 15.32.110) and total square footage of all such signs - to be verified by the building inspector).

Variances:

In the event that the rules and regulations provided in Chapter 15.32 are inadequate to address the type of signage a variance 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 particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area." (See 15.32.080 B) However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions. It is not the City's responsibility to figure out reasons to vary from its own ordinances. Thus, if you want consideration for a variance, you must also include information that would support a variance being granted.

Paul Weber 3/6/15
Signature Date

Paul Weber
Printed Name of Person Signing on behalf of Property Owner

FINAL APPROVAL SIGNATURES (Shall Not be Signed and Dated until after Review by Sign Review Commission):

_____/_____/_____
Zoning Administrator Date City Building Inspector Date

PLEASE NOTE:
A signed application constitutes the issuance of a Sign Permit



Corporate Properties Group
MACJ9216-203
101 Federal Street, 20th Floor
Boston, MA 02110

June 16, 2015

**RE: Wells Fargo - BE# 102209
721 Main Street
Deadwood, SD 57732**

To Whom It May Concern:

Wells Fargo is currently in the process of seeking approval to update the signage at the 721 Main Street branch in Deadwood. This signage update is a part of a multi-year national rebranding effort to bring the signage of all retail branches across the country up to the current branding standards as designed by the Bank. We would like to respectfully request your approval for the following variances:

- 1) Sign E01 – Variance for an overall sign height of 8'.
- 2) Sign E01 – Variance for the overall square footage of 48 square feet.
- 3) Sign E02 – Variance for overall sign height of 4'-1"

National Branding

Wells Fargo, as a part of the national rebranding effort, has established a set of guidelines for its signage to ensure that the Bank is represented consistently and all branches have a uniform look. We believe that this is important as building signage is one of the most recognizable symbols to allow customers to quickly identify and locate their local branch.

Historic Brand

Like the City of Deadwood, Wells Fargo understands the importance of embracing and preserving the history of America. Established in 1852, Wells Fargo has been a part of American history for generations. For this reason, the Bank understands and respects the City's efforts to preserve the historic feel and significance of Deadwood, SD.

Current Concessions

In an effort to conform to the City's signage guidelines, the Bank has already made the following concessions as represented in the submitted sign drawings:

- 1) All sign materials have been changed from the Bank standard to those approved by the City.
- 2) The Bank typically requires all exterior building signs to be internally illuminated. The proposed signage has been changed to exterior illumination as required by the City's sign ordinance.

It is our hope that these deviations from the current brand standards show Wells Fargo's willingness to work with the City to find a middle ground that will satisfy both the City and the Bank.

Thank you for your consideration in this matter.

Respectfully,

Jeannette Skoropowski

Jeannette Skoropowski
Signage Program Leader
Wells Fargo Corporate Properties Group
617.897.5333



OFFICE OF
PLANNING, ZONING
AND HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084

"The Historic City of the Black Hills"
Deadwood, South Dakota 57732

DEADWOOD CITY HALL
102 Sherman Street
Telephone (605) 578-2600

SIGN PERMIT STAFF REPORT

Sign Review Commission
July 1, 2015

Applicant: Matt Steiner

Address: P.O. Box 785 Watertown, SD 57201

Site Address of Proposed Signage: 606 Main Street (Broken Arrow Trading Co.)

Computation of Sign Area

Building Frontage: 24 Feet

Total Available Signage: 48 Square Feet

Existing Signage: N/A

Remaining Available Signage Area: 48 Square Feet

Proposed Sign Project: Install new projecting sign - 24 Square Feet. (see attached rendering)

Proposed Building Materials: Painted MDO.

Proposed Lighting of the Signs: Externally Illuminated.

Location of Proposed Sign: See attached rendering.

Discussion

The sign project application in review is proposed at a location in the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The signage project proposed in the current application is 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 applicant wishes to install a new projecting sign on an existing mount. This mount was raised to accommodate a previously approved sign with a 6 Foot vertical dimension. This required a variance which was granted in 2013. The proposed sign using the existing mount at the current height would also require a variance. The applicant's intention is to lower the mount back to its original location which will bring the proposed sign into compliance with the sign ordinance. (see attached photo of original location)

Variances

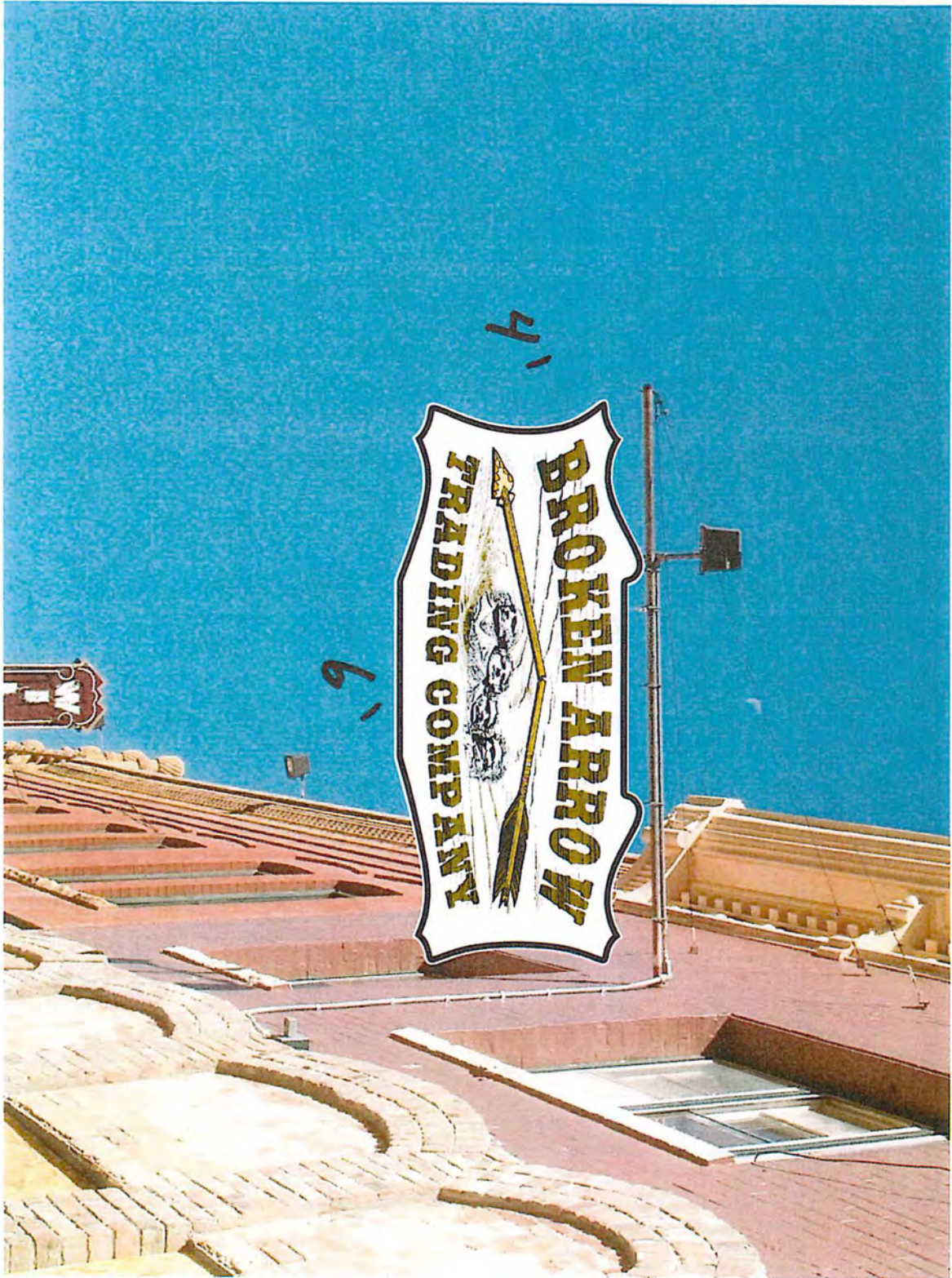
The sign application in review as proposed does not require a variance from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find "special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or 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 proposed projecting sign at 606 Main Street contingent upon moving the existing mount to comply with the sign ordinance and receipt of the \$60.00 permit fee.

OR

Motion to deny proposed projecting sign as submitted.



6/12/2015

591 Lower Main St - Google Maps

591 Lower Main St
Deadwood, South Dakota
Street View - Aug 2012



.original location



STAFF REPORT
PLANNING AND ZONING AND BOARD OF ADJUSTMENT
REQUEST FOR A CONDITIONAL USE PERMIT

APPLICANT: John Martinisko

PURPOSE: Request for a Vacation Rental

GENERAL LOCATION: 29 Adams Street

LEGAL DESCRIPTION: Lot A Block 52, Original Townsite of Deadwood, Located in the NW1/4 of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

FILE STATUS: All legal obligations have been completed.

STAFF FINDINGS:

Surrounding Zoning:

North: R1 - Residential District
South: R1 - Residential District
East: R1 - Residential District
West: R1 - Residential District

Surrounding Land Uses

Residential Housing
Residential Housing
Residential Housing
Residential Housing

SUMMARY OF REQUEST

The petitioner has submitted a request for a Conditional Use Permit to operate a Vacation Rental establishment at 29 Adams Street. The subject property is located at the intersection of Adams Street and Jackson Street.

FACTUAL INFORMATION

1. The property is currently zoned R1 - Residential District.
2. The property comprises approximately 3,360 square feet \pm .
3. The site was originally developed in 1940's and used as a carriage house to the Bullock House.
4. The subject property has access from Jackson Street and Adams Street.

5. The subject property is located within a low density land use classification on the adopted Land Use Map.
6. The property is located outside of Flood Zone AE – Areas of 100 year flood and Flood Zone X – Areas of 500 year flood.
7. Adequate public facilities are available to serve the property.
8. The area is characterized by a mixture of single family dwellings and multi-family dwellings.

STAFF DISCUSSION

The petitioner submitted a request for a Conditional Use Permit for a Vacation Rental establishment; city ordinances allow Bed and Breakfast establishments in the R1 – Residential District with a Conditional Use Permit. A vacation rental is not defined within the City of Deadwood Zoning Code which would require a review as a conditional use.

Chapter 17.53 of the City of Deadwood Code of Ordinances prohibits transient use of residential property and transient is defined as a period of time less than thirty consecutive days. An approved conditional use permit for a Bed and Breakfast allows for transient use of residentially zoned property with a manager or an owner on the premise at the time of use and a meal provided to the guests.

Vacation Rentals are lodging establishments that are licensed with the State of South Dakota Health Department; however, municipalities and counties can be more restrictive than state law and may even prohibit such lodging establishments. Attached are documents relating to the application process to the Department of Health.

The subject property is currently utilized as a residential dwelling. The petitioner indicates they intend to rent two bedrooms at one time. The Deadwood Zoning Code requires a bed and breakfast establishment which is similar to a vacation rental to be occupied by the owner(s). The code also states a requirement of one off-street parking space per guestroom in section 17.64.060 of the ordinance book. The applicant has indicated that the subject property has two off-street parking spots and one on-street parking spot.

According to the City regulations defining a bed and breakfast, it cannot be situated on a lot closer than two hundred (200) feet or eight (8) residences, whichever is greater, from any other lot containing a bed and breakfast home. In this instance there are no bed and breakfast uses within the two required buffers. The code also defines that the Building Inspector is to inspect the premises to ensure compliance with the Building Code and the State Health Department will have to inspect the property.

COMPLIANCE:

1. **The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date of the public hearing in accordance with Section 17.76.060.J.**
2. **A sign was posted on the property for which the requests were filed.**
3. **Notice of the time and place was published in the designated newspaper of the City of Deadwood.**

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.

The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Preserve the existing stock of historic structures by working with the individuals and guiding the uses is an acceptable means. Traffic and parking should not significantly affect the neighborhood. This area has a mixture of single family and multi-family dwellings. While a vacation rental may be similar to a bed and breakfast there are two significant differences; one that a manager be on-site at time of occupancy and two a meal is provided to the occupant. Managers or owners on-site can ensure that the number of occupants is maintained and the vehicles impacting a neighborhood will not create problems. The transient use of residentially zoned property is prohibited without a conditional use permit.

- B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use: (a) the proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.

The subject area is zoned R1 - Residential District. The R1 - Residential District is intended to provide locations for low to medium density residential. Medium density residential is designed to provide apartment and multi-family dwellings as well as parks and recreation areas. There are no permitted B&B's within 600 feet of the proposed vacation rental. Again a vacation rental has distinct differences from a B&B.

- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites, or rights-of-way.

The proposed use may result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use may alter the character of the neighborhood. There will be no change in the size of the dwelling. To support a denial of a conditional use permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community. One example of a current grandfathered vacation rental exists at 7 Spring Street in Deadwood and has in the past had many complaints about noise, parking, and the number of guests exceeding the approved number. The owner has been on review several times and nearly had their use revoked in 2013. This property has had an adverse effect on the neighboring properties as a result of no manager on-site in the past.

- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, ordinances, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

For any conditional use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

The proposed use would increase the proliferation of non-conforming uses. The subject residence is located in an area that has apartment buildings, single family dwellings, and two B&B's. The appearance of the structure will not change; therefore, the character of the buildings and structures adjoining the subject property may not be adversely affected. However, the proposed use may have an adverse effect on the neighborhood.

- E. Whether or not the proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.

The proposed use will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, or other services. Existing services are available onsite. Traffic, circulation, and parking may be impacted if not properly managed and supervised.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the issuance of a conditional use permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustment can revoke conditional use permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.
- E. If the use permitted under the terms of a Conditional Use Permit, ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

If approved, staff recommendations for stipulation(s):

- 1. Proof of a state excise number shall be provided to the Planning and Zoning Office for their files.
- 2. Proof that the Building Inspector has inspected the building and it meets all of the building codes.
- 3. Proper paperwork is filed with the City of Deadwood Finance office for BID taxes.
- 4. Proof of South Dakota Department of Health Lodging License

ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

- 1. Recommendation by Planning and Zoning Commission for Approval / Approval with conditions / Denial by Planning and Zoning Commission
- 2. Approval / Approval with conditions / Denial by Board of Adjustment

John Martinisko
53 Taylor Street
Deadwood SD 57732
(605) 578-6233
jinisko@yahoo.com

May 12, 2015

Deadwood Planning and Zoning

Re: Vacation Home status for 29 Adams St. Deadwood

Robert Nelson Jr.:

I would like to apply for a Deadwood Conditional Use Permit to use my house at 29 Adams St. Deadwood as a Vacation Home. Attached is a copy of a South Dakota Department of Health Lodging License Application. I will submit this after the CUP is issued.

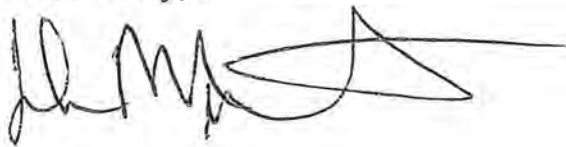
I have reviewed **Chapter 44:02:08** of the South Dakota Public Health Statutes regarding Vacation Homes. The house and maintenance of it will have no problem meeting these requirements in my opinion. Of course, the State will conduct an on-site inspection prior to issuing their license.

The house will sleep up to 4 people max. This house has a permitted parking spot on Adams Street in front of the house. There is also a one car garage with off street driveway parking for one car. Jackson Street also has public parking available.

Records show that this property was once owned by Sol Star and used by Seth Bullock as a carriage house. Thus the name: Bullock Carriage House.

Please let me know of any concerns or need for additional information.

Yours truly,

A handwritten signature in black ink, appearing to read 'John Martinisko', with a long horizontal flourish extending to the right.

John Martinisko

SOUTH DAKOTA DEPARTMENT OF HEALTH

LODGING LICENSE APPLICATION

PLEASE TYPE OR PRINT IN BLACK OR BLUE INK (SEE BACK FOR INSTRUCTIONS)

SECTION 1: ESTABLISHMENT INFORMATION

ESTABLISHMENT NAME <u>Bullock Carriage House</u>		LIST PREVIOUS ESTABLISHMENT NAME <u>NA</u>		OLD LIC. # <u>NA</u>	
CORPORATION/OWNER NAME <u>John or Sharon Martinisko</u>		CORPORATE CONTACT/ PHONE <u>605-578-6233</u>		ESTABLISHMENT PHONE <u>605-578-6233</u>	
CELL PHONE		ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #S) <u>29 Adams St</u>		CITY <u>Deadwood</u>	STATE <u>SD</u>
ZIP <u>57732</u>		IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY		COUNTY	
MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS) <u>53 Taylor St</u>		CITY <u>Deadwood</u>		STATE <u>SD</u>	ZIP <u>57732</u>
EMAIL ADDRESS <u>jinisko@yahoo.com</u>					
APPLICATION IS FOR: <input checked="" type="checkbox"/> NEW BUSINESS <input type="checkbox"/> CHANGE OF OWNERSHIP	DATES OPEN - IF SEASONAL From <u>year round</u> To:	PROPOSED OPENING DATE <u>July 2, 2015</u>	WATER SUPPLY <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Rural	SEWER SYSTEM <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	

SECTION 2: LODGING LICENSING FEES – Type of Business (Choose One)

	Number of Units	FULL YEAR FEE: Jan 1 – Dec 31	HALF YEAR FEE: July 1 – Dec 31 ¹	FEE TOTAL Complete all that apply
Bed & Breakfast: (No other fees apply)		<input type="checkbox"/> \$38.00 Registration Fee	<input type="checkbox"/> \$38.00 Registration Fee	<u>0</u>
Vacation Home:		<input type="checkbox"/> \$70.00 This includes the inspection fee ²	<input checked="" type="checkbox"/> \$35.00 This includes the inspection fee ²	<u>35-</u>
Specialty Resort: 10 or Less Sleeping Rooms		<input type="checkbox"/> \$70.00 This includes the inspection fee ²	<input type="checkbox"/> \$35.00 This includes the inspection fee ²	<u>0</u>
Hotel: 11 or More Sleeping Rooms *See reverse side for example		<input type="checkbox"/> \$2.25 per unit Plus \$25.00 Inspection Fee ² (\$70.00 Minimum Total)	<input type="checkbox"/> \$1.12 per unit Plus \$12.50 Inspection Fee ² (\$35.00 Minimum Total)	<u>0</u>
Initial License Fee³: See reverse side for explanation		<input type="checkbox"/> \$100.00	<input checked="" type="checkbox"/> \$100.00	<u>100-</u>

SECTION 3: WATER RECREATION FEES

Number of Pools and Hot Tubs	FULL YEAR FEE:			HALF YEAR FEE:			
	None	One	Two or More	None	One	Two or More	
Pools <u>0</u> Hot Tubs <u>0</u>	<input type="checkbox"/> \$0	<input type="checkbox"/> \$40.00	<input type="checkbox"/> \$65.00	<input type="checkbox"/> \$0	<input type="checkbox"/> \$20.00	<input type="checkbox"/> \$32.50	<u>0</u>
Is Your Pool Or Hot Tub Associated With Another Licensed Establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, Please Name Other Licensed Facility _____							TOTAL ALL FEES ABOVE THIS IS THE AMOUNT YOU OWE \$ <u>135</u>

SECTION 4: SIGNATURE

Being first duly sworn, I, as the owner or the owner's agent with legal authority to bind the owner, verify that the information contained in this application is true and complete, and I consent to allow inspections of the food service, lodging, or campground establishment by authorized inspectors during normal business hours upon the presentation of identification.

Owner/Agent Signature	Date:
Subscribed and sworn to before me this _____ day of _____, 20____.	
Notary Public	My commission expires:

(Seal)

SOUTH DAKOTA DEPARTMENT OF HEALTH

LODGING LICENSE APPLICATION

PLEASE TYPE OR PRINT IN BLACK OR BLUE INK (SEE BACK FOR INSTRUCTIONS)

SECTION 1: ESTABLISHMENT INFORMATION				
ESTABLISHMENT NAME		LIST PREVIOUS ESTABLISHMENT NAME		OLD LIC. #
CORPORATION/OWNER NAME		CORPORATE CONTACT/ PHONE	ESTABLISHMENT PHONE	CELL PHONE
ESTABLISHMENT PHYSICAL ADDRESS (NO PO BOX #'S)			CITY	STATE ZIP
IF RURAL LOCATION, GIVE DIRECTIONS FROM NEAREST CITY			COUNTY	
MAILING ADDRESS (IF DIFFERENT THAN PHYSICAL ADDRESS)			CITY	STATE ZIP
EMAIL ADDRESS				
APPLICATION IS FOR: <input type="checkbox"/> NEW BUSINESS <input type="checkbox"/> CHANGE OF OWNERSHIP	DATES OPEN - IF SEASONAL From: _____ To: _____	PROPOSED OPENING DATE _____	WATER SUPPLY <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Rural	SEWER SYSTEM <input type="checkbox"/> Public <input type="checkbox"/> Private

SECTION 2: LODGING LICENSING FEES – Type of Business (Choose One)

	Number of Units	FULL YEAR FEE: Jan 1 – Dec 31	HALF YEAR FEE: July 1 – Dec 31 ¹	FEE TOTAL Complete all that apply
Bed & Breakfast: (No other fees apply)		<input type="checkbox"/> \$38.00 Registration Fee	<input type="checkbox"/> \$38.00 Registration Fee	<input style="width: 100px;" type="text"/>
Vacation Home:		<input type="checkbox"/> \$70.00 This includes the inspection fee ²	<input type="checkbox"/> \$35.00 This includes the inspection fee ²	<input style="width: 100px;" type="text"/>
Specialty Resort: 10 or Less Sleeping Rooms		<input type="checkbox"/> \$70.00 This includes the inspection fee ²	<input type="checkbox"/> \$35.00 This includes the inspection fee ²	<input style="width: 100px;" type="text"/>
Hotel: 11 or More Sleeping Rooms <i>*See reverse side for example</i>		<input type="checkbox"/> \$2.25 per unit Plus \$25.00 Inspection Fee ² (\$70.00 Minimum Total)	<input type="checkbox"/> \$1.12 per unit Plus \$12.50 Inspection Fee ² (\$35.00 Minimum Total)	<input style="width: 100px;" type="text"/>
Initial License Fee³: <i>See reverse side for explanation</i>		<input type="checkbox"/> \$100.00	<input type="checkbox"/> \$100.00	<input style="width: 100px;" type="text"/>

SECTION 3: WATER RECREATION FEES

Number of Pools and Hot Tubs	FULL YEAR FEE:			HALF YEAR FEE:			
	None	One	Two or More	None	One	Two or More	
Pools _____ Hot Tubs _____	<input type="checkbox"/> \$0	<input type="checkbox"/> \$40.00	<input type="checkbox"/> \$65.00	<input type="checkbox"/> \$0	<input type="checkbox"/> \$20.00	<input type="checkbox"/> \$32.50	<input style="width: 100px;" type="text"/>
Is Your Pool Or Hot Tub Associated With Another Licensed Establishment? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, Please Name Other Licensed Facility _____							TOTAL ALL FEES ABOVE THIS IS THE AMOUNT YOU OWE \$ <input style="width: 100px;" type="text"/>

SECTION 4: SIGNATURE

<i>Being first duly sworn, I, as the owner or the owner's agent with legal authority to bind the owner, verify that the information contained in this application is true and complete, and I consent to allow inspections of the food service, lodging, or campground establishment by authorized inspectors during normal business hours upon the presentation of identification.</i>	
Owner/Agent Signature	Date:
Subscribed and sworn to before me this _____ day of _____, 20____.	
Notary Public	My commission expires:

(Seal)

INSTRUCTIONS

A. No license will be issued until an on-site inspection is conducted and the lodging establishment is found to be in compliance. Note for **Hotel** and **Specialty Resort** applicants': Construction plans and plan review questionnaire(s) are required for new establishments or changes to existing establishments 30 days prior to initiating construction. The plans must be submitted to:

SD Dept. of Health, Office of Health Protection, 600 E Capitol Ave, Pierre, SD 57501-1700.

B. Fill out the application completely. An incomplete application cannot be processed. It will be returned to the sender, and may result in the denial of a license.

- **Section 1: Establishment information** – Please enter the establishment name, previous establishment name (if applicable), the previous license number (if applicable) along with all ownership information, physical address, directions to the establishment, mailing address, and email address in the top section of the application. Please indicate whether the application is for a new business or a change of ownership. If the establishment is only open seasonally, please enter the dates open for business along with the initial proposed opening date. Also indicate the type of water and sewer system used by the establishment.

- **Section 2: Lodging Licensing Fees** – Choose the proper lodging type that you're applying for and select the appropriate full year or half year fee based on the lodging type. If unsure, please call 605-773-4945 for assistance.

¹Half-year license fees apply only to establishments with an initial opening date occurring after July 1st and before December 31st. Enter appropriate fee amount in the fee total column.

²Please note the amounts listed include the mandatory inspection fees.

³The initial license fee will always apply unless this application is for a Bed and Breakfast or a **CHANGE OF OWNERSHIP** of an establishment that has operated within the last 12 months and no renovations have taken place or are planned in the immediate future.

*Hotel example:

28 sleeping rooms(units)

 X \$2.25 =

\$63.00

 + \$25.00 =

\$88.00 total

- **Section 3: Water Recreation Fees** – This section pertains to the number of pools or hot tubs the lodging establishment provides. Please enter the number of pools and hot tubs, select the appropriate full year or half year fee and enter the amount in the fee total column. **Half-year fees apply only to establishments with an initial opening date occurring after July 1st and before December 31st**. If your pool or hot tub is utilized by another licensed establishment, please check yes and indicate the name of the establishment. Add up all fees in the fee total column and enter the total in the amount you owe box.

- **Section 4: Signature** - The owner's signature must be notarized by a duly appointed notary public.

C. Submit the completed license application and the required license fee (checks payable to **SD Department of Health**, starter checks will not be accepted) to:

**SD Department of Health
Office of Health Protection
600 East Capitol Ave
Pierre, SD 57501-1700**

The South Dakota Department of Health will issue or renew a license only after payment of the required fee, ascertainment that the facts set forth are true and complete, and satisfactory evidence of the applicant's ability to comply with the provision of SDCL Chapter 34-18 and the rules promulgated thereunder.

IF YOU HAVE ANY QUESTIONS, CONTACT THE DEPARTMENT OF HEALTH AT (605)773-4945

LICENSE EXPIRES DECEMBER 31st OF EACH YEAR

Lodging Establishment Plan Review Questionnaire

Establishment Name		E-mail	
Owner's Name		Phone #	
Physical Address			
Mailing Address			
City, State, Zip			

Please complete and return the following questionnaire along with the layout plan (drawn to at least a minimum scale of 1/4" = 1 foot) at least 30 days prior to the beginning of any construction.

Estimated Completion Date: Number of Units:

Type of Lodging Establishment Hotel ☐ Specialty Resort ☐

1. Has a layout plan of the lodging establishment been provided to the State Health Department for review? Yes ☐ No ☐

Date Submitted

2. Water Supply: Public ☐ Private ☐ Rural Water ☐

Note: Private water systems must be analyzed for bacteriological and nitrate contamination. Attach a copy of the laboratory results.

3. Sewer System: Public ☐ Private ☐

Note: Private sewer systems must be approved by the Dept. of Environment and Natural Resources. Please contact DENR at (605)773-3351 for information on obtaining Sewer System approval.

4. What type of room heating equipment is provided? Fuel Fired ☐ Electric ☐ Other ☐

5. Is an area for outside garbage storage provided? Yes ☐ No ☐

A. If yes, are leakproof, nonabsorbant containers provided? Yes ☐ No ☐

6. Are smoke detectors provided in each sleeping room? Yes ☐ No ☐

Hardwired with battery backup ☐ Battery operated only ☐

7. Is each sleeping room properly equipped with an approved accessible means of egress? Yes ☐ No ☐

Note: Included 'Egress Window Requirements' sheet for clarification of these requirements.

8. What type of ventilation is provided in the bathrooms? Mechanical ☐ Natural ☐

9. Please describe the floor, wall, and ceiling coverings in the following areas:

Room Type	Floor	Wall	Ceiling
Sleeping Room			
Bathroom			
Laundry Room			
Storage Room			
Kitchen			
Continental Breakfast			

10. Is a pest control service provided? Yes ☐ No ☐
 If yes, please describe _____
11. Utensil washing facilities available? 2-compartment sink ☐ 3-compartment sink ☐ Sanitizing Dishwasher ☐
12. Is a separate hand sink provided in the food preparation area? Yes ☐ No ☐
 A. If no, please explain: _____
13. Are laundry facilities located on site? Yes ☐ No ☐
 A. If yes, what type of ventilation is provided? Mechanical ☐ Natural ☐
 B. If no, where will laundry be done?
14. Is a mechanical clothes dryer(s) provided? Yes ☐ No ☐
15. How is ice dispensed? Self-service ☐ Automatic Dispenser ☐ Bagged ☐
Note: Ice machine drain lines must be air gapped. (indirectly hooked to drain)
16. Are meals or a continental breakfast provided? Yes ☐ No ☐
 A. If yes, please describe? _____

 B. If yes, what equipment is provided in the kitchen? _____

17. Is a swimming pool provided? Yes ☐ No ☐ Number of:
18. Is a spa or hot tub provided? Yes ☐ No ☐ Number of:

Note: Please enclose construction plans and a pool or spa questionnaire for each pool, spa, and hot tub.

Please note the American's with Disabilities Act (ADA) regulations are to be followed for all facilities. ADA requirements are regulated and enforced by the US Department of Justice. For more information, please call the ADA hotline at 1-800-514-0301 or visit their website at <http://www.ada.gov/>

SEND YOUR COMPLETED
 QUESTIONNAIRE AND LAYOUT PLAN TO:
 Office of Health Protection
 600 East Capitol Ave
 Pierre, SD 57501-1700
 Phone (605)773-4945
 Fax (605) 773-5683
www.doh.sd.gov

Lodging Requirements Checklist

Type of Lodging

- ☐ **Bed & Breakfast;** Does your establishment have 1-5 sleeping rooms and do you live on or adjacent to the property housing guests? Then register as a Bed & Breakfast.
- ☐ **Specialty Resort;** Does your establishment have 1-5 sleeping rooms and you **DO NOT** live on or adjacent to the property (or if you live on or adjacent to the property and have 6-10 sleeping rooms)? Then license as a Specialty Resort.
- ☐ **Hotel;** Does your establishment have 11 or more rooms? Then license as a Hotel.
- ☐ **Vacation Home;** Do you rent or lease your establishment in its entirety to the public on a daily or weekly basis for more than fourteen days a year? Then license as a Vacation Home.

Kitchen requirements IF meals are provided

- ☐ **Do you qualify as a Bed & Breakfast?** If so, meals can be provided with a domestic kitchen.
- ☐ **Do you qualify as a Specialty Resort?** If so, you must have a separate hand washing sink **and** a separate three compartment sink or sanitizing dishwasher (one that reaches a minimum of 150° F during sanitizing cycle). Meals can **only** be served to overnight guests, unless a separate Food Service License is secured.
- ☐ **Do you qualify as a Hotel?** If so, you may **only** have a Continental Breakfast, unless a separate Food Service License is secured.
- ☐ **Do you qualify as a Vacation Home?** If so, a kitchen may be provided.

Bed & Breakfast Fire Safety Requirements

- ☐ The establishment is required to have a smoke detector in each sleeping room with a minimum of at least one smoke detector per floor.

Specialty Resort Fire Safety Requirements

Does your establishment have less than 10 occupants?
If so, then you must meet these minimum fire safety requirements.

- ☐ Does your establishment have **illuminated** exit signs posted above **all** primary exits that lead to the exterior?
- ☐ Does your establishment have smoke detectors in all sleeping rooms?
- ☐ Does your establishment have proper egress windows in **all** sleeping rooms? Proper egress windows must be operable from the inside without the use of separate tools. The egress window must have a minimum opening of 5.7 ft². Each side of the window must have a minimum of 24 inches high and 20 inches wide, but together equaling a minimum of 5.7 ft². The window's bottom edge must be no more than 48 inches above the floor.
- ☐ Does your establishment have a portable fire extinguisher with a 2-A minimum fire rating on each floor? This extinguisher will need to be inspected and tagged annually.

Does your establishment have 10 or more occupants?
If so, then you must meet these minimum fire safety requirements.

- ☐ Does each floor where 10 or more occupants are sleeping have access to at least 2 remote exits?
- ☐ Does your establishment have **illuminated** exit signs posted above **all** primary exits that lead to the exterior?
- ☐ Does your establishment have smoke detectors in all sleeping rooms?
- ☐ Does your establishment have proper egress windows in **all** sleeping rooms? Proper egress windows must be operable from the inside without the use of separate tools. The egress window must have a minimum opening of 5.7 ft². Each side of the window must have a minimum of 24 inches high and 20 inches wide, but together equaling a minimum of 5.7 ft². The window's bottom edge must be no more than 48 inches above the floor.
- ☐ Does your establishment have a portable fire extinguisher with a 2-A minimum fire rating on each floor? This extinguisher will need to be inspected and tagged annually.

Vacation Home Fire Safety Requirements

- ☐ Each floor where ten or more occupants are sleeping shall have access to at least two remote exits.
- ☐ Any primary exit that leads to the exterior or the structure shall be capable of unlocking from the interior with single action hardware, and free from obstruction. Any sleeping room with a direct exit to the exterior of the building is exempt from this requirement.
- ☐ There shall be a smoke detector in each sleeping room. The owner or manager shall test any battery operated smoke detector at least twice a year.
- ☐ Any sleeping room shall be equipped with an operable egress window. Any sleeping room with a direct exit to the exterior of the building is exempt from this requirement.
- ☐ A portable fire extinguisher with a minimum 2-A rating shall be made available on each floor and shall be inspected and tagged annually.

NOTE: Before a valid lodging license is issued all other applicable Environmental Health standards must be met in accordance with ARSD 44:02:02:02 or 05 or 06 or 08



EGRESS WINDOW REQUIREMENTS

Per state law and/or regulation, any sleeping room in a licensed specialty resort, vacation home, camping cabin, or hotel (built after 1992) must have a door that opens to the exterior of the building OR have at least one exterior window of sufficient size to permit the occupants to escape a fire and also to allow a fully outfitted firefighter to enter. This handout was developed to help the owner/operator understand the egress window requirements.

WHAT IS AN EGRESS WINDOW?

An egress window must meet **ALL** of the four main criteria:

- Minimum net clear opening: 5.7 sq. ft.
- Minimum width of opening: 20 in.
- Minimum height of opening: 24 in.
- Maximum sill height above floor: 48 in. (Local or municipal codes may be more restrictive)

HOW IS THE NET CLEAR OPENING DETERMINED?

Take measurements of the width and height when the window is fully opened. It is important to measure from inside of the window frame, stated another way, measure the part of the window that is the actual open space (as shown in pictures below). This open area must be unobstructed, free and clear for a person to exit or fire/rescue personnel to enter. Once the dimensions of width (in.) and height (in.) are determined, the net clear opening can then be calculated by multiplying width times height and dividing this total by 144 (1 square foot). See examples below:

Window net clear opening or clearance measurements-

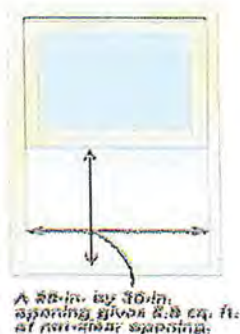
Example 1: Opening width – 28", Opening height – 30" so $28 \times 30 = 840$ ", divided by 144" = 5.8 sq. ft. Assuming the window sill is less than 48 in. above the floor, this window **would meet** the egress requirements.

Example 2: Opening width – 20", Opening height – 24" so $20 \times 24 = 480$ ", divided by 144" = 3.3 sq. ft. Although this window meets the minimum width and height criteria it does not meet the minimum net clear opening requirement, consequently this window **would not meet** the egress requirements.

Example 3: Opening width – 20", Opening height – 42" so $20 \times 42 = 840$ ", divided by 144" = 5.8 sq. ft. Assuming the window sill is less than 48 in. above the floor, this window **would meet** the egress requirements.

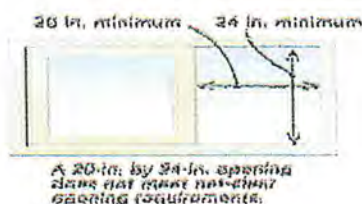
Example 4: Opening width – 35", Opening height – 24" so $35 \times 24 = 840$ ", divided by 144" = 5.8 sq. ft. Assuming the window sill is less than 48 in. above the floor, this window **would meet** the egress requirements.

Example 1



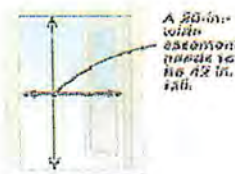
Example 2

3.3 sq. ft. of net-clear opening.



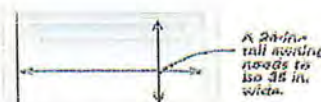
Example 3

5.8 sq. ft. of net-clear opening.



Example 4

5.8 sq. ft. of net-clear opening.



IF MY WINDOW HAS A NET CLEAR OPENING OF 5.7 sq.ft. WILL IT MEET EGRESS?

Only if the window also meets the minimum dimension and sill requirements. For example, a 1 ft. wide by 5.7 ft. high window opening is still too narrow to climb through, so it wouldn't pass code.

ARE THERE OTHER REQUIREMENTS?

Yes, the window must be operable from the inside without the use of separate tools, keys, special knowledge or effort. Exceptions, modifications or window well requirements may apply depending on specific circumstances so...

Please contact the South Dakota DOH for any questions or concerns at 605-773-4945

CHAPTER 44:02:08

VACATION HOMES

Section

44:02:08:01	Definitions.
44:02:08:02	Water supply.
44:02:08:03	Guest room toilet and bathing facilities.
44:02:08:04	Garbage and rubbish storage and disposal.
44:02:08:05	Vermin control.
44:02:08:06	Lighting.
44:02:08:07	Ventilation.
44:02:08:08	Heating equipment.
44:02:08:09	Cleanliness and storage of utensils.
44:02:08:10	Bedding and linen.
44:02:08:11	Housekeeping -- Maintenance of premises.
44:02:08:12	Hazardous condition.
44:02:08:13	Water recreation facilities.
44:02:08:14	Repealed.
44:02:08:15	Egress windows.
44:02:08:16	Egress window wells.
44:02:08:17	Egress window exception.

34-18-22.3. Fire safety standards for vacation home establishments. Any vacation home establishment shall meet the following minimum fire safety standards:

(1) Each floor where ten or more occupants are sleeping shall have access to at least two remote exits;

(2) Any primary exit that leads to the exterior of the structure shall be capable of unlocking from the interior without the use of a key or special knowledge or effort and free from obstruction. Any sleeping room with a direct exit to the exterior of the building is exempt from this requirement;

(3) There shall be a smoke detector in each sleeping room. The owner or manager shall test any battery operated smoke detector at least twice a year;

(4) Any sleeping room shall be equipped with an operable egress window. Any sleeping room with a direct exit to the exterior of the building is exempt from this requirement; and

(5) A portable fire extinguisher with a minimum 2-A rating shall be made available on each floor and shall be inspected and tagged annually.

Source: SL 2008, ch 172, § 2; SL 2011, ch 157, § 3.

Print

Deadwood, SD Code of Ordinances

Chapter 17.53

TRANSIENT COMMERCIAL USE OF RESIDENTIAL PROPERTY--PROHIBITED

Sections:

- 17.53.010 Purpose.
- 17.53.020 Definitions.
- 17.53.030 Permission.
- 17.53.040 Exception.
- 17.53.050 Liability and enforcement.
- 17.53.060 Violation--Penalty.

17.53.010 Purpose.

The purpose of this chapter is to:

- A. Preserve and enhance the character of the residential districts.
- B. Promote the public health, safety, and general welfare of the city.
- C. Expressly prohibit transient commercial use of residential property for remuneration, which uses are inharmonious with and injurious to the preservation of the residential character and environment of the city.

(Ord. 1022 (part), 2004)

17.53.020 Definitions.

A. Except as otherwise defined or where the context otherwise indicates, the following defined words shall have the following meaning:

“Person” means an individual, a group of individuals, or an association, firm, partnership, corporation or other entity, public or private.

“Remuneration” means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of real property.

“Residential property” means any single-family dwelling unit or structure located on one or more contiguous lots of record within the R-1 residential district and R-2 multi-family residential district.

“Transient” means a period of time less than thirty (30) consecutive calendar days.

“Transient commercial use of property” means the commercial use, by any person, of residential property for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is for less than thirty (30) consecutive calendar days.

B. The definitions herein include the singular and plural meanings of each defined word.

(Ord. 1022 (part), 2004)

17.53.030 Permission.

Transient commercial use of residential property for remuneration is prohibited in the residential land use districts, except as otherwise expressly permitted by this ordinance.

(Ord. 1022 (part), 2004)

17.53.040 Exception.

This ordinance shall not apply to transient commercial use of residential property for remuneration for a period of fourteen (14) days or less during the month of August, commencing four days immediately preceding the official start of the Sturgis Motorcycle Rally and ending three days after the end of the Sturgis Motorcycle Rally each year.

(Ord. 1022 (part), 2004)

17.53.050 Liability and enforcement.

A. Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.

B. Any person who uses, or allows the use of residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.

(Ord. 1022 (part), 2004)

17.53.060 Violation--Penalty.

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 have 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 not exceeding thirty (30) days or by both such fine and imprisonment. Each day that any violation of this title is in effect shall constitute a separate offense.

(Ord. 1022 (part), 2004)

Mr. Robert E. Nelson, Jr.
Zoning Administrator and City Planner
City of Deadwood
108 Sherman Street
Deadwood, SD 57732

June 22, 2015

Re: 29 Adams Street Application
Request for Conditional Use Permit for a Vacation Rental

Dear Bob,

I have recently reviewed the application by John Martinisko for a vacation rental at 29 Adams Street. I'm a bit confused as to what category this application falls into. It doesn't appear to meet key requirements for a Bed and Breakfast as defined under the Conditional Uses section 17.32.030 of the Zoning Ordinance, the most critical being on-site management and meals provided. And while it does appear to meet the definition and description of Transient Commercial Use of Residential Property Chapter 17.53, transient commercial use of residential property within an R-1 residential district is strictly prohibited by this Deadwood, SD Ordinance Code.

There are seven(7) residential houses on Adams Street, which is located in a small corner of the Presidential District. I live at 26 Adams Street directly across the street from the proposed Vacation Rental. It is a quiet and peaceful neighborhood today, disrupted only by periodic disputes over parking spots and other basic squabbles. There is very limited neighborhood traffic today as we're not a street that leads to any tourist attractions. The homeowners on Adams Street are all long term, respectable people with an investment in preserving and enhancing the character of this small residential street.

Regarding downside risks for the residents of Adams Street if this application were to be approved, I see many serious ones. Increased traffic, both people & vehicles; potential parking issues (transient renters + people visiting the renters); transient renters coming into/going out of our quiet residential neighborhood on a vacationers schedule; the potential for increased noise from the house itself and/or the Gazebo area out in the small yard; and the potential for destruction, robbery, and/or theft by transient renters are just some of the many things we'd all have to start worrying about. There are some top-notch, experienced Vacation Rental Enterprises in the Black Hills and they are constantly challenged with the possibilities of all such downside risks. They know it only takes one bad vacation renter in the course of 1-2-3 years to destroy a house, rob a neighborhood, create vehicular havoc, cause other forms of ill-will, and otherwise disrupt the safety and general well-being of a neighborhood, in this case a small, well established residential neighborhood. Let's all keep in mind, transient vacation renters aren't here for a long time, just a good time and their definitions of a good time vary wildly.

Regarding upsides for the Adams Street neighborhood if this application were to be approved, I see none other than the hope and a prayer that the transient renters will all be quiet, god-fearing people who will only add value to our lives. I don't believe this to be very realistic, which is one of the many reasons for Chapter 17.53 of the Deadwood, SD Code of Ordinances prohibiting "Transient Commercial Use of Residential Property". This Ordinance is in place for very well thought out and valid reasons. The equilibrium and well-being of our small neighborhood is protected today, let's please keep it that way for tomorrow!

Respectfully yours,



Andrew Estoclet
26 Adams Street
Deadwood, SD 57732