

**NOTICE OF ADOPTION
ORDINANCE NO. 2022-06
TOWN OF OACOMA**

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND CHAPTER 1, DEFINITIONS; CHAPTER 6, AGRICULTURAL DISTRICT (AG), SECTION 607, CONDITIONAL USES; CHAPTER 7, LOW DENSITY RESIDENTIAL DISTRICT (R-1), SECTION 707, CONDITIONAL USES; CHAPTER 8, MODERATE DENSITY RESIDENTIAL DISTRICT (R-2), SECTION 807, CONDITIONAL USES; CHAPTER 11, COMMERCIAL DISTRICT (C-1), SECTION 1107, CONDITIONAL USES; CHAPTER 12, HIGHWAY COMMERCIAL DISTRICT (C-2), SECTION 1207, CONDITIONAL USES; AND CHAPTER 15, SUPPLEMENTARY DISTRICT REGULATIONS; ADOPTED BY ORDINANCE NO. 2004-03, AS AMENDED, OF THE OFFICIAL ZONING ORDINANCE OF THE TOWN OF OACOMA, SD.

BE IT ORDAINED by the Board of Trustees of the Town of Oacoma, South Dakota: that CHAPTER 1, DEFINITIONS adopted by Ordinance No. 2004-03 on June 21, 2004, as amended, of the Zoning Ordinance of the Town of Oacoma, SD be amended by adding the following Definitions in bold and underline font:

ARSD: Administrative Rule of South Dakota.

Lodging establishment: Any building or other structure and property or premises kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to two or more transient guests. The term includes hotels, motels, cabins, bed and breakfast establishments, lodges, vacation home establishments, dude ranches, and resorts.

SDCL: South Dakota Codified Law.

Shouse: A shouse is a metal or wood post-framed structure with a clear-span roof system constructed on a permanent foundation or concrete slab on grade and used for a combination of fully enclosed dwelling and fully enclosed storage purposes. The term includes shop houses, barndominiums or other similar structures.

Vacation Home: A furnished dwelling forming a single habitable unit with one or more bedrooms, cooking, dining and toilet facilities offered as a lodging establishment to transient guests for periods of less than twenty-eight (28) consecutive days of occupancy when the dwelling owner is not present on the premises.

BE IT FURTHER ORDAINED by the Board of Trustees of the Town of Oacoma, South Dakota: that CHAPTER 6, AGRICULTURAL DISTRICT (AG), Section 607, Conditional Uses, adopted by Ordinance No. 2004-03 on June 21, 2004, as amended, of the Zoning Ordinance of the Town of Oacoma, SD be amended by adding language in bold and underline font:

19. Vacation Home (pursuant to Chapter 15, Section 1540).

20. Shouse (pursuant to Chapter 15, Section 1541).

BE IT FURTHER ORDAINED by the Board of Trustees of the Town of Oacoma, South Dakota: that CHAPTER 7, LOW DENSITY RESIDENTIAL DISTRICT (R-1), Section 707, Conditional Uses, adopted by Ordinance No. 2004-03 on June 21, 2004, as amended, of the Zoning Ordinance of the Town of Oacoma, SD be amended by adding language in bold and underline font:

14. Vacation Home (pursuant to Chapter 15, Section 1540).**15. Shouse (pursuant to Chapter 15, Section 1541). (Shouses are prohibited in the following subdivisions: River Ranch; River Ranch 2nd; and Cedar Bluffs 1st.)**

BE IT FURTHER ORDAINED by the Board of Trustees of the Town of Oacoma, South Dakota: that CHAPTER 8, MODERATE DENSITY RESIDENTIAL DISTRICT (R-2), Section 807, Conditional Uses, adopted by Ordinance No. 2004-03 on June 21, 2004, as amended, of the Zoning Ordinance of the Town of Oacoma, SD be amended by adding language in bold and underline font:

29. Vacation Home (pursuant to Chapter 15, Section 1540).**30. Shouse (pursuant to Chapter 15, Section 1541).**

BE IT FURTHER ORDAINED by the Board of Trustees of the Town of Oacoma, South Dakota: that CHAPTER 11, COMMERCIAL DISTRICT (C-1), Section 1107, Conditional Uses, adopted by Ordinance No. 2004-03 on June 21, 2004, as amended, of the Zoning Ordinance of the Town of Oacoma, SD be amended by adding language in bold and underline font:

14. Vacation Home (pursuant to Chapter 15, Section 1540).

BE IT FURTHER ORDAINED by the Board of Trustees of the Town of Oacoma, South Dakota: that CHAPTER 12, HIGHWAY COMMERCIAL DISTRICT (C-2), Section 1207, Conditional Uses, adopted by Ordinance No. 2004-03 on June 21, 2004, as amended, of the Zoning Ordinance of the Town of Oacoma, SD be amended by adding language in bold and underline font:

16. Vacation Home (pursuant to Chapter 15, Section 1540).**17. Shouse (pursuant to Chapter 15, Section 1541).**

BE IT FURTHER ORDAINED by the Board of Trustees of the Town of Oacoma, South Dakota: that CHAPTER 15, SUPPLEMENTARY DISTRICT REGULATIONS, adopted by Ordinance No. 2004-03 on June 21, 2004, as amended, of the Zoning Ordinance of the Town of Oacoma, SD be amended by adding the following Section in bold and underline font:

Section 1540 Vacation Homes.

1. **The purpose of this section and the standards outlined below are to serve the residents and visitors of Oacoma, to ensure that vacation homes are compatible with surrounding uses and to preserve the character of the neighborhoods in which they are located. The primary control or regulation is for the purpose of preventing a concentration of vacation homes in any one area. The numerical limits on vacation homes may be altered at any time by resolution of the Oacoma Town Board of Trustees.**
2. **Maximum Number of Vacation Home establishments per Zoning Classification, subject to approval for Conditional Use Permit.**
 - a. **Low Density Residential (R-1), excluding R-1 in Extraterritorial Zoning Jurisdiction (ETJ): Six (6).**
 - b. **Moderate Density Residential (R-2): Four (4).**

- c. Commercial (C-1): No limit.
 - d. Highway Commercial: No limit.
 - e. Extraterritorial Zoning Jurisdiction (ETJ), including Agricultural District (AG) and R-1 properties in ETJ but excluding Planned Unit Development Districts (PUD): No limit.
 - f. Planned Unit Development Districts (PUD): Subject to performance standards for specific PUD.
3. Vacation homes must conform to provisions contained in ARSD 44:02:08, SDCL 34-18 and all other state or local regulations;
 4. Vacation homes authorized within the municipal boundaries of the Town of Oacoma must obtain an annual Vacation Home Establishment license from the Town of Oacoma;
 5. Any vacation home holding a valid lodging license issued by the State of South prior to the effective date of this ordinance and is fully compliant with the standards outlined in Section 1540 shall be considered a conforming use in the district or zoning classification in which it is located and shall be counted against the maximum establishments allowed in Section 1540, item 2 and shall obtain a municipal license pursuant to Section 1540, item 4 within sixty (60) days of the effective date of this ordinance;
 6. Vacation homes must obtain required state and local permits and/or licenses prior to advertising or providing occupancy to guests;
 7. Owners of vacation homes must obtain insurance coverage reflecting an endorsement for short-term rental occupancies;
 8. Copies of all licenses and/or permits and proof of insurance must be provided to the Oacoma Finance Officer upon request;
 9. An owner or manager must be located within forty-five (45) miles of the property and must be available at all times to respond to complaints within one (1) hour of notification;
 10. A written manual must be provided to guests containing the local owner's or manager's contact information, performance standards set forth in Section 1540 and emergency contact information;
 11. Each vacation home must be equipped with a minimum of one (1) portable fire extinguisher with a minimum 2-A rating located in an accessible area and maintained in operable condition;
 12. The minimum age allowed for the principal vacation home renter is twenty-one (21) years of age;
 13. Maximum overnight occupancy of any vacation home shall not exceed four (4) occupants per bedroom, plus two (2) additional occupants, including children;
 14. Quiet hours shall be from 10:00 P.M. to 7:00 A.M.;

15. The use of open fires, fire pits, charcoal or pellet burning grills, gas fired grills or other devices creating a flame shall not be allowed without permission from the owner or manager and use of such devices must comply with all federal, state, and/or local laws, ordinances, or rules;
16. A minimum of one, forty-five (45) gallon enclosed garbage container must be provided, and secured against tipping, outside each short-term rental dwelling unless a central collection container is provided;
17. All garbage must be bagged before placing into outside garbage container;
18. No bagged or unbagged garbage shall be left outside a vacation home unless it is secured inside a garbage container;
19. Each vacation home must have vehicular access to a public street and provide off-street parking at a minimum ratio of four hundred (400) square feet for every four (4) guests based on total occupancy rating of dwelling;
20. On-street parking is prohibited;
21. Storage or use of travel trailers, tent trailers, tents and all other recreational vehicles designed for temporary occupancy is specifically prohibited, and;
22. Vacation homes connected to city water and/or city sewer services shall be identified as commercial users for billing purposes.

Section 1541 Shouse.

1. The purpose of this section and the standards outlined below are to ensure that shouses are compatible with surrounding uses and to preserve the character of the neighborhoods in which they are located.
2. Shouses are specifically prohibited in the following R-1 subdivisions within the municipal and extraterritorial zoning jurisdictions of Oacoma, SD: River Ranch Addition; River Ranch 2nd Addition and Cedar Bluffs 1st Addition.
3. The maximum area occupied by a shouse is two thousand four hundred (2,400) square feet excluding all covered porches, covered patios, and covered decks;
4. The maximum sidewall height of a shouse shall not exceed eighteen (18) feet above concrete slab;
5. The maximum overall height of a shouse shall not exceed thirty-five (35) feet above the concrete slab;
6. A minimum of twenty percent (20%) of the total exterior front wall area, excluding doors and windows, shall be covered with a material other than ribbed/rolled steel;
7. The minimum enclosed dwelling area is forty percent (40%) of the total area occupied by the shouse excluding covered porches, covered patios, and covered decks and shall provide separate sleeping,

cooking and toilet facilities and must be constructed in accordance with state and local residential building codes or similar standards for safety;

- 8. The maximum enclosed shop or storage area inside the principal structure is sixty percent (60%) of the total area occupied by the shouse excluding covered porches, covered patios and covered decks;**
- 9. The maximum area occupied by all detached accessory buildings subordinate to a shouse shall not exceed one thousand (1,000) square feet;**
- 10. Exterior shall be painted or finished in muted earth tone color;**
- 11. Shouses are intended to be used as primary or seasonal living quarters and may be used as vacation homes pursuant to Section 1540;**
- 12. No commercial activity, except lodging, is permitted;**
- 13. Floor plan, elevation and site plan must be submitted with all applications for building permit, and;**
- 14. Minimum lot requirements and minimum yard requirements shall comply with standards of the zoning district in which the shouse is located.**

Passed and adopted this 5th day of December, 2022.

TOWN OF OACOMA

/s/Gary Dominiack, President

Oacoma Town Board of Trustees

ATTEST:

/s/Valerie J. Moore, Finance Officer

(SEAL)

First Reading: November 21, 2022

Second Reading: December 5, 2022

Adoption: December 5, 2022

Published once, December 14, 2022 at a total cost of \$__ and may be viewed free of charge at

<https://www.sdpublicnotices.com/>.

Effective Date: January 3, 2023

This ordinance shall become effective twenty days after publication of this notice in the official newspaper, thereby repealing all ordinances or parts thereof in conflict herewith unless a referendum is timely involved prior thereto.