
Sec. 21-11-26. Residential Short-Term Rental (STR) Special Use Standards.

(a) **Purpose.** This section is established to provide regulations and design standards for residential short-term rentals (STRs) related to single family and multifamily neighborhoods. These standards seek to allow for STRs while also protecting the safety and general welfare of Sandy residents and preserving the residential character of Sandy neighborhoods. In allowing STRs, this section provides existing property homeowners economic relief who might otherwise be forced to leave a neighborhood, thus promoting and preserving affordable housing in Sandy City. This section also intends to stabilize neighborhoods by promoting home ownership and preserving long-term rental housing in the market.

(b) **Residential Short-Term Rental (STR) Prohibited.** STRs are prohibited in all residential dwellings, residential districts, residential PUD districts and residential SD districts without first obtaining (1) an STR special use permit as regulated in this Section; and (2) a valid short-term rental business license (STRL), as regulated by Chapter 15-11. The following are exempt and shall not be subject to the provisions of this section:

- (1) A residential lease of thirty (30) or more consecutive days;
- (2) Bed and breakfasts, hotels, and motels, as described and regulated in the Sandy Land Development Code and this Sandy City Code.

(d) **General Standards and Requirements for STR Special Use Permits.** An STR may be allowed within any existing legal owner-occupied residential dwelling via an administrative STR special use permit and a valid short-term rental license issued by the Community Development Department pursuant to an application which demonstrates compliance with requirements found in the Sandy Land Development Code, this Sandy City Code, and all of the following standards and requirements:

(1) **Application.** Only an owner, as defined in Section 15-11-1, may apply for an STR special use permit. The owner of a proposed STR property shall submit a completed STR application to the Community Development Department as provided by Sandy City. An individual shall prove ownership of the proposed STR property as evidenced by a copy of a transfer deed listing the applicant as the fee title owner. Fee title owner may be an individual or trustor of a family trust that possesses 50 percent (50%) or more ownership of the proposed STR. The fee title owner may not be a corporation, partnership, limited liability company, or similar entity.

(2) **Property Description.** The applicant shall submit with the application a detailed written description and/or drawing of the proposed STR dwelling that identifies the use of each room of the dwelling and identifies and defines the portions of the dwelling to be used for a partial STR. Only one (1) designated partial STR area is allowed for a proposed partial STR dwelling.

(3) **Short-Term Rental Management Course.** Prior to submitting an application, the owner of a proposed STR property shall successfully complete a short-term rental management course. The owner shall submit proof of course completion with the application. An applicant need only complete one (1) STR management course to satisfy this requirement for both an STRL pursuant Section 15-11-3 and an STR special use permit pursuant to this Section.

(4) **Owner Occupancy.** The owner of the subject dwelling shall live in the primary dwelling in which a STR is desired and must reside therein as their primary residence.

a. To establish that the property is the owner's primary residence, the owner shall:

1. Present a copy of the owner's deed or the most recent State and Federal tax returns both listing the property as the owner's primary residence; and
2. Present a government-issued identification document listing the address of the property as the address of the owner; and
3. Provide a signed affidavit sworn before a notary public by the owner stating that the proposed property is the primary residence of the owner and the owner will remain as the

primary occupant of the dwelling for the duration of the STR special use permit, wherein they reside at least one hundred eighty-three (183) days per calendar year.

(5) **Occupancy During Rental Period.** STR dwellings shall comply with the following occupancy restrictions:

- a. The maximum renter occupancy shall be no more than eight (8) people.
- b. An STR dwelling shall not be rented to more than one (1) renter at any given time, and the owner shall not divide and rent out portions of the dwelling to multiple renters at the same time.
- c. The STR property shall only be rented for a minimum duration of one (1) night and a maximum duration of twenty-nine (29) consecutive nights.
- d. A property with a valid accessory apartment special use permit may use the accessory apartment as a STR and rent the accessory apartment for up to three hundred sixty-five (365) nights per year. The owner may not reside in or use the accessory apartment unit while a renter occupies it.

(6) **Parking Plan.** The applicant shall submit with the application a detailed, written description and/or a drawing of the parking plan for the STR. The applicant shall ensure that all occupants and renters of an STR, strictly comply with the Parking Plan, all other requirements of this Title, all parking requirements and regulations of Chapter 14-7 – Parking, and all parking requirements and regulations of UTAH CODE ANN. § 41-6a-1401 *et. seq.*, as amended, subject to any and all applicable civil and criminal enforcement for violations.

(7) **Conflict of Private Restrictions.** The applicant shall submit with the application a signed affidavit sworn before a notary public that certifies to the City that the subject property has no existing private covenants, conditions, or restrictions prohibiting STRs.

(8) **Owner Urgent Response to STR.** The owner, or a designated representative, shall be available to immediately respond to the STR twenty-four (24) hours per day, three hundred sixty-five (365) days per year by telephone and, when necessary, be able to physically respond to the STR within one (1) hour of any legitimate complaint. If the owner is unreachable after three (3) attempted contacts by the City, the City shall issue a Notice of Violation to the owner pursuant to this Section and the owner's STR special use permit and STRL shall be subject to City review for compliance.

(9) **Property Maintenance Requirements.** All STRs shall adhere to this Code, including, but not limited to, the following:

- a. ***Maintenance.*** An owner must adhere to Title 19: Property Maintenance including, but not limited to, requirements for weed abatement, landscaping, garbage removal, structure maintenance, and fence/wall maintenance.
- b. ***Snow Removal.*** An owner shall remove all snow from the sidewalks of the property within twenty-four (24) hours after snowfall in accordance with this Code.
- c. ***Noise and Nuisance Control.*** An owner shall ensure that all renters are aware of and adhere to Chapter 13-2: Noise Control and Salt Lake County Health Department Health Regulation No. 21: Community Noise Pollution Control. If a renter violates the noise control chapter more than once in any given seventy-two (72) hour period, the owner shall immediately evict all renters from the property. Violations of the above-cited noise regulations may subject both the owner and a renter to civil action and/or criminal prosecution, and the STR special use permit shall be subject to City review for compliance.
- d. ***Smoke and Carbon Monoxide Detectors.*** An owner shall ensure that the STR dwelling or the rented portions of a partial STR dwelling has at least one (1) working smoke alarm in each sleeping area with a minimum of one (1) smoke alarm on each floor. The owner shall also ensure that the STR dwelling or the rented portions of a partial STR dwelling has at least one (1) working carbon monoxide detector on each floor.

(10) **Noticing and Posting Requirements.**

- a. An informational packet must be posted in a highly visible place within the dwelling and must include all of the following:
 1. Name and contact information for owner or designated representative.
 2. City-issued STRL and STR special use permit.
 3. Parking requirements. Each owner shall provide information about the STR's parking plan and the City Ordinance Chapter 14-7.
 4. Maximum occupancy Each owner shall provide information about the STR's maximum occupancy.
 5. A copy of Sandy City Ordinance Chapter 13-2: Noise Control and a copy of Salt Lake County Health Department Health Regulation No. 21.
 6. A copy of Sandy City Ordinance Section 21-11-26 and Section 15-11-1.
 7. Garbage pickup dates and a written description of where garbage receptacles must be placed for pickup.
 8. Emergency and Non-Emergency Contact information for the Sandy City Police and Fire Departments and the address of the rental unit.
 9. Any other contact information as required by the Community Development Department.
 10. Any other appropriate requirements as specified by the Community Development Director through the special use permit process.
- b. The informational packet must be made available to the City for inspection upon twenty-four (24) hours prior written notice.

(11) **Advertising.** Any STRL in Sandy City shall include the Sandy City short-term rental permit number [special use permit number] and short-term rental business license number [Sandy City Business License number].

(12) **Tax Compliance.** Owners shall comply with all applicable federal, state, and local occupancy tax collection and remittance requirements including, but not limited to, state sales tax, state transient room tax, and local transient room tax. Owners shall submit with the application proof of registration for a Utah Tax Commission account. No STR special use permit or STRL shall be issued without submission of proof of registration for a Utah Tax Commission account. Owners are solely responsible for collecting and remitting any occupancy tax not already collected and remitted by a short-term rental marketplace facilitator (e.g., AirBNB, VRBO, etc.)

(13) **Compliance Certification.** The application shall include a compliance certification signed by the owner certifying that the owner has agreed to comply with the terms and conditions of this ordinance and to actively ensure each renter complies with the terms and conditions of this ordinance as well. The Community Development Director is hereby authorized to implement any policies and procedures necessary, in the Community Development Director's sole discretion, to effectively enforce the regulations contained in this ordinance.

(e) **Limited Number of STR Special Use Permits.** The total number of STR special use permits issued within the City shall be limited as follows:

(1) The maximum number of STR special use permits and STRLs shall be calculated for each community within Sandy City as follows: Each community shall have a minimum base of two (2) STR special use permits and STRLs plus one (1) STR special use permit and STRL for every one hundred (100) single-family detached dwellings within the community boundary.

(2) The total number of available STR special use permits and STRLs shall be recalculated every odd year in July, based on the estimated number of single-family dwellings within the City as determined by the Community Development Department.

(3) If a complete application that meets all other requirements for approval is received after the maximum number of approvals has been issued for the community the proposed STR property is located within, the application shall be placed on a waiting list in order of the date of receipt of a completed application. This list shall be reviewed on an annual basis. No fees will be due until a special use approval becomes available. A complete application shall include completion of all requirements of this Section.

(f) **Duration of Approval and Transferability.** The STR special use permit shall be valid and continue until the sale of the home or if the STRL expires. The STR special use permit shall expire upon the closing date of the sale of the home or on the date the STRL expires. STR special use permits are not transferrable. If the STR special use permit and the STRL expire, the STR dwelling or the rented portions of a partial STR dwelling shall automatically revert to be occupied by the primary dwelling occupants only and their non-paying guests.

(g) **Violations.** It shall be a violation for any person to operate a STR:

- (1) Without first obtaining a STR special use permit, as regulated in this section, and issued a valid STRL; or
- (2) That does not comply with the requirements of this chapter, this Code, or the Sandy City Land Development Code.

(h) **Denial, Suspension, or Revocation of STR Special Use Permit.** STR special use permits shall be subject to denial, suspension, or revocation pursuant to Section 15-11-4.

(i) **Enforcement.** Upon a determination that a violation exists, the Community Development Director, or designee, shall contact the owner requiring such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within forty-eight (48) hours, or such later time the Director, or designee, may determine.

(j) **Administrative Review and Enforcement by Administrative Law Judge.** Violations of this chapter may be subject to both criminal prosecution and administrative review. An independent Administrative Law Judge ("ALJ") shall have jurisdiction to hear appeals related to denials, review violations, and enforce compliance with this chapter. The ALJ's decisions shall be binding and enforceable. Failure to comply with the ALJ's orders may result in further enforcement actions, including potential criminal prosecution. The ALJ is empowered to:

- (1) Hear and determine all appeals related to the denial of an STR special use permit or STRL.
- (2) Review and adjudicate violations of this chapter, including those that arise from inspections, complaints, or other enforcement actions.
- (3) Issue fines in accordance with the penalty structure outlined in this chapter.
- (4) Apply additional conditions to any STR special use permit or STRL to ensure compliance with the requirements of this chapter, including, but not limited to, conditions related to property maintenance, noise control, and occupancy limits.
- (5) Issue orders for the revocation or suspension of STR special use permits or STRLs as necessary to enforce compliance and uphold the integrity of this chapter.

(k) **Notice and Hearing.** Prior to any hearing, the City shall provide written notice to the affected party of the alleged violation and the scheduled hearing date. The notice shall include a description of the violation, the potential consequences, and the date, time, and location of the hearing. The affected party shall have the opportunity to present evidence, call witnesses, and make arguments before the ALJ. The ALJ shall conduct hearings in a fair and impartial manner, ensuring that all parties have an opportunity to be heard.

(l) **Appeals.** Any party aggrieved by a decision of the ALJ may appeal the decision to district court.

(M) **Fines.**

- (1) Each day that a violation occurs or continues is a separate violation.
- (2) For any violation of this section, the issuing officer may issue a written citation or notice of violation to the owner specifying the violation and the penalty to be imposed.
 - a. For the first violation within any twelve (12) month period, the penalty shall be \$500.00.
 - b. For a second violation within any twelve (12) month period, the penalty shall be \$750.00.
 - c. For a third violation within any twelve (12) month period the penalty shall be \$1,000.00 and automatic revocation of the STRL and STR special use permit. The owner shall be ineligible for a STR special use permit and a STRL for a period of two (2) years from the date of the third notice of violation.
 - d. For any violation within any twelve (12) month period following the third violation, the penalty shall be \$1,000.00 and the owner shall be banned from receiving a STR special use permit and a STRL.