



Community Development Department

TOM DOLAN
Mayor

BYRON JORGENSON
Chief Administrative Officer

MICHAEL G. COULAM
Department Director

MEMO

To: City Council Members
Michael Applegarth, Council Office Director
Mike Coulam, Community Development Director

From: Brian McCuiston, Zoning Administrator *BMC*

Date: March 16, 2017

RE: History of Short Term Rental Provision

I have been asked to provide some history on the short term rental provisions found within the Land Development Code. Back in the mid 1990's there were a number of home owners that were renting their homes for short term ski lodging. Sandy City started getting a number of complaints from surrounding property owners. Some of the complaints included loud partying at late hours, inappropriate activities in outdoor hot tubs, leaving garbage outside of receptacles, parking in front of neighboring homes, and due to absentee landlords there was a general concern of property maintenance and property values.

Sandy City took the position that because the land use matrix did not specifically allow this type of use, it was prohibited. There were a number of property owners that did not agree with this position and Sandy City was eventually sued twice. Sandy City won both times. One of the owners appealed the Court's decision to the State Court of Appeals. The Appeals Court reversed the lower Court's ruling. The Judge advised Sandy City to adopt a new ordinance that clearly defines and regulates the short-term rental of homes in a residential district.

On March 31, 1998, the Sandy City Council invoked the pending ordinance doctrine (Ordinance 98-19) pertaining to the establishment of short-term leases of residential properties in the City in order to consider updating ordinances pertaining to occupancies under such leases.

Staff did a re-write of the residential districts and as part of this code amendment (#98-H), there were new land uses and definitions that were added to clarify the terms long and short term residential rentals. This Ordinance (#98-35) was adopted by the City Council September 1, 1998. The City Council wanted to ratify, confirm and readopt a portion of Ordinance #98-35, pertaining to short term rentals and definitions in the Land Development Code of Sandy City. This was done by Ordinance #99-54.

Please contact me if you have any questions. You can reach me at 801-568-7268.