

Chapter 15A-11-25 Short-term Rentals

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Chapter 15A-11-25 Short-term Rentals

- A. **Purpose.** To regulate short-term rentals in Sandy City in order to:
1. Protect the safety and general welfare of Sandy residents.
 2. Preserve the residential character of Sandy neighborhoods.
 3. Promote and preserve affordable housing in Sandy City.
- B. **Definitions.** For the purposes of this section, the following terms shall be defined as:
1. External Complaint: A complaint concerning a STR from any person other than the renter of the STR unit being complained about.
 2. Front door: The main exterior door that allows entrance to and from a short-term rental unit.
 3. Maximum Occupancy: The highest number of individuals permitted to occupy a short-term rental unit at any time.
 4. Owner: An individual who:
 - a. Possesses fifty (50) percent or more ownership in a STR unit; or
 - b. Is a trustor of a family trust which possesses fifty (50) percent or more ownership of a STR unit.
 5. Primary Residence: The place where an individual resides for at least 183 days per year, and which has the same address as the address shown on the person's:
 - a. Most recent state and federal tax returns.
 - b. Current driver license or other state issued identification.
 - c. Signed Affidavit of Understanding swearing primary residency.
 6. Renter: A single person or single group of people whose primary residence is at another location and who provide compensation, in any form, in exchange for occupancy in a short-term rental unit.
 7. Short-term rental: Use of a dwelling for temporary sojourn or transient visit for a period of less than 30 consecutive days by a renter.
 8. Short-term rental unit: The individual house, apartment, condominium, townhome, or other dwelling being used for short-term rental; and shall include the front, back, and side yards and any additional structures found therein
 9. STR: Short-term rental.
 10. STRL: Short-term rental business license.
- C. **Short-term Rental Prohibited.** No person shall lease, or allow to be leased, any dwelling for a lease term less than 30 days without first obtaining STR special use approval.
- D. **Exceptions.**
1. Rentals of 30 or more consecutive days shall not be subject to the provisions of this section.
 2. Bed and Breakfasts, hotels, and motels, as described and regulated in the Sandy Land Development Code and the Revised Ordinances of Sandy City, shall not be subject to the provisions of this section.
- E. **Where Permitted.** STR's are a special use permitted for any existing legal residential use.

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- F. **Special Use Approval.** The owner shall obtain a special use approval from the Community Development Department. A STR must adhere to all requirements found in the Sandy Land Development Code and the Revised Ordinances of Sandy City. Prior to receiving an STR special use approval the owner shall complete the following for the proposed STR unit:
1. An application on a form as provided by Sandy City
 2. A detailed written description or a drawing of an off-street parking plan as described in this section.
 3. A detailed written description or drawing of the STR unit that identifies the use of each room.
 4. Provide all required documents identifying the owner of the STR unit and proof of primary residence.
 5. Provide proof that no existing private covenants, conditions, or restriction related to STR's prohibit for the proposed STR unit.
 6. Provide 24 hours/day, 365 days/year contact information of the owner who shall be available by telephone within one hour of any external complaint.
 7. Pay all fee(s) established by the City Council.
- G. **Limit on Number of STR's.** The total number of STR special use approvals issued within Sandy City shall be limited as follows:
1. The maximum number of STR special use approvals shall be calculated for each Community within Sandy City.
 - i. Each Community shall have a minimum base of 2 STR approvals.
 - ii. Each Community shall have a maximum of 2 approvals plus 1 approval for every 100 households.
 2. The total number of available approvals shall be recalculated biennially based on an estimated number of households within Sandy City derived by the Community Development Department.
 - i. Apartments shall not be included when calculating the estimated number of households.
 3. If a complete application meeting all other requirements for approval is received after the maximum number of approvals has been issued for the community the proposed STR unit 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 subsection F above.
- H. **Owner Occupancy Requirement.** The owner of a STR must reside at the STR unit as their primary residence.
1. An individual shall prove ownership of a STR unit as evidenced by one of the following:
 - a. Deed listing the individual as the owner or trustor of the family trust.
 - b. Deed of Trust listing the individual as the owner or trustor of the family trust.
 - c. Documents for any loan presently applicable to the STR unit where the individual is listed as a primary borrower or trustor of the family trust.
 2. To establish that the STR unit is the owners' primary residence, the owner agrees to provide the following documentation:

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- a. One copy each of the owners most recent state and federal tax returns both listing the proposed STR unit as the owner's primary residence.
- b. Current driver license or other state issued identification listing the address of the STR unit as the address of the owner.
- c. A signed Affidavit of Understanding swearing that the proposed STR unit is the primary residence of the owner.

I. Noticing and Posting Requirements.

1. One nameplate sign that includes the name and the 24/7 contact information for the owner must be posted on the exterior side of the STR units main entrance.
2. An informational packet must be posted in a highly visible place within the common area of the STR unit, to include:
 - a. City issued STRL.
 - b. 24/7 owner contact information.
 - c. Parking requirements.
 - d. Maximum occupancy.
 - e. The noise ordinance of the Revised Ordinances of Sandy City.
 - f. Garbage pick-up dates, and a written description of where garbage receptacles must be placed for pick-up.
 - g. Contact information for the Sandy City Police and Fire Departments.
 - h. Contact information for Sandy City Hall.
 - i. Any other appropriate requirements as specified by the Community Development Director, or his designee.

J. Occupancy Requirements. A STR unit shall not be occupied by more than the maximum occupancy as permitted by the special use approval.

1. The maximum occupancy, shall be no more than: (1) Eight related people or; (2) Four unrelated people.
2. A STR unit shall not be rented to more than one renter at any given time, and the owner shall not subdivide and rent out the STR unit to multiple renters at the same time.
3. A STR unit with a valid accessory apartment conditional use permit may be rented for up to 365 nights per year.
 - a. The owner may not reside in the STR unit while it is occupied by a renter.
4. A STR unit without a valid accessory apartment conditional use permit shall not be rented for more than 182 nights per year.
 - a. The owner may reside in the STR unit while it is occupied by a renter and the maximum occupancy shall not include the owner.
 - b. The STR unit shall be rented for a minimum of 1 night and a maximum of 10 consecutive nights.
 - c. There must be a renter vacancy period of 3 consecutive nights between each rental.

K. Parking Requirements. The owner shall ensure compliance to the approved off-street parking plan.

1. Parking shall be limited to the garage, driveway, and dedicated parking spots of the STR unit unless other off-street, improved, hard-surface parking areas are included in the off-street

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parking plan, approved by the Community Development Department, and included with the special use approval.

- L. **Property Maintenance Requirements.** All short-term rentals shall adhere to the Revised Ordinances of Sandy City, including, but not limited to:
1. Maintenance. Owners must adhere to the Property Maintenance chapter of the Revised Ordinances of Sandy City including, but not limited to, requirements for weed abatement, landscaping, garbage removal, structure maintenance, and fence/wall maintenance.
 2. Snow Removal. Owners shall remove all snow from the sidewalks of the STR unit within 24 hours after snowfall in accordance with the Revised Ordinances of Sandy City.
 3. Noise and Nuisance Control. Owners shall ensure that renters adhere to the noise control chapter of the Revised Ordinances of Sandy City. Should a renter violate the noise control chapter more than once in any given 72-hour period they shall be immediately evicted from the STR unit by the owner.
 4. Response time. An owner shall respond to any external complaint within one hour of receiving it. If the owner is unreachable after 3 attempted contacts by Sandy City, a notice of violation will be issued.
- M. **Violations.** It shall be a violation for any person to operate an STR:
1. Without first obtaining a special use approval and a STR Business License; or
 2. That is not in compliance with the requirements of this chapter, the revised ordinances of Sandy City, or the Sandy City Land Development Code.
- N. **Enforcement and Fines.** Upon a determination that a violation exists, the Community Development Director or his/her designee, will contact the owner requiring such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within 48 hours, or such later time the Director or his designee may determine.
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 12-month period the penalty shall be \$500.
 - b. For a second violation within any 12-month period, the penalty shall be \$750.
 - c. For a third violation within any 12-month period the penalty shall be \$1,000 and revocation of the STRL and special use approval. The owner shall be ineligible for a STR special use approval and a STRL for a period of two years from the date of the third notice of violation.
 - d. For any violation within any 12-month period following the third violation the penalty shall be \$1,000 and the STR owner shall be banned from receiving a STR special use approval and a STRL.
- O. **Appeal.** Denial, suspension, or revocation of STR special use approval may be appealed to the Board of Adjustment in accordance with the provisions of this title.