

Exhibit “B”

(Proposed Final Version in Black & Original City Council Version in Red)

15A-11-25 Residential Short Term Rental (STR)

- A. **Purpose.** This section is established to provide regulations and design standards for residential short-term rentals (STRs) related to single family and multi-family 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, it 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.
- 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. **Residential Short Term Rental (STR).** A STR is prohibited in all residential dwellings, residential districts, residential PUD districts and residential SD districts without first obtaining a STR special use permit as regulated in this section and issued a valid short-term rental business license (STRL). The following are exempt and shall not be subject to the provisions of this section:
1. A residential lease of 30 or more consecutive days.
 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.
- 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.
- C. **General Standards and Requirements.** A STR use may be allowed within any existing legal residential dwelling by an administrative special use permit from the Community Development Department, wherein the application demonstrates compliance with requirements found in the Sandy Land Development Code and the Revised Ordinances of Sandy City and all of the following standards and requirements:
- E. **Where Permitted.** STR's are a special use permitted for any existing legal residential use.
- 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. Application. A completed application form as provided by Sandy City.

F(1) An application on a form as provided by Sandy City.

2. Property Description. A detailed written description and/or drawing of the property that identifies the use of each room of the dwelling and defines the portions of the dwelling to be used for a STR shall be provided. Only one (1) designated STR area is allowed for a property.

F(3) A detailed written description or drawing of the STR unit that identifies the use of each room.

3. Owner Occupancy. The owner of the subject property shall live in the primary dwelling in which a STR is desired, and must reside therein as their primary residence.

a. An individual shall prove ownership of the 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% or more ownership of the proposed STR. Fee title owner may not be a corporation, partnership, limited liability company, or similar entity.

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

- (1) Present the owner's 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) A signed affidavit sworn before a notary public shall be provided by the owner stating that the proposed property is the primary residence of the owner, wherein they reside at least 183 days per calendar year.

B(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.

B(4) 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.

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:

- 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.
4. Occupancy During Rental Period. The subject property shall comply with the following occupancy restrictions:
 - a. The maximum renter occupancy shall be no more than eight (8) related people or four (4) unrelated people in the area to be used for a STR and the maximum occupancy shall not include the owner.
 - b. The property shall not be rented to more than one 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. A property shall not be rented as a STR for more than 182 nights per year.
 - (1) The owner may reside on the property while it is occupied by a renter.
 - (2) The property shall only be rented for a minimum duration of one (1) night and a maximum of ten (10) consecutive nights.
 - (3) There must be a renter vacancy period of three (3) consecutive nights between each rental.
 - d. A property with a valid accessory apartment conditional use permit may use the apartment as a STR and have the accessory apartment be rented for up to 365 nights per year. The owner may not reside in or use the accessory apartment unit while it is occupied by a renter.

- 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.
5. Parking Plan. A detailed written description and/or a drawing of an off-street parking plan must be provided to ensure that all occupants of the home and STR can be accommodated on-site at all times. Parking shall be limited to the existing garage, driveway, and dedicated parking spots of the residential unit and may not include any on-street parking. Any proposed parking improvements may also be included in the off-street parking plan, so long as they are completed prior to issuance of a STRL. All elements of the parking plan must be in compliance with all other requirements of this title.

F(2) A detailed written description or a drawing of an off-street parking plan as described in this section.

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

6. Conflict of Private Restrictions. The owner shall provide 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.

E(1) Homes located in planned, covenanted communities may be bound by covenants, conditions, and restrictions (CC&R's) that describe requirements and limitations imposed on the home by the CC&R's. In many cases the requirements and limitations are administered by a home owner's association (HOA). In some cases, CC&R's include additional limitations on the operation of short-term rentals (STR). An existing HOA may alter the CC&R's for their community to limit or restrict the operation of STR's. Where an HOA and/or CC&R's do not exist for a specific home or group of homes, they may be created.

F(5) Provide proof that no existing private covenants, conditions, or restriction related to STR's prohibit the proposed STR unit.

7. Urgent Response. The owner, or a designated representative, shall be available to immediately respond 24 hours/day, 365 days/year by telephone, and when necessary, be able to physically respond within one hour of any legitimate complaint. If the owner is unreachable after three (3) attempted contacts by Sandy City, a notice of violation will be issued.

F(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.

8. Property Maintenance Requirements. All short-term rentals shall adhere to the Revised Ordinances of Sandy City, including, but not limited to:

- a. 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.
- b. Snow Removal. Owners shall remove all snow from the sidewalks of the property within 24 hours after snowfall in accordance with the Revised Ordinances of Sandy City.
- c. 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 property by the owner.

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.
9. **Noticing and Posting Requirements.**
- a. One nameplate sign that includes the name and the 24/7 contact information for the owner, or a designated representative, must be posted on the exterior side of the main entrance of the STR.
 - b. An informational packet must be posted in a highly visible place within the dwelling or STR area, and must include all of the following:
 - (1) City issued STRL.
 - (2) 24/7 owner, or a designated representative, contact information.
 - (3) Parking requirements.
 - (4) Maximum occupancy.
 - (5) The noise ordinance of the Revised Ordinances of Sandy City.
 - (6) Garbage pick-up dates, and a written description of where garbage receptacles must be placed for pick-up.
 - (7) Contact information for the Sandy City Police and Fire Departments.
 - (8) Other contact information as required by the Community Development Department.
 - (9) Any other appropriate requirements as specified by the Community Development Director, through the special use permit process.

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.
3. ~~Any licensed STR in Sandy City shall include the following statement in any online advertisement for the STR unit: *This short term rental is legally permitted by Sandy City short term rental permit # _____ and short term rental business license # _____. Any short term rental in Sandy City operating without a permit and business license number included within*~~

~~its online advertisement is operating illegally. Renters beware.~~ **(Moved to Title 5 – Business License)**

- D. **Limited Number of STRs.** The total number of STR special use permits issued within Sandy City shall be limited as follows:
1. The maximum number of STR special use permits shall be calculated for each Community within Sandy City. Each Community shall have a minimum base of two (2) STR permits plus one (1) permit for every 100 single-family dwellings within the Community boundary.
 2. The total number of available permits shall be recalculated biennially based on an estimated number of single-family dwellings within Sandy City derived by the Community Development Department.
- 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.
- E. **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, the Revised Ordinances of Sandy City, or the Sandy City Land Development Code.
- 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.
- F. **Enforcement and Fines.** Upon a determination that a violation exists, the Community Development Director, or 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 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 permit. The owner shall be ineligible for a STR special use permit 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 permit and a STRL.

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.

~~Q. **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. **Removed, as this section is redundant.**~~

15A-37-02 “A” Definitions

Community Area - A smaller geographic unit of the political subdivision of Sandy City as adopted by city ordinance (see adopted Community Map).

Renter - A single person or group of people who provide compensation, in any form, in exchange for occupancy of a dwelling unit, or portion thereof, under one lease or rental agreement.

B(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.

Residential Short Term Rental (STR) - Any single-family or individual multi-family dwelling or portion thereof that is available for use for temporary sojourn or transient visit of guests, for direct or indirect remuneration, for a period of less than 30 consecutive days.

B(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.

Residential Lease, Short Term shall mean:

A. ~~The use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for single family or multifamily occupancy or of any other residential property for an effective term of thirty days or less.~~

B. ~~The commercial use, by any person, of residential property for 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 is for thirty (30) consecutive calendar days or less.~~

~~For the purposes of this section remuneration means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.~~

~~Short term residential leases are prohibited in all residential districts, residential PUD districts and residential SD districts.~~

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.~~
- ~~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.~~