

## 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 safeguard the safety and general welfare of existing neighborhoods.
- B. **Definitions.** For the purposes of this section , the following terms shall be defined as follows:
1. **Agent:** An individual appointed by the STR owner if and only if the owner is a trust, firm, partnership, corporation, association, joint venture, governmental entity, or other organization to act on behalf of the owner in matters related to the STR unit.
  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 renters permitted to occupy a short-term rental unit at any time.
  4. **Operator:** The STR owner or an agent of the owner.
  5. **Owner:** The person who is listed as the owner on the deed or deed of trust for the short-term rental unit.
  6. **Permanent Resident:** An individual who resides in a dwelling as their primary residence.
  7. **Renter(s):** A person or 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.
  8. **Short-term rental:** Use of a dwelling for temporary sojourn or transient visit for a period of less than 30 consecutive days by a person or group of people whose primary residence is at another location and who provide compensation, in any form, in exchange for occupancy in the dwelling.
  9. **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
  10. **STR:** Short-term rental.
  11. **STRL:** Short-term rental business license.
  12. **Type 1 STR:** An STR unit that is located in a Single Family Residential Zoning District and/or is part of a single family dwelling.
  13. **Type 2 STR:** An STR unit that is located in a Multi-Family Residential Zoning District and is part of a duplex, triplex, multiple family dwelling, or other multiple-unit dwelling.
- 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 more than 30 consecutive days in duration in any of the City's residential zoning districts 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 in all residential zoning districts.

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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 operator 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. Schedule and complete all required inspections as required by the City.
  6. Identify the person who will be the operator of the STR and Provide 24 hours/day, 365 days/year contact information of the operator who shall be available by telephone within one hour of any external complaint.
  7. Pay all Fee(s) established by the City Council.
- G. **Inspections.** As a condition of STR special use approval, the operator shall schedule all inspections requested by the City, not to exceed one inspection per year. An inspection may be required by the building, fire, and/or code enforcement officials at the time of special use approval application and intermittently as deemed necessary by the Community Development Department or as requested by the operator. Officials will:
1. Ensure that the STR unit complies with the information contained in the application and with the requirements of this section.
  2. Determine the number of available parking spots at the STR unit.
  3. Determine the number of available bedrooms within the STR unit.
  4. Determine the maximum number of allowed renters within the STR unit.
- H. **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 1 license for every 250 residents of Sandy City's total population.
  2. The total number of available approvals shall be recalculated biennially based on an estimated population of Sandy City derived by the Community Development Department.
  3. If a complete application meeting all other requirements for approval is received after the maximum number of approvals has been issued, the application shall be placed on a waiting list in order of the date of receipt of a completed application. No fees will be due until a special use approval becomes available.
- I. **Owner Occupancy Requirements.** A Type 1 STR consists of any STR unit that is located in a Single Family Residential Zoning District and /or is part of a single family dwelling. A type 2 STR consists of any STR unit that is located in a Multi-Family Residential Zoning District and is part of a duplex, triplex, multiple family dwelling, or other multiple-unit dwelling.

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1. A person shall prove ownership of a STR unit as evidenced by one of the following:
  - a. Deed listing the person as the owner.
  - b. Deed of Trust listing the person as the owner.
2. If the STR unit is owned by a trust, firm, partnership, corporation, association, joint venture, government entity, or other legal entity:
  - a. Required proof of ownership documentation will be determined by the City at the time of special use application.
  - b. The owner shall appoint an agent to serve as the permanent resident operator of a Type 1 STR, or the operator of a Type 2 STR.
3. The operator of a type 2 STR has no requirement to reside at the STR unit. The operator of a type 1 STR must reside at the STR unit a minimum of 183 days per year and provide the following documentation to establish that the dwelling is their primary residence:
  - a. One copy each of the operator's most recent state and federal tax returns both listing the proposed STR unit as the operator's primary residence.
  - b. A signed Affidavit of Understanding swearing that the proposed STR unit is the primary residence of the operator.

### J. Noticing and Posting Requirements.

1. The operator shall notify all neighbors within 300 feet of the STR unit, by mail, of the special use approval.
2. 24/7 contact information for the operator must be posted on the exterior side of the STR units main entrance.
3. An informational packet must be posted in a highly visible place within the common area of the STR unit, to include copies of:
  - a. City issued STRL.
  - b. 24/7 operator contact information.
  - c. Parking requirements.
  - d. Maximum occupancy as determined by the building official.
  - 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.

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

1. The building official will determine the number of sleeping rooms and the maximum occupancy, which shall be no more than the lesser of: (1) Two people per sleeping room or; (2) Ten people total. If the number of sleeping rooms is increased or decreased the operator shall notify the Community Development Department and apply for an amendment to the special use approval.
2. A STR unit shall not be rented to more than one renter at any given time, and the operator shall not rent out individual rooms within the STR unit to multiple renters.

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- L. **Parking Requirements.** The operator shall ensure compliance to the approved off-street parking plan.
1. Parking shall be limited to the garage and driveway 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.
- M. **Property Maintenance Requirements.** All short-term rentals shall adhere to the Revised Ordinances of Sandy City, including, but not limited to:
1. Maintenance. Operators 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. Operators 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. Operators shall ensure that renters adhere to the noise control chapter of the Revised Ordinances of Sandy City at all times. 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 operator.
  4. Response time. An operator shall respond to any external complaint within one hour of receiving it. If the operator is unreachable after 3 attempted contacts by Sandy City, a notice of violation will be issued to the owner.
- N. **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.
- O. **Enforcement and Fines.** Upon a determination that a violation exists, the Community Development Director or his/her designee, will contact the operator requiring such operator to halt, eradicate, destroy, or remove 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.

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- P. **Appeal.** Denial or revocation of STR special use approval may be appealed to the Board of Adjustment in accordance with the provisions of this title.

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