

# Short Term Rentals

Council Work Session January 23, 2018





# Land Development Code

Sections identified for discussion

To regulate short-term rentals in Sandy City in order to safeguard the safety and general welfare of existing neighborhoods.

## **A. Purpose**

STR's are a special use in all residential zoning districts.

## **E. Where permitted**

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.

## G. Inspections

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.

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.

## I. Owner Occupancy Requirements

1. The operator shall notify 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.

## J. Noticing and Posting 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.

## **K. Occupancy 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.

## **L. Parking Requirements**



# Business License Code

Sections identified for discussion

A STRL is valid for only one STR unit. No more than 3 STRL's may be granted to any person. A person may be granted a STRL through the following process:

1. Prior to applying for a STRL, applicant must first have been granted a STR special use approval pursuant to the Sandy City Land Development Code.
2. Complete an application on a form as provided by Sandy City.
3. A STRL is valid for up to one year and will expire January 1<sup>st</sup> of each year. STR operators must contact the Community Development Department annually, prior to the expiration of an active STRL in order to renew the license.
4. The Business license official shall verify that the applicant has incurred no more than the maximum number of allowed violations over the 12 month period immediately preceding the request for a new STRL or a STRL renewal.
5. Proof of payment of all required taxes and fees shall be submitted and verified.
6. Copy of the appropriate sales tax license issued by the State of Utah shall be submitted and verified.
7. Provide any other documents as required by the business license official.

## **5-19-4 Short Term Rental Business License Application and Renewal**

3. The City shall give at least 14 days prior written notice, mailed or otherwise delivered to the mailing address listed on the STRL application, of the alleged violation or the manner in which the STR unit and/or operator no longer complies with the requirements for the STRL with the opportunity to correct the problem during said time. The 14 day notice period may be waived or reduced if there is a risk to public health, safety or welfare. Any substantiated, unresolved complaint, regarding the violation of standards, qualifications or application requirements or any of the above violations, which is received and verified by the City, against any STRL, will require that any approvals, permits, and licenses be revoked and the STR cease to operate.

## **5-19-5 Grounds for Denial, Suspension or Revocation of a STRL**

3. The Board of Adjustment will review the decision of the City to determine if there is a rational basis for the decision. If there is a rational basis for the decision, the Board of Adjustment shall uphold the decision of the City
4. If the appellant so desires, they may further appeal the decision of the Board of Adjustment to district court within thirty (30) days of the Board of Adjustment's decision. In the appeal to district court, the appellant may only allege that the Board's decision was arbitrary, capricious, or illegal.
5. If a STRL is denied, suspended or revoked, the appellant may reapply for a new STRL after the period of suspension or revocation of 24 months, provided there is complete conformance with all of the current STR regulations , and the applicant hasn't been banned from receiving a STR special use approval and a STRL.

## **15-19-6 Process for Appeal of Denied, Suspended, or revoked STRL**