

---

## Sec. 21-11-26. Residential Short-Term Rental (STR) Special Use Standards.

(a) **Purpose.** This section is established to provide regulations and design standards for residential short-term rentals (STRs) related to single family and multifamily 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, this section 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.

(b) **Residential Short-Term Rental (STR) Prohibited.** ~~A~~ STRs ~~are~~ prohibited in all residential dwellings, residential districts, residential PUD districts and residential SD districts without first obtaining (1) an STR special use permit as regulated in this Section; and being issued (2) a valid short-term rental business license (STRL), as regulated by Chapter 15-11. The following are exempt and shall not be subject to the provisions of this section:

- (1) A residential lease of thirty (30) or more consecutive days;
- (2) Bed and breakfasts, hotels, and motels, as described and regulated in the Sandy Land Development Code and this Sandy City Code, ~~shall not be subject to the provisions of this section.~~

~~(c) **Types of Short-Term Rental Units.** STRs within Sandy City are divided into two types of rentals: (1) standalone STR rentals, wherein an entire non-owner-occupied dwelling is offered for rent; and (2) partial STR rentals, wherein only certain portions of an owner-occupied dwelling are offered for rent.~~

~~(d) **General Standards and Requirements for STR Special Use Permits.** An STR use may be allowed within any existing legal owner-occupied residential dwelling ~~viaby~~ an administrative STR special use permit and a valid short-term rental license from issued by the Community Development Department pursuant to an, wherein the application which demonstrates compliance with requirements found in the Sandy Land Development Code, and this Sandy City Code, and all of the following standards and requirements:~~

~~(1) **Application.** Only an owner, as defined in Section 15-11-1, may apply for an STR special use permit. The owner of a proposed STR property shall submit ~~A~~ a completed STR application to the Community Development Department as provided by Sandy City. An individual shall prove ownership of the proposed STR 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 percent (50%) or more ownership of the proposed STR. The fee title owner may not be a corporation, partnership, limited liability company, or similar entity.~~

~~(2) **Property Description.** For partial STR rentals, the applicant shall submit with the application ~~a~~ a detailed written description and/or drawing of the proposed STR property dwelling that identifies the use of each room of the dwelling and identifies and defines the portions of the dwelling to be used for a partial STR ~~shall be provided.~~ Only. Only one (1) designated partial STR area is allowed for a proposed partial STR property dwelling.~~

~~(3) **Short-Term Rental Management Course.** Prior to submitting an application, the owner of a proposed STR property shall successfully complete a Utah-based short-term rental management course. The owner shall submit proof of course completion with the application. An applicant need only complete one (1) STR management course to satisfy this requirement for both an STRL pursuant Section 15-11-3 and an STR special use permit pursuant to this Section.~~

~~(4) **Owner Occupancy.** The owner of the subject property dwelling 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 percent or more ownership of the proposed STR. The 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. Provide 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 and the owner will remain as the primary occupant of the home dwelling for the duration of this the STR special use permit, wherein they reside at least one hundred eighty-three (183) days per calendar year. [DF1] [check this]

(54) **Occupancy During Rental Period.** The subject STR property dwellings shall comply with the following occupancy restrictions:

a. The maximum renter occupancy shall be no more than eight (8) related people.

b. For a partial STR dwelling, the maximum renter occupancy shall be no more than eight (8) people, not including the owner and any other primary occupants of the partial STR dwelling.

or four unrelated people in the area to be used for a STR and the maximum occupancy shall not include the owner.

c. A STR dwelling shall not be rented to more than one (1) renter at any given time (this applies to both short and long-term rentals), and the owner shall not divide and rent out portions of the dwelling to multiple renters at the same time.

d. An STR property dwelling shall not be rented as a STR for more than one hundred eighty-two (182) nights per year. [DF2]

1. For partial STR rentals, the owner may reside on at the property STR dwelling while it is occupied by a renter.

2. The STR property shall only be rented for a minimum duration of one (1) night and a maximum duration of twenty-nine (29) consecutive nights.

3. There must be a renter vacancy period of at least one (1) consecutive night between each rental.

e. A property with a valid accessory apartment special use permit may use the accessory apartment as a STR and have the accessory apartment be rented for up to three hundred sixty-five (365) nights per year. The owner may not reside in or use the accessory apartment unit while it is occupied by a renter.

(65) **Parking Plan.** The applicant shall submit with the application a detailed, written description and/or a drawing of the parking plan for the STR. an off-street parking plan must be provided to ensure that all occupants of the home and the STR can be accommodated on-site at all times. Available parking areas shall be limited to the existing garage, driveway, and dedicated parking spots of the residential unit proposed STR dwelling 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 all parking improvements are completed prior to the issuance of a STR. The applicant shall ensure that all occupants and renters of a partial STR, or all renters of a standalone STR, strictly comply with the Parking Plan, all other requirements of this Title, all parking requirements and regulations of Chapter 14-7 – Parking, and all parking requirements and regulations of UTAH CODE ANN. § 41-6a-1401 et. seq., as amended, subject to any and all applicable civil and criminal enforcement for violations. [DF3]

All elements of the parking plan must be in compliance with all other requirements of this title.

~~(76)}~~ **Conflict of Private Restrictions.** The ~~owner-applicant~~ shall ~~provide-submit with the application~~ 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.

(87) **Owner Urgent Response to STR.** The owner, or a designated representative, shall be available to immediately respond ~~to the STR~~ twenty-four (24) hours per day, ~~three hundred sixty-five (365) days per year~~ by telephone, and, when necessary, be able to physically respond ~~to the STR~~ within one (1) hour of any legitimate complaint. If the owner is unreachable after three (3) attempted contacts by ~~Sandy the City~~, ~~a notice of violation will be issued~~, the City shall issue a Notice of Violation to the owner pursuant to this Section and the owner's STR special use permit and STRL shall be subject to City review for compliance.

(98) **Property Maintenance Requirements.** All ~~short-term rentals~~STRs shall adhere to this Code, including, but not limited to, ~~the following~~:

a. **Maintenance.** ~~An o~~Owners must adhere to ~~the Property Maintenance chapter of this Code~~Title 19: Property Maintenance, including, but not limited to, requirements for weed abatement, landscaping, garbage removal, structure maintenance, and fence/wall maintenance.

b. **Snow Removal.** ~~An o~~Owners shall remove all snow from the sidewalks of the property within ~~twenty-four (24)~~ hours after snowfall in accordance with this Code.

c. **Noise and Nuisance Control.** ~~An o~~Owners shall ensure that all renters are aware of and adhere to Chapter 13-2: Noise Control and Salt Lake County Health Department Health Regulation No. 21: Community Noise Pollution Control~~the noise control chapter of this Code~~. ~~Should-if~~ a renter violates the noise control chapter more than once in any given ~~seventy-two (72)~~-hour period, ~~the owner shall~~ ~~they shall be~~ immediately evicted ~~from the property by the owner~~.all renters from the property. Violations of the above-cited noise regulations may subject both the owner and a renter to civil action and/or criminal prosecution, and the STR special use permit shall be subject to City review for compliance.

d. **Smoke and Carbon Monoxide Detectors.** An owner shall ensure that the ~~standalone~~STR dwelling or the rented portions of a partial STR dwelling has at least one (1) working smoke alarm in each sleeping area with a minimum of one (1) smoke alarm on each floor. The owner shall also ensure that the ~~standalone~~STR dwelling or the rented portions of a partial STR dwelling has at least one (1) working carbon monoxide detector on each floor.

**(109) Noticing and Posting Requirements.**

~~a. One (1) nameplate sign that includes the name and the 24/7 contact information for the owner, or a designated representative, must shall 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 within the rented portion of a partial STR area~~, and must include all of the following:

1. Name and contact information for owner or designated representative.

2. City-issued STRL and STR special use permit. -

~~2. Name and 24/7 information of 24/7the owner, or a designated representative, contact information.~~

3. Parking requirements. Each owner shall provide information about the STR's parking plan and the City Ordinance Chapter 14-7. ,along with a certification to be signed by each renter acknowledging they are aware of the parking requirements. , and a copy of the City Parking Ordinance.~~DE4~~

4. Maximum occupancy.Each owner shall provide information about the STR's maximan occupancy. of rental unit, along with a certification to be signed by each renter acknowledging they are aware of the maximum occupancy requirements.-

5. A copy of Sandy City Ordinance Chapter 13-2: Noise Control and a copy of Salt Lake County Health Department Health Regulation No. 21, along with a certification to be signed by each renter acknowledging they are aware of the noise control regulations. The noise ordinance of this Code.
6. A copy of Sandy City Ordinance Section 21-11-26 and Section 15-11-1, along with a certification to be signed by each renter acknowledging they are aware of the City's residential short term rental requirements.
76. Garbage pickup dates, and a written description of where garbage receptacles must be placed for pickup.
87. Emergency and Non-Emergency Contact information for the Sandy City Police and Fire Departments and the address of the rental unit.
98. Other contact information as required by the Community Development Department.
109. Any other appropriate requirements as specified by the Community Development Director, through the special use permit process.

c. The informational packet must be made available to the City for inspection upon twenty-four (24) hours prior written notice.

d. The owner shall retain a copy of each required certification signed by each renter for a period of two (2) years after the end of the rental period.

(11) **Advertising.** Any STRL in Sandy City shall include the following statement in any online advertisement for the STR dwelling: "This short term rental is legally permitted by Sandy City short-term rental permit #[special use permit number] and short-term rental business license #[Sandy City Business License number]. 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."

(12) **Tax Compliance.** Owners shall comply with all applicable federal, state, and local occupancy tax collection and remittance requirements including, but not limited to, state sales tax, state transient room tax, and local transient room tax. Owners shall submit with the application proof of registration for a Utah Tax Commission account. No STR special use permit or STRL shall be issued without submission of proof of registration for a Utah Tax Commission account. Owners are solely responsible for collecting and remitting any occupancy tax not already collected and remitted by a short-term rental marketplace facilitator (e.g., AirBNB, VRBO, etc.)

(13) **Compliance Certification.** The application shall include a compliance certification signed by the owner certifying that the owner has agreed to comply with the terms and conditions of this ordinance and to actively ensure each renter complies with the terms and conditions of this ordinance as well. The Community Development Director is hereby authorized to implement any policies and procedures necessary, in the Community Development Director's sole discretion, to effectively enforce the regulations contained in this ordinance.

(ed) **Limited Number of STR Special Use Permits.** The total number of STR special use permits issued within Sandy the City shall be limited as follows:

(1) The maximum number of STR special use permits and STRLs shall be calculated for each community [maybe define more, does a temporary permit make sense, what about a waiting list] [ss5] within Sandy City as follows: - eEach community shall have a minimum base of two (2) STR special use permits and STRLs plus one (1) STR special use permit and STRL for every one hundred (100) single-family detached dwellings within the community boundary.

(2) The total number of available STR special use permits and STRLs shall be recalculated biennially based on an estimated number of single-family dwellings within Sandy the City derived by the Community Development Department.

(3) If a complete application ~~meeting that meets~~ all other requirements for approval is received after the maximum number of approvals has been issued for the community the proposed STR ~~unit property~~ 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 (de) of this ~~S~~section. ~~[DF6]Sh~~

~~(e)(f)~~ **Duration of Approval and Transferability.** The STR special use permit shall be valid and continue until the sale of the home or if the ~~business license~~STRL expires. ~~The STR special use permit shall expire upon the Closing Date of the sale of the home or on the date the STRL expires the special use shall expire and is not transferable. STR special use permits are not transferrable. If the license STR special use permit and the STRL and permit expire, the area standalone STR dwelling or the rented portions of a partial STR dwelling used as an STR shall automatically revert to be occupied by the primary dwelling occupants only and their non-paying guests.~~

~~(g)~~ **STR Special Permit Renewal.** Each ~~standalone~~STR, and each rented portion of a partial STR, shall be subject to an annual home inspection pursuant to Section 15-11-3(6). Proof of primary residency shall be provided prior to each annual renewal. [check this]

~~(gf)~~ **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, this Code, or the Sandy City Land Development Code.

~~(h)~~ **Denial, Suspension, or Revocation of STR Special Use Permit.** STR special use permits shall be subject to denial, suspension, or revocation pursuant to Section 15-11-4. [should we add certain criteria to consider a suspension such as the number of noise complaints?]

~~(lg)~~ **Enforcement and Fines.** Upon a determination that a violation exists, the Community Development Director, or designee, ~~will shall~~ contact the owner requiring such owner to halt, eradicate, destroy, remove, or otherwise cure the violation within ~~forty-eight (48)~~ twelve (12) 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 twelve (12)-month period, the penalty shall be \$500.00.
  - b. For a second violation within any twelve (12)-month period, the penalty shall be \$750.00.
  - c. For a third violation within any twelve (12)-month period the penalty shall be \$1,000.00 and automatic revocation of the STRL and STR special use permit. The owner shall be ineligible for a STR special use permit and a STRL for a period of two (2) years from the date of the third notice of violation.
  - d. For any violation within any twelve (12)-month period following the third violation, the penalty shall be \$1,000.00 and the ~~STR~~ owner shall be banned from receiving a STR special use permit and a STRL.

~~(Ord. No. 18-21, § 1(15A 11-26), 8-30-2018; Ord. No. 21-28, § 1(Exh. A), 9-28-2021)~~