

ORDINANCE 21-28

AN ORDINANCE REVISING TITLE 21 OF THE SANDY CITY MUNICIPAL CODE CHAPTER 7, “PERMITTED LAND USES IN RESIDENTIAL DISTRICTS”, CHAPTER 8, “PERMITTED LAND USES IN COMMERCIAL, OFFICE, INDUSTRIAL, MIXED USE, TRANSIT CORRIDOR, AND RESEARCH AND DEVELOPMENT DISTRICTS”, CHAPTER 11, “SPECIAL USE STANDARDS”, AND CHAPTER 37, “DEFINITIONS” TO IMPLEMENT NEW STATE LEGISLATION IN REGARD TO INTERNAL DWELLING UNITS (I-ADUs), KNOWN IN SANDY AS ACCESSORY APARTMENTS; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to revise Title 21 of the Sandy City Municipal Code, Chapter 7, “Permitted Land Uses in Residential Districts”, Chapter 8, “Permitted Land Uses in Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts”, Chapter 11, “Special Use Standards”, and Chapter 37, “Definitions”. The purpose of the Code Amendment is to implement new state legislation in regard to internal dwelling units (I-ADUs), known in Sandy as accessory apartments; and

WHEREAS, the Planning Commission held a public hearing on September 23, 2021, which meeting was preceded by notice posting in Sandy City Hall, the Sandy City Parks & Recreation Building, Salt Lake County Library – Sandy, on the Sandy City Website – <http://www.sandy.utah.gov>, and the Utah Public Notice Website – <http://pmn.utah.gov> on September 13, 2021; and

WHEREAS, following the public hearing before the Planning Commission, the Commission recommended the amendment to the City Council; and

WHEREAS, a public meeting was held by the Sandy City Council on September 28, 2021 to consider adoption of the proposed amendment; and

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a, Utah Code Ann. to adopt land use regulations to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures, and the uses of land; and

WHEREAS, the State legislature has granted welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonable and appropriate to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, the forgoing legitimate governmental objectives are achieved by reasonable means, in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. Whereby appeals can be heard and

decided if it is alleged that there is legislative or administrative error, or where a special exception or variance to the ordinance is required.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 21 is amended as shown on **Exhibit "A"**, which is attached hereto and by this reference made a part hereof.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinances or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted of such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective up on publication of a summary thereof.

PASSED AND APPROVED this 28 day of September, 2021.

DocuSigned by:

Alison Stroud

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Alison Stroud, Sandy City Council Chair

DocuSigned by:

Wendy D

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City Recorder

PRESENTED to the Mayor of Sandy City for his approval this 30th day of September, 2021.

APPROVED this 30th day of September, 2021.

DocuSigned by:

Kurt Braden

Kurt Braden, Mayor



ATTEST:

DocuSigned by:

Wendy D

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City Recorder

PUBLISHED this _____ day of 10/4/2021, 2021.

Exhibit "A"

Sec. 21-7-2. Permitted Land Use Matrix by the Residential Districts.

- (a) *Matrix Explanation.* The following matrix lists all permitted uses within Sandy City residential, civic or open space zones. The letters "P," "C," "S" or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within the title for all land uses allowed with an "S." For those letters that are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number (¹), refer to Subsection (c) of this section for explanation.

- (b) *Table of Uses.*

Land Use Category	R-1-40	R-1-30	R-1-20	R-1-15	R-1-12	R-1-10	R-1-9	R-1-8	R-1-8(INF)	R-1-7.5(HS)	R-1-6	R-2-10	R-2-8	RM	MH	PUD
Accessory apartments	C <u>S</u>	C <u>S</u>	C <u>S</u>	C <u>S</u>	C <u>S</u>	C <u>S</u>	C <u>S</u>	C <u>S</u>	C <u>S</u>	C <u>S</u>	C <u>S</u>	C ¹ <u>S</u>	C ¹ <u>S</u>	N <u>S</u> ¹	N	C ¹ <u>S</u> ¹ /N
Extended living areas	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u> ¹	N <u>P</u> ¹	N <u>P</u> ¹	N <u>P</u> ¹	N	S ³ <u>/N</u> <u>P</u> ¹
Guest house	S	S	S	N <u>S</u>	N <u>S</u>	N <u>S</u>	N <u>S</u>	N <u>S</u>	N <u>S</u>	N <u>S</u>	N <u>S</u>	N	N	N	N	S ⁴ <u>/N</u> <u>S</u> ¹

- (c) *Explanatory Notes for Land Use Matrix.*

1. ~~Permitted as a conditional use only within detached~~ Detached single-family developments only.

Exhibit "A"

Sec. 21-8-2. Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts.

- (a) *Matrix Explanation.* The following matrix lists all permitted uses within Sandy City commercial, office, industrial, mixed use, transit corridor, and research and development districts. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number (¹), refer to Subsection (c) of this section for explanation.

- (b) *Table of Uses.*

Land Use Category	C B D	CB D- P	CB D- O	CB D- A & C	C R- P U D	RC	BC	C C	CN	C v C	CN(H SN)	H B D	L C	P O	ID	A M (D ea ler sh ip s)	A M (C o m m er ci al)	M U	T C	R D
Accessory apartments	N	N	N	N	N	N	CS ¹ AN	N	N	N	N	N	N	N	N	N	N	CS ¹ AN	N	N
Extended living areas	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N	P	N	N
Guest house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

- (c) *Explanatory Notes for Land Use Matrix.*

1. Detached Single-family residential developments ~~only that were developed under that zone (e.g. not a legal non-conforming use).~~

Exhibit "A"

Sec. 21-11-1. Accessory Apartments, Extended Living Areas, and Guesthouses.

- (a) *Purpose.* This section is established to provide regulations and design standards for accessory apartments, extended living areas, or guesthouses related to single-family dwellings in primarily residential zone districts. These accessory living areas enable additional housing dwelling units to be available to moderate income households, provide economic relief to homeowners who might otherwise be forced to leave a neighborhood, and make living dwelling units available which are appropriate for households at a variety of stages in the life cycle.
- (b) *General Requirements.* The following requirements must be met in order to have either an accessory apartment, extended living area, or a guesthouse:
- ~~(1) — Residence Required.~~ The owners of the residence shall live in the dwelling in which the accessory apartment/extended living area was created, and a letter of application sworn before a notary public shall be provided by the owners stating that such owners will occupy said dwelling, except for bona fide temporary absences. For a guesthouse, the property owner shall live in the primary dwelling unit on the same premises that a guesthouse is proposed.
 - ~~(21)~~ Number Permitted Within Each Single-Family Dwelling. Only one accessory apartment ~~/ or~~ extended living area shall be created within a single-family dwelling structure, and said area shall clearly be a subordinate part of the dwelling. The accessory apartment ~~/ or~~ extended living area shall not occupy any accessory buildings. No lot or parcel shall contain more than one guesthouse.
 - ~~(32)~~ Home to Retain Single-Family Dwelling Appearance. The accessory apartment, extended living area, or guesthouse ~~accessory apartment/extended living area~~ shall be designed so that, ~~to the degree reasonably feasible,~~ the appearance of the building remains that of a single-family residence, including the following:
 - a. Entrances. Only one primary entrance into the existing dwelling is allowed facing the street or front property. No additional entryways or access to these accessory living areas shall be visible from the street or front property line. All entrances for an accessory living area shall be located on the side or in the rear of the dwelling or from within the home or garage.
 - b. Design. Any additions to the existing dwelling unit or detached guesthouse, shall be designed and constructed as to blend in and be compatible with the architectural components of the primary dwelling unit (including but not limited to matching exterior materials, colors, windows, architectural style, building articulations, design elements, and roof pitch). Accessory apartments or extended living areas must be connected to the existing living area of the home and not connected through a breezeway or non-habitable space (e.g. garage, storage area, etc.).
 - c. Utilities and Meters. It shall be prohibited to install separate utility connections or meters. Private utility meters installed behind the primary meters and internal to the dwelling may be allowed.
 - d. Addressing. No separate addresses will be assigned to the property. Additional mailboxes are also prohibited.
 - c. Landscaping. The retention and enhancement of landscaping and property maintenance standards shall be met with any site or building alterations.
 - ~~—A guesthouse shall be designed and constructed as to be compatible with the architectural components of the primary dwelling unit (e.g., exterior materials, color, and roof pitch).~~
 - ~~(4) — Utility Meters and Addressing.~~ It shall be prohibited to install separate utility meters and separate addresses.
 - ~~(53)~~ Building Code Compliance Required. The design ~~and size~~ of the accessory apartments, extended living areas, or guesthouses ~~accessory area~~ shall conform to all applicable standards in the City's adopted

Exhibit "A"

Fire, Building, and Health Codes. The applicant shall obtain all necessary building permits prior to construction of the accessory apartment, extended living area, or guesthouse.

- (64) *Parking.* At least one additional off-street parking space shall be available for use by the occupants of the accessory apartment, extended living area, or guesthouse. This space shall be in addition to those required for residents of the ~~main portion of the primary~~ dwelling and shall comply with the City's adopted residential parking standards. A non-conforming single-family dwelling must be brought into conformity with all required parking requirements. If a required parking area is to be modified in the creation of an accessory living area, the required parking shall be replaced on-site. Any additional vehicles owned by occupants must be accommodated on-site. On-street parking shall be reserved for visitors only.
- (75) *Mobile Homes.* It shall be prohibited to construct an accessory apartment or extended living area within a mobile home.
- (6) *Septic Systems.* Any dwelling that is using a septic system, must show proof by a licensed professional that the system is in property working condition or be required to connect to the existing sewer infrastructure.
- (7) *Short Term Rental (STR).* It is prohibited to rent or offer the rental of an accessory apartment, extended living area, or guesthouse for a period of less than 30 consecutive days unless the property has obtained approvals for such use as found in the Land Development Code and all other Sandy City Code. In no event, shall any portion of the property be rented out for both short and long-term rentals at the same time.
- ~~(8) *Transferability.* Upon sale of the home or change of primary occupant, the approval for an accessory apartment/extended living area shall expire; that is, the approval is not transferable.~~
- (c) *Additional Requirements for Approval of an Accessory Apartment.* An accessory apartment may be allowed by an administrative special use permit from the Community Development Department and being issued a valid accessory apartment business license. Accessory apartments are allowed only with approval of a conditional use. Such use shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws recognized by Sandy City. The following standards requirements must be met in order to grant a conditional use a permit:
 - (1) *Application.* A completed application as provided by Sandy City.
 - (2) *Owner Occupancy.* The owner of the subject property shall live in the primary dwelling unit 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 primary dwelling. 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. 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 they will occupy the property as their residence, except for bona fide temporary absences.

~~*Entrances.* All entrances for an accessory apartment shall be located on the side or in the rear of the dwelling.~~

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(23) Dwelling 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 an accessory apartment shall be provided.

(4) Site Plan. A site plan and architectural elevations shall be submitted to the Community Development Department to determine compliance with the requirements herein. The site plan shall be drawn to scale, clearly showing the location of all existing and proposed structures, walls, parking, driveways, and walkways.

~~Maximum Size Permitted.~~ In no case shall an accessory apartment comprise more than 30 percent of the building's total floor area, nor be greater than 800 square feet, nor have more than two bedrooms, unless, in the opinion of the Planning Commission, a greater or lesser amount of floor area is warranted by the circumstances of the particular building. An accessory apartment is a complete, separate housing unit that shall be within the original dwelling unit.

(3) Occupancy Restrictions. The occupants of the accessory apartment shall be ~~related to each other by blood, marriage, or adoption; or up to two unrelated individuals~~ an additional single family, who are living as a single housekeeping unit. The occupants of the accessory apartment shall not sublease any portion of the accessory apartment to other individuals.

(4) Recordation. Approval for an accessory apartment shall be recorded with the Salt Lake County Recorder's Office, including ~~any special conditions of approval to guarantee compliance with the approval~~ a reversion clause to utilize the area as an extended living area should the special use permit expire. Proof of recordation shall be submitted to the Community Development Department prior to occupancy. A recorded copy shall be kept on file with the Community Development Department.

(5) Duration of Approval and Transferability. The special use permit shall continue until:

a. a sale of the property, or

b. change of residence of the primary occupant, or

b. if the business license expires.

At the event of any of the above, the special use permit shall expire and is not transferable to new property owners. If the permit expires, the area previously used as an accessory apartment shall revert to an extended living area use only, meaning it can only be occupied and utilized only by the primary dwelling occupants and their non-paying guests.

a. ~~Approval Nontransferable.~~ Upon sale of the home or change of primary occupant, the conditional use shall expire and is not transferable.

b. ~~Length of Approval—Renewal Options.~~ The effective period of the conditional use for accessory apartments shall be two years from the date of the original approval. At the end of every two years, renewal may be granted upon receipt by the Director of certification by the property owner that the property remains the principal residence of the owner, and that all other original conditions continue to be met. Notification shall be sent to the owner for response. Failure to obtain such certification may be the basis for revocation of the conditional use. The Planning Commission, in its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a conditional use.

(6) ~~Other Requirements.~~ Any other appropriate or more stringent conditions deemed necessary for accessory apartments in protecting public health, safety, welfare, and the single-family character of the neighborhood shall be established by the Planning Commission.

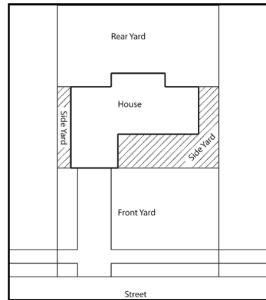
(d) Additional Requirements for Approval of an Extended Living Area. ~~Approval for an~~ An extended living area ~~may be~~ is a permitted use granted approved by the Director at the time of building permit review to create any additional living facilities within the structure. The granting of approval for an extended living area shall

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~~not exempt the applicant from meeting other applicable ordinances, covenants, codes or laws recognized by Sandy City.~~ The following standards ~~must be met~~ shall apply:

- (1) *Occupancy Restrictions.* Extended living areas shall be used ~~for extended by the primary dwelling~~ family members ~~and their non-paying guests only~~ or for employed household maintenance personnel (e.g. on a non-rental basis). ~~A letter of application sworn before a notary public by the owners stating that the individuals residing in the extended living area are related by blood/marriage, adoption, or are employed household maintenance personnel must be provided to the City.~~
 - (2) *Expired Accessory Apartments.* Any expired special use permit for an accessory apartment shall revert to an extended living area and become subject to these requirements until a new permit is obtained by the property owner.
 - (23) *Recordation.* Approval for an extended living area must be recorded with the Salt Lake County Recorder's Office, ~~including any special conditions of approval to guarantee compliance with the approval.~~ Proof of recordation shall be submitted to the Community Development Department prior to issuance of a building permit. A recorded copy shall be kept on file with the Community Development Department.
 - (4) *Duration of Approval and Transferability.* Upon sale of the home or change of primary occupant, the approval for an extended living area shall be transferred to the new owner or occupant. The new owner and occupant shall be subject to these requirements.
- (e) *Additional Requirements for Approval of a Guesthouse.* A guesthouse use may be allowed by an administrative special use permit from the Community Development Department. ~~A guesthouse may be allowed only with approval of a conditional use. Such use shall not exempt the applicant from meeting other applicable ordinances, codes, or laws recognized by Sandy City.~~ The following standards must be met ~~in order to grant a conditional use:~~
- (1) *Application.* A completed application as provided by Sandy City.
 - (2) *Occupants.* A guesthouse shall be used only by the occupants of the ~~principal~~ primary dwelling or their non-paying guests.
 - (23) *Lot Size.* A guesthouse will only be considered ~~for a conditional use~~ on a lot containing at least 20,000 square feet which has an existing owner-occupied single-family dwelling unit, or where a building permit has been issued and construction is in process for the single-family dwelling on a lot 20,000 square feet or larger.
 - (34) *Location.* Guesthouse setbacks shall be no less than ten feet from the side and rear property lines and six feet from the primary dwelling unit. If a guesthouse is attached to an existing accessory structure, the living space of the guesthouse shall be ten feet from the property line. The guesthouse may be located within the rear (the area lying between the rear lot line and rear wall of the primary dwelling extended to the side lot lines) of the primary dwelling or within the side yard, provided that the guesthouse is located behind the front plane of the home. If the guesthouse is located within the side yard, the side yard setback shall be the same as the minimum in the zoning district in which the lot is located.

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- (4) *Maximum Size Permitted.* In no case shall a guesthouse comprise more than 400 square feet and have no more than one bedroom. This square footage will be considered part of the allowable square footage ~~for of~~ the respective zoning district for accessory structures.
- (5) *Height.* A guesthouse shall be limited to a single story and subject to the requirements for accessory structures.
- (6) *Kitchen Facilities.* There shall be no full-size kitchen or cooking facilities within a guesthouse. A limited kitchenette consisting of a microwave, compact refrigerator (less than 7.75 cubic feet and 36 inches or less in height), counter length not exceeding six feet, and a wet bar sink (12 inches wide or less) are permitted.
- (7) *Site Plan.* A site plan and architectural elevations shall be submitted to the Community Development Department to determine compliance with the requirements herein ~~prior to approval of a conditional use.~~ The site plan shall be drawn to scale, clearly showing the location of all existing and proposed structures, walls, parking, driveways, and walkways.
- (8) *Conversion.* Existing accessory structures (shed, garage, workshop, etc.) may be converted to a guest house, provided that the proposed guesthouse complies with all title standards and the adopted Building Code. The number of required off-street parking stalls shall not be eliminated with the conversion of an accessory garage.
- (9) *Basements.* No basements will be allowed within a guesthouse.
- (10) *Recordation.* Approval for a guesthouse shall be recorded with the Salt Lake County Recorder's Office, ~~including any special conditions of approval to guarantee compliance with the approval.~~ Proof of recordation shall be submitted to the Community Development Department prior to issuance of a building permit. A recorded copy shall be kept on file with the Community Development Department.
- (11) *Inspections.* Yearly inspections may be required to determine compliance if determined appropriate by the Director or Chief Building Official.
- (12) *Duration of Approval and Transferability.* Upon sale of the home or change of primary occupant, the approval for guesthouse shall be transferred to the new owner or occupant. The new owner and occupant shall also be subject to these requirements.
- (g) *Enforcement.* In addition to any other legal or equitable remedies available to the City, upon a determination that a violation of the accessory apartment regulations exists, the City may also utilize all remedies identified and allowed under section 10-9a-530 of Utah State Code, or its successor (see U.C.A. 1953, § 10-9a-530).

(LDC 2008, § 15A-11-01)

Sec. 21-11-26. 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 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, 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.
- (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 being 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 this Sandy City Code, 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 owner-occupied 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 this Sandy City Code and all of the following standards and requirements:
- (1) Application. A completed application ~~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 designated STR area is allowed for a property.
 - (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 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. 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 will remain as the primary occupant of the home for the duration of this special use permit, wherein they reside at least 183 days per calendar year.
 - (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 related people or four unrelated people in the area to be used for a STR and the maximum occupancy shall not include the owner.
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- b. The property shall not be rented to more than one renter at any given time (this applies to both short and long-term rental), 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 night and a maximum of 29 consecutive nights.
 - 3. There must be a renter vacancy period of one consecutive night between each rental.
 - d. A property with a valid accessory apartment ~~conditional-special~~ 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.
- (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.
- (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.
- (7) **Urgent Response.** The owner, or a designated representative, shall be available to immediately respond 24 hours per day, 365 days per 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 attempted contacts by Sandy City, a notice of violation will be issued.
- (8) **Property Maintenance Requirements.** All short-term rentals shall adhere to this Code, including, but not limited to:
- a. **Maintenance.** Owners must adhere to the Property Maintenance chapter of this Code, 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 this Code.
 - c. **Noise and Nuisance Control.** Owners shall ensure that renters adhere to the noise control chapter of this Code. 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.
- (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.
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5. The noise ordinance of this Code.
 6. Garbage pickup dates, and a written description of where garbage receptacles must be placed for pickup.
 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.
- (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 STR permits plus one permit for every 100 single-family detached 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.
 - (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 (c) of this section.
- (e) Duration of Approval and Transferability. The special use permit shall continue until the sale of the home or if the business license expires, the special use shall expire and is not transferable. If the license and permit expire, the area used as an STR shall revert to be occupied by the primary dwelling occupants only and their non-paying guests.
- (ef) 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.
- (fg) 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 \$500.00.
 - b. For a second violation within any 12-month period, the penalty shall be \$750.00.
 - c. For a third violation within any 12-month period the penalty shall be \$1,000.00 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 \$1,000.00 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)

Exhibit "A"

Sec. 21-37-2. "A" Definitions.

- (3) *Accessory apartment* means ~~a~~an internal accessory housing dwelling unit (I-ADU) which is self-contained ~~but incorporated~~ within an owner occupied existing single-family dwelling structure ~~that is designed as a single-family dwelling and will not substantially alter the structure or the appearance of the structure.~~

Sec. 21-37-6. "E" Definitions.

- (17) *Extended living areas* means additional and accessory living facilities within a dwelling structure with kitchen, bathroom, and sleeping areas designed for temporary use by extended family members for medical or economic reasons on a non-rental basis and in compliance with standards as set forth in this title. The term "extended living areas" also includes additional family ~~"canning"~~ kitchens or kitchenettes and living quarters for domestic staff or other personnel typically employed in household maintenance (e.g., maids, butlers, gardeners).

Sec. 21-37-8. - "G" Definitions.

- 16) *Guesthouse* means a detached living quarters located within an accessory building structure that is subordinate to, and located on the same premises with, a primary dwelling, occupied solely by members of the family and temporary guests on a non-rental basis. ~~Such facilities shall not be rented independently from the main dwelling unit.~~