

2025 Update – Ground Rules – *Your Handbook to Utah Land Use Regulation*

Land Use Appeals/Variances As of May 7, 2025 no public hearing may be held by a land use appeal authority, whether a board of adjustment, board of appeals, or a hearing officer, when considering a land use appeal or an application for a variance.¹ This is so even if a local ordinance calls for a hearing, and even if the matter is heard “de novo”. NOTE: This must not be taken to exclude the participation in the appeal by a person with a protected property interest in the outcome. Such a person is not “the public” but a party to the proceedings because that person has a constitutional due process right. A protected property interest is narrowly defined, however. Please see the discussion of standing and due process in Chapter 15, Appealing Land Use Decisions. Local ordinance may provide for other rights for individuals to participate in a hearing, but may not require public hearings. Ordinances which do require hearings are rendered void by the 2025 legislation.

Short Term Rental Restrictions. The 2025 update to Ground Rules will include a section on short-term rentals, as follows:

State law does not prohibit local governments from regulating the rental of all or part of a dwelling for periods of less than thirty days. Such uses may be limited or even prohibited, in either specific parts of a community or throughout the entire locality. The recent state laws

¹ Utah Code § 10-9a-701(5).

requiring that accessory dwelling units be allowed in some situations do not require that such an “ADU” be available for short-term rental. The length of the rental period is subject only to local control, which may provide that only longer-term residents may occupy the ADU.²

The state code also specifically allows a local government to require that those operating a STR obtain a business license and comply with the requirements involved in maintaining that license.³ Transient room tax may be imposed as well on the rental received.⁴

State law specifically allows local governments to review web sites such as Airbnb and Vrbo to determine whether a dwelling is being rented for less than thirty days if such a rental is prohibited. The local government may not, however, base a code enforcement action solely on the evidence that a unit was listed for rent. Other evidence that the use violated a local ordinance must be provided. These can include the testimony of neighbors who have observed the use or the statements of city or county personnel who have observed a code violation.

Local governments may also demand that websites advertising STRs remove the listing of STRs that are operating in violation of the local regulations.⁵

² Utah Code § 10-8-85.4(3).

³ Utah Code § 10-8-85.4(4).

⁴ Utah Code § 10-8-85.4(7).

⁵ Utah Code § 10-8-85.4(5-6).