

# Overview of Utah Code Amendments

Notable Changes in 2025



David Letterman  
Top 10

# Land Use Amendment Top 10

# 10. No Public Hearing for Appeals and Variances

Utah Code § 10-9a-701(5)

- A municipality may not require a public hearing for a variance or land use appeal.
- Public input can confuse the appeal authority's quasi-judicial role.

# 9. Settlement by Consent Agreements

Utah Code § 10-9a-804

- A legislative body may, by resolution or ordinance, settle land use appeal litigation with a property owner through a consent agreement.
- Consent agreement must be approved in a public meeting.
- No planning commission input is required.
- Consent agreements “allow elected city councils to make land use decisions and to be able to have the city council, as the elected body, be the final say in the land use matter.” – floor sponsor Stephen Whyte.

# 8. No Private Maintenance of Certain Public Amenities

Utah Code § 10-9a-508.1

- Municipalities cannot require a private individual or entity (including an HOA) to maintain public amenities like trails, recreation areas, or retail water lines.
- Two exceptions:
  - Trail is between private property and a street (sidewalks and park strips).
  - Private party agrees to maintain the public amenity in an agreement with the city.

# 7. Ministerial Land Use Regulations

Utah Code § 10-9a-205

- New or modified land use regulations only require a Class A public notice (no mailed notice) if they are “ministerial in nature”
- Ministerial ordinances:
  - Bring land use ordinances into compliance with state or federal law;
  - Impact an entire zoning district or multiple districts;
  - Fix clerical errors in existing ordinances;
  - Recodify existing ordinances; or
  - Designate or define affected areas for a boundary adjustment or annexation.

# 6. Withholding Certificates of Occupancy

Utah Code § 10-9a-802

- Cities may withhold a certificate of occupancy to enforce its ordinances.
- Exceptions:
  - Cannot withhold a building permit or COO because non-critical infrastructure is not completed;
  - Cannot withhold a building permit or COO because the applicant failed to submit a private landscaping plan or complete a landscaping improvement.

## 5. Boundary Adjustments – Simple and Full

### **Simple Adjustment**

- Does not affect a public right-of-way, municipal utility easement, or public property
- Does not affect existing easements, onsite water systems, or internal lot restriction
- Results in a lot or parcel that conforms to all land use regulations

### **Full Adjustment**

- Any boundary adjustment that is not a simple adjustment

## 5. Boundary Adjustments – Simple and Full

### Simple Adjustment

- Requires a conveyance document.

### Full Adjustment

- Requires a conveyance document, survey, and *if required by ordinance* a proposed plat amendment.

## 4. Home Ownership Promotion Zone

Utah Code § 10-9a-1001

- Area designated by municipalities where tax increment can be used to cover development, revitalization, and public improvement costs.
- Taxing entities are required to participate up to 60% of the tax increment generated within the zone.
- HOPZ areas must be designated together with a rezone from a low-density area to a higher density area.

# 3. Public Infrastructure District Amendments

Utah Code § 17D-4-203

- PIDs can issue negotiable bonds to finance:
  - Infrastructure that benefits the public that are publicly owned or owned by a private utility;
  - Infrastructure that is privately owned so long as the creating entity specifically approves of the infrastructure; or
  - Publicly or privately owned roads, rights-of-way, trails, parking, or parking structures.

## 2. Short-Term Rental Amendments

Utah Code § 10-8-85.5

- Municipalities can use online listings of short-term rentals to prove a violation of its ordinances, but it must have additional evidence.
- Municipalities can require short-term rental operators to obtain a business license.
- Municipalities can ask websites to remove short-term rental listings that violate business licensing or zoning requirements.

# 1. Streamlined Identical Plan Review

Utah Code § 10-9a-541

- An applicant can submit a building plan to a city. Once approved, that plan can be an “original plan” for future “identical plans”
- After a city approves the original plan, future “identical plans” must be approved or rejected within 5 business days.
- Expedites plan review for duplicated building plans in a community.