

**LOCAL LAND USE AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jeremy A. Peterson**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill amends land use provisions in the municipal, county, and state construction code.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ with certain exceptions, prohibits a municipality from requiring physical changes in a structure with a conforming rental housing use;
- ▶ prohibits, in certain circumstances, a municipality from requiring physical changes in an owner-occupied housing structure with a conforming or legal nonconforming use;
- ▶ amends the state construction code;
- ▶ with certain exceptions, prohibits a county from requiring physical changes in a structure with a conforming or legal nonconforming rental housing use;
- ▶ prohibits, in certain circumstances, a county from requiring physical changes in an owner-occupied housing structure with a conforming or legal nonconforming use;
- and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **10-9a-511**, as last amended by Laws of Utah 2012, Chapter 289

33 **10-9a-513**, as last amended by Laws of Utah 2009, Chapters 170 and 233

34 **15A-3-202**, as last amended by Laws of Utah 2013, Chapter 297

35 **17-27a-510**, as last amended by Laws of Utah 2009, Chapter 170

36 **17-27a-512**, as last amended by Laws of Utah 2014, Chapter 189



38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **10-9a-511** is amended to read:

40 **10-9a-511. Nonconforming uses and noncomplying structures -- Certain**  
41 **requirements prohibited for conforming and nonconforming rental or owner-occupied**  
42 **housing.**

43 (1) As used in this section:

44 (a) "Owner-occupied housing" means a structure or a portion of a structure that is used  
45 or designated for use as a primary residence by one or more persons and one of those persons is  
46 the owner of the structure.

47 (b) "Rental housing" means a structure or a portion of a structure that is:

48 (i) used or designated for use as a primary residence by one or more persons other than  
49 the owner of the structure; and

50 (ii) (A) available to be rented, loaned, leased, or hired out for a period of one month or  
51 longer; or

52 (B) arranged, designed, or built to be rented, loaned, leased, or hired out for a period of  
53 one month or longer.

54 ~~[(+)]~~ (2) (a) Except as provided in this section, a nonconforming use or noncomplying  
55 structure may be continued by the present or a future property owner.

56 (b) A nonconforming use may be extended through the same building, provided no  
57 structural alteration of the building is proposed or made for the purpose of the extension.

58 (c) For purposes of this Subsection ~~[(+)]~~ (2), the addition of a solar energy device to a

59 building is not a structural alteration.

60 [~~(2)~~] (3) The legislative body may provide for:

61 (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or  
62 substitution of nonconforming uses upon the terms and conditions set forth in the land use  
63 ordinance;

64 (b) the termination of all nonconforming uses, except billboards, by providing a  
65 formula establishing a reasonable time period during which the owner can recover or amortize  
66 the amount of his investment in the nonconforming use, if any; and

67 (c) the termination of a nonconforming use due to its abandonment.

68 [~~(3)~~] (4) (a) A municipality may not prohibit the reconstruction or restoration of a  
69 noncomplying structure or terminate the nonconforming use of a structure that is involuntarily  
70 destroyed in whole or in part due to fire or other calamity unless the structure or use has been  
71 abandoned.

72 (b) A municipality may prohibit the reconstruction or restoration of a noncomplying  
73 structure or terminate the nonconforming use of a structure if:

74 (i) the structure is allowed to deteriorate to a condition that the structure is rendered  
75 uninhabitable and is not repaired or restored within six months after written notice to the  
76 property owner that the structure is uninhabitable and that the noncomplying structure or  
77 nonconforming use will be lost if the structure is not repaired or restored within six months; or

78 (ii) the property owner has voluntarily demolished a majority of the noncomplying  
79 structure or the building that houses the nonconforming use.

80 (c) (i) Notwithstanding a prohibition in its zoning ordinance, a municipality may  
81 permit a billboard owner to relocate the billboard within the municipality's boundaries to a  
82 location that is mutually acceptable to the municipality and the billboard owner.

83 (ii) If the municipality and billboard owner cannot agree to a mutually acceptable  
84 location within 90 days after the owner submits a written request to relocate the billboard, the  
85 provisions of Subsection 10-9a-513(2)(a)(iv) apply.

86 [~~(4)~~] (5) (a) Unless the municipality establishes, by ordinance, a uniform presumption  
87 of legal existence for nonconforming uses, the property owner shall have the burden of  
88 establishing the legal existence of a noncomplying structure or nonconforming use.

89 (b) Any party claiming that a nonconforming use has been abandoned shall have the

90 burden of establishing the abandonment.

91 (c) Abandonment may be presumed to have occurred if:

92 (i) a majority of the primary structure associated with the nonconforming use has been  
93 voluntarily demolished without prior written agreement with the municipality regarding an  
94 extension of the nonconforming use;

95 (ii) the use has been discontinued for a minimum of one year; or

96 (iii) the primary structure associated with the nonconforming use remains vacant for a  
97 period of one year.

98 (d) The property owner may rebut the presumption of abandonment under Subsection  
99 [(4)] (5)(c), and shall have the burden of establishing that any claimed abandonment under  
100 Subsection [(4)] (5)(b) has not in fact occurred.

101 [(5)] (6) A municipality may terminate the nonconforming status of a school district or  
102 charter school use or structure when the property associated with the school district or charter  
103 school use or structure ceases to be used for school district or charter school purposes for a  
104 period established by ordinance.

105 [(6)] (7) A municipal ordinance adopted under Section 10-1-203.5 may not:

106 (a) require physical changes in a structure with a conforming or legal nonconforming  
107 rental housing use unless the change is for:

108 (i) the reasonable installation of:

109 (A) a smoke detector that is plugged in or battery operated;

110 (B) a ground fault circuit interrupter protected outlet on existing wiring;

111 (C) street addressing;

112 (D) ~~except as provided in~~ subject to Subsection [(7)] (8), an egress bedroom window  
113 if the existing bedroom window is smaller than that required by current state building code;

114 (E) an electrical system or a plumbing system, if the existing system is not functioning  
115 or is unsafe as determined by an independent electrical or plumbing professional who is  
116 licensed in accordance with Title 58, Occupations and Professions;

117 (F) hand or guard rails; or

118 (G) occupancy separation doors as required by the International Residential Code; or

119 (ii) the abatement of a structure; or

120 (b) be enforced to terminate a legal nonconforming rental housing use.

121           ~~[(7)]~~ (8) A municipality may not require a change described in Subsection ~~[(6)]~~  
122 ~~(7)(a)(i)(D)~~ or (10) if the change:

- 123           (a) would compromise the structural integrity of a building; or
- 124           (b) could not be completed in accordance with current ~~[building]~~ state construction  
125 codes, including set-back and window well requirements.

126           ~~[(8)]~~ (9) A legal nonconforming rental housing use may not be terminated under  
127 Section 10-1-203.5.

128           (10) A municipal land use ordinance may not require physical changes in an  
129 owner-occupied housing structure with a conforming or legal nonconforming use unless,  
130 subject to Subsection (8), the change is for an egress bedroom window if the existing bedroom  
131 window is smaller than that required by current state construction code.

132           Section 2. Section **10-9a-513** is amended to read:

133           **10-9a-513. Municipality's acquisition of billboard by eminent domain -- Removal**  
134 **without providing compensation -- Limit on allowing nonconforming billboards to be**  
135 **rebuilt or replaced -- Validity of municipal permit after issuance of state permit.**

136           (1) As used in this section:

137           (a) "Clearly visible" means capable of being read without obstruction by an occupant of  
138 a vehicle traveling on a street or highway within the visibility area.

139           (b) "Highest allowable height" means:

140           (i) if the height allowed by the municipality, by ordinance or consent, is higher than the  
141 height under Subsection (1)(b)(ii), the height allowed by the municipality; or

142           (ii) (A) for a noninterstate billboard:

143           (I) if the height of the previous use or structure is 45 feet or higher, the height of the  
144 previous use or structure; or

145           (II) if the height of the previous use or structure is less than 45 feet, the height of the  
146 previous use or structure or the height to make the entire advertising content of the billboard  
147 clearly visible, whichever is higher, but no higher than 45 feet; and

148           (B) for an interstate billboard:

149           (I) if the height of the previous use or structure is at or above the interstate height, the  
150 height of the previous use or structure; or

151           (II) if the height of the previous use or structure is less than the interstate height, the

152 height of the previous use or structure or the height to make the entire advertising content of  
153 the billboard clearly visible, whichever is higher, but no higher than the interstate height.

154 (c) "Interstate billboard" means a billboard that is intended to be viewed from a  
155 highway that is an interstate.

156 (d) "Interstate height" means a height that is the higher of:

157 (i) 65 feet above the ground; and

158 (ii) 25 feet above the grade of the interstate.

159 (e) "Noninterstate billboard" means a billboard that is intended to be viewed from a  
160 street or highway that is not an interstate.

161 (f) "Visibility area" means the area on a street or highway that is:

162 (i) defined at one end by a line extending from the base of the billboard across all lanes  
163 of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

164 (ii) defined on the other end by a line extending across all lanes of traffic of the street  
165 or highway in a plane that is:

166 (A) perpendicular to the street or highway; and

167 (B) (I) for an interstate billboard, 500 feet from the base of the billboard; or

168 (II) for a noninterstate billboard, 300 feet from the base of the billboard.

169 (2) (a) A municipality is considered to have initiated the acquisition of a billboard  
170 structure by eminent domain if the municipality prevents a billboard owner from:

171 (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged  
172 by casualty, an act of God, or vandalism;

173 (ii) except as provided in Subsection (2)(c), relocating or rebuilding a billboard  
174 structure, or taking other measures, to correct a mistake in the placement or erection of a  
175 billboard for which the municipality has issued a permit, if the proposed relocation, rebuilding,  
176 or other measure is consistent with the intent of that permit;

177 (iii) structurally modifying or upgrading a billboard;

178 (iv) relocating a billboard into any commercial, industrial, or manufacturing zone  
179 within the municipality's boundaries, if:

180 (A) the relocated billboard is:

181 (I) within 5,280 feet of its previous location; and

182 (II) no closer than:

183 (Aa) 300 feet from an off-premise sign existing on the same side of the street or  
184 highway; or

185 (Bb) if the street or highway is an interstate or limited access highway that is subject to  
186 Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act  
187 between the relocated billboard and an off-premise sign existing on the same side of the  
188 interstate or limited access highway; and

189 (B) (I) the billboard owner has submitted a written request under Subsection  
190 10-9a-511[(3)](4)(c); and

191 (II) the municipality and billboard owner are unable to agree, within the time provided  
192 in Subsection 10-9a-511[(3)](4)(c), to a mutually acceptable location; or

193 (v) making the following modifications, as the billboard owner determines, to a  
194 billboard that is structurally modified or upgraded under Subsection (2)(a)(iii) or relocated  
195 under Subsection (2)(a)(iv):

196 (A) erecting the billboard:

197 (I) to the highest allowable height; and

198 (II) as the owner determines, to an angle that makes the entire advertising content of  
199 the billboard clearly visible; and

200 (B) installing a sign face on the billboard that is at least the same size as, but no larger  
201 than, the sign face on the billboard before its relocation.

202 (b) A modification under Subsection (2)(a)(v) shall comply with Title 72, Chapter 7,  
203 Part 5, Utah Outdoor Advertising Act, to the extent applicable.

204 (c) A municipality's denial of a billboard owner's request to relocate or rebuild a  
205 billboard structure, or to take other measures, in order to correct a mistake in the placement or  
206 erection of a billboard does not constitute the initiation of acquisition by eminent domain under  
207 Subsection (2)(a) if the mistake in placement or erection of the billboard is determined by clear  
208 and convincing evidence to have resulted from an intentionally false or misleading statement:

209 (i) by the billboard applicant in the application; and

210 (ii) regarding the placement or erection of the billboard.

211 (d) If a municipality is considered to have initiated the acquisition of a billboard  
212 structure by eminent domain under Subsection (2)(a) or any other provision of applicable law,  
213 the municipality shall pay just compensation to the billboard owner in an amount that is:

- 214 (i) the value of the existing billboard at a fair market capitalization rate, based on
- 215 actual annual revenue, less any annual rent expense;
- 216 (ii) the value of any other right associated with the billboard structure that is acquired;
- 217 (iii) the cost of the sign structure; and
- 218 (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the
- 219 billboard owner's interest is a part.

220 (3) Notwithstanding Subsection (2) and Section 10-9a-512, a municipality may remove

221 a billboard without providing compensation if:

222 (a) the municipality determines:

- 223 (i) by clear and convincing evidence that the applicant for a permit intentionally made a
- 224 false or misleading statement in the applicant's application regarding the placement or erection
- 225 of the billboard; or

226 (ii) by substantial evidence that the billboard:

- 227 (A) is structurally unsafe;
- 228 (B) is in an unreasonable state of repair; or
- 229 (C) has been abandoned for at least 12 months;

230 (b) the municipality notifies the owner in writing that the owner's billboard meets one

231 or more of the conditions listed in Subsections (3)(a)(i) and (ii);

232 (c) the owner fails to remedy the condition or conditions within:

- 233 (i) except as provided in Subsection (3)(c)(ii), 90 days following the billboard owner's
- 234 receipt of written notice under Subsection (3)(b); or
- 235 (ii) if the condition forming the basis of the municipality's intention to remove the
- 236 billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary
- 237 because of a natural disaster, following the billboard owner's receipt of written notice under
- 238 Subsection (3)(b); and

239 (d) following the expiration of the applicable period under Subsection (3)(c) and after

240 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,

241 the municipality finds:

- 242 (i) by clear and convincing evidence, that the applicant for a permit intentionally made
- 243 a false or misleading statement in the application regarding the placement or erection of the
- 244 billboard; or

245 (ii) by substantial evidence that the billboard is structurally unsafe, is in an  
246 unreasonable state of repair, or has been abandoned for at least 12 months.

247 (4) A municipality may not allow a nonconforming billboard to be rebuilt or replaced  
248 by anyone other than its owner or the owner acting through its contractors.

249 (5) A permit issued, extended, or renewed by a municipality for a billboard remains  
250 valid from the time the municipality issues, extends, or renews the permit until 180 days after a  
251 required state permit is issued for the billboard if:

252 (a) the billboard requires a state permit; and

253 (b) an application for the state permit is filed within 30 days after the municipality  
254 issues, extends, or renews a permit for the billboard.

255 Section 3. Section **15A-3-202** is amended to read:

256 **15A-3-202. Amendments to Chapters 1 through 5 of IRC.**

257 (1) In IRC, Section R102, a new Section R102.7.2 is added as follows: "R102.7.2  
258 Physical change for bedroom window egress in legal nonconforming rental housing use. For  
259 purposes of this section only, 'owner-occupied housing' and 'rental housing' mean the same as  
260 those terms are defined in Section 10-9a-511. A structure classified as a conforming or legal  
261 nonconforming owner-occupied housing use or rental housing use, whose egress bedroom  
262 window is smaller than required by this code, is not required to undergo a physical change to  
263 conform to this code if the change would compromise the structural integrity of the building or  
264 could not be completed in accordance with other applicable requirements of this code,  
265 including setback and window well requirements."

266 (2) In IRC, Section 109:

267 (a) A new IRC, Section 109.1.5, is added as follows: "R109.1.5 Weather-resistant  
268 exterior wall envelope inspections. An inspection shall be made of the weather-resistant  
269 exterior wall envelope as required by Section R703.1 and flashings as required by Section  
270 R703.8 to prevent water from entering the weather-resistive barrier."

271 (b) The remaining sections are renumbered as follows: R109.1.6 Other inspections;  
272 R109.1.6.1 Fire- and smoke-resistance-rated construction inspection; R109.1.6.2 Reinforced  
273 masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection;  
274 and R109.1.7 Final inspection.

275 (3) IRC, Section R114.1, is deleted and replaced with the following: "R114.1 Notice to

276 owner. Upon notice from the building official that work on any building or structure is being  
277 prosecuted contrary to the provisions of this code or other pertinent laws or ordinances or in an  
278 unsafe and dangerous manner, such work shall be immediately stopped. The stop work order  
279 shall be in writing and shall be given to the owner of the property involved, or to the owner's  
280 agent or to the person doing the work; and shall state the conditions under which work will be  
281 permitted to resume."

282 (4) In IRC, Section R202, the following definition is added: "CERTIFIED  
283 BACKFLOW PREVENTER ASSEMBLY TESTER: A person who has shown competence to  
284 test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction  
285 under Utah Code, Subsection 19-4-104(4)."

286 (5) In IRC, Section R202, the definition for "CONDITIONED SPACE" is modified by  
287 deleting the words at the end of the sentence "being heated or cooled by any equipment or  
288 appliance" and replacing them with the following: "enclosed within the building thermal  
289 envelope that is directly heated or cooled, or indirectly heated or cooled by any of the following  
290 means:

- 291 1. Openings directly into an adjacent conditioned space.
- 292 2. An un-insulated floor, ceiling or wall adjacent to a conditioned space.
- 293 3. Un-insulated duct, piping or other heat or cooling source within the space."

294 (6) In IRC, Section R202, the definition of "Cross Connection" is deleted and replaced  
295 with the following: "CROSS CONNECTION. Any physical connection or potential  
296 connection or arrangement between two otherwise separate piping systems, one of which  
297 contains potable water and the other either water of unknown or questionable safety or steam,  
298 gas, or chemical, whereby there exists the possibility for flow from one system to the other,  
299 with the direction of flow depending on the pressure differential between the two systems (see  
300 "Backflow, Water Distribution")."

301 (7) In IRC, Section 202, in the definition for gray water a comma is inserted after the  
302 word "washers"; the word "and" is deleted; and the following is added to the end: "and clear  
303 water wastes which have a pH of 6.0 to 9.0; are non-flammable; non-combustible; without  
304 objectionable odors; non-highly pigmented; and will not interfere with the operation of the  
305 sewer treatment facility."

306 (8) In IRC, Section R202, the definition of "Potable Water" is deleted and replaced

307 with the following: "POTABLE WATER. Water free from impurities present in amounts  
 308 sufficient to cause disease or harmful physiological effects and conforming to the Utah Code,  
 309 Title 19, Chapters 4, Safe Drinking Water Act, and 5, Water Quality Act, and the regulations of  
 310 the public health authority having jurisdiction."

311 (9) IRC, Figure R301.2(5), is deleted and replaced with Table R301.2(5a) and Table  
 312 R301.2(5b) as follows:

"TABLE NO. R301.2(5a)				
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS				
	COUNTY	P <sub>o</sub>	S	A <sub>o</sub>
315	Beaver	43	63	6.2
316	Box Elder	43	63	5.2
317	Cache	50	63	4.5
318	Carbon	43	63	5.2
319	Daggett	43	63	6.5
320	Davis	43	63	4.5
321	Duchesne	43	63	6.5
322	Emery	43	63	6.0
323	Garfield	43	63	6.0
324	Grand	36	63	6.5
325	Iron	43	63	5.8
326	Juab	43	63	5.2
327	Kane	36	63	5.7
328	Millard	43	63	5.3
329	Morgan	57	63	4.5
330	Piute	43	63	6.2
331	Rich	57	63	4.1
332	Salt Lake	43	63	4.5
333	San Juan	43	63	6.5
334	Sanpete	43	63	5.2

336	Sevier	43	63	6.0
337	Summit	86	63	5.0
338	Tooele	43	63	4.5
339	Uintah	43	63	7.0
340	Utah	43	63	4.5
341	Wasatch	86	63	5.0
342	Washington	29	63	6.0
343	Wayne	36	63	6.5
344	Weber	43	63	4.5

345 TABLE NO. R301.2(5b)

346 REQUIRED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS<sup>1,2</sup>

347 The following jurisdictions require design snow load values that differ from the Equation in the Utah Snow Load Study.

348	County	City	Elevation	Ground Snow Load (psf)	Roof Snow Load (psf) <sup>6</sup>
349	Carbon	Price <sup>3</sup>	5550	43	30
		All other county locations <sup>5</sup>	--	--	--
350	Davis	Fruit Heights <sup>3</sup>	4500 - 4850	57	40
351	Emery	Green River <sup>3</sup>	4070	36	25
352	Garfield	Panguitch <sup>3</sup>	6600	43	30
353	Rich	Woodruff <sup>3</sup>	6315	57	40
		Laketown <sup>4</sup>	6000	57	40
		Garden City <sup>5</sup>	--	--	--
		Randolph <sup>4</sup>	6300	57	40
354	San Juan	Monticello <sup>3</sup>	6820	50	35
355	Summit	Coalville <sup>3</sup>	5600	86	60
		Kamas <sup>4</sup>	6500	114	80
356	Tooele	Tooele <sup>3</sup>	5100	43	30

357	Utah	Orem <sup>3</sup>	4650	43	30
		Pleasant Grove <sup>4</sup>	5000	43	30
		Provo <sup>5</sup>	--	--	--
358	Wasatch	Heber <sup>5</sup>	--	--	--
359	Washington	Leeds <sup>3</sup>	3460	29	20
		Santa Clara <sup>3</sup>	2850	21	15
		St. George <sup>3</sup>	2750	21	15
		All other county locations <sup>5</sup>	--	--	--
360	Wayne	Loa <sup>3</sup>	7080	43	30
361	<sup>1</sup> The IRC requires a minimum live load -- See R301.6.				
362	<sup>2</sup> This table is informational only in that actual site elevations may vary. Table is only valid if site elevation is within 100 feet of the listed elevation. Otherwise, contact the local Building Official.				
363	<sup>3</sup> Values adopted from Table VII of the Utah Snow Load Study				
364	<sup>4</sup> Values based on site-specific study. Contact local Building Official for additional information.				
365	<sup>5</sup> Contact local Building Official.				
366	<sup>6</sup> Based on C <sub>e</sub> =1.0, C <sub>t</sub> =1.0 and I <sub>s</sub> =1.0"				

367 (10) IRC, Section R301.6, is deleted and replaced with the following: "R301.6 Utah  
 368 Snow Loads. The snow loads specified in Table R301.2(5b) shall be used for the jurisdictions  
 369 identified in that table. Otherwise, the ground snow load, P<sub>g</sub>, to be used in the determination of  
 370 design snow loads for buildings and other structures shall be determined by using the following  
 371 formula: P<sub>g</sub> = (P<sub>o</sub><sup>2</sup> + S<sup>2</sup>(A-A<sub>o</sub>)<sup>2</sup>)<sup>0.5</sup> for A greater than A<sub>o</sub>, and P<sub>g</sub> = P<sub>o</sub> for A less than or equal to  
 372 A<sub>o</sub>.

373 WHERE:

374 P<sub>g</sub> = Ground snow load at a given elevation (psf);

375 P<sub>o</sub> = Base ground snow load (psf) from Table No. R301.2(5a);

376 S = Change in ground snow load with elevation (psf/100 ft.) From Table No. R301.2(5a);

377 A = Elevation above sea level at the site (ft./1,000);

378 A<sub>o</sub> = Base ground snow elevation from Table R301.2(5a) (ft./1,000).

379 The building official may round the roof snow load to the nearest 5 psf. The ground snow  
380 load,  $P_g$ , may be adjusted by the building official when a licensed engineer or architect submits  
381 data substantiating the adjustments.

382 Where the minimum roof live load in accordance with Table R301.6 is greater than the design  
383 roof snow load, such roof live load shall be used for design, however, it shall not be reduced to  
384 a load lower than the design roof snow load. Drifting need not be considered for roof snow  
385 loads less than 20 psf."

386 (11) In IRC, Section R302.2, the words "Exception: A" are deleted and replaced with  
387 the following:

388 "Exceptions:

389 1. A common 2-hour fire-resistance-rated wall is permitted for townhouses if such walls do  
390 not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common  
391 wall. Electrical installation shall be installed in accordance with Chapters 34 through 43.  
392 Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

393 2. In buildings equipped with an automatic residential fire sprinkler system, a".

394 (12) In IRC, Section R302.2.4, a new exception 6 is added as follows: "6. Townhouses  
395 separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2."

396 (13) In IRC, Section R302.5.1, the words "self-closing device" are deleted and replaced  
397 with "self-latching hardware".

398 (14) In IRC, Section R303.4, the number "5" is changed to "3" in the first sentence.

399 (15) IRC, Sections R311.7.4 through R311.7.4.3, are deleted and replaced with the  
400 following: "R311.7.4 Stair treads and risers. R311.7.4.1 Riser height. The maximum riser  
401 height shall be 8 inches (203 mm). The riser shall be measured vertically between leading  
402 edges of the adjacent treads. The greatest riser height within any flight of stairs shall not  
403 exceed the smallest by more than 3/8 inch (9.5 mm).

404 R311.7.4.2 Tread depth. The minimum tread depth shall be 9 inches (228 mm). The tread  
405 depth shall be measured horizontally between the vertical planes of the foremost projection of  
406 adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within  
407 any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder  
408 treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point  
409 12 inches (305 mm) from the side where the treads are narrower. Winder treads shall have a

410 minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the  
411 greatest winder tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by  
412 more than 3/8 inch (9.5 mm).

413 R311.7.4.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater  
414 than 9/16 inch (14.3 mm). A nosing not less than 3/4 inch (19 mm) but not more than 1 1/4  
415 inches (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection  
416 shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two  
417 stories, including the nosing at the level of floors and landings. Beveling of nosing shall not  
418 exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading  
419 edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open  
420 risers are permitted, provided that the opening between treads does not permit the passage of a  
421 4-inch diameter (102 mm) sphere.

422 Exceptions.

- 423 1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).
- 424 2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches  
425 (762 mm) or less."

426 (16) In IRC, Section R312.1.2, the words "adjacent fixed seating" are deleted.

427 (17) IRC, Section R312.2, is deleted.

428 (18) IRC, Sections R313.1 through R313.2.1, are deleted and replaced with the  
429 following: "R313.1 Design and installation. When installed, automatic residential fire  
430 sprinkler systems for townhouses or one- and two-family dwellings shall be designed and  
431 installed in accordance with Section P2904."

432 (19) A new IRC, Section R315.5, is added as follows: "R315.5 Power source. Carbon  
433 monoxide alarms shall receive their primary power from the building wiring when such wiring  
434 is served from a commercial source, and when primary power is interrupted, shall receive  
435 power from a battery. Wiring shall be permanent and without a disconnecting switch other  
436 than those required for over-current protection.

437 Exceptions:

- 438 1. Carbon monoxide alarms shall be permitted to be battery operated when installed in  
439 buildings without commercial power.
- 440 2. Hard wiring of carbon monoxide alarms in existing areas shall not be required where the

441 alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing  
442 the structure, unless there is an attic, crawl space or basement available which could provide  
443 access for hard wiring, without the removal of interior finishes."

444 (20) A new IRC, Section R315.6, is added as follows: "R315.6 Interconnection.  
445 Where more than one carbon monoxide alarm is required to be installed within an individual  
446 dwelling unit in accordance with Section R315.1, the alarm devices shall be interconnected in  
447 such a manner that the actuation of one alarm will activate all of the alarms in the individual  
448 unit. Physical interconnection of smoke alarms shall not be required where listed wireless  
449 alarms are installed and all alarms sound upon activation of one alarm.  
450 Exception: Interconnection of carbon monoxide alarms in existing areas shall not be required  
451 where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing  
452 the structure, unless there is an attic, crawl space or basement available which could provide  
453 access for interconnection without the removal of interior finishes."

454 (21) In IRC, Section R403.1.6, a new Exception 4 is added as follows: "4. When  
455 anchor bolt spacing does not exceed 32 inches (813 mm) apart, anchor bolts may be placed  
456 with a minimum of two bolts per plate section located not less than 4 inches (102 mm) from  
457 each end of each plate section at interior bearing walls, interior braced wall lines, and at all  
458 exterior walls."

459 (22) In IRC, Section R403.1.6.1, a new exception is added at the end of Item 2 and  
460 Item 3 as follows: "Exception: When anchor bolt spacing does not exceed 32 inches (816 mm)  
461 apart, anchor bolts may be placed with a minimum of two bolts per plate section located not  
462 less than 4 inches (102 mm) from each end of each plate section at interior bearing walls,  
463 interior braced wall lines, and at all exterior walls."

464 (23) In IRC, Section R404.1, a new exception is added as follows: "Exception: As an  
465 alternative to complying with Sections R404.1 through R404.1.5.3, concrete and masonry  
466 foundation walls may be designed in accordance with IBC Sections 1807.1.5 and 1807.1.6 as  
467 amended in Section 1807.1.6.4 and Table 1807.1.6.4 under these rules."

468 (24) IRC, Section R501.3, is deleted.

469 Section 4. Section **17-27a-510** is amended to read:

470 **17-27a-510. Nonconforming uses and noncomplying structures -- Certain**  
471 **requirements prohibited for conforming and nonconforming rental or owner-occupied**

472 **housing.**

473 (1) As used in this section:

474 (a) "Owner-occupied housing" means a structure or a portion of a structure that is used  
475 or designated for use as a primary residence by one or more persons and one of those persons is  
476 the owner of the structure.

477 (b) "Rental housing" means a structure or a portion of a structure that is:

478 (i) used or designated for use as a primary residence by one or more persons other than  
479 the owner of the structure; and

480 (ii) (A) available to be rented, loaned, leased, or hired out for a period of one month or  
481 longer; or

482 (B) arranged, designed, or built to be rented, loaned, leased, or hired out for a period of  
483 one month or longer.

484 ~~[(1)]~~ (2) (a) Except as provided in this section, a nonconforming use or a  
485 noncomplying structure may be continued by the present or a future property owner.

486 (b) A nonconforming use may be extended through the same building, provided no  
487 structural alteration of the building is proposed or made for the purpose of the extension.

488 (c) For purposes of this Subsection ~~[(1)]~~ (2), the addition of a solar energy device to a  
489 building is not a structural alteration.

490 ~~[(2)]~~ (3) The legislative body may provide for:

491 (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or  
492 substitution of nonconforming uses upon the terms and conditions set forth in the land use  
493 ordinance;

494 (b) the termination of all nonconforming uses, except billboards, by providing a  
495 formula establishing a reasonable time period during which the owner can recover or amortize  
496 the amount of his investment in the nonconforming use, if any; and

497 (c) the termination of a nonconforming use due to its abandonment.

498 ~~[(3)]~~ (4) (a) A county may not prohibit the reconstruction or restoration of a  
499 noncomplying structure or terminate the nonconforming use of a structure that is involuntarily  
500 destroyed in whole or in part due to fire or other calamity unless the structure or use has been  
501 abandoned.

502 (b) A county may prohibit the reconstruction or restoration of a noncomplying structure

503 or terminate the nonconforming use of a structure if:

504 (i) the structure is allowed to deteriorate to a condition that the structure is rendered  
505 uninhabitable and is not repaired or restored within six months after written notice to the  
506 property owner that the structure is uninhabitable and that the noncomplying structure or  
507 nonconforming use will be lost if the structure is not repaired or restored within six months; or

508 (ii) the property owner has voluntarily demolished a majority of the noncomplying  
509 structure or the building that houses the nonconforming use.

510 (c) (i) Notwithstanding a prohibition in its zoning ordinance, a county may permit a  
511 billboard owner to relocate the billboard within the county's unincorporated area to a location  
512 that is mutually acceptable to the county and the billboard owner.

513 (ii) If the county and billboard owner cannot agree to a mutually acceptable location  
514 within 90 days after the owner submits a written request to relocate the billboard, the  
515 provisions of Subsection 17-27a-512(2)(a)(iv) apply.

516 ~~[(4)]~~ (5) (a) Unless the county establishes, by ordinance, a uniform presumption of  
517 legal existence for nonconforming uses, the property owner shall have the burden of  
518 establishing the legal existence of a noncomplying structure or nonconforming use.

519 (b) Any party claiming that a nonconforming use has been abandoned shall have the  
520 burden of establishing the abandonment.

521 (c) Abandonment may be presumed to have occurred if:

522 (i) a majority of the primary structure associated with the nonconforming use has been  
523 voluntarily demolished without prior written agreement with the county regarding an extension  
524 of the nonconforming use;

525 (ii) the use has been discontinued for a minimum of one year; or

526 (iii) the primary structure associated with the nonconforming use remains vacant for a  
527 period of one year.

528 (d) The property owner may rebut the presumption of abandonment under Subsection  
529 ~~[(4)]~~ (5)(c), and shall have the burden of establishing that any claimed abandonment under  
530 Subsection ~~[(4)]~~ (5)(c) has not in fact occurred.

531 ~~[(5)]~~ (6) A county may terminate the nonconforming status of a school district or  
532 charter school use or structure when the property associated with the school district or charter  
533 school use or structure ceases to be used for school district or charter school purposes for a

534 period established by ordinance.

535 (7) A county may not:

536 (a) require physical changes in a structure with a conforming or legal nonconforming  
537 rental housing use unless the change is for:

538 (i) the reasonable installation of:

539 (A) a smoke detector that is plugged in or battery operated;

540 (B) a ground fault circuit interrupter protected outlet on existing wiring;

541 (C) street addressing;

542 (D) subject to Subsection (8), an egress bedroom window if the existing bedroom  
543 window is smaller than that required by current state building code;

544 (E) an electrical system or a plumbing system, if the existing system is not functioning  
545 or is unsafe as determined by an independent electrical or plumbing professional who is

546 licensed in accordance with Title 58, Occupations and Professions;

547 (F) hand or guard rails; or

548 (G) occupancy separation doors as required by the International Residential Code; or

549 (ii) the abatement of a structure; or

550 (b) terminate a legal nonconforming rental housing use.

551 (8) A county may not require a change described in Subsection (7)(a)(i)(D) or (9) if the  
552 change:

553 (a) would compromise the structural integrity of a building; or

554 (b) could not be completed in accordance with current state construction codes,  
555 including set-back and window well requirements.

556 (9) A county land use ordinance may not require physical changes in an  
557 owner-occupied housing structure with a conforming or legal nonconforming use unless,  
558 subject to Subsection (8), the change is for an egress bedroom window if the existing bedroom  
559 window is smaller than that required by current state construction code.

560 Section 5. Section **17-27a-512** is amended to read:

561 **17-27a-512. County's acquisition of billboard by eminent domain -- Removal**  
562 **without providing compensation -- Limit on allowing nonconforming billboard to be**  
563 **rebuilt or replaced -- Validity of county permit after issuance of state permit.**

564 (1) As used in this section:

565 (a) "Clearly visible" means capable of being read without obstruction by an occupant of  
566 a vehicle traveling on a street or highway within the visibility area.

567 (b) "Highest allowable height" means:

568 (i) if the height allowed by the county, by ordinance or consent, is higher than the  
569 height under Subsection (1)(b)(ii), the height allowed by the county; or

570 (ii) (A) for a noninterstate billboard:

571 (I) if the height of the previous use or structure is 45 feet or higher, the height of the  
572 previous use or structure; or

573 (II) if the height of the previous use or structure is less than 45 feet, the height of the  
574 previous use or structure or the height to make the entire advertising content of the billboard  
575 clearly visible, whichever is higher, but no higher than 45 feet; and

576 (B) for an interstate billboard:

577 (I) if the height of the previous use or structure is at or above the interstate height, the  
578 height of the previous use or structure; or

579 (II) if the height of the previous use or structure is less than the interstate height, the  
580 height of the previous use or structure or the height to make the entire advertising content of  
581 the billboard clearly visible, whichever is higher, but no higher than the interstate height.

582 (c) "Interstate billboard" means a billboard that is intended to be viewed from a  
583 highway that is an interstate.

584 (d) "Interstate height" means a height that is the higher of:

585 (i) 65 feet above the ground; and

586 (ii) 25 feet above the grade of the interstate.

587 (e) "Noninterstate billboard" means a billboard that is intended to be viewed from a  
588 street or highway that is not an interstate.

589 (f) "Visibility area" means the area on a street or highway that is:

590 (i) defined at one end by a line extending from the base of the billboard across all lanes  
591 of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

592 (ii) defined on the other end by a line extending across all lanes of traffic of the street  
593 or highway in a plane that is:

594 (A) perpendicular to the street or highway; and

595 (B) (I) for an interstate billboard, 500 feet from the base of the billboard; or

- 596 (II) for a noninterstate billboard, 300 feet from the base of the billboard.
- 597 (2) (a) A county is considered to have initiated the acquisition of a billboard structure
- 598 by eminent domain if the county prevents a billboard owner from:
- 599 (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged
- 600 by casualty, an act of God, or vandalism;
- 601 (ii) except as provided in Subsection (2)(c), relocating or rebuilding a billboard
- 602 structure, or taking other measures, to correct a mistake in the placement or erection of a
- 603 billboard for which the county has issued a permit, if the proposed relocation, rebuilding, or
- 604 other measure is consistent with the intent of that permit;
- 605 (iii) structurally modifying or upgrading a billboard;
- 606 (iv) relocating a billboard into any commercial, industrial, or manufacturing zone
- 607 within the unincorporated area of the county, if:
- 608 (A) the relocated billboard is:
- 609 (I) within 5,280 feet of its previous location; and
- 610 (II) no closer than:
- 611 (Aa) 300 feet from an off-premise sign existing on the same side of the street or
- 612 highway; or
- 613 (Bb) if the street or highway is an interstate or limited access highway that is subject to
- 614 Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act
- 615 between the relocated billboard and an off-premise sign existing on the same side of the
- 616 interstate or limited access highway; and
- 617 (B) (I) the billboard owner has submitted a written request under Subsection
- 618 [17-27a-510](#)~~(3)~~(4)(c); and
- 619 (II) the county and billboard owner are unable to agree, within the time provided in
- 620 Subsection [17-27a-510](#)~~(3)~~(4)(c), to a mutually acceptable location; or
- 621 (v) making the following modifications, as the billboard owner determines, to a
- 622 billboard that is structurally modified or upgraded under Subsection (2)(a)(iii) or relocated
- 623 under Subsection (2)(a)(iv):
- 624 (A) erecting the billboard:
- 625 (I) to the highest allowable height; and
- 626 (II) as the owner determines, to an angle that makes the entire advertising content of

627 the billboard clearly visible; and

628 (B) installing a sign face on the billboard that is at least the same size as, but no larger  
629 than, the sign face on the billboard before its relocation.

630 (b) A modification under Subsection (2)(a)(v) shall comply with Title 72, Chapter 7,  
631 Part 5, Utah Outdoor Advertising Act, to the extent applicable.

632 (c) A county's denial of a billboard owner's request to relocate or rebuild a billboard  
633 structure, or to take other measures, in order to correct a mistake in the placement or erection of  
634 a billboard does not constitute the initiation of acquisition by eminent domain under Subsection  
635 (2)(a) if the mistake in placement or erection of the billboard is determined by clear and  
636 convincing evidence to have resulted from an intentionally false or misleading statement:

- 637 (i) by the billboard applicant in the application; and
- 638 (ii) regarding the placement or erection of the billboard.

639 (d) If a county is considered to have initiated the acquisition of a billboard structure by  
640 eminent domain under Subsection (1)(a) or any other provision of applicable law, the county  
641 shall pay just compensation to the billboard owner in an amount that is:

- 642 (i) the value of the existing billboard at a fair market capitalization rate, based on  
643 actual annual revenue, less any annual rent expense;
- 644 (ii) the value of any other right associated with the billboard structure that is acquired;
- 645 (iii) the cost of the sign structure; and
- 646 (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the  
647 billboard owner's interest is a part.

648 (3) Notwithstanding Subsection (2) and Section 17-27a-511, a county may remove a  
649 billboard without providing compensation if:

- 650 (a) the county determines:
  - 651 (i) by clear and convincing evidence that the applicant for a permit intentionally made a  
652 false or misleading statement in the applicant's application regarding the placement or erection  
653 of the billboard; or
  - 654 (ii) by substantial evidence that the billboard:
    - 655 (A) is structurally unsafe;
    - 656 (B) is in an unreasonable state of repair; or
    - 657 (C) has been abandoned for at least 12 months;

658 (b) the county notifies the owner in writing that the owner's billboard meets one or  
659 more of the conditions listed in Subsections (3)(a)(i) and (ii);

660 (c) the owner fails to remedy the condition or conditions within:

661 (i) except as provided in Subsection (3)(c)(ii), 90 days following the billboard owner's  
662 receipt of written notice under Subsection (3)(b); or

663 (ii) if the condition forming the basis of the county's intention to remove the billboard  
664 is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a  
665 natural disaster, following the billboard owner's receipt of written notice under Subsection  
666 (3)(b); and

667 (d) following the expiration of the applicable period under Subsection (3)(c) and after  
668 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,  
669 the county finds:

670 (i) by clear and convincing evidence, that the applicant for a permit intentionally made  
671 a false or misleading statement in the application regarding the placement or erection of the  
672 billboard; or

673 (ii) by substantial evidence that the billboard is structurally unsafe, is in an  
674 unreasonable state of repair, or has been abandoned for at least 12 months.

675 (4) A county may not allow a nonconforming billboard to be rebuilt or replaced by  
676 anyone other than its owner or the owner acting through its contractors.

677 (5) A permit issued, extended, or renewed by a county for a billboard remains valid  
678 from the time the county issues, extends, or renews the permit until 180 days after a required  
679 state permit is issued for the billboard if:

680 (a) the billboard requires a state permit; and

681 (b) an application for the state permit is filed within 30 days after the county issues,  
682 extends, or renews a permit for the billboard.

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**Legislative Review Note**  
as of 1-13-15 11:45 AM

**Office of Legislative Research and General Counsel**