

Representative Paul Ray proposes the following substitute bill:

BUILDING REGULATION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: David G. Buxton

LONG TITLE

General Description:

This bill amends provisions relating to building regulation.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ invites the Utah League of Cities and Towns to submit a report to the Business and Labor Interim Committee;
- ▶ allows a local planning commission to recommend the reduction of certain building design elements in a proposed general plan; and
- ▶ provides for statewide amendments to the International Plumbing Code related to lavatories.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-403, as last amended by Laws of Utah 2019, Chapters 327 and 376



26 [15A-3-304](#), as last amended by Laws of Utah 2019, Chapter 20
27 [17-27a-403](#), as last amended by Laws of Utah 2019, Chapters 327 and 376
28 [63I-2-210](#), as last amended by Laws of Utah 2019, Chapters 136, 165, 255, and 510

29 ENACTS:

30 [10-6-160.1](#), Utah Code Annotated 1953

31

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

33 Section 1. Section [10-6-160.1](#) is enacted to read:

34 **[10-6-160.1. Report.](#)**

35 (1) As used in this section, "plan review" means the same as that term is defined in
36 Section [10-6-160](#).

37 (2) The Business and Labor Interim Committee shall invite the Utah League of Cities
38 and Towns to submit a written report before the October 2020 interim meeting that describes:

39 (a) for any municipality that required a plan review during the preceding 12-month
40 period:

41 (i) the average length of time needed to complete a plan review;

42 (ii) the longest length of time needed to complete a plan review;

43 (iii) whether the municipality allowed nonsubstantive changes to a plan without
44 requiring the plan to be re-submitted for review; and

45 (iv) reasons for any delay in completing a plan review; and

46 (b) for any municipality that required a building inspection during the preceding
47 12-month period:

48 (i) the average length of time needed to complete an inspection;

49 (ii) the longest length of time needed to complete an inspection;

50 (iii) reasons for any delay in completing an inspection; and

51 (iv) the number of inspections completed by a municipal building inspector as
52 compared to an independent building inspector.

53 Section 2. Section [10-9a-403](#) is amended to read:

54 **[10-9a-403. General plan preparation.](#)**

55 (1) (a) As used in this section, "residential building design element" means for a
56 single-family residential building;

- 57 (i) exterior building color;
- 58 (ii) type or style of exterior cladding material;
- 59 (iii) style or materials of a roof structure, roof pitch, or porch;
- 60 (iv) exterior nonstructural architectural ornamentation;
- 61 (v) location, design, placement, or architectural styling of a window or door, including
- 62 a garage door;

- 63 (vi) the number or type of rooms;
- 64 (vii) the interior layout of a room; or
- 65 (viii) the minimum square footage of a structure.

66 (b) "Residential building design element" does not include for a single-family
67 residential building:

- 68 (i) the height, bulk, orientation, or location of a structure on a lot; or
- 69 (ii) buffering or screening used to:
 - 70 (A) minimize visual impacts;
 - 71 (B) mitigate the impacts of light or noise; or
 - 72 (C) protect the privacy of neighbors.

73 ~~[(+)]~~ (2) (a) The planning commission shall provide notice, as provided in Section
74 [10-9a-203](#), of its intent to make a recommendation to the municipal legislative body for a
75 general plan or a comprehensive general plan amendment when the planning commission
76 initiates the process of preparing its recommendation.

77 (b) The planning commission shall make and recommend to the legislative body a
78 proposed general plan for the area within the municipality.

79 (c) The plan may include areas outside the boundaries of the municipality if, in the
80 planning commission's judgment, those areas are related to the planning of the municipality's
81 territory.

82 (d) Except as otherwise provided by law or with respect to a municipality's power of
83 eminent domain, when the plan of a municipality involves territory outside the boundaries of
84 the municipality, the municipality may not take action affecting that territory without the
85 concurrence of the county or other municipalities affected.

86 ~~[(2)]~~ (3) (a) At a minimum, the proposed general plan, with the accompanying maps,
87 charts, and descriptive and explanatory matter, shall include the planning commission's

88 recommendations for the following plan elements:

89 (i) a land use element that:

90 (A) designates the long-term goals and the proposed extent, general distribution, and
91 location of land for housing for residents of various income levels, business, industry,
92 agriculture, recreation, education, public buildings and grounds, open space, and other
93 categories of public and private uses of land as appropriate; and

94 (B) may include a statement of the projections for and standards of population density
95 and building intensity recommended for the various land use categories covered by the plan;

96 (ii) a transportation and traffic circulation element that:

97 (A) provides the general location and extent of existing and proposed freeways, arterial
98 and collector streets, public transit, active transportation facilities, and other modes of
99 transportation that the planning commission considers appropriate;

100 (B) for a municipality that has access to a major transit investment corridor, addresses
101 the municipality's plan for residential and commercial development around major transit
102 investment corridors to maintain and improve the connections between housing, employment,
103 education, recreation, and commerce;

104 (C) for a municipality that does not have access to a major transit investment corridor,
105 addresses the municipality's plan for residential and commercial development in areas that will
106 maintain and improve the connections between housing, transportation, employment,
107 education, recreation, and commerce; and

108 (D) correlates with the population projections, the employment projections, and the
109 proposed land use element of the general plan; and

110 (iii) for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a
111 realistic opportunity to meet the need for additional moderate income housing.

112 (b) In drafting the moderate income housing element, the planning commission:

113 (i) shall consider the Legislature's determination that municipalities shall facilitate a
114 reasonable opportunity for a variety of housing, including moderate income housing:

115 (A) to meet the needs of people of various income levels living, working, or desiring to
116 live or work in the community; and

117 (B) to allow people with various incomes to benefit from and fully participate in all
118 aspects of neighborhood and community life;

119 (ii) for a town, may include, and for other municipalities, shall include, an analysis of
120 how the municipality will provide a realistic opportunity for the development of moderate
121 income housing within the next five years;

122 (iii) for a town, may include, and for other municipalities, shall include, a
123 recommendation to implement three or more of the following strategies:

124 (A) rezone for densities necessary to assure the production of moderate income
125 housing;

126 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
127 construction of moderate income housing;

128 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
129 income housing;

130 (D) consider general fund subsidies or other sources of revenue to waive construction
131 related fees that are otherwise generally imposed by the city;

132 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
133 residential zones;

134 (F) allow for higher density or moderate income residential development in
135 commercial and mixed-use zones, commercial centers, or employment centers;

136 (G) encourage higher density or moderate income residential development near major
137 transit investment corridors;

138 (H) eliminate or reduce parking requirements for residential development where a
139 resident is less likely to rely on the resident's own vehicle, such as residential development near
140 major transit investment corridors or senior living facilities;

141 (I) allow for single room occupancy developments;

142 (J) implement zoning incentives for low to moderate income units in new
143 developments;

144 (K) utilize strategies that preserve subsidized low to moderate income units on a
145 long-term basis;

146 (L) preserve existing moderate income housing;

147 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
148 income housing;

149 (N) participate in a community land trust program for low or moderate income

150 housing;

151 (O) implement a mortgage assistance program for employees of the municipality or of
152 an employer that provides contracted services to the municipality;

153 (P) apply for or partner with an entity that applies for state or federal funds or tax
154 incentives to promote the construction of moderate income housing;

155 (Q) apply for or partner with an entity that applies for programs offered by the Utah
156 Housing Corporation within that agency's funding capacity;

157 (R) apply for or partner with an entity that applies for affordable housing programs
158 administered by the Department of Workforce Services;

159 (S) apply for or partner with an entity that applies for programs administered by an
160 association of governments established by an interlocal agreement under Title 11, Chapter 13,
161 Interlocal Cooperation Act;

162 (T) apply for or partner with an entity that applies for services provided by a public
163 housing authority to preserve and create moderate income housing;

164 (U) apply for or partner with an entity that applies for programs administered by a
165 metropolitan planning organization or other transportation agency that provides technical
166 planning assistance;

167 (V) utilize a moderate income housing set aside from a community reinvestment
168 agency, redevelopment agency, or community development and renewal agency; [~~and~~]

169 (W) reduce residential building design elements; and

170 [~~(W)~~] (X) any other program or strategy implemented by the municipality to address
171 the housing needs of residents of the municipality who earn less than 80% of the area median
172 income; and

173 (iv) in addition to the recommendations required under Subsection [~~(2)~~] (3)(b)(iii), for
174 a municipality that has a fixed guideway public transit station, shall include a recommendation
175 to implement the strategies described in Subsection [~~(2)~~] (3)(b)(iii)(G) or (H).

176 (c) In drafting the land use element, the planning commission shall:

177 (i) identify and consider each agriculture protection area within the municipality; and

178 (ii) avoid proposing a use of land within an agriculture protection area that is
179 inconsistent with or detrimental to the use of the land for agriculture.

180 (d) In drafting the transportation and traffic circulation element, the planning

181 commission shall:

182 (i) consider the regional transportation plan developed by its region's metropolitan
183 planning organization, if the municipality is within the boundaries of a metropolitan planning
184 organization; or

185 (ii) consider the long-range transportation plan developed by the Department of
186 Transportation, if the municipality is not within the boundaries of a metropolitan planning
187 organization.

188 (3) The proposed general plan may include:

189 (a) an environmental element that addresses:

190 (i) the protection, conservation, development, and use of natural resources, including
191 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
192 and other natural resources; and

193 (ii) the reclamation of land, flood control, prevention and control of the pollution of
194 streams and other waters, regulation of the use of land on hillsides, stream channels and other
195 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
196 protection of watersheds and wetlands, and the mapping of known geologic hazards;

197 (b) a public services and facilities element showing general plans for sewage, water,
198 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
199 police and fire protection, and other public services;

200 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
201 programs for:

202 (i) historic preservation;

203 (ii) the diminution or elimination of a development impediment as defined in Section
204 [17C-1-102](#); and

205 (iii) redevelopment of land, including housing sites, business and industrial sites, and
206 public building sites;

207 (d) an economic element composed of appropriate studies and forecasts, as well as an
208 economic development plan, which may include review of existing and projected municipal
209 revenue and expenditures, revenue sources, identification of basic and secondary industry,
210 primary and secondary market areas, employment, and retail sales activity;

211 (e) recommendations for implementing all or any portion of the general plan, including

212 the use of land use ordinances, capital improvement plans, community development and
213 promotion, and any other appropriate action;

214 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
215 and

216 (g) any other element the municipality considers appropriate.

217 Section 3. Section 15A-3-304 is amended to read:

218 **15A-3-304. Amendments to Chapter 4 of IPC.**

219 (1) In IPC, Table 403.1, the following changes are made:

220 (a) In row number "3", for in the field for "OTHER", a new footnote h is added.

221 (b) In row number "5", for "Adult day care and child day care" occupancy, in the field
222 for "OTHER", a new footnote h is added.

223 (c) Footnote f is deleted and replaced with the following: "FOOTNOTE f: The required
224 number and type of plumbing fixtures for outdoor public swimming pools shall be in
225 accordance with Utah Administrative Code, R392-302 Design, Construction and Operation of
226 Public Pools."

227 (d) A new footnote g is added as follows: "FOOTNOTE: g: When provided, in public
228 toilet facilities, there shall be an equal number of diaper changing facilities in male toilet rooms
229 and female toilet rooms. Diaper changing facilities shall meet the requirements of ASTM
230 F2285-04 (2010) Standard Consumer Safety Performance Specifications for Diaper Changing
231 Tables for Commercial Use."

232 (e) A new footnote h is added to the table as follows: "FOOTNOTE h: Non-residential
233 child care facilities shall comply with the additional sink requirements of Utah Administrative
234 Code, R381-60-9, Hourly Child Care Centers, R381-70-9, Out of School Time Child Care
235 Programs, and R381-100-9, Child Care Centers."

236 (2) In IPC, Section 403.1.1, the following changes are made:

237 (a) the word "Exception" is deleted and replaced with the words "Exceptions: 1."; and

238 (b) after exception 1, new exceptions 2 and 3 are added as follows:

239 "2. Where multiple-user facilities are designed to serve all genders, the minimum fixture count
240 shall be calculated 100 percent, based on total occupant load. In such multiple-user user
241 facilities, each fixture type shall be in accordance with ICC A117.1 and each urinal that is
242 provided shall be located in a stall.

243 3. Distribution of the sexes is not required where single-user water closets and bathing room
244 fixtures are provided in accordance with Section 403.1.2."

245 (3) In IPC, Section 403.1.2, the following changes are made:

246 (a) the word "facility" or "facilities" is deleted in:

247 (i) the title;

248 (ii) the first sentence; and

249 (iii) the second sentence;

250 (b) the words "as being available" are added in the second sentence after the words
251 "shall be identified";

252 (c) the word "either" in the second sentence is deleted and replaced by the words "all
253 persons regardless of their"; and

254 (d) a third sentence is added as follows: "The total number of fixtures shall be
255 permitted to be based on the required number of separate facilities or based on the aggregate of
256 any combination of single-user or separate facilities."

257 (4) In IPC, Section 403.2, after exception 4, new exceptions 5 and 6 are added as
258 follows:

259 "5. Separate facilities shall not be required to be designated by sex where single-user toilets
260 rooms are provided in accordance with Section 403.1.2.

261 6. Separate facilities shall not be required where rooms having both water closets and lavatory
262 fixtures are designed for use by both sexes and privacy for water closets are installed in
263 accordance with Section 405.3.4. Urinals shall be located in an area visually separated from the
264 remainder of the facility or each urinal that is provided shall be located in a stall."

265 ~~[(2)]~~ (5) A new IPC, Section 406.3, is added as follows: "406.3 Automatic clothes
266 washer safe pans. Safe pans, when installed under automatic clothes washers, shall be installed
267 in accordance with Section 504.7."

268 ~~[(3)]~~ (6) A new IPC, Section 413.5, is added as follows: "413.5 Public toilet rooms.
269 All public toilet rooms shall be equipped with at least one floor drain."

270 ~~[(4)]~~ (7) A new IPC, Section 412.6, is added as follows: "Prohibition of motor vehicle
271 waste disposal wells. New and existing motor vehicle waste disposal wells are prohibited. A
272 motor vehicle waste disposal well associated with a single family residence is not subject to
273 this prohibition."

274 [~~(5)~~] (8) IPC, Section 423.3, is deleted.

275 Section 4. Section 17-27a-403 is amended to read:

276 **17-27a-403. Plan preparation.**

277 (1) (a) The planning commission shall provide notice, as provided in Section
278 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
279 plan or a comprehensive general plan amendment when the planning commission initiates the
280 process of preparing its recommendation.

281 (b) The planning commission shall make and recommend to the legislative body a
282 proposed general plan for:

283 (i) the unincorporated area within the county; or

284 (ii) if the planning commission is a planning commission for a mountainous planning
285 district, the mountainous planning district.

286 (c) (i) The plan may include planning for incorporated areas if, in the planning
287 commission's judgment, they are related to the planning of the unincorporated territory or of
288 the county as a whole.

289 (ii) Elements of the county plan that address incorporated areas are not an official plan
290 or part of a municipal plan for any municipality, unless it is recommended by the municipal
291 planning commission and adopted by the governing body of the municipality.

292 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous
293 planning district, the plan for the mountainous planning district controls and precedes a
294 municipal plan, if any, to which the property would be subject.

295 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
296 and descriptive and explanatory matter, shall include the planning commission's
297 recommendations for the following plan elements:

298 (i) a land use element that:

299 (A) designates the long-term goals and the proposed extent, general distribution, and
300 location of land for housing for residents of various income levels, business, industry,
301 agriculture, recreation, education, public buildings and grounds, open space, and other
302 categories of public and private uses of land as appropriate; and

303 (B) may include a statement of the projections for and standards of population density
304 and building intensity recommended for the various land use categories covered by the plan;

- 305 (ii) a transportation and traffic circulation element that:
- 306 (A) provides the general location and extent of existing and proposed freeways, arterial
- 307 and collector streets, public transit, active transportation facilities, and other modes of
- 308 transportation that the planning commission considers appropriate;
- 309 (B) addresses the county's plan for residential and commercial development around
- 310 major transit investment corridors to maintain and improve the connections between housing,
- 311 employment, education, recreation, and commerce; and
- 312 (C) correlates with the population projections, the employment projections, and the
- 313 proposed land use element of the general plan;
- 314 (iii) a plan for the development of additional moderate income housing within the
- 315 unincorporated area of the county or the mountainous planning district, and a plan to provide a
- 316 realistic opportunity to meet the need for additional moderate income housing; and
- 317 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
- 318 and policies required by Subsection [17-27a-401\(3\)](#).
- 319 (b) In drafting the moderate income housing element, the planning commission:
- 320 (i) shall consider the Legislature's determination that counties should facilitate a
- 321 reasonable opportunity for a variety of housing, including moderate income housing:
- 322 (A) to meet the needs of people of various income levels living, working, or desiring to
- 323 live or work in the community; and
- 324 (B) to allow people with various incomes to benefit from and fully participate in all
- 325 aspects of neighborhood and community life; and
- 326 (ii) shall include an analysis of how the county will provide a realistic opportunity for
- 327 the development of moderate income housing within the planning horizon, which may include
- 328 a recommendation to implement three or more of the following strategies:
- 329 (A) rezone for densities necessary to assure the production of moderate income
- 330 housing;
- 331 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
- 332 construction of moderate income housing;
- 333 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
- 334 income housing;
- 335 (D) consider county general fund subsidies or other sources of revenue to waive

- 336 construction related fees that are otherwise generally imposed by the county;
- 337 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
338 residential zones;
- 339 (F) allow for higher density or moderate income residential development in
340 commercial and mixed-use zones, commercial centers, or employment centers;
- 341 (G) encourage higher density or moderate income residential development near major
342 transit investment corridors;
- 343 (H) eliminate or reduce parking requirements for residential development where a
344 resident is less likely to rely on the resident's own vehicle, such as residential development near
345 major transit investment corridors or senior living facilities;
- 346 (I) allow for single room occupancy developments;
- 347 (J) implement zoning incentives for low to moderate income units in new
348 developments;
- 349 (K) utilize strategies that preserve subsidized low to moderate income units on a
350 long-term basis;
- 351 (L) preserve existing moderate income housing;
- 352 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
353 income housing;
- 354 (N) participate in a community land trust program for low or moderate income
355 housing;
- 356 (O) implement a mortgage assistance program for employees of the county or of an
357 employer that provides contracted services for the county;
- 358 (P) apply for or partner with an entity that applies for state or federal funds or tax
359 incentives to promote the construction of moderate income housing;
- 360 (Q) apply for or partner with an entity that applies for programs offered by the Utah
361 Housing Corporation within that agency's funding capacity;
- 362 (R) apply for or partner with an entity that applies for affordable housing programs
363 administered by the Department of Workforce Services;
- 364 (S) apply for or partner with an entity that applies for services provided by a public
365 housing authority to preserve and create moderate income housing;
- 366 (T) apply for or partner with an entity that applies for programs administered by a

367 metropolitan planning organization or other transportation agency that provides technical
368 planning assistance;

369 (U) utilize a moderate income housing set aside from a community reinvestment
370 agency, redevelopment agency, or community development and renewal agency; [~~and~~]

371 (V) reduce residential building design elements as defined in Section 10-9a-403; and

372 [~~(V)~~] (W) consider any other program or strategy implemented by the county to address
373 the housing needs of residents of the county who earn less than 80% of the area median
374 income.

375 (c) In drafting the land use element, the planning commission shall:

376 (i) identify and consider each agriculture protection area within the unincorporated area
377 of the county or mountainous planning district; and

378 (ii) avoid proposing a use of land within an agriculture protection area that is
379 inconsistent with or detrimental to the use of the land for agriculture.

380 (d) In drafting the transportation and traffic circulation element, the planning
381 commission shall:

382 (i) consider the regional transportation plan developed by its region's metropolitan
383 planning organization, if the relevant areas of the county are within the boundaries of a
384 metropolitan planning organization; or

385 (ii) consider the long-range transportation plan developed by the Department of
386 Transportation, if the relevant areas of the county are not within the boundaries of a
387 metropolitan planning organization.

388 (3) The proposed general plan may include:

389 (a) an environmental element that addresses:

390 (i) to the extent not covered by the county's resource management plan, the protection,
391 conservation, development, and use of natural resources, including the quality of air, forests,
392 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
393 and

394 (ii) the reclamation of land, flood control, prevention and control of the pollution of
395 streams and other waters, regulation of the use of land on hillsides, stream channels and other
396 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
397 protection of watersheds and wetlands, and the mapping of known geologic hazards;

398 (b) a public services and facilities element showing general plans for sewage, water,
399 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
400 police and fire protection, and other public services;

401 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
402 programs for:

403 (i) historic preservation;

404 (ii) the diminution or elimination of a development impediment as defined in Section
405 [17C-1-102](#); and

406 (iii) redevelopment of land, including housing sites, business and industrial sites, and
407 public building sites;

408 (d) an economic element composed of appropriate studies and forecasts, as well as an
409 economic development plan, which may include review of existing and projected county
410 revenue and expenditures, revenue sources, identification of basic and secondary industry,
411 primary and secondary market areas, employment, and retail sales activity;

412 (e) recommendations for implementing all or any portion of the general plan, including
413 the use of land use ordinances, capital improvement plans, community development and
414 promotion, and any other appropriate action;

415 (f) provisions addressing any of the matters listed in Subsection [17-27a-401\(2\)](#) or
416 [\(3\)\(a\)\(i\)](#); and

417 (g) any other element the county considers appropriate.

418 Section 5. Section **63I-2-210** is amended to read:

419 **63I-2-210. Repeal dates -- Title 10.**

420 (1) Section [10-6-160.1](#) is repealed January 1, 2021.

421 [~~1~~] (2) Subsection [10-9a-304\(2\)](#), regarding municipal authority over property located
422 within a mountainous planning district, is repealed June 1, 2021.

423 [~~2~~] (3) When repealing Subsection [10-9a-304\(2\)](#), the Office of Legislative Research
424 and General Counsel shall, in addition to the office's authority under Subsection [36-12-12\(3\)](#),
425 make necessary changes to subsection numbering and cross references.