

**ON PREMISE SIGNAGE AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike K. McKell**

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

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**LONG TITLE**

**General Description:**

This bill amends definitions related to an on-premise sign and a unified commercial development.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of "public assembly facility" by reducing the defined seating capacity;
- ▶ amends certain location restrictions for an advertising structure owned by a public assembly facility;
- ▶ modifies the definition of "unified commercial development"; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**72-7-502**, as last amended by Laws of Utah 2016, Chapter 299

**72-7-504.5**, as last amended by Laws of Utah 2011, Chapter 346

**72-7-504.6**, as enacted by Laws of Utah 2016, Chapter 299



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

Section 1. Section **72-7-502** is amended to read:

**72-7-502. Definitions.**

As used in this part:

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

(2) "Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following are commercial or industrial activities:

(a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;

(b) transient or temporary activities;

(c) activities not visible from the main-traveled way;

(d) activities conducted in a building principally used as a residence; and

(e) railroad tracks and minor sidings.

(3) (a) "Commercial or industrial zone" means only:

(i) those areas within the boundaries of cities or towns that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;

(ii) those areas within the boundaries of urbanized counties that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;

(iii) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns that:

(A) are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under comprehensive local zoning ordinances or regulations or enabling state legislation; and

(B) are within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way; or

59 (iv) those areas outside the boundaries of urbanized counties and outside the  
60 boundaries of cities and towns and not within 8420 feet of an interstate highway exit, off-ramp,  
61 or turnoff as measured from the nearest point of the beginning or ending of the pavement  
62 widening at the exit from or entrance to the main-traveled way that are reserved for business,  
63 commerce, or trade under enabling state legislation or comprehensive local zoning ordinances  
64 or regulations, and are actually used for commercial or industrial purposes.

65 (b) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of  
66 allowing outdoor advertising.

67 (4) "Comprehensive local zoning ordinances or regulations" means a municipality's  
68 comprehensive plan required by Section 10-9a-401, the municipal zoning plan authorized by  
69 Section 10-9a-501, and the county master plan authorized by Sections 17-27a-401 and  
70 17-27a-501. Property that is rezoned by comprehensive local zoning ordinances or regulations  
71 is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor  
72 advertising.

73 (5) "Contiguous" means that a portion of one parcel of land is situated immediately  
74 adjacent to, and shares a common boundary with, a portion of another parcel of land.

75 (6) "Controlled route" means any route where outdoor advertising control is mandated  
76 by state or federal law, including under this part and under the Utah-Federal Agreements  
77 described in Section 72-7-501.

78 (7) "Directional signs" means signs containing information about public places owned  
79 or operated by federal, state, or local governments or their agencies, publicly or privately  
80 owned natural phenomena, historic, cultural, scientific, educational, or religious sites, and areas  
81 of natural scenic beauty or naturally suited for outdoor recreation, that the department considers  
82 to be in the interest of the traveling public.

83 (8) (a) "Erect" means to construct, build, raise, assemble, place, affix, attach, create,  
84 paint, draw, or in any other way bring into being.

85 (b) "Erect" does not include any activities defined in Subsection (8)(a) if they are  
86 performed incident to the change of an advertising message or customary maintenance of a  
87 sign.

88 (9) "Highway service zone" means a highway service area where the primary use of the  
89 land is used or reserved for commercial and roadside services other than outdoor advertising to

90 serve the traveling public.

91 (10) "Information center" means an area or site established and maintained at rest areas  
92 for the purpose of informing the public of:

93 (a) places of interest within the state; or

94 (b) any other information that the department considers desirable.

95 (11) "Interchange or intersection" means those areas and their approaches where traffic  
96 is channeled off or onto an interstate route, excluding the deceleration lanes, acceleration lanes,  
97 or feeder systems, from or to another federal, state, county, city, or other route.

98 (12) "Maintain" means to allow to exist, subject to the provisions of this chapter.

99 (13) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing  
100 sign structure safe and in a state suitable for use, including signs destroyed by vandalism or an  
101 act of God.

102 (14) "Main-traveled way" means the through traffic lanes, including auxiliary lanes,  
103 acceleration lanes, deceleration lanes, and feeder systems, exclusive of frontage roads and  
104 ramps. For a divided highway, there is a separate main-traveled way for the traffic in each  
105 direction.

106 (15) "Major sponsor" means a sponsor of a public assembly facility or of a team or  
107 event held at the facility where the amount paid by the sponsor to the owner of the facility, to  
108 the team, or for the event is at least \$100,000 per year.

109 (16) "Official signs and notices" means signs and notices erected and maintained by  
110 public agencies within their territorial or zoning jurisdictions for the purpose of carrying out  
111 official duties or responsibilities in accordance with direction or authorization contained in  
112 federal, state, or local law.

113 (17) "Off-premise sign" means a sign located in an area zoned industrial, commercial,  
114 or H-1 and in an area determined by the department to be unzoned industrial or commercial  
115 that advertises an activity, service, event, person, or product located on premises other than the  
116 premises on which the sign is located.

117 (18) "On-premise sign" means a sign used to advertise the sale or lease of, or activities  
118 conducted on, the property on which the sign is located.

119 (19) "Outdoor advertising" means any outdoor advertising structure or outdoor  
120 structure used in combination with an outdoor advertising sign or outdoor sign within the

121 outdoor advertising corridor which is visible from a place on the main-traveled way of a  
122 controlled route.

123 (20) "Outdoor advertising corridor" means a strip of land 660 feet wide, measured  
124 perpendicular from the edge of a controlled highway right-of-way.

125 (21) "Outdoor advertising structure" or "outdoor structure" means any sign structure,  
126 including any necessary devices, supports, appurtenances, and lighting that is part of or  
127 supports an outdoor sign.

128 (22) "Point of widening" means the point of the gore or the point where the intersecting  
129 lane begins to parallel the other lanes of traffic, but the point of widening may never be greater  
130 than 2,640 feet from the center line of the intersecting highway of the interchange or  
131 intersection at grade.

132 (23) "Public assembly facility" means a convention facility as defined under Section  
133 [59-12-602](#) that:

134 (a) includes all contiguous interests in land, improvements, and utilities acquired,  
135 constructed, and used in connection with the operation of the public assembly facility, whether  
136 the interests are owned or held in fee title or a lease or easement for a term of at least 40 years,  
137 and regardless of whether the interests are owned or operated by separate governmental  
138 authorities or districts;

139 (b) is wholly or partially funded by public money;

140 (c) requires a person attending an event at the public assembly facility to purchase a  
141 ticket or that otherwise charges for the use of the public assembly facility as part of its regular  
142 operation; and

143 (d) has a minimum and permanent seating capacity of at least [~~10,000~~] 5,000 people.

144 (24) "Public assembly facility sign" means a sign located on a public assembly facility  
145 that only advertises the public assembly facility, major sponsors, events, the sponsors of events  
146 held or teams playing at the facility, and products sold or services conducted at the facility.

147 (25) "Relocation" includes the removal of a sign from one situs together with the  
148 erection of a new sign upon another situs in a commercial or industrial zoned area as a  
149 substitute.

150 (26) "Relocation and replacement" means allowing all outdoor advertising signs or  
151 permits the right to maintain outdoor advertising along the interstate, federal aid primary

152 highway existing as of June 1, 1991, and national highway system highways to be maintained  
153 in a commercial or industrial zoned area to accommodate the displacement, remodeling, or  
154 widening of the highway systems.

155 (27) "Remodel" means the upgrading, changing, alteration, refurbishment,  
156 modification, or complete substitution of a new outdoor advertising structure for one permitted  
157 pursuant to this part and that is located in a commercial or industrial area.

158 (28) "Rest area" means an area or site established and maintained within or adjacent to  
159 the right-of-way by or under public supervision or control for the convenience of the traveling  
160 public.

161 (29) "Scenic or natural area" means an area determined by the department to have  
162 aesthetic value.

163 (30) "Traveled way" means that portion of the roadway used for the movement of  
164 vehicles, exclusive of shoulders and auxiliary lanes.

165 (31) (a) "Unzoned commercial or industrial area" means:

166 (i) those areas not zoned by state law or local law, regulation, or ordinance that are  
167 occupied by one or more industrial or commercial activities other than outdoor advertising  
168 signs;

169 (ii) the lands along the highway for a distance of 600 feet immediately adjacent to  
170 those activities; and

171 (iii) lands covering the same dimensions that are directly opposite those activities on  
172 the other side of the highway, if the department determines that those lands on the opposite side  
173 of the highway do not have scenic or aesthetic value.

174 (b) In measuring the scope of the unzoned commercial or industrial area, all  
175 measurements shall be made from the outer edge of the regularly used buildings, parking lots,  
176 storage, or processing areas of the activities and shall be along or parallel to the edge of  
177 pavement of the highway.

178 (c) All signs located within an unzoned commercial or industrial area become  
179 nonconforming if the commercial or industrial activity used in defining the area ceases for a  
180 continuous period of 12 months.

181 (32) "Urbanized county" means a county with a population of at least 125,000 persons.

182 (33) "Visibility area" means the area on a street or highway that is:

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

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

187 (i) perpendicular to the street or highway; and

188 (ii) 500 feet from the base of the billboard.

189 Section 2. Section **72-7-504.5** is amended to read:

190 **72-7-504.5. Public assembly facility signs -- Restrictions.**

191 (1) Signs on the premises of a public assembly facility that do not bring rental income  
192 to the owner of the public assembly facility may advertise:

193 (a) the name of the facility, including identifiable venues or stores within the facility;  
194 and

195 (b) principal or accessory products or services offered on the property and activities  
196 conducted on the property as permitted by 23 C.F.R. Section 750.709, including:

197 (i) events being conducted in the facility or upon the premises, including the sponsor of  
198 the current event; and

199 (ii) products or services sold at the facility and activities conducted on the property that  
200 produce significant income to the operation of the facility.

201 (2) An advertising structure described in Subsection (1):

202 (a) shall be located on a public assembly facility or on a parcel contiguous to the public  
203 assembly facility;

204 (b) shall be under the same ownership as the public assembly facility; and

205 (c) may not be separated from the public assembly facility by a [~~public road~~] controlled  
206 route.

207 (3) An advertising structure described in Subsection (1) may only promote a maximum  
208 of seven major sponsors and the sponsor of a current event at any one time.

209 (4) An advertising structure described in Subsection (1) may not be located on narrow  
210 land held by easement or anything other than a fee interest unless it is a part of a public  
211 assembly facility.

212 (5) A public assembly facility is exempt from the requirement under this part to have a  
213 state outdoor advertising permit.

214 Section 3. Section **72-7-504.6** is amended to read:

215 **72-7-504.6. Unified commercial development.**

216 (1) As used in this section:

217 (a) (i) "Contiguous" includes parcels that are otherwise contiguous, as defined in  
218 Section **72-7-502**, that are considered to be contiguous notwithstanding a survey error or  
219 discrepancy in a legal boundary description or the presence of any of the following intervening  
220 features, including land reasonably related to those features:

221 (A) a road, other than a controlled route;

222 (B) a railway right-of-way of a public transit district that provides, or may provide,  
223 access to the development;

224 (C) a utility line; or

225 (D) land that is undevelopable.

226 (ii) "Contiguous" does not include a parcel of land that is only physically connected to  
227 another parcel of land by a long, narrow strip.

228 (b) "Property," for purposes of the definition of "on-premise sign," includes all  
229 property within a unified commercial development.

230 (c) "Unified commercial development" means a development that:

231 (i) is used primarily for commercial or industrial activities;

232 (ii) is developed by a single developer, including successors, under a common  
233 development plan;

234 (iii) may include phased development;

235 (iv) consists solely of land that is contiguous;

236 (v) holds itself out to the public as a common development through signs or other  
237 marketing efforts;

238 (vi) includes one or more [~~retail outlet stores~~] commercial or industrial buildings;

239 [~~(vii) includes a railway right-of-way of a public transit district that provides, or may  
240 provide, access to the development;~~]

241 [~~(viii)~~] (vii) is located [~~wholly or partially~~] within a [~~planned community~~] commercial,  
242 industrial, or similar zone;

243 [~~(ix) includes a hotel;~~]

244 [~~(x) is located in a county other than a county of the first class;~~]



245            [~~(xi)~~] (viii) received planning approval from the local land use authority [~~for some or~~  
246 ~~all of the development prior to December 31, 2012; and~~] to establish the contiguous boundaries  
247 of the unified commercial development as either originally planned or as amended.

248            [~~(xii) is located in a city that, at the time of approval under Subsection (1)(c)(xi);~~  
249 ~~included a resort community zone.~~]

250            (2) An on-premise sign within a unified commercial development may advertise:

251            (a) the sale or lease of land within the unified commercial development where the sign  
252 is located;

253            (b) activities conducted at venues or stores within the unified commercial development  
254 where the sign is located;

255            (c) the name of identifiable venues or stores within the unified commercial  
256 development; and

257            (d) products for sale or services provided at venues or stores within the unified  
258 commercial development.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**