

Effective 5/9/2017

72-7-504.6 Unified commercial development.

(1) As used in this section:

- (a) "Common areas" means sidewalks, roadways, landscaping, parking, storage, and service areas that are identified on the approved map provided to the department describing the unified commercial development as required by this section.
- (b)
 - (i) "Contiguous" includes parcels that are otherwise contiguous, as defined in Section 72-7-502, that are considered to be contiguous notwithstanding a survey error or discrepancy in a legal boundary description or the presence of any of the following intervening features, including land reasonably related to those features:
 - (A) a road, other than a controlled route, that provides access to the development;
 - (B) a railway right-of-way; or
 - (C) land that is undevelopable.
 - (ii) "Contiguous" does not include a parcel of land that is only physically connected to another parcel of land by a long, narrow strip.
- (c) "Permit waiver" means written approval by the department, issued to the owner of a unified commercial development, to maintain a unified commercial development sign within the outdoor corridor that is within the boundaries of a unified commercial development per this section.
- (d)
 - (i) "Property," for purposes of the definition of " unified commercial development sign," includes all property within a unified commercial development upon which all owners in the development have irrevocable shared ownership and use rights and irrevocable shared obligations to the common areas, and specifically excludes any parcels of land within a unified commercial development that allow residential use.
 - (ii) "Property" does not include development that involves merely reciprocal easements or use agreements among individual properties.
 - (iii) If the owners in an approved unified commercial development subdivide the unified commercial development into individual parcels that do not meet the criteria in this Subsection (1)(d), then the approved unified commercial development sign permit waiver shall be denied or revoked.
- (e) "Unified commercial development" means a development that:
 - (i) is used primarily for commercial or industrial activities;
 - (ii) is developed by a single developer, including successors, under a common development plan;
 - (iii) may include phased development;
 - (iv) consists solely of land that is contiguous;
 - (v) holds itself out to the public as a common development through signs and other marketing efforts; and
 - (vi) received planning approval from the local land use authority and is recorded in the county in which the development was approved.
- (f) "Unified commercial development sign" means a sign:
 - (i) erected within an approved unified commercial development;
 - (ii) erected within the outdoor advertising corridor; and
 - (iii) that advertises only the brands, logos, or trade names of businesses, products, services, and events that are available to the public at facilities on parcels within the boundaries of the unified commercial development.

- (2)
 - (a) The department shall issue a revocable permit waiver to the owner of a unified commercial development, approved by the local land use authority, for the erection and maintenance of a unified commercial development sign within the outdoor advertising corridor after receiving the development map that:
 - (i) is approved by the local land use authority and recorded by the county; and
 - (ii) shows:
 - (A) the unified commercial development sign location;
 - (B) the boundaries of the unified commercial development; and
 - (C) included parcels, owners, and businesses within the development that would qualify to advertise on the unified commercial development sign in compliance with this section.
 - (b) The entity holding a permit waiver under this section shall provide an updated list of all businesses located within the unified commercial development every 12 months from the date of issue of the unified commercial development permit waiver.
 - (c) In the event that a parcel within the boundaries of the approved unified commercial development allows a residential use, is removed from the development, or does not include irrevocable ownership and use rights and obligations, that parcel shall be excluded from the unified commercial development for purposes of determining a legal site for the sign, and any business, product, service, or event occurring on that parcel shall be excluded from display upon the unified commercial development sign.
- (3) A unified commercial development sign within a unified commercial development shall prominently display the name of the development and may also advertise:
 - (a) the sale or lease of land within the unified commercial development where the sign is located;
 - (b) the name of identifiable facilities or stores within the unified commercial development; and
 - (c) products for sale or services provided to the public at licensed businesses within the unified commercial development.
- (4)
 - (a) A unified commercial development sign may not:
 - (i) advertise brands, logos, or trade names of businesses, products, services, events, or activities that are not available to the public at facilities or stores within the unified commercial development or are only incidental to any business within the unified commercial development;
 - (ii) advertise products, services, brands, logos, or trade names of any business more than 90 days before the opening day of business to the public within the unified commercial development of the facilities or stores of the named advertiser; or
 - (iii) exceed the measurable limits described in Subsection (4)(b).
 - (b) A unified commercial development sign shall be:
 - (i) 750 feet, measured along the same side of an interstate right-of-way, from any other unified commercial development sign within the same unified commercial development; and
 - (ii) 475 feet, measured along the same side of the right-of-way of any noninterstate controlled route, from any other unified commercial development sign within the same unified commercial development.
- (5) A unified commercial development sign that is not maintained in compliance with this section shall:
 - (a) have the sign owner's permit waiver revoked by the department;
 - (b) be considered as unlawful outdoor advertising; and
 - (c) be subject to penalties described in Section 72-7-508 and Subsection 72-7-510(3)(c).

(6) Notwithstanding any other provision in this part to the contrary, any sign or structure lawfully existing under Laws of Utah 2016, Chapter 299, on February 1, 2017, may continue to be operated, maintained, rebuilt, or replaced in a manner consistent with such chapter.

Amended by Chapter 260, 2017 General Session