

OUTDOOR ADVERTISING AMENDMENTS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael G. Waddoups

This act modifies the Transportation Code to amend provisions relating to the location, relocation, and height adjustments of outdoor advertising signs on certain state highways.

The act provides an immediate effective date.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

72-7-505, as last amended by Chapter 21, Laws of Utah 1999

72-7-510.5, as enacted by Chapter 342, Laws of Utah 2000

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

Section 1. Section **72-7-505** is amended to read:

72-7-505. Sign size -- Sign spacing -- Location in outdoor advertising corridor --

Limit on implementation.

(1) (a) Except as provided in Subsection (2), a sign face within the state may not exceed the following limits:

- (i) maximum area - 1,000 square feet;
- (ii) maximum length - 60 feet; and
- (iii) maximum height - 25 feet.

(b) No more than two facings visible and readable from the same direction on the main-traveled way may be erected on any one sign structure. Whenever two facings are so positioned, neither shall exceed the maximum allowed square footage.

(c) Two or more advertising messages on a sign face and double-faced, back-to-back, stacked, side-by-side, and V-type signs are permitted as a single sign or structure if both faces enjoy common ownership.

(d) A changeable message sign is permitted if the interval between message changes is not more frequent than at least eight seconds and the actual message rotation process is accomplished in three seconds or less.

(2) (a) An outdoor sign structure located inside the unincorporated area of a nonurbanized county may have the maximum height allowed by the county for outdoor advertising structures in the commercial or industrial zone in which the sign is located. If no maximum height is provided for the location, the maximum sign height may be 65 feet above the ground or 25 feet above the grade of the main traveled way, whichever is greater.

(b) An outdoor sign structure located inside an incorporated municipality or urbanized county may have the maximum height allowed by the municipality or urbanized county for outdoor advertising structures in the commercial or industrial zone in which the sign is located. If no maximum height is provided for the location, the maximum sign height may be 65 feet above the ground or 25 feet above the grade of the main traveled way, whichever is greater.

(3) Except as provided in Section 72-7-509:

(a) Any sign allowed to be erected by reason of the exceptions set forth in Subsection 72-7-504(1) or in H-1 zones may not be closer than 500 feet to an existing off-premise sign adjacent to an interstate highway or limited access primary highway, except that signs may be erected closer than 500 feet if the signs on the same side of the interstate highway or limited access primary highway are not simultaneously visible.

(b) Signs may not be located within 500 feet of any of the following which are adjacent to the highway, unless the signs are in an incorporated area:

- (i) public parks;
- (ii) public forests;
- (iii) public playgrounds;
- (iv) areas designated as scenic areas by the department or other state agency having and exercising this authority; or
- (v) cemeteries.

(c) (i) (A) Except under Subsection (3)(c)(ii), signs may not be located on an interstate highway or limited access highway on the primary system within 500 feet of an interchange, or intersection at grade, or rest area measured along the interstate highway or freeway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the

main-traveled way.

(B) Interchange and intersection distance limitations shall be measured separately for each direction of travel. A measurement for each direction of travel may not control or affect any other direction of travel.

(ii) A sign may be placed closer than 500 feet from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way, if:

~~[(A) the sign is at least 500 feet but not more than 2,640 feet from the nearest point of the intersecting highway of the interchange, or]~~

~~[(B)]~~ (A) the sign is replacing an existing outdoor advertising use or structure which is being removed or displaced to accommodate the widening, construction, or reconstruction of an interstate, federal aid primary highway existing as of June 1, 1991, or national highway system highway~~[-];~~ and

(B) it is located in a commercial or industrial zoned area inside an urbanized county or an incorporated municipality.

(d) The location of signs situated on nonlimited access primary highways in commercial, industrial, or H-1 zoned areas between streets, roads, or highways entering the primary highway shall not exceed the following minimum spacing criteria:

(i) Where the distance between centerlines of intersecting streets, roads, or highways is less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting streets or highways.

(ii) Where the distance between centerlines of intersecting streets, roads, or highways is 1,000 feet or more, minimum spacing between sign structures shall be 300 feet.

(e) All outdoor advertising shall be erected and maintained within the outdoor advertising corridor.

(4) Subsection (3)(c)(ii) may not be implemented until:

(a) the Utah-Federal Agreement for carrying out national policy relative to control of outdoor advertising in areas adjacent to the national system of interstate and defense highways and the federal-aid primary system is modified to allow the sign placement specified in Subsection (3)(c)(ii); and

(b) the modified agreement under Subsection (4)(a) is signed on behalf of both the state and the United States Secretary of Transportation.

Section 2. Section **72-7-510.5** is amended to read:

72-7-510.5. Height adjustments for outdoor advertising signs.

(1) If the view and readability of an outdoor advertising sign including a nonconforming sign as defined in Section 72-7-510 is obstructed due to a noise abatement or safety measure, grade change, construction, aesthetic improvement made by an agency of this state, directional sign, or widening along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, the owner of the sign may:

(a) adjust the height of the sign[-]; or

(b) relocate the sign to a point within 500 feet of its prior location, if the sign complies with the spacing requirements under Section 72-7-505 and is in a commercial or industrial zone.

(2) A height adjusted sign under this section does not constitute a substantial change to the sign.

(3) The county or municipality in which the [~~nonconforming~~] outdoor advertising sign is located shall, if necessary, provide for the height adjustment or relocation by ordinance for a special exception to its zoning ordinance.

(4) (a) The height adjusted sign may be erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway and shall be the same size as the previous sign.

~~[(b) The height adjusted sign under this section may not exceed the height permitted under this part.]~~

(b) The provisions of Subsection (4)(a) are an exception to the height requirements under Section 72-7-505.

Section 3. **Effective date.**

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto

override.