

Senator Scott D. Sandall proposes the following substitute bill:

OUTDOOR ADVERTISING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Paul Ray

LONG TITLE

General Description:

This bill amends provisions related to billboard and other signage and electronic or mechanical changeable message signs.

Highlighted Provisions:

This bill:

- ▶ defines terms related to electronic and mechanical changeable message signs;
- ▶ allows the upgrade of certain existing signs to electronic or mechanical changeable message signs in certain circumstances;
- ▶ allows a municipality for county to prohibit the upgrade to electronic or mechanical changeable message signs along certain types of highways;
- ▶ allows a municipality or county to impose a curfew or other restrictions on the operation of certain signs;
- ▶ amends provisions related to brightness of electronic changeable message signs; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



26 **Utah Code Sections Affected:**

27 AMENDS:

- 28 **10-9a-103**, as last amended by Laws of Utah 2020, Chapter 434
- 29 **10-9a-511**, as last amended by Laws of Utah 2018, Chapter 239
- 30 **10-9a-513**, as last amended by Laws of Utah 2018, Chapter 239
- 31 **10-9a-529**, as enacted by Laws of Utah 2020, Chapter 434
- 32 **17-27a-103**, as last amended by Laws of Utah 2020, Chapter 434
- 33 **17-27a-510**, as last amended by Laws of Utah 2018, Chapter 239
- 34 **17-27a-512**, as last amended by Laws of Utah 2018, Chapter 239
- 35 **63I-2-217**, as last amended by Laws of Utah 2020, Chapters 47, 114, and 434
- 36 **72-7-505**, as last amended by Laws of Utah 2015, Chapter 402

37

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

39 Section 1. Section **10-9a-103** is amended to read:

40 **10-9a-103. Definitions.**

41 As used in this chapter:

42 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
43 detached from a primary single-family dwelling and contained on one lot.

44 (2) "Adversely affected party" means a person other than a land use applicant who:

45 (a) owns real property adjoining the property that is the subject of a land use
46 application or land use decision; or

47 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
48 general community as a result of the land use decision.

49 (3) "Affected entity" means a county, municipality, local district, special service
50 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
51 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
52 public utility, property owner, property owners association, or the Utah Department of
53 Transportation, if:

54 (a) the entity's services or facilities are likely to require expansion or significant
55 modification because of an intended use of land;

56 (b) the entity has filed with the municipality a copy of the entity's general or long-range

57 plan; or

58 (c) the entity has filed with the municipality a request for notice during the same
59 calendar year and before the municipality provides notice to an affected entity in compliance
60 with a requirement imposed under this chapter.

61 (4) "Affected owner" means the owner of real property that is:

62 (a) a single project;

63 (b) the subject of a land use approval that sponsors of a referendum timely challenged
64 in accordance with Subsection 20A-7-601(5)(a); and

65 (c) determined to be legally referable under Section 20A-7-602.8.

66 (5) "Appeal authority" means the person, board, commission, agency, or other body
67 designated by ordinance to decide an appeal of a decision of a land use application or a
68 variance.

69 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
70 residential property if the sign is designed or intended to direct attention to a business, product,
71 or service that is not sold, offered, or existing on the property where the sign is located.

72 (7) (a) "Charter school" means:

73 (i) an operating charter school;

74 (ii) a charter school applicant that has its application approved by a charter school
75 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

76 (iii) an entity that is working on behalf of a charter school or approved charter
77 applicant to develop or construct a charter school building.

78 (b) "Charter school" does not include a therapeutic school.

79 (8) "Conditional use" means a land use that, because of its unique characteristics or
80 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be
81 compatible in some areas or may be compatible only if certain conditions are required that
82 mitigate or eliminate the detrimental impacts.

83 (9) "Constitutional taking" means a governmental action that results in a taking of
84 private property so that compensation to the owner of the property is required by the:

85 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

86 (b) Utah Constitution Article I, Section 22.

87 (10) "Culinary water authority" means the department, agency, or public entity with

88 responsibility to review and approve the feasibility of the culinary water system and sources for
89 the subject property.

90 (11) "Development activity" means:

91 (a) any construction or expansion of a building, structure, or use that creates additional
92 demand and need for public facilities;

93 (b) any change in use of a building or structure that creates additional demand and need
94 for public facilities; or

95 (c) any change in the use of land that creates additional demand and need for public
96 facilities.

97 (12) (a) "Disability" means a physical or mental impairment that substantially limits
98 one or more of a person's major life activities, including a person having a record of such an
99 impairment or being regarded as having such an impairment.

100 (b) "Disability" does not include current illegal use of, or addiction to, any federally
101 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
102 802.

103 (13) "Educational facility":

104 (a) means:

105 (i) a school district's building at which pupils assemble to receive instruction in a
106 program for any combination of grades from preschool through grade 12, including
107 kindergarten and a program for children with disabilities;

108 (ii) a structure or facility:

109 (A) located on the same property as a building described in Subsection (13)(a)(i); and

110 (B) used in support of the use of that building; and

111 (iii) a building to provide office and related space to a school district's administrative
112 personnel; and

113 (b) does not include:

114 (i) land or a structure, including land or a structure for inventory storage, equipment
115 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

116 (A) not located on the same property as a building described in Subsection (13)(a)(i);

117 and

118 (B) used in support of the purposes of a building described in Subsection (13)(a)(i); or

119 (ii) a therapeutic school.

120 (14) "Electronic changeable message sign" or "electronic message sign" means a sign
121 on which the display is changed periodically by changing the internal illumination of the sign
122 face.

123 [~~14~~] (15) "Fire authority" means the department, agency, or public entity with
124 responsibility to review and approve the feasibility of fire protection and suppression services
125 for the subject property.

126 [~~15~~] (16) "Flood plain" means land that:

127 (a) is within the 100-year flood plain designated by the Federal Emergency
128 Management Agency; or

129 (b) has not been studied or designated by the Federal Emergency Management Agency
130 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
131 the land has characteristics that are similar to those of a 100-year flood plain designated by the
132 Federal Emergency Management Agency.

133 [~~16~~] (17) "General plan" means a document that a municipality adopts that sets forth
134 general guidelines for proposed future development of the land within the municipality.

135 [~~17~~] (18) "Geologic hazard" means:

136 (a) a surface fault rupture;

137 (b) shallow groundwater;

138 (c) liquefaction;

139 (d) a landslide;

140 (e) a debris flow;

141 (f) unstable soil;

142 (g) a rock fall; or

143 (h) any other geologic condition that presents a risk:

144 (i) to life;

145 (ii) of substantial loss of real property; or

146 (iii) of substantial damage to real property.

147 [~~18~~] (19) "Historic preservation authority" means a person, board, commission, or
148 other body designated by a legislative body to:

149 (a) recommend land use regulations to preserve local historic districts or areas; and

150 (b) administer local historic preservation land use regulations within a local historic
151 district or area.

152 [~~(19)~~] (20) "Hookup fee" means a fee for the installation and inspection of any pipe,
153 line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
154 other utility system.

155 [~~(20)~~] (21) "Identical plans" means building plans submitted to a municipality that:

156 (a) are clearly marked as "identical plans";

157 (b) are substantially identical to building plans that were previously submitted to and
158 reviewed and approved by the municipality; and

159 (c) describe a building that:

160 (i) is located on land zoned the same as the land on which the building described in the
161 previously approved plans is located;

162 (ii) is subject to the same geological and meteorological conditions and the same law
163 as the building described in the previously approved plans;

164 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
165 and approved by the municipality; and

166 (iv) does not require any additional engineering or analysis.

167 [~~(21)~~] (22) "Impact fee" means a payment of money imposed under Title 11, Chapter
168 36a, Impact Fees Act.

169 [~~(22)~~] (23) "Improvement completion assurance" means a surety bond, letter of credit,
170 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
171 by a municipality to guaranty the proper completion of landscaping or an infrastructure
172 improvement required as a condition precedent to:

173 (a) recording a subdivision plat; or

174 (b) development of a commercial, industrial, mixed use, or multifamily project.

175 [~~(23)~~] (24) "Improvement warranty" means an applicant's unconditional warranty that
176 the applicant's installed and accepted landscaping or infrastructure improvement:

177 (a) complies with the municipality's written standards for design, materials, and
178 workmanship; and

179 (b) will not fail in any material respect, as a result of poor workmanship or materials,
180 within the improvement warranty period.

181 [~~(24)~~] (25) "Improvement warranty period" means a period:

182 (a) no later than one year after a municipality's acceptance of required landscaping; or

183 (b) no later than one year after a municipality's acceptance of required infrastructure,

184 unless the municipality:

185 (i) determines for good cause that a one-year period would be inadequate to protect the
186 public health, safety, and welfare; and

187 (ii) has substantial evidence, on record:

188 (A) of prior poor performance by the applicant; or

189 (B) that the area upon which the infrastructure will be constructed contains suspect soil
190 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

191 [~~(25)~~] (26) "Infrastructure improvement" means permanent infrastructure that is
192 essential for the public health and safety or that:

193 (a) is required for human occupation; and

194 (b) an applicant must install:

195 (i) in accordance with published installation and inspection specifications for public
196 improvements; and

197 (ii) whether the improvement is public or private, as a condition of:

198 (A) recording a subdivision plat;

199 (B) obtaining a building permit; or

200 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
201 project.

202 [~~(26)~~] (27) "Internal lot restriction" means a platted note, platted demarcation, or
203 platted designation that:

204 (a) runs with the land; and

205 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
206 the plat; or

207 (ii) designates a development condition that is enclosed within the perimeter of a lot
208 described on the plat.

209 [~~(27)~~] (28) "Land use applicant" means a property owner, or the property owner's
210 designee, who submits a land use application regarding the property owner's land.

211 [~~(28)~~] (29) "Land use application":

212 (a) means an application that is:
213 (i) required by a municipality; and
214 (ii) submitted by a land use applicant to obtain a land use decision; and
215 (b) does not mean an application to enact, amend, or repeal a land use regulation.
216 ~~[(29)]~~ (30) "Land use authority" means:
217 (a) a person, board, commission, agency, or body, including the local legislative body,
218 designated by the local legislative body to act upon a land use application; or
219 (b) if the local legislative body has not designated a person, board, commission,
220 agency, or body, the local legislative body.
221 ~~[(30)]~~ (31) "Land use decision" means an administrative decision of a land use
222 authority or appeal authority regarding:
223 (a) a land use permit;
224 (b) a land use application; or
225 (c) the enforcement of a land use regulation, land use permit, or development
226 agreement.
227 ~~[(31)]~~ (32) "Land use permit" means a permit issued by a land use authority.
228 ~~[(32)]~~ (33) "Land use regulation":
229 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
230 specification, fee, or rule that governs the use or development of land;
231 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
232 and
233 (c) does not include:
234 (i) a land use decision of the legislative body acting as the land use authority, even if
235 the decision is expressed in a resolution or ordinance; or
236 (ii) a temporary revision to an engineering specification that does not materially:
237 (A) increase a land use applicant's cost of development compared to the existing
238 specification; or
239 (B) impact a land use applicant's use of land.
240 ~~[(33)]~~ (34) "Legislative body" means the municipal council.
241 ~~[(34)]~~ (35) "Local district" means an entity under Title 17B, Limited Purpose Local
242 Government Entities - Local Districts, and any other governmental or quasi-governmental

243 entity that is not a county, municipality, school district, or the state.

244 ~~[(35)]~~ (36) "Local historic district or area" means a geographically definable area that:

245 (a) contains any combination of buildings, structures, sites, objects, landscape features,
246 archeological sites, or works of art that contribute to the historic preservation goals of a

247 legislative body; and

248 (b) is subject to land use regulations to preserve the historic significance of the local
249 historic district or area.

250 ~~[(36)]~~ (37) "Lot" means a tract of land, regardless of any label, that is created by and
251 shown on a subdivision plat that has been recorded in the office of the county recorder.

252 ~~[(37)]~~ (38) (a) "Lot line adjustment" means a relocation of a lot line boundary between
253 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
254 accordance with Section 10-9a-608, with the consent of the owners of record.

255 (b) "Lot line adjustment" does not mean a new boundary line that:

256 (i) creates an additional lot; or

257 (ii) constitutes a subdivision.

258 ~~[(38)]~~ (39) "Major transit investment corridor" means public transit service that uses or
259 occupies:

260 (a) public transit rail right-of-way;

261 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

262 or

263 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
264 municipality or county and:

265 (i) a public transit district as defined in Section 17B-2a-802; or

266 (ii) an eligible political subdivision as defined in Section 59-12-2219.

267 (40) "Mechanical changeable message sign" or "mechanical message sign" means a
268 sign on which the display is changed periodically by a contained mechanism within the sign
269 structure that alters the physical components of the sign face and alter the sign.

270 ~~[(39)]~~ (41) "Moderate income housing" means housing occupied or reserved for
271 occupancy by households with a gross household income equal to or less than 80% of the
272 median gross income for households of the same size in the county in which the city is located.

273 ~~[(40)]~~ (42) "Municipal utility easement" means an easement that:

274 (a) is created or depicted on a plat recorded in a county recorder's office and is
275 described as a municipal utility easement granted for public use;

276 (b) is not a protected utility easement or a public utility easement as defined in Section
277 [54-3-27](#);

278 (c) the municipality or the municipality's affiliated governmental entity uses and
279 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
280 water, or communications or data lines;

281 (d) is used or occupied with the consent of the municipality in accordance with an
282 authorized franchise or other agreement;

283 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
284 franchise or other agreement; and

285 (ii) is located in a utility easement granted for public use; or

286 (f) is described in Section [10-9a-529](#) and is used by a specified public utility.

287 ~~[(41)]~~ (43) "Nominal fee" means a fee that reasonably reimburses a municipality only
288 for time spent and expenses incurred in:

289 (a) verifying that building plans are identical plans; and

290 (b) reviewing and approving those minor aspects of identical plans that differ from the
291 previously reviewed and approved building plans.

292 ~~[(42)]~~ (44) "Noncomplying structure" means a structure that:

293 (a) legally existed before its current land use designation; and

294 (b) because of one or more subsequent land use ordinance changes, does not conform
295 to the setback, height restrictions, or other regulations, excluding those regulations, which
296 govern the use of land.

297 ~~[(43)]~~ (45) "Nonconforming use" means a use of land that:

298 (a) legally existed before its current land use designation;

299 (b) has been maintained continuously since the time the land use ordinance governing
300 the land changed; and

301 (c) because of one or more subsequent land use ordinance changes, does not conform
302 to the regulations that now govern the use of the land.

303 ~~[(44)]~~ (46) "Official map" means a map drawn by municipal authorities and recorded in
304 a county recorder's office that:

305 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
306 highways and other transportation facilities;

307 (b) provides a basis for restricting development in designated rights-of-way or between
308 designated setbacks to allow the government authorities time to purchase or otherwise reserve
309 the land; and

310 (c) has been adopted as an element of the municipality's general plan.

311 [~~(45)~~] (47) "Parcel" means any real property that is not a lot created by and shown on a
312 subdivision plat recorded in the office of the county recorder.

313 [~~(46)~~] (48) (a) "Parcel boundary adjustment" means a recorded agreement between
314 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
315 line agreement in accordance with Section 57-1-45, if no additional parcel is created and:

316 (i) none of the property identified in the agreement is subdivided land; or

317 (ii) the adjustment is to the boundaries of a single person's parcels.

318 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
319 line that:

320 (i) creates an additional parcel; or

321 (ii) constitutes a subdivision.

322 [~~(47)~~] (49) "Person" means an individual, corporation, partnership, organization,
323 association, trust, governmental agency, or any other legal entity.

324 [~~(48)~~] (50) "Plan for moderate income housing" means a written document adopted by
325 a municipality's legislative body that includes:

326 (a) an estimate of the existing supply of moderate income housing located within the
327 municipality;

328 (b) an estimate of the need for moderate income housing in the municipality for the
329 next five years;

330 (c) a survey of total residential land use;

331 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
332 income housing; and

333 (e) a description of the municipality's program to encourage an adequate supply of
334 moderate income housing.

335 [~~(49)~~] (51) "Plat" means a map or other graphical representation of lands that a licensed

336 professional land surveyor makes and prepares in accordance with Section [10-9a-603](#) or
337 [57-8-13](#).

338 ~~[(50)]~~ (52) "Potential geologic hazard area" means an area that:

339 (a) is designated by a Utah Geological Survey map, county geologist map, or other
340 relevant map or report as needing further study to determine the area's potential for geologic
341 hazard; or

342 (b) has not been studied by the Utah Geological Survey or a county geologist but
343 presents the potential of geologic hazard because the area has characteristics similar to those of
344 a designated geologic hazard area.

345 ~~[(51)]~~ (53) "Public agency" means:

346 (a) the federal government;

347 (b) the state;

348 (c) a county, municipality, school district, local district, special service district, or other
349 political subdivision of the state; or

350 (d) a charter school.

351 ~~[(52)]~~ (54) "Public hearing" means a hearing at which members of the public are
352 provided a reasonable opportunity to comment on the subject of the hearing.

353 ~~[(53)]~~ (55) "Public meeting" means a meeting that is required to be open to the public
354 under Title 52, Chapter 4, Open and Public Meetings Act.

355 ~~[(54)]~~ (56) "Public street" means a public right-of-way, including a public highway,
356 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
357 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
358 easement, or other public way.

359 ~~[(55)]~~ (57) "Receiving zone" means an area of a municipality that the municipality
360 designates, by ordinance, as an area in which an owner of land may receive a transferable
361 development right.

362 ~~[(56)]~~ (58) "Record of survey map" means a map of a survey of land prepared in
363 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

364 ~~[(57)]~~ (59) "Residential facility for persons with a disability" means a residence:

365 (a) in which more than one person with a disability resides; and

366 (b) (i) which is licensed or certified by the Department of Human Services under Title

367 62A, Chapter 2, Licensure of Programs and Facilities; or

368 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
369 21, Health Care Facility Licensing and Inspection Act.

370 [~~58~~] (60) "Rules of order and procedure" means a set of rules that govern and
371 prescribe in a public meeting:

372 (a) parliamentary order and procedure;

373 (b) ethical behavior; and

374 (c) civil discourse.

375 [~~59~~] (61) "Sanitary sewer authority" means the department, agency, or public entity
376 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
377 wastewater systems.

378 [~~60~~] (62) "Sending zone" means an area of a municipality that the municipality
379 designates, by ordinance, as an area from which an owner of land may transfer a transferable
380 development right.

381 [~~61~~] (63) "Specified public agency" means:

382 (a) the state;

383 (b) a school district; or

384 (c) a charter school.

385 [~~62~~] (64) "Specified public utility" means an electrical corporation, gas corporation,
386 or telephone corporation, as those terms are defined in Section 54-2-1.

387 [~~63~~] (65) "State" includes any department, division, or agency of the state.

388 [~~64~~] (66) "Subdivided land" means the land, tract, or lot described in a recorded
389 subdivision plat.

390 [~~65~~] (67) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
391 to be divided into two or more lots or other division of land for the purpose, whether
392 immediate or future, for offer, sale, lease, or development either on the installment plan or
393 upon any and all other plans, terms, and conditions.

394 (b) "Subdivision" includes:

395 (i) the division or development of land whether by deed, metes and bounds description,
396 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division
397 includes all or a portion of a parcel or lot; and

398 (ii) except as provided in Subsection [(65)] (67)(c), divisions of land for residential and
399 nonresidential uses, including land used or to be used for commercial, agricultural, and
400 industrial purposes.

401 (c) "Subdivision" does not include:

402 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
403 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
404 neither the resulting combined parcel nor the parcel remaining from the division or partition
405 violates an applicable land use ordinance;

406 (ii) an agreement recorded with the county recorder's office between owners of
407 adjoining unsubdivided properties adjusting the mutual boundary by a boundary line agreement
408 in accordance with Section 57-1-45 if:

409 (A) no new lot is created; and

410 (B) the adjustment does not violate applicable land use ordinances;

411 (iii) a recorded document, executed by the owner of record:

412 (A) revising the legal description of more than one contiguous parcel of property that is
413 not subdivided land into one legal description encompassing all such parcels of property; or

414 (B) joining a subdivided parcel of property to another parcel of property that has not
415 been subdivided, if the joinder does not violate applicable land use ordinances;

416 (iv) an agreement between owners of adjoining subdivided properties adjusting the
417 mutual lot line boundary in accordance with Section 10-9a-603 if:

418 (A) no new dwelling lot or housing unit will result from the adjustment; and

419 (B) the adjustment will not violate any applicable land use ordinance;

420 (v) a bona fide division or partition of land by deed or other instrument where the land
421 use authority expressly approves in writing the division in anticipation of further land use
422 approvals on the parcel or parcels;

423 (vi) a parcel boundary adjustment;

424 (vii) a lot line adjustment;

425 (viii) a road, street, or highway dedication plat; or

426 (ix) a deed or easement for a road, street, or highway purpose.

427 (d) The joining of a subdivided parcel of property to another parcel of property that has
428 not been subdivided does not constitute a subdivision under this Subsection (65) as to the

429 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
430 subdivision ordinance.

431 ~~[(66)]~~ (68) "Subdivision amendment" means an amendment to a recorded subdivision
432 in accordance with Section 10-9a-608 that:

- 433 (a) vacates all or a portion of the subdivision;
- 434 (b) alters the outside boundary of the subdivision;
- 435 (c) changes the number of lots within the subdivision;
- 436 (d) alters a public right-of-way, a public easement, or public infrastructure within the
437 subdivision; or
- 438 (e) alters a common area or other common amenity within the subdivision.

439 ~~[(67)]~~ (69) "Suspect soil" means soil that has:

- 440 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
441 3% swell potential;
- 442 (b) bedrock units with high shrink or swell susceptibility; or
- 443 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
444 commonly associated with dissolution and collapse features.

445 ~~[(68)]~~ (70) "Therapeutic school" means a residential group living facility:

- 446 (a) for four or more individuals who are not related to:
 - 447 (i) the owner of the facility; or
 - 448 (ii) the primary service provider of the facility;
- 449 (b) that serves students who have a history of failing to function:
 - 450 (i) at home;
 - 451 (ii) in a public school; or
 - 452 (iii) in a nonresidential private school; and
- 453 (c) that offers:
 - 454 (i) room and board; and
 - 455 (ii) an academic education integrated with:
 - 456 (A) specialized structure and supervision; or
 - 457 (B) services or treatment related to a disability, an emotional development, a
458 behavioral development, a familial development, or a social development.

459 ~~[(69)]~~ (71) "Transferable development right" means a right to develop and use land that

460 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
461 land use rights from a designated sending zone to a designated receiving zone.

462 [~~(70)~~] (72) "Unincorporated" means the area outside of the incorporated area of a city
463 or town.

464 [~~(71)~~] (73) "Water interest" means any right to the beneficial use of water, including:

465 (a) each of the rights listed in Section 73-1-11; and

466 (b) an ownership interest in the right to the beneficial use of water represented by:

467 (i) a contract; or

468 (ii) a share in a water company, as defined in Section 73-3-3.5.

469 [~~(72)~~] (74) "Zoning map" means a map, adopted as part of a land use ordinance, that
470 depicts land use zones, overlays, or districts.

471 Section 2. Section 10-9a-511 is amended to read:

472 **10-9a-511. Nonconforming uses and noncomplying structures.**

473 (1) (a) Except as provided in this section, a nonconforming use or noncomplying
474 structure may be continued by the present or a future property owner.

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

477 (c) For purposes of this Subsection (1), the addition of a solar energy device to a
478 building is not a structural alteration.

479 (2) The legislative body may provide for:

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

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

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

487 (3) (a) A municipality may not prohibit the reconstruction or restoration of a
488 noncomplying structure or terminate the nonconforming use of a structure that is involuntarily
489 destroyed in whole or in part due to fire or other calamity unless the structure or use has been
490 abandoned.

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

493 (i) the structure is allowed to deteriorate to a condition that the structure is rendered
494 uninhabitable and is not repaired or restored within six months after the day on which written
495 notice is served to the property owner that the structure is uninhabitable and that the
496 noncomplying structure or nonconforming use will be lost if the structure is not repaired or
497 restored within six months; or

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

500 (c) (i) Notwithstanding a prohibition in the municipality's zoning ordinance, a
501 municipality may permit a billboard owner to relocate the billboard within the municipality's
502 boundaries to a location that is mutually acceptable to the municipality and the billboard
503 owner.

504 (ii) If the municipality and billboard owner cannot agree to a mutually acceptable
505 location within 180 days after the day on which the owner submits a written request to relocate
506 the billboard, the billboard owner may relocate the billboard in accordance with Subsection
507 [10-9a-513\(2\)](#).

508 (d) For any nonconforming or conforming billboard in existence on or after January 1,
509 2021, that is located in a zone that, on or after January 1, 2021, had in effect a municipal
510 zoning ordinance that allowed an electronic message sign or mechanical changeable message
511 sign adjacent to a right-of-way, the municipality shall allow the existing nonconforming or
512 conforming billboard to upgrade to:

513 (i) an electronic changeable message billboard if:

514 (A) the interval between message changes is not more frequent than eight seconds; and

515 (B) the actual message rotation process does not exceed one-quarter of one second;

516 (ii) a mechanical changeable message billboard if:

517 (A) the interval between message changes is not more frequent than eight seconds; and

518 (B) the actual message rotation process does not exceed three seconds; or

519 (iii) a combination of Subsections (3)(d)(i) and (ii).

520 (e) A municipality may enact or enforce an ordinance that prevents an owner of a
521 billboard from upgrading a billboard to an electronic or mechanical changeable message

522 billboard for any billboard:

523 (i) located on a property immediately adjacent to a State Scenic Byway, National
524 Scenic Byway, or All-American Road as designated pursuant to Title 72, Chapter 4, Part 3,
525 Utah State Scenic Byway Program; or

526 (ii) in any zone that, on or after January 1, 2021, was zoned exclusively for residential
527 use.

528 (f) (i) For an electronic changeable message sign located in a zone described in
529 Subsection (3)(f)(ii), a municipality may:

530 (A) subject to Subsection (3)(f)(iii) impose a curfew on the operation of the electronic
531 changeable message sign; or

532 (B) require the use of an electronic changeable message sign that is designed and
533 manufactured with physical light-trespass mitigation that blocks the displays light output from
534 substantially reaching an existing residential dwelling structure.

535 (ii) A municipality may impose the restrictions described in Subsection (3)(f)(i) for an
536 electronic changeable message sign if the face of the electronic changeable message sign is:

537 (A) located outside of an area subject to the Highway Beautification Act of 1965, Pub.
538 L. No. 89-285, 79 Stat. 1028, or the Utah-Federal Agreement, as defined in Section [72-7-515](#);

539 (B) located within 300 feet of the outer edge of an existing residential dwelling
540 structure that is legally occupied and located on property zoned primarily for residential
541 purposes; and

542 (C) oriented toward the structure described in Subsection (3)(f)(ii)(B).

543 (iii) A municipality may not enact a curfew on the operation of an electronic
544 changeable message sign except between the hours of midnight and 6 a.m.

545 (g) (i) Except as provided in Subsection (3)(g)(ii), a municipality may not, as a
546 condition of upgrading a sign in accordance with Subsection (3)(d), enact or enforce an
547 ordinance that requires a billboard owner to install additional landscaping or aesthetic
548 embellishments.

549 (ii) Subsection (3)(g)(i) does not apply to a municipal ordinance that restricts the paint
550 color of a sign structure.

551 (h) A municipality may not, as a condition of upgrading or building a sign in
552 accordance with Subsection (3)(d), enact or enforce an ordinance that requires a billboard

553 owner to forfeit another billboard or any associated right.

554 (i) If a municipal zoning ordinance allows an on-premise sign that has a sign face of 64
555 square feet or more that is located in a zone subject to a particular zoning classification to be an
556 electronic message sign, an owner of a nonconforming or conforming billboard located in a
557 zone that is subject to the same zoning classification may, in accordance with this Subsection
558 (3), upgrade the billboard to an electronic message sign.

559 (4) (a) Unless the municipality establishes, by ordinance, a uniform presumption of
560 legal existence for nonconforming uses, the property owner shall have the burden of
561 establishing the legal existence of a noncomplying structure or nonconforming use.

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

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

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

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

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

571 (d) The property owner may rebut the presumption of abandonment under Subsection
572 (4)(c), and has the burden of establishing that any claimed abandonment under Subsection
573 (4)(b) has not occurred.

574 (5) A municipality may terminate the nonconforming status of a school district or
575 charter school use or structure when the property associated with the school district or charter
576 school use or structure ceases to be used for school district or charter school purposes for a
577 period established by ordinance.

578 Section 3. Section **10-9a-513** is amended to read:

579 **10-9a-513. Municipality's acquisition of billboard by eminent domain -- Removal**
580 **without providing compensation -- Limit on allowing nonconforming billboards to be**
581 **rebuilt or replaced -- Validity of municipal permit after issuance of state permit.**

582 (1) As used in this section:

583 (a) "Clearly visible" means capable of being read without obstruction by an occupant of

584 a vehicle traveling on a street or highway within the visibility area.

585 (b) "Highest allowable height" means:

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

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

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

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

594 (B) for an interstate billboard:

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

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

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

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

603 (i) 65 feet above the ground; and

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

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

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

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

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

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

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

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

615 (2) (a) If a billboard owner makes a written request to the municipality with
616 jurisdiction over the billboard to take an action described in Subsection (2)(b), the billboard
617 owner may take the requested action, without further municipal land use approval, 180 days
618 after the day on which the billboard owner makes the written request, unless within the 180-day
619 period the municipality:

620 (i) in an attempt to acquire the billboard and associated rights through eminent domain
621 under Section 10-9a-512 for the purpose of terminating the billboard and associated rights:

622 (A) completes the procedural steps required under Title 78B, Chapter 6, Part 5,
623 Eminent Domain, before the filing of an eminent domain action; and

624 (B) files an eminent domain action in accordance with Title 78B, Chapter 6, Part 5,
625 Eminent Domain;

626 (ii) denies the request in accordance with Subsection (2)(d); or

627 (iii) requires the billboard owner to remove the billboard in accordance with
628 Subsection ~~(3)~~ (4).

629 (b) Subject to ~~Subsection~~ Subsections (2)(a) and (3), a billboard owner may:

630 (i) rebuild, maintain, repair, or restore a billboard structure that is damaged by casualty,
631 an act of God, or vandalism;

632 (ii) relocate or rebuild a billboard structure, or take another measure, to correct a
633 mistake in the placement or erection of a billboard for which the municipality issued a permit,
634 if the proposed relocation, rebuilding, or other measure is consistent with the intent of that
635 permit;

636 (iii) structurally modify or upgrade a billboard;

637 (iv) relocate a billboard into any commercial, industrial, or manufacturing zone within
638 the municipality's boundaries, if the relocated billboard is:

639 (A) within 5,280 feet of the billboard's previous location; and

640 (B) no closer than 300 feet from an off-premise sign existing on the same side of the
641 street or highway, or if the street or highway is an interstate or limited access highway that is
642 subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed
643 under that act between the relocated billboard and an off-premise sign existing on the same side
644 of the interstate or limited access highway; or

645 (v) make one or more of the following modifications, as the billboard owner

646 determines, to a billboard that is structurally altered by modification or upgrade under
647 Subsection (2)(b)(iii), by relocation under Subsection (2)(b)(iv), or by any combination of these
648 alterations:

649 (A) erect the billboard:

650 (I) to the highest allowable height; and

651 (II) as the owner determines, to an angle that makes the entire advertising content of
652 the billboard clearly visible; or

653 (B) install a sign face on the billboard that is at least the same size as, but no larger
654 than, the sign face on the billboard before the billboard's relocation.

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

657 (d) A municipality may deny a billboard owner's request to relocate or rebuild a
658 billboard structure, or to take other measures, in order to correct a mistake in the placement or
659 erection of a billboard without acquiring the billboard and associated rights through eminent
660 domain under Section 10-9a-512, if the mistake in placement or erection of the billboard is
661 determined by clear and convincing evidence, in a proceeding that protects the billboard
662 owner's due process rights, to have resulted from an intentionally false or misleading statement:

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

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

665 (e) A municipality that acquires a billboard and associated rights through eminent
666 domain under Section 10-9a-512 shall pay just compensation to the billboard owner in an
667 amount that is:

668 (i) the value of the existing billboard at a fair market capitalization rate, based on
669 actual annual revenue, less any annual rent expense;

670 (ii) the value of any other right associated with the billboard;

671 (iii) the cost of the sign structure; and

672 (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the
673 billboard owner's interest is a part.

674 (f) If a municipality commences an eminent domain action under Subsection (2)(a)(i):

675 (i) the provisions of Section 78B-6-510 do not apply; and

676 (ii) the municipality may not take possession of the billboard or the billboard's

677 associated rights until:

678 (A) completion of all appeals of a judgment allowing the municipality to acquire the
679 billboard and associated rights; and

680 (B) the billboard owner receives payment of just compensation, described in
681 Subsection (2)(e).

682 (g) Unless the eminent domain action is dismissed under Subsection (2)(h)(ii), a
683 billboard owner may proceed, without further municipal land use approval, to take an action
684 requested under Subsection (2)(a), if the municipality's eminent domain action commenced
685 under Subsection (2)(a)(i) is dismissed without an order allowing the municipality to acquire
686 the billboard and associated rights.

687 (h) (i) A billboard owner may withdraw a request made under Subsection (2)(a) at any
688 time before the municipality takes possession of the billboard or the billboard's associated
689 rights in accordance with Subsection (2)(f)(ii).

690 (ii) If a billboard owner withdraws a request in accordance with Subsection (2)(h)(i),
691 the court shall dismiss the municipality's eminent domain action to acquire the billboard or
692 associated rights.

693 (3) For a billboard that is relocated as described in Subsection (2)(b)(iv), a billboard
694 owner may only upgrade the billboard to an electronic message sign if:

695 (a) the billboard is eligible to upgrade pursuant to Subsection 10-9a-511(3); and

696 (b) the new location of the billboard is located in a zone in which the municipal zoning
697 ordinance allows an electronic message sign adjacent to a right-of-way.

698 ~~[(3)]~~ (4) Notwithstanding Section 10-9a-512, a municipality may require the owner of a
699 billboard to remove the billboard without acquiring the billboard and associated rights through
700 eminent domain if:

701 (a) the municipality determines:

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

705 (ii) by substantial evidence that the billboard:

706 (A) is structurally unsafe;

707 (B) is in an unreasonable state of repair; or

708 (C) has been abandoned for at least 12 months;

709 (b) the municipality notifies the billboard owner in writing that the billboard owner's

710 billboard meets one or more of the conditions listed in Subsections [~~(3)~~] (4)(a)(i) and (ii);

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

712 (i) 180 days after the day on which the billboard owner receives written notice under

713 Subsection [~~(3)~~] (4)(b); or

714 (ii) if the condition forming the basis of the municipality's intention to remove the

715 billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary

716 because of a natural disaster, after the day on which the billboard owner receives written notice

717 under Subsection [~~(3)~~] (4)(b); and

718 (d) following the expiration of the applicable period under Subsection [~~(3)~~] (4)(c) and

719 after providing the billboard owner with reasonable notice of proceedings and an opportunity

720 for a hearing, the municipality finds:

721 (i) by clear and convincing evidence, that the applicant for a permit intentionally made

722 a false or misleading statement in the application regarding the placement or erection of the

723 billboard; or

724 (ii) by substantial evidence that the billboard is structurally unsafe, is in an

725 unreasonable state of repair, or has been abandoned for at least 12 months.

726 [~~(4)~~] (5) A municipality may not allow a nonconforming billboard to be rebuilt or

727 replaced by anyone other than the billboard's owner, or the billboard's owner acting through a

728 contractor, within 500 feet of the nonconforming location.

729 [~~(5)~~] (6) A permit that a municipality issues, extends, or renews for a billboard remains

730 valid beginning on the day on which the municipality issues, extends, or renews the permit and

731 ending 180 days after the day on which a required state permit is issued for the billboard if:

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

733 (b) an application for the state permit is filed within 30 days after the day on which the

734 municipality issues, extends, or renews a permit for the billboard.

735 Section 4. Section **10-9a-529** is amended to read:

736 **10-9a-529. Specified public utility located in a municipal utility easement.**

737 A specified public utility may exercise each power of a public utility under Section

738 [54-3-27](#) if the specified public utility uses an easement:

- 739 (1) with the consent of a municipality; and
740 (2) that is located within a municipal utility easement described in Subsection
741 10-9a-103[~~(40)~~](42)(a) through (e).
- 742 Section 5. Section 17-27a-103 is amended to read:
743 **17-27a-103. Definitions.**
744 As used in this chapter:
- 745 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
746 detached from a primary single-family dwelling and contained on one lot.
- 747 (2) "Adversely affected party" means a person other than a land use applicant who:
748 (a) owns real property adjoining the property that is the subject of a land use
749 application or land use decision; or
750 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
751 general community as a result of the land use decision.
- 752 (3) "Affected entity" means a county, municipality, local district, special service
753 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
754 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
755 property owner, property owners association, public utility, or the Utah Department of
756 Transportation, if:
757 (a) the entity's services or facilities are likely to require expansion or significant
758 modification because of an intended use of land;
759 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
760 or
761 (c) the entity has filed with the county a request for notice during the same calendar
762 year and before the county provides notice to an affected entity in compliance with a
763 requirement imposed under this chapter.
- 764 (4) "Affected owner" means the owner of real property that is:
765 (a) a single project;
766 (b) the subject of a land use approval that sponsors of a referendum timely challenged
767 in accordance with Subsection 20A-7-601(5)(a); and
768 (c) determined to be legally referable under Section 20A-7-602.8.
769 (5) "Appeal authority" means the person, board, commission, agency, or other body

770 designated by ordinance to decide an appeal of a decision of a land use application or a
771 variance.

772 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
773 residential property if the sign is designed or intended to direct attention to a business, product,
774 or service that is not sold, offered, or existing on the property where the sign is located.

775 (7) (a) "Charter school" means:

776 (i) an operating charter school;

777 (ii) a charter school applicant that has its application approved by a charter school
778 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

779 (iii) an entity that is working on behalf of a charter school or approved charter
780 applicant to develop or construct a charter school building.

781 (b) "Charter school" does not include a therapeutic school.

782 (8) "Chief executive officer" means the person or body that exercises the executive
783 powers of the county.

784 (9) "Conditional use" means a land use that, because of its unique characteristics or
785 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
786 compatible in some areas or may be compatible only if certain conditions are required that
787 mitigate or eliminate the detrimental impacts.

788 (10) "Constitutional taking" means a governmental action that results in a taking of
789 private property so that compensation to the owner of the property is required by the:

790 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

791 (b) Utah Constitution, Article I, Section 22.

792 (11) "County utility easement" means an easement that:

793 (a) a plat recorded in a county recorder's office described as a county utility easement
794 or otherwise as a utility easement;

795 (b) is not a protected utility easement or a public utility easement as defined in Section
796 [54-3-27](#);

797 (c) the county or the county's affiliated governmental entity owns or creates; and

798 (d) (i) either:

799 (A) no person uses or occupies; or

800 (B) the county or the county's affiliated governmental entity uses and occupies to

801 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
802 communications or data lines; or

803 (ii) a person uses or occupies with or without an authorized franchise or other
804 agreement with the county.

805 (12) "Culinary water authority" means the department, agency, or public entity with
806 responsibility to review and approve the feasibility of the culinary water system and sources for
807 the subject property.

808 (13) "Development activity" means:

809 (a) any construction or expansion of a building, structure, or use that creates additional
810 demand and need for public facilities;

811 (b) any change in use of a building or structure that creates additional demand and need
812 for public facilities; or

813 (c) any change in the use of land that creates additional demand and need for public
814 facilities.

815 (14) (a) "Disability" means a physical or mental impairment that substantially limits
816 one or more of a person's major life activities, including a person having a record of such an
817 impairment or being regarded as having such an impairment.

818 (b) "Disability" does not include current illegal use of, or addiction to, any federally
819 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
820 Sec. 802.

821 (15) "Educational facility":

822 (a) means:

823 (i) a school district's building at which pupils assemble to receive instruction in a
824 program for any combination of grades from preschool through grade 12, including
825 kindergarten and a program for children with disabilities;

826 (ii) a structure or facility:

827 (A) located on the same property as a building described in Subsection (15)(a)(i); and

828 (B) used in support of the use of that building; and

829 (iii) a building to provide office and related space to a school district's administrative
830 personnel; and

831 (b) does not include:

832 (i) land or a structure, including land or a structure for inventory storage, equipment
833 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

834 (A) not located on the same property as a building described in Subsection (15)(a)(i);
835 and

836 (B) used in support of the purposes of a building described in Subsection (15)(a)(i); or
837 (ii) a therapeutic school.

838 (16) "Electronic changeable message sign" or "electronic message sign" means the
839 same as that term is defined in Section [10-9a-103](#).

840 [~~(16)~~] (17) "Fire authority" means the department, agency, or public entity with
841 responsibility to review and approve the feasibility of fire protection and suppression services
842 for the subject property.

843 [~~(17)~~] (18) "Flood plain" means land that:

844 (a) is within the 100-year flood plain designated by the Federal Emergency
845 Management Agency; or

846 (b) has not been studied or designated by the Federal Emergency Management Agency
847 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
848 the land has characteristics that are similar to those of a 100-year flood plain designated by the
849 Federal Emergency Management Agency.

850 [~~(18)~~] (19) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

851 [~~(19)~~] (20) "General plan" means a document that a county adopts that sets forth
852 general guidelines for proposed future development of:

853 (a) the unincorporated land within the county; or

854 (b) for a mountainous planning district, the land within the mountainous planning
855 district.

856 [~~(20)~~] (21) "Geologic hazard" means:

857 (a) a surface fault rupture;

858 (b) shallow groundwater;

859 (c) liquefaction;

860 (d) a landslide;

861 (e) a debris flow;

862 (f) unstable soil;

- 863 (g) a rock fall; or
- 864 (h) any other geologic condition that presents a risk:
- 865 (i) to life;
- 866 (ii) of substantial loss of real property; or
- 867 (iii) of substantial damage to real property.
- 868 [~~(21)~~] (22) "Hookup fee" means a fee for the installation and inspection of any pipe,
- 869 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
- 870 utility system.
- 871 [~~(22)~~] (23) "Identical plans" means building plans submitted to a county that:
- 872 (a) are clearly marked as "identical plans";
- 873 (b) are substantially identical building plans that were previously submitted to and
- 874 reviewed and approved by the county; and
- 875 (c) describe a building that:
- 876 (i) is located on land zoned the same as the land on which the building described in the
- 877 previously approved plans is located;
- 878 (ii) is subject to the same geological and meteorological conditions and the same law
- 879 as the building described in the previously approved plans;
- 880 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 881 and approved by the county; and
- 882 (iv) does not require any additional engineering or analysis.
- 883 [~~(23)~~] (24) "Impact fee" means a payment of money imposed under Title 11, Chapter
- 884 36a, Impact Fees Act.
- 885 [~~(24)~~] (25) "Improvement completion assurance" means a surety bond, letter of credit,
- 886 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 887 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
- 888 required as a condition precedent to:
- 889 (a) recording a subdivision plat; or
- 890 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 891 [~~(25)~~] (26) "Improvement warranty" means an applicant's unconditional warranty that
- 892 the applicant's installed and accepted landscaping or infrastructure improvement:
- 893 (a) complies with the county's written standards for design, materials, and

894 workmanship; and

895 (b) will not fail in any material respect, as a result of poor workmanship or materials,
896 within the improvement warranty period.

897 [~~26~~] (27) "Improvement warranty period" means a period:

898 (a) no later than one year after a county's acceptance of required landscaping; or

899 (b) no later than one year after a county's acceptance of required infrastructure, unless
900 the county:

901 (i) determines for good cause that a one-year period would be inadequate to protect the
902 public health, safety, and welfare; and

903 (ii) has substantial evidence, on record:

904 (A) of prior poor performance by the applicant; or

905 (B) that the area upon which the infrastructure will be constructed contains suspect soil
906 and the county has not otherwise required the applicant to mitigate the suspect soil.

907 [~~27~~] (28) "Infrastructure improvement" means permanent infrastructure that is
908 essential for the public health and safety or that:

909 (a) is required for human consumption; and

910 (b) an applicant must install:

911 (i) in accordance with published installation and inspection specifications for public
912 improvements; and

913 (ii) as a condition of:

914 (A) recording a subdivision plat;

915 (B) obtaining a building permit; or

916 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
917 project.

918 [~~28~~] (29) "Internal lot restriction" means a platted note, platted demarcation, or
919 platted designation that:

920 (a) runs with the land; and

921 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
922 the plat; or

923 (ii) designates a development condition that is enclosed within the perimeter of a lot
924 described on the plat.

925 ~~[(29)]~~ (30) "Interstate pipeline company" means a person or entity engaged in natural
926 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
927 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

928 ~~[(30)]~~ (31) "Intrastate pipeline company" means a person or entity engaged in natural
929 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
930 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

931 ~~[(31)]~~ (32) "Land use applicant" means a property owner, or the property owner's
932 designee, who submits a land use application regarding the property owner's land.

933 ~~[(32)]~~ (33) "Land use application":

934 (a) means an application that is:

935 (i) required by a county; and

936 (ii) submitted by a land use applicant to obtain a land use decision; and

937 (b) does not mean an application to enact, amend, or repeal a land use regulation.

938 ~~[(33)]~~ (34) "Land use authority" means:

939 (a) a person, board, commission, agency, or body, including the local legislative body,
940 designated by the local legislative body to act upon a land use application; or

941 (b) if the local legislative body has not designated a person, board, commission,
942 agency, or body, the local legislative body.

943 ~~[(34)]~~ (35) "Land use decision" means an administrative decision of a land use
944 authority or appeal authority regarding:

945 (a) a land use permit;

946 (b) a land use application; or

947 (c) the enforcement of a land use regulation, land use permit, or development
948 agreement.

949 ~~[(35)]~~ (36) "Land use permit" means a permit issued by a land use authority.

950 ~~[(36)]~~ (37) "Land use regulation":

951 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
952 specification, fee, or rule that governs the use or development of land;

953 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
954 and

955 (c) does not include:

956 (i) a land use decision of the legislative body acting as the land use authority, even if
957 the decision is expressed in a resolution or ordinance; or

958 (ii) a temporary revision to an engineering specification that does not materially:

959 (A) increase a land use applicant's cost of development compared to the existing
960 specification; or

961 (B) impact a land use applicant's use of land.

962 ~~[(37)]~~ (38) "Legislative body" means the county legislative body, or for a county that
963 has adopted an alternative form of government, the body exercising legislative powers.

964 ~~[(38)]~~ (39) "Local district" means any entity under Title 17B, Limited Purpose Local
965 Government Entities - Local Districts, and any other governmental or quasi-governmental
966 entity that is not a county, municipality, school district, or the state.

967 ~~[(39)]~~ (40) "Lot" means a tract of land, regardless of any label, that is created by and
968 shown on a subdivision plat that has been recorded in the office of the county recorder.

969 ~~[(40)]~~ (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between
970 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
971 accordance with Section 17-27a-608, with the consent of the owners of record.

972 (b) "Lot line adjustment" does not mean a new boundary line that:

973 (i) creates an additional lot; or

974 (ii) constitutes a subdivision.

975 ~~[(41)]~~ (42) "Major transit investment corridor" means public transit service that uses or
976 occupies:

977 (a) public transit rail right-of-way;

978 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

979 or

980 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
981 municipality or county and:

982 (i) a public transit district as defined in Section 17B-2a-802; or

983 (ii) an eligible political subdivision as defined in Section 59-12-2219.

984 (43) "Mechanical changeable message sign" or "mechanical message sign" means the
985 same as that term is defined in Section 10-9a-103.

986 ~~[(42)]~~ (44) "Moderate income housing" means housing occupied or reserved for

987 occupancy by households with a gross household income equal to or less than 80% of the
988 median gross income for households of the same size in the county in which the housing is
989 located.

990 ~~[(43)]~~ (45) "Mountainous planning district" means an area:

- 991 (a) designated by a county legislative body in accordance with Section 17-27a-901; and
- 992 (b) that is not otherwise exempt under Section 10-9a-304.

993 ~~[(44)]~~ (46) "Nominal fee" means a fee that reasonably reimburses a county only for
994 time spent and expenses incurred in:

- 995 (a) verifying that building plans are identical plans; and
- 996 (b) reviewing and approving those minor aspects of identical plans that differ from the
997 previously reviewed and approved building plans.

998 ~~[(45)]~~ (47) "Noncomplying structure" means a structure that:

- 999 (a) legally existed before its current land use designation; and
- 1000 (b) because of one or more subsequent land use ordinance changes, does not conform
1001 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1002 the use of land.

1003 ~~[(46)]~~ (48) "Nonconforming use" means a use of land that:

- 1004 (a) legally existed before its current land use designation;
- 1005 (b) has been maintained continuously since the time the land use ordinance regulation
1006 governing the land changed; and
- 1007 (c) because of one or more subsequent land use ordinance changes, does not conform
1008 to the regulations that now govern the use of the land.

1009 ~~[(47)]~~ (49) "Official map" means a map drawn by county authorities and recorded in
1010 the county recorder's office that:

- 1011 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1012 highways and other transportation facilities;
- 1013 (b) provides a basis for restricting development in designated rights-of-way or between
1014 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1015 the land; and
- 1016 (c) has been adopted as an element of the county's general plan.

1017 ~~[(48)]~~ (50) "Parcel" means any real property that is not a lot created by and shown on a

1018 subdivision plat recorded in the office of the county recorder.

1019 ~~[(49)]~~ (51) (a) "Parcel boundary adjustment" means a recorded agreement between
1020 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
1021 line agreement in accordance with Section 57-1-45, if no additional parcel is created and:

1022 (i) none of the property identified in the agreement is subdivided land; or

1023 (ii) the adjustment is to the boundaries of a single person's parcels.

1024 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1025 line that:

1026 (i) creates an additional parcel; or

1027 (ii) constitutes a subdivision.

1028 ~~[(50)]~~ (52) "Person" means an individual, corporation, partnership, organization,
1029 association, trust, governmental agency, or any other legal entity.

1030 ~~[(51)]~~ (53) "Plan for moderate income housing" means a written document adopted by
1031 a county legislative body that includes:

1032 (a) an estimate of the existing supply of moderate income housing located within the
1033 county;

1034 (b) an estimate of the need for moderate income housing in the county for the next five
1035 years;

1036 (c) a survey of total residential land use;

1037 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1038 income housing; and

1039 (e) a description of the county's program to encourage an adequate supply of moderate
1040 income housing.

1041 ~~[(52)]~~ (54) "Planning advisory area" means a contiguous, geographically defined
1042 portion of the unincorporated area of a county established under this part with planning and
1043 zoning functions as exercised through the planning advisory area planning commission, as
1044 provided in this chapter, but with no legal or political identity separate from the county and no
1045 taxing authority.

1046 ~~[(53)]~~ (55) "Plat" means a map or other graphical representation of lands that a licensed
1047 professional land surveyor makes and prepares in accordance with Section 17-27a-603 or
1048 57-8-13.

1049 ~~[(54)]~~ (56) "Potential geologic hazard area" means an area that:

1050 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1051 relevant map or report as needing further study to determine the area's potential for geologic
1052 hazard; or

1053 (b) has not been studied by the Utah Geological Survey or a county geologist but
1054 presents the potential of geologic hazard because the area has characteristics similar to those of
1055 a designated geologic hazard area.

1056 ~~[(55)]~~ (57) "Public agency" means:

1057 (a) the federal government;

1058 (b) the state;

1059 (c) a county, municipality, school district, local district, special service district, or other
1060 political subdivision of the state; or

1061 (d) a charter school.

1062 ~~[(56)]~~ (58) "Public hearing" means a hearing at which members of the public are
1063 provided a reasonable opportunity to comment on the subject of the hearing.

1064 ~~[(57)]~~ (59) "Public meeting" means a meeting that is required to be open to the public
1065 under Title 52, Chapter 4, Open and Public Meetings Act.

1066 ~~[(58)]~~ (60) "Public street" means a public right-of-way, including a public highway,
1067 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
1068 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1069 easement, or other public way.

1070 ~~[(59)]~~ (61) "Receiving zone" means an unincorporated area of a county that the county
1071 designates, by ordinance, as an area in which an owner of land may receive a transferable
1072 development right.

1073 ~~[(60)]~~ (62) "Record of survey map" means a map of a survey of land prepared in
1074 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1075 ~~[(61)]~~ (63) "Residential facility for persons with a disability" means a residence:

1076 (a) in which more than one person with a disability resides; and

1077 (b) (i) which is licensed or certified by the Department of Human Services under Title
1078 62A, Chapter 2, Licensure of Programs and Facilities; or

1079 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter

1080 21, Health Care Facility Licensing and Inspection Act.

1081 ~~[(62)]~~ (64) "Rules of order and procedure" means a set of rules that govern and
1082 prescribe in a public meeting:

1083 (a) parliamentary order and procedure;

1084 (b) ethical behavior; and

1085 (c) civil discourse.

1086 ~~[(63)]~~ (65) "Sanitary sewer authority" means the department, agency, or public entity
1087 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1088 wastewater systems.

1089 ~~[(64)]~~ (66) "Sending zone" means an unincorporated area of a county that the county
1090 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1091 development right.

1092 ~~[(65)]~~ (67) "Site plan" means a document or map that may be required by a county
1093 during a preliminary review preceding the issuance of a building permit to demonstrate that an
1094 owner's or developer's proposed development activity meets a land use requirement.

1095 ~~[(66)]~~ (68) "Specified public agency" means:

1096 (a) the state;

1097 (b) a school district; or

1098 (c) a charter school.

1099 ~~[(67)]~~ (69) "Specified public utility" means an electrical corporation, gas corporation,
1100 or telephone corporation, as those terms are defined in Section [54-2-1](#).

1101 ~~[(68)]~~ (70) "State" includes any department, division, or agency of the state.

1102 ~~[(69)]~~ (71) "Subdivided land" means the land, tract, or lot described in a recorded
1103 subdivision plat.

1104 ~~[(70)]~~ (72) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
1105 to be divided into two or more lots or other division of land for the purpose, whether
1106 immediate or future, for offer, sale, lease, or development either on the installment plan or
1107 upon any and all other plans, terms, and conditions.

1108 (b) "Subdivision" includes:

1109 (i) the division or development of land whether by deed, metes and bounds description,
1110 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division

1111 includes all or a portion of a parcel or lot; and
1112 (ii) except as provided in Subsection [~~(70)~~] (72)(c), divisions of land for residential and
1113 nonresidential uses, including land used or to be used for commercial, agricultural, and
1114 industrial purposes.

1115 (c) "Subdivision" does not include:
1116 (i) a bona fide division or partition of agricultural land for agricultural purposes;
1117 (ii) an agreement recorded with the county recorder's office between owners of
1118 adjoining properties adjusting the mutual boundary by a boundary line agreement in accordance
1119 with Section 57-1-45 if:
1120 (A) no new lot is created; and
1121 (B) the adjustment does not violate applicable land use ordinances;
1122 (iii) a recorded document, executed by the owner of record:
1123 (A) revising the legal description of more than one contiguous parcel of property that is
1124 not subdivided land into one legal description encompassing all such parcels of property; or
1125 (B) joining a subdivided parcel of property to another parcel of property that has not
1126 been subdivided, if the joinder does not violate applicable land use ordinances;
1127 (iv) a bona fide division or partition of land in a county other than a first class county
1128 for the purpose of siting, on one or more of the resulting separate parcels:
1129 (A) an electrical transmission line or a substation;
1130 (B) a natural gas pipeline or a regulation station; or
1131 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1132 utility service regeneration, transformation, retransmission, or amplification facility;
1133 (v) an agreement between owners of adjoining subdivided properties adjusting the
1134 mutual lot line boundary in accordance with Section 10-9a-603 if:
1135 (A) no new dwelling lot or housing unit will result from the adjustment; and
1136 (B) the adjustment will not violate any applicable land use ordinance;
1137 (vi) a bona fide division or partition of land by deed or other instrument where the land
1138 use authority expressly approves in writing the division in anticipation of further land use
1139 approvals on the parcel or parcels;
1140 (vii) a parcel boundary adjustment;
1141 (viii) a lot line adjustment;

- 1142 (ix) a road, street, or highway dedication plat; or
- 1143 (x) a deed or easement for a road, street, or highway purpose.
- 1144 (d) The joining of a subdivided parcel of property to another parcel of property that has
- 1145 not been subdivided does not constitute a subdivision under this Subsection [~~(70)~~] (72) as to
- 1146 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
- 1147 subdivision ordinance.
- 1148 [~~(71)~~] (73) "Subdivision amendment" means an amendment to a recorded subdivision
- 1149 in accordance with Section 17-27a-608 that:
- 1150 (a) vacates all or a portion of the subdivision;
- 1151 (b) alters the outside boundary of the subdivision;
- 1152 (c) changes the number of lots within the subdivision;
- 1153 (d) alters a public right-of-way, a public easement, or public infrastructure within the
- 1154 subdivision; or
- 1155 (e) alters a common area or other common amenity within the subdivision.
- 1156 [~~(72)~~] (74) "Suspect soil" means soil that has:
- 1157 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1158 3% swell potential;
- 1159 (b) bedrock units with high shrink or swell susceptibility; or
- 1160 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1161 commonly associated with dissolution and collapse features.
- 1162 [~~(73)~~] (75) "Therapeutic school" means a residential group living facility:
- 1163 (a) for four or more individuals who are not related to:
- 1164 (i) the owner of the facility; or
- 1165 (ii) the primary service provider of the facility;
- 1166 (b) that serves students who have a history of failing to function:
- 1167 (i) at home;
- 1168 (ii) in a public school; or
- 1169 (iii) in a nonresidential private school; and
- 1170 (c) that offers:
- 1171 (i) room and board; and
- 1172 (ii) an academic education integrated with:

1173 (A) specialized structure and supervision; or

1174 (B) services or treatment related to a disability, an emotional development, a
1175 behavioral development, a familial development, or a social development.

1176 [~~(74)~~] (76) "Transferable development right" means a right to develop and use land that
1177 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
1178 land use rights from a designated sending zone to a designated receiving zone.

1179 [~~(75)~~] (77) "Unincorporated" means the area outside of the incorporated area of a
1180 municipality.

1181 [~~(76)~~] (78) "Water interest" means any right to the beneficial use of water, including:

1182 (a) each of the rights listed in Section 73-1-11; and

1183 (b) an ownership interest in the right to the beneficial use of water represented by:

1184 (i) a contract; or

1185 (ii) a share in a water company, as defined in Section 73-3-3.5.

1186 [~~(77)~~] (79) "Zoning map" means a map, adopted as part of a land use ordinance, that
1187 depicts land use zones, overlays, or districts.

1188 Section 6. Section 17-27a-510 is amended to read:

1189 **17-27a-510. Nonconforming uses and noncomplying structures.**

1190 (1) (a) Except as provided in this section, a nonconforming use or a noncomplying
1191 structure may be continued by the present or a future property owner.

1192 (b) A nonconforming use may be extended through the same building, provided no
1193 structural alteration of the building is proposed or made for the purpose of the extension.

1194 (c) For purposes of this Subsection (1), the addition of a solar energy device to a
1195 building is not a structural alteration.

1196 (2) The legislative body may provide for:

1197 (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or
1198 substitution of nonconforming uses upon the terms and conditions set forth in the land use
1199 ordinance;

1200 (b) the termination of all nonconforming uses, except billboards, by providing a
1201 formula establishing a reasonable time period during which the owner can recover or amortize
1202 the amount of his investment in the nonconforming use, if any; and

1203 (c) the termination of a nonconforming use due to its abandonment.

1204 (3) (a) A county may not prohibit the reconstruction or restoration of a noncomplying
1205 structure or terminate the nonconforming use of a structure that is involuntarily destroyed in
1206 whole or in part due to fire or other calamity unless the structure or use has been abandoned.

1207 (b) A county may prohibit the reconstruction or restoration of a noncomplying structure
1208 or terminate the nonconforming use of a structure if:

1209 (i) the structure is allowed to deteriorate to a condition that the structure is rendered
1210 uninhabitable and is not repaired or restored within six months after the day on which written
1211 notice is served to the property owner that the structure is uninhabitable and that the
1212 noncomplying structure or nonconforming use will be lost if the structure is not repaired or
1213 restored within six months; or

1214 (ii) the property owner has voluntarily demolished a majority of the noncomplying
1215 structure or the building that houses the nonconforming use.

1216 (c) (i) Notwithstanding a prohibition in the county's zoning ordinance, a county may
1217 permit a billboard owner to relocate the billboard within the county's unincorporated area to a
1218 location that is mutually acceptable to the county and the billboard owner.

1219 (ii) If the county and billboard owner cannot agree to a mutually acceptable location
1220 within 180 days after the day on which the owner submits a written request to relocate the
1221 billboard, the billboard owner may relocate the billboard in accordance with Subsection
1222 [17-27a-512\(2\)](#).

1223 (d) For any nonconforming or conforming billboard in existence on or after January 1,
1224 2021, that is located in a zone that, on or after January 1, 2021, had in effect a county zoning
1225 ordinance that allowed an electronic message sign or mechanical changeable message sign
1226 adjacent to a right-of-way, the county shall allow the existing nonconforming or conforming
1227 billboard to upgrade to:

1228 (i) an electronic changeable message billboard if:

1229 (A) the interval between message changes is not more frequent than eight seconds; and

1230 (B) the actual message rotation process does not exceed one-quarter of one second;

1231 (ii) a mechanical changeable message billboard if:

1232 (A) the interval between message changes is not more frequent than eight seconds; and

1233 (B) the actual message rotation process does not exceed three seconds; or

1234 (iii) a combination of Subsections (3)(d)(i) and (ii).

1235 (e) A county may enact or enforce an ordinance that prevents an owner of a billboard
1236 from upgrading a billboard to an electronic or mechanical changeable message billboard for
1237 any billboard:

1238 (i) located on a property immediately adjacent to a State Scenic Byway, National
1239 Scenic Byway, or All-American Road as designated pursuant to Title 72, Chapter 4, Part 3,
1240 Utah State Scenic Byway Program; or

1241 (ii) in any zone that, on or after January 1, 2021, was zoned exclusively for residential
1242 use.

1243 (f) (i) For an electronic changeable message sign located in a zone described in
1244 Subsection (3)(f)(ii), a county may:

1245 (A) subject to Subsection (3)(f)(iii) impose a curfew on the operation of the electronic
1246 changeable message sign; or

1247 (B) require the use of an electronic changeable message sign that is designed and
1248 manufactured with physical light-trespass mitigation that blocks the displays light output from
1249 substantially reaching an existing residential dwelling structure.

1250 (ii) A county may impose the restrictions described in Subsection (3)(f)(i) for an
1251 electronic changeable message sign if the face of the electronic changeable message sign is:

1252 (A) located outside of an area subject to the Highway Beautification Act of 1965, Pub.
1253 L. No. 89-285, 79 Stat. 1028, or the Utah-Federal Agreement, as defined in Section [72-7-515](#);

1254 (B) located within 300 feet of the outer edge of an existing residential dwelling
1255 structure that is legally occupied and located on property zoned primarily for residential
1256 purposes; and

1257 (C) oriented toward the structure described in Subsection (3)(f)(ii)(B).

1258 (iii) A county may not enact a curfew on the operation of an electronic changeable
1259 message sign except between the hours of midnight and 6 a.m.

1260 (g) (i) Except as provided in Subsection (3)(g)(ii), a county may not, as a condition of
1261 upgrading a sign in accordance with Subsection (3)(d), enact or enforce an ordinance that
1262 requires a billboard owner to install additional landscaping or aesthetic embellishments.

1263 (ii) Subsection (3)(g)(i) does not apply to a county ordinance that restricts the paint
1264 color of a sign structure.

1265 (h) A county may not, as a condition of upgrading or building a sign in accordance

1266 with Subsection (3)(d), enact or enforce an ordinance that requires a billboard owner to forfeit
1267 another billboard or any associated right.

1268 (i) If a county zoning ordinance allows an on-premise sign that has a sign face of 64
1269 square feet or more that is located in a zone subject to a particular zoning classification to be an
1270 electronic message sign, an owner of a nonconforming or conforming billboard located in a
1271 zone that is subject to the same zoning classification may, in accordance with this Subsection
1272 (3), upgrade the billboard to an electronic message sign.

1273 (4) (a) Unless the county establishes, by ordinance, a uniform presumption of legal
1274 existence for nonconforming uses, the property owner shall have the burden of establishing the
1275 legal existence of a noncomplying structure or nonconforming use.

1276 (b) Any party claiming that a nonconforming use has been abandoned shall have the
1277 burden of establishing the abandonment.

1278 (c) Abandonment may be presumed to have occurred if:

1279 (i) a majority of the primary structure associated with the nonconforming use has been
1280 voluntarily demolished without prior written agreement with the county regarding an extension
1281 of the nonconforming use;

1282 (ii) the use has been discontinued for a minimum of one year; or

1283 (iii) the primary structure associated with the nonconforming use remains vacant for a
1284 period of one year.

1285 (d) The property owner may rebut the presumption of abandonment under Subsection
1286 (4)(c), and has the burden of establishing that any claimed abandonment under Subsection
1287 (4)(c) has not occurred.

1288 (5) A county may terminate the nonconforming status of a school district or charter
1289 school use or structure when the property associated with the school district or charter school
1290 use or structure ceases to be used for school district or charter school purposes for a period
1291 established by ordinance.

1292 Section 7. Section **17-27a-512** is amended to read:

1293 **17-27a-512. County's acquisition of billboard by eminent domain -- Removal**
1294 **without providing compensation -- Limit on allowing nonconforming billboard to be**
1295 **rebuilt or replaced -- Validity of county permit after issuance of state permit.**

1296 (1) As used in this section:

1297 (a) "Clearly visible" means capable of being read without obstruction by an occupant of
1298 a vehicle traveling on a street or highway within the visibility area.

1299 (b) "Highest allowable height" means:

1300 (i) if the height allowed by the county, by ordinance or consent, is higher than the
1301 height under Subsection (1)(b)(ii), the height allowed by the county; or

1302 (ii) (A) for a noninterstate billboard:

1303 (I) if the height of the previous use or structure is 45 feet or higher, the height of the
1304 previous use or structure; or

1305 (II) if the height of the previous use or structure is less than 45 feet, the height of the
1306 previous use or structure or the height to make the entire advertising content of the billboard
1307 clearly visible, whichever is higher, but no higher than 45 feet; and

1308 (B) for an interstate billboard:

1309 (I) if the height of the previous use or structure is at or above the interstate height, the
1310 height of the previous use or structure; or

1311 (II) if the height of the previous use or structure is less than the interstate height, the
1312 height of the previous use or structure or the height to make the entire advertising content of
1313 the billboard clearly visible, whichever is higher, but no higher than the interstate height.

1314 (c) "Interstate billboard" means a billboard that is intended to be viewed from a
1315 highway that is an interstate.

1316 (d) "Interstate height" means a height that is the higher of:

1317 (i) 65 feet above the ground; and

1318 (ii) 25 feet above the grade of the interstate.

1319 (e) "Noninterstate billboard" means a billboard that is intended to be viewed from a
1320 street or highway that is not an interstate.

1321 (f) "Visibility area" means the area on a street or highway that is:

1322 (i) defined at one end by a line extending from the base of the billboard across all lanes
1323 of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

1324 (ii) defined on the other end by a line extending across all lanes of traffic of the street
1325 or highway in a plane that is:

1326 (A) perpendicular to the street or highway; and

1327 (B) (I) for an interstate billboard, 500 feet from the base of the billboard; or

1328 (II) for a noninterstate billboard, 300 feet from the base of the billboard.

1329 (2) (a) If a billboard owner makes a written request to the county with jurisdiction over

1330 the billboard to take an action described in Subsection (2)(b), the billboard owner may take the

1331 requested action, without further county land use approval, 180 days after the day on which the

1332 billboard owner makes the written request, unless within the 180-day period the county:

1333 (i) in an attempt to acquire the billboard and associated rights through eminent domain

1334 under Section 17-27a-511 for the purpose of terminating the billboard and associated rights:

1335 (A) completes the procedural steps required under Title 78B, Chapter 6, Part 5,

1336 Eminent Domain, before the filing of an eminent domain action; and

1337 (B) files an eminent domain action in accordance with Title 78B, Chapter 6, Part 5,

1338 Eminent Domain;

1339 (ii) denies the request in accordance with Subsection (2)(d); or

1340 (iii) requires the billboard owner to remove the billboard in accordance with

1341 Subsection ~~(3)~~ (4).

1342 (b) Subject to ~~Subsection~~ Subsections (2)(a) and (3), a billboard owner may:

1343 (i) rebuild, maintain, repair, or restore a billboard structure that is damaged by casualty,

1344 an act of God, or vandalism;

1345 (ii) relocate or rebuild a billboard structure, or take another measure, to correct a

1346 mistake in the placement or erection of a billboard for which the county issued a permit, if the

1347 proposed relocation, rebuilding, or other measure is consistent with the intent of that permit;

1348 (iii) structurally modify or upgrade a billboard;

1349 (iv) relocate a billboard into any commercial, industrial, or manufacturing zone within

1350 the unincorporated area of the county, if the relocated billboard is:

1351 (A) within 5,280 feet of the billboard's previous location; and

1352 (B) no closer than 300 feet from an off-premise sign existing on the same side of the

1353 street or highway, or if the street or highway is an interstate or limited access highway that is

1354 subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed

1355 under that act between the relocated billboard and an off-premise sign existing on the same side

1356 of the interstate or limited access highway; or

1357 (v) make one or more of the following modifications, as the billboard owner

1358 determines, to a billboard that is structurally altered by modification or upgrade under

1359 Subsection (2)(b)(iii), by relocation under Subsection (2)(b)(iv), or by any combination of these
1360 alterations:

1361 (A) erect the billboard:

1362 (I) to the highest allowable height; and

1363 (II) as the owner determines, to an angle that makes the entire advertising content of
1364 the billboard clearly visible; or

1365 (B) install a sign face on the billboard that is at least the same size as, but no larger
1366 than, the sign face on the billboard before the billboard's relocation.

1367 (c) A modification under Subsection (2)(b)(v) shall comply with Title 72, Chapter 7,
1368 Part 5, Utah Outdoor Advertising Act, to the extent applicable.

1369 (d) A county may deny a billboard owner's request to relocate or rebuild a billboard
1370 structure, or to take other measures, in order to correct a mistake in the placement or erection of
1371 a billboard without acquiring the billboard and associated rights through eminent domain under
1372 Section 17-27a-511, if the mistake in placement or erection of the billboard is determined by
1373 clear and convincing evidence, in a proceeding that protects the billboard owner's due process
1374 rights, to have resulted from an intentionally false or misleading statement:

1375 (i) by the billboard applicant in the application; and

1376 (ii) regarding the placement or erection of the billboard.

1377 (e) A county that acquires a billboard and associated rights through eminent domain
1378 under Section 17-27a-511 shall pay just compensation to the billboard owner in an amount that
1379 is:

1380 (i) the value of the existing billboard at a fair market capitalization rate, based on
1381 actual annual revenue, less any annual rent expense;

1382 (ii) the value of any other right associated with the billboard;

1383 (iii) the cost of the sign structure; and

1384 (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the
1385 billboard owner's interest is a part.

1386 (f) If a county commences an eminent domain action under Subsection (2)(a)(i):

1387 (i) the provisions of Section 78B-6-510 do not apply; and

1388 (ii) the county may not take possession of the billboard or the billboard's associated
1389 rights until:

1390 (A) completion of all appeals of a judgment allowing the county to acquire the
1391 billboard and associated rights; and

1392 (B) the billboard owner receives payment of just compensation, described in
1393 Subsection (2)(e).

1394 (g) Unless the eminent domain action is dismissed under Subsection (2)(h)(ii), a
1395 billboard owner may proceed, without further county land use approval, to take an action
1396 requested under Subsection (2)(a), if the county's eminent domain action commenced under
1397 Subsection (2)(a)(i) is dismissed without an order allowing the county to acquire the billboard
1398 and associated rights.

1399 (h) (i) A billboard owner may withdraw a request made under Subsection (2)(a) at any
1400 time before the county takes possession of the billboard or the billboard's associated rights in
1401 accordance with Subsection (2)(f)(ii).

1402 (ii) If a billboard owner withdraws a request in accordance with Subsection (2)(h)(i),
1403 the court shall dismiss the county's eminent domain action to acquire the billboard or
1404 associated rights.

1405 (3) For a billboard that is relocated as described in Subsection (2)(b)(iv), a billboard
1406 owner may only upgrade the billboard to an electronic message sign if:

1407 (a) the billboard is eligible to upgrade pursuant to Subsection 17-27a-511(3); and

1408 (b) the new location of the billboard is located in a zone in which the county zoning
1409 ordinance allows an electronic message sign adjacent to a right-of-way.

1410 [~~3~~] (4) Notwithstanding Section 17-27a-511, a county may require an owner of a
1411 billboard to remove the billboard without acquiring a billboard and associated rights through
1412 eminent domain if:

1413 (a) the county determines:

1414 (i) by clear and convincing evidence that the applicant for a permit intentionally made a
1415 false or misleading statement in the applicant's application regarding the placement or erection
1416 of the billboard; or

1417 (ii) by substantial evidence that the billboard:

1418 (A) is structurally unsafe;

1419 (B) is in an unreasonable state of repair; or

1420 (C) has been abandoned for at least 12 months;

1421 (b) the county notifies the billboard owner in writing that the billboard owner's
1422 billboard meets one or more of the conditions listed in Subsections ~~(3)~~ (4)(a)(i) and (ii);

1423 (c) the billboard owner fails to remedy the condition or conditions within:

1424 (i) 180 days after the day on which the billboard owner receives written notice under
1425 Subsection ~~(3)~~ (4)(b); or

1426 (ii) if the condition forming the basis of the county's intention to remove the billboard
1427 is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a
1428 natural disaster, after the day on which the billboard owner receives written notice under
1429 Subsection ~~(3)~~ (4)(b); and

1430 (d) following the expiration of the applicable period under Subsection ~~(3)~~ (4)(c) and
1431 after providing the billboard owner with reasonable notice of proceedings and an opportunity
1432 for a hearing, the county finds:

1433 (i) by clear and convincing evidence, that the applicant for a permit intentionally made
1434 a false or misleading statement in the application regarding the placement or erection of the
1435 billboard; or

1436 (ii) by substantial evidence that the billboard is structurally unsafe, is in an
1437 unreasonable state of repair, or has been abandoned for at least 12 months.

1438 ~~(4)~~ (5) A county may not allow a nonconforming billboard to be rebuilt or replaced
1439 by anyone other than the billboard's owner, or the billboard's owner acting through a contractor,
1440 within 500 feet of the nonconforming location.

1441 ~~(5)~~ (6) A permit that a county issues, extends, or renews for a billboard remains valid
1442 beginning on the day on which the county issues, extends, or renews the permit and ending 180
1443 days after the day on which a required state permit is issued for the billboard if:

1444 (a) the billboard requires a state permit; and

1445 (b) an application for the state permit is filed within 30 days after the day on which the
1446 county issues, extends, or renews a permit for the billboard.

1447 Section 8. Section **63I-2-217** is amended to read:

1448 **63I-2-217. Repeal dates -- Title 17.**

1449 (1) Section [17-22-32.2](#), regarding restitution reporting, is repealed January 1, 2021.

1450 (2) Section [17-22-32.3](#), regarding the Jail Incarceration and Transportation Costs Study
1451 Council, is repealed January 1, 2021.

1452 (3) Subsection 17-27a-102(1)(b), the language that states "or a designated mountainous
1453 planning district" is repealed June 1, 2021.

1454 (4) (a) Subsection 17-27a-103~~[(18)]~~(20)(b), regarding a mountainous planning district,
1455 is repealed June 1, 2021.

1456 (b) Subsection 17-27a-103~~[(42)]~~(45), regarding a mountainous planning district, is
1457 repealed June 1, 2021.

1458 (5) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning
1459 district area" is repealed June 1, 2021.

1460 (6) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning district, is
1461 repealed June 1, 2021.

1462 (b) Subsection 17-27a-301(1)(c), regarding a mountainous planning district, is repealed
1463 June 1, 2021.

1464 (c) Subsection 17-27a-301(3)(a), the language that states " or (c)" is repealed June 1,
1465 2021.

1466 (7) Section 17-27a-302, the language that states ", or mountainous planning district"
1467 and "or the mountainous planning district," is repealed June 1, 2021.

1468 (8) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning
1469 district or" and ", as applicable" is repealed June 1, 2021.

1470 (9) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning district, is
1471 repealed June 1, 2021.

1472 (b) Subsection 17-27a-401(7), regarding a mountainous planning district, is repealed
1473 June 1, 2021.

1474 (10) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is
1475 repealed June 1, 2021.

1476 (b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is
1477 repealed June 1, 2021.

1478 (c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous
1479 planning district" is repealed June 1, 2021.

1480 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
1481 district" is repealed June 1, 2021.

1482 (11) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is

1483 repealed June 1, 2021.

1484 (12) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is
1485 repealed June 1, 2021.

1486 (13) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
1487 mountainous planning district, the mountainous planning district" is repealed June 1, 2021.

1488 (14) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is
1489 repealed June 1, 2021.

1490 (15) Subsection 17-27a-605(1)(a), the language that states "or mountainous planning
1491 district land" is repealed June 1, 2021.

1492 (16) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
1493 2021.

1494 (17) On June 1, 2021, when making the changes in this section, the Office of
1495 Legislative Research and General Counsel shall:

1496 (a) in addition to its authority under Subsection 36-12-12(3):

1497 (i) make corrections necessary to ensure that sections and subsections identified in this
1498 section are complete sentences and accurately reflect the office's understanding of the
1499 Legislature's intent; and

1500 (ii) make necessary changes to subsection numbering and cross references; and

1501 (b) identify the text of the affected sections and subsections based upon the section and
1502 subsection numbers used in Laws of Utah 2017, Chapter 448.

1503 (18) Subsection 17-34-1(5)(d), regarding county funding of certain municipal services
1504 in a designated recreation area, is repealed June 1, 2021.

1505 (19) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed
1506 January 1, 2022.

1507 (20) On June 1, 2022:

1508 (a) Section 17-52a-104 is repealed;

1509 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
1510 described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and

1511 (c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.

1512 (21) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to
1513 initiate a change of form of government process by July 1, 2018, is repealed.

1514 Section 9. Section 72-7-505 is amended to read:

1515 **72-7-505. Sign size -- Sign spacing -- Location in outdoor advertising corridor --**

1516 **Limit on implementation.**

1517 (1) (a) Except as provided in Subsection (2), a sign face within the state may not
1518 exceed the following limits:

1519 (i) maximum area - 1,000 square feet;

1520 (ii) maximum length - 60 feet; and

1521 (iii) maximum height - 25 feet.

1522 (b) No more than two facings visible and readable from the same direction on the
1523 main-traveled way may be erected on any one sign structure. Whenever two facings are so
1524 positioned, neither shall exceed the maximum allowed square footage.

1525 (c) Two or more advertising messages on a sign face and double-faced, back-to-back,
1526 stacked, side-by-side, and V-type signs are permitted as a single sign or structure if both faces
1527 enjoy common ownership.

1528 (d) A changeable message sign is permitted if the interval between message changes is
1529 not more frequent than at least eight seconds and the actual message rotation process is
1530 accomplished in three seconds or less.

1531 (e) An illumination standard adopted by any jurisdiction shall be uniformly applied to
1532 all signs, public or private, on or off premise.

1533 (f) The illumination of an electronic changeable message sign may not be limited,
1534 except to prevent an electronic sign face from increasing ambient lighting levels by more than
1535 0.3 footcandles when measured:

1536 (i) after sunset and before sunrise;

1537 (ii) perpendicular to the sign face; and

1538 (iii) at a distance in linear feet calculated by taking the square root of the product of the
1539 following:

1540 (A) the area of the electronic changeable message sign face measured in square feet;

1541 and

1542 (B) 100.

1543 (2) (a) An outdoor sign structure located inside the unincorporated area of a
1544 nonurbanized county may have the maximum height allowed by the county for outdoor

1545 advertising structures in the commercial or industrial zone in which the sign is located. If no
1546 maximum height is provided for the location, the maximum sign height may be 65 feet above
1547 the ground or 25 feet above the grade of the main traveled way, whichever is greater.

1548 (b) An outdoor sign structure located inside an incorporated municipality or urbanized
1549 county may have the maximum height allowed by the municipality or urbanized county for
1550 outdoor advertising structures in the commercial or industrial zone in which the sign is located.
1551 If no maximum height is provided for the location, the maximum sign height may be 65 feet
1552 above the ground or 25 feet above the grade of the main traveled way, whichever is greater.

1553 (3) Except as provided in Section 72-7-509:

1554 (a) Any sign allowed to be erected by reason of the exceptions set forth in Subsection
1555 72-7-504(2) or in H-1 zones may not be closer than 500 feet to an existing off-premise sign
1556 adjacent to an interstate highway or limited access primary highway, except that signs may be
1557 erected closer than 500 feet if the signs on the same side of the interstate highway or limited
1558 access primary highway are not simultaneously visible.

1559 (b) Signs may not be located within 500 feet of any of the following which are adjacent
1560 to the highway, unless the signs are in an incorporated area:

1561 (i) public parks;

1562 (ii) public forests;

1563 (iii) public playgrounds;

1564 (iv) areas designated as scenic areas by the department or other state agency having and
1565 exercising this authority; or

1566 (v) cemeteries.

1567 (c) (i) (A) Except under Subsection (3)(c)(ii), signs may not be located on an interstate
1568 highway or limited access highway on the primary system within 500 feet of an interchange, or
1569 intersection at grade, or rest area measured along the interstate highway or freeway from the
1570 sign to the nearest point of the beginning or ending of pavement widening at the exit from or
1571 entrance to the main-traveled way.

1572 (B) Interchange and intersection distance limitations shall be measured separately for
1573 each direction of travel. A measurement for each direction of travel may not control or affect
1574 any other direction of travel.

1575 (ii) A sign may be placed closer than 500 feet from the nearest point of the beginning

1576 or ending of pavement widening at the exit from or entrance to the main-traveled way, if:

1577 (A) the sign is replacing an existing outdoor advertising use or structure which is being
1578 removed or displaced to accommodate the widening, construction, or reconstruction of an
1579 interstate, federal aid primary highway existing as of June 1, 1991, or national highway system
1580 highway; and

1581 (B) it is located in a commercial or industrial zoned area inside an urbanized county or
1582 an incorporated municipality.

1583 (d) The location of signs situated on nonlimited access primary highways in
1584 commercial, industrial, or H-1 zoned areas between streets, roads, or highways entering the
1585 primary highway shall not exceed the following minimum spacing criteria:

1586 (i) Where the distance between centerlines of intersecting streets, roads, or highways is
1587 less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted
1588 between the intersecting streets or highways.

1589 (ii) Where the distance between centerlines of intersecting streets, roads, or highways
1590 is 1,000 feet or more, minimum spacing between sign structures shall be 300 feet.

1591 (e) All outdoor advertising shall be erected and maintained within the outdoor
1592 advertising corridor.

1593 (4) Subsection (3)(c)(ii) may not be implemented until:

1594 (a) the Utah-Federal Agreement for carrying out national policy relative to control of
1595 outdoor advertising in areas adjacent to the national system of interstate and defense highways
1596 and the federal-aid primary system is modified to allow the sign placement specified in
1597 Subsection (3)(c)(ii); and

1598 (b) the modified agreement under Subsection (4)(a) is signed on behalf of both the state
1599 and the United States Secretary of Transportation.

1600 Section 10. **Effective date.**

1601 This bill takes effect on January 20, 2022.