



MILLCREEK COMMUNITY DEVELOPMENT

3330 SOUTH 1300 EAST

MILLCREEK, UTAH 84106

MEMORANDUM

To: **Community Councils**
From: **Francis Xavier Lilly, AICP, Director**
Date: **26 September 2018**

Re: **ZT-19-001 – Billboard Ordinance Amendments**

Summary

Attached is a proposed text amendment to the Millcreek Zoning Ordinance that updates the City's billboard ordinance. The goal is to modernize the code, make technical corrections, make the standards for billboards more consistent with the standards for all other signs in the city, to make the standards align with the standards of other similarly situated communities, and to promote economic development.

Staff has identified 50 billboards in the City, the majority of which are in the Millcreek Community Council District. Billboards are a significant feature of the 3300 South Streetscape, and there are many billboards on 3900 South and 900 East as well. In addition, Millcreek has four signs that are oriented for viewing on Interstate 15. A summary of the signs by community district is found below, and on the attached map.

Signs by Community District

Millcreek Community District – 33

Canyon Rim Community District – 10

East Mill Creek Community District - 7

Most cities in the region made all billboards nonconforming, and imposed codes that prohibited the construction of new signs. Millcreek, then a part of Salt Lake County, was one of a handful of communities, including Salt Lake City, South Salt Lake, and West Valley City, that allowed billboards to be placed in their communities subject to restrictions. A comparison of billboard ordinances for various Wasatch Front cities is attached. Even with the proposed changes, Millcreek's ordinance will be more permissive than the codes in other cities. In Millcreek's case, the total number of billboards and the combined square footage of the billboard sign areas was capped in December, 2013, and was limited to the billboards found within the city boundaries when the city was established in December 2017. Subsequent to that date, the only way a new billboard could be constructed in the city was if a previous billboard was removed. Sign companies have the ability to hold square footage from a demolished sign for up to three years, before the sign area expires.

A complete summary of the proposed changes is included in the following pages, but staff would like to emphasize the following changes:

1. **Billboards will no longer be an allowed use in the C-1 zone.** These zones are especially close to residential uses.
2. **Signs will in most cases be limited to 300 square feet in size.** Except for signs on State Street and for viewing along I-15, staff is proposing a limit of 300 sf for all billboards. We have received numerous complaints about new large signs being erected along 3300 South. This size is in line with what West Valley City requires, and many of the existing billboards in the City are already 300 sf or less in size.



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Figure 1 - 276 sf billboard at 2330 East 3300 South

3. **Heights.** Staff is proposing to reduce the maximum height of a billboard to 32 feet, unless the sign is either relocated to accommodate redevelopment, or is not visible within 150 feet of a residential zone boundary, in which case the sign could be up to 40 feet. With the exception of freeway-oriented signs, staff does not support sign heights that are taller than the maximum height in a commercial zone – which is 40 feet.
4. **Separation Requirements.** All communities that allow billboards have separation requirements, and Millcreek's current provisions are uniquely permissive in the region. Staff is proposing a 500 lineal foot separation, and a 250 foot radial separation from each billboard.
5. **Setbacks.** In order to bring billboards in line with the requirements for all other signs, staff is recommending a property line setback of five feet. In addition, there is a setback of 150 feet from the sign and the nearest residential zone boundary. Staff supports reducing that setback to 100 feet, but only in instances where the sign is not visible from any point on a property along the residential zone boundary.
6. **Development Incentive.** It may be in the City's best interest to facilitate the relocation of a billboard at some future date, in order to accommodate redevelopment. To that end, staff is recommending a change in ordinance that will allow a minor increase in height or a reduction in the separation requirements if a sign needs to be removed as part of a redevelopment project. In light of provisions of state law, and the city's existing policy to cap the area of signs in the city, staff believes that some provision be made to facilitate the movement of signs in the City, particularly in areas where the City would like to have redeveloped.
7. **State Law Considerations.** Section 10-9a-513 of the Utah Code allows a sign company to move any billboard to another location in a city's commercial, industrial, or manufacturing zone within one mile of the original sign, subject to a 300 foot separation requirement. This provision of state code allows a sign company to modify an existing structure, such as to enlarge it to the maximum size or height allowed by a city's code. If a city denies the request, or does not respond to the request within 180 days, the city may be required to purchase the sign through an eminent domain process spelled out in state statute. In light of



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state law, Staff supports maintaining the policy of the billboard bank, which gives both the city and the sign companies additional time – up to three years – to identify a workable location for a sign. Staff also recommends a change to the ordinance that would require the city to notify property owners within 500 feet of a sign that is moved or altered under the provisions of Utah Code section 10-9a-513. A copy of this Utah code section is attached to this staff report.

Request

Staff is requesting a FAVORABLE recommendation to the City Council for the adoption of an updated billboard ordinance.

The Planning Commission will be discussing this matter on 20 March 2018. We request your recommendation in advance of that meeting.

Attachments

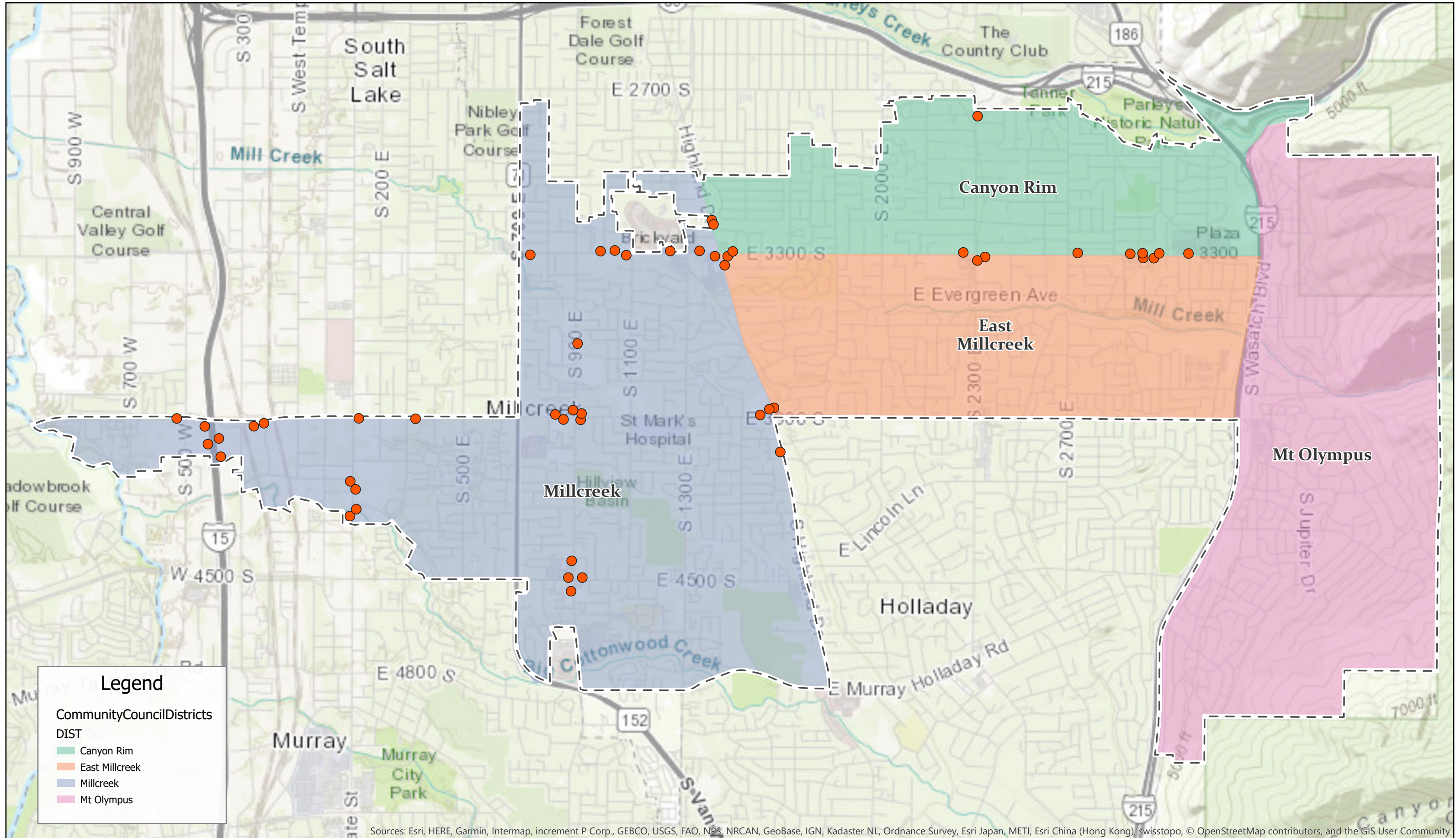
1. Map of Existing Billboard Locations
2. Existing Ordinance
3. Comparison Table of Existing Billboard Provisions and Proposed Changes
4. Proposed Ordinance – Redlines
5. Proposed Ordinance – Clean Copy
6. Comparison Table of Billboard Ordinances for Various Cities along the Wasatch Front
7. State Statute – 10-9a-513



Billboards in Millcreek

Millcreek Community
Development Department
For information regarding this map
contact Millcreek. 801-214-2700

Date Exported: 2/26/2019 3:27 PM
Spatial Reference
NAD 1983 StatePlane
Utah Central FIPS



Existing Ordinance

19.82.185 Off-Premises Signs; Billboards

1. Purpose. This section provides for the reasonable regulation of off-premises signs with the intent of enhancing the aesthetics of existing and future billboards, mitigating negative impacts, promoting safety and protecting property values that further the goals and planning policies of the City.
2. Cap on Number of Off-Premises Signs. The number of off-premises signs allowed in the City shall be limited to the number of off-premises signs that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as off-premises signs are annexed into a municipal jurisdiction or removed and not relocated.
3. Location. Off-premises signs shall be allowed in the C-1 zone as a conditional use. Off-premises signs shall be allowed in the C-2, C-3, M-1 and M-2 zones as a permitted use.
4. Size. Off-premises signs shall not exceed six hundred seventy-two square feet in the C-2, C-3, M-1 and M-2 zones. Off-premises signs located in a C-1 zone shall not exceed three hundred square feet in size.
5. Height. The maximum height of an off-premises sign shall be thirty-five feet in a C-1 zone. The maximum height of an off-premises sign shall be forty-five feet above the grade level of the road in the C-2, C-3, M-1 and M-2 zones or, when oriented for freeway viewing only and located within three hundred feet of the nearest freeway lane, twenty-five feet above freeway grade level or fifty feet overall, whichever is greater.
6. Separation. The minimum distance between off-premises signs larger than three hundred square feet shall be five hundred lineal feet as measured along the same side of the street including intersections. The minimum distance between off-premises signs three hundred square feet or less in size shall be three hundred lineal feet as measured along the same side of the street including intersections. All off-premises signs must be at least one hundred fifty radial feet from any other off-premises sign.
7. Setbacks. The minimum setback shall be eighteen inches for off-premises signs. The sign's front-yard setback shall be measured from the future right-of-way line (see Transportation Improvement Plan). The closest edge of an off-premises sign shall not project into any required setback area. The minimum setback between an off-premises sign and any residential zone boundary shall be one hundred fifty feet.
8. Lighting. Lighting shall be confined to the sign face, and the lighting source shall not be directly visible.
9. Design. Off-premises signs shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the copy face. The back of the sign and the structure behind the sign shall be painted a dark color. Tri-vision sign faces shall be permitted and, if illuminated, must be externally illuminated. Internally illuminated off-premises signs, electronic display (outdoor video advertising) and electronic message centers are only allowed

Existing Ordinance

adjacent to the interstate freeway system and limited to no more than one change to the copy face in a twenty-four hour period. Two-decked off-premises signs are prohibited in all zones.

10. **Credits for Removal.** Prior to the removal of any off-premises sign, the owner shall obtain a permit for the demolition of the off-premises sign. Permits may be provided following application to the Salt Lake County Planning and Development Services Division on behalf of the City. The Salt Lake County Planning and Development Services Division on behalf of the City shall by letter inform the City. After any off-premises sign is demolished, the Salt Lake County Planning and Development Services Division on behalf shall create a "billboard bank account" for the sign owner. The account shall reflect credits for the off-premises sign square footage as well as the date of removal. Any off-premises sign credits not used within thirty-six months of their creation shall expire and be of no further value or use. An off-premises sign owner may sell or otherwise transfer off-premises signs and/or billboard bank account credits. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Demolition of an off-premises sign that has two advertising faces shall receive billboard bank account credits for the square footage of each sign face.
11. **Relocation.** The owner of an existing off-premises sign may remove an existing off-premises sign from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter. Prior to approval of a permit for relocation, the sign owner (applicant) shall submit to the county a notarized affidavit signed by the property owner, a copy of the lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease and renewal provisions. Additionally, prior to approval of a permit for relocation, Salt Lake County Planning and Development Services Division on behalf shall by letter inform the affected community council chairman and affected planning commission chairman that application for an off-premises sign permit has been received. Off-premises signs moved to approved locations shall conform to all off-premises sign requirements of the new location. Off-premises signs moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC). A new off-premises sign permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of square feet. When the permit for construction of a new off-premises sign is issued, the Salt Lake County Planning and Development Services Division on behalf shall deduct from the sign owner's billboard bank account the square footage of the new off-premises sign. If the new off-premises sign uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.
12. **Council Review and Monitoring.** The council shall, on a regular six-month schedule be updated at a regular public meeting to changes in status and effectiveness of the provisions related to off-premises signs in the City.
13. **Severability and Conflict.** This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of

Existing Ordinance

this section is found to be in conflict with any other provision of the county, the most restrictive or highest standard will apply, prevail and govern.

Requirement	Current Ordinance	Proposed Change	Section
Billboard Cap	There is currently a cap on the number of billboards, based on the number of billboards in existence as of December 27, 2013. The ordinance also	The billboard cap now refers to <i>combined square footage of all signs</i> instead of number of signs. The proposed change aligns with the billboard bank provision, which allows sign companies to bank square footage for future use.	2
Billboard Bank	Currently, a sign company can remove a sign and maintain the square footage in a billboard bank for up to 36 months.	We are proposing to maintain the bank. New language requires that banked footage be used only for conforming signs.	Original: 10 and 11 Update: 13 and 14
Allowable Locations	Billboards are allowed in C-1, C-2, C-3, and M Zones	Allowed in the C-2, C-3, and M-Zone. Prohibited in the C-1 zone	3
Conditional or Permitted Uses	Billboards are conditional uses in the C-1 zone, but there are no specific standards.	Billboards are permitted uses. New language proposes updated lighting requirements, design guidelines, and additional standards if close to residential	Original: 3
Advertising Area Size	C-2, C-3, M zones: 672 sf C-1 zone: 300 sf	Freeway-oriented signs and signs on State Street: 600 sf All other signs: 300 sf	Original: 4 Update: 5
Prohibited Locations	No specific prohibited locations are identified.	The new ordinance identifies areas and intersections where signs will be prohibited. These areas include intersections where there are no billboards currently, Main Street in the Meadowbrook Area, and the proposed Olympus Hills Village Center: these are areas of redevelopment where there are no billboards.	Update: 6

Requirement	Current Ordinance	Proposed Change	Section
Height	C-1: 35 feet C-2, C-3, M: 45 feet Freeway Oriented: Up to 50 feet	C-2, C-3, M: 32 feet Freeway Oriented: No change. Exception: Signs that cannot be viewed from within 150 feet of a residential zone may go up to 40 feet in height. Additional height may be granted if a sign is relocated as part of a redevelopment project. See section 12 in the updated code.	Original: 5 Update: 7
Separation	300 sf or less: 300 lineal feet on same side of street. > 300 sf: 500 lineal feet on same side of street. All signs must be 150 radial feet from any other sign.	All signs must be 500 lineal feet apart, and 250 radial feet from another sign on the opposite side of the street. Exception: Separation distance may be reduced in order to accommodate redevelopment. See section 12 in the updated code.	Original 6: Update: 8
Property Line and Right-of-Way Line Setbacks	18 inches from property or ROW line.	5 feet from property or ROW line, to make billboards consistent with other signs in our updated code.	Original: 7 Update: 9a and 9b
Setbacks from Residential Zones	150 feet from any residential zone.	150 feet from an A-1, R-1, R-2, R-4, and R-M Zone. Exception: Setback may be reduced to 100 feet from the zone boundary if no portion of the billboard is visible from any ground level vantage point on a property in one of the zones listed above.	Original: 7 Update: 9c
Lighting	Minimal standards in current code.	Signs will be required to follow the illumination requirements in the new sign code.	Original: 8 Update: 10

Requirement	Current Ordinance	Proposed Change	Section
Design	Signs can be monopole or bipole signs. Two-decked billboards are prohibited. Electronic billboards are effectively prohibited: Note: The prohibition for electronic billboards does not apply to freeway-oriented signs. These are regulated by state law.	Same standards are maintained. Design guidelines are added to aid plan reviewers in promoting better design. Clarifying language added.	Original: 9 Update: 11
Relocation Incentive	None	The new language proposes a reduction in the separation requirements and an increase in height, in order to accommodate the moving of a sign that is due to redevelopment of sites that are at least one acre in size, or that are in a community reinvestment area. South Salt Lake City has similar language.	Update: 12
Relocation of signs	This section regulates how a sign can be relocated. Due to the cap, any new billboard is essentially a relocation of old square footage. There is also a noticing requirement for the PC and affected CC Chairs.	Updated language clarifies and corrects terminology, and requires documentation of a complete lease for a sign, if land is being leased for a sign. PC and affected CC chairs will still be notified. If a relocated sign is within 600 feet of a community district boundary, the CC chairs of both districts will be notified.	Original: 11 Update: 14
Council Review and Monitoring	Staff is required to update the City Council periodically.	New language eliminates this section.	Original: 12
Relocations Under State Law	Billboards can be relocated under state law in any commercial or industrial zone, regardless of what our code says. While rare, there is currently no provision to notify the public of a relocation under state law.	New language proposes that the city notify property owners of a relocated sign within 500 feet of the sign to be relocated.	Update: 15

Requirement	Current Ordinance	Proposed Change	Section
Business License Requirement	No business license is required of billboards	New language proposes a business license requirement.	Update: 16

Proposed Ordinance - Redlines

19.82.185 Off-Premises Signs; Billboards

1. Purpose. This section provides for the reasonable regulation of ~~off-premises signs billboards~~ with the intent of enhancing economic development, redevelopment, the aesthetics of existing and future billboards, mitigating negative impacts, promoting safety and protecting property values that further the goals and planning policies of the City.
2. Cap on ~~Number Area~~ of ~~Off-Premises Signs~~Billboards. The ~~number combined square footage~~ of ~~off-premises signs all billboards~~ allowed in the City shall be limited to the ~~number of off-premises signs combined square footage of billboards~~ that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as ~~off-premises signs billboards~~ are annexed into a municipal jurisdiction or removed and not relocated.
- ~~2.3. Billboards are only allowed in the C-2, C-3, and M zones as a permitted use, subject the additional restrictions established in this chapter.~~
- ~~3.4. Location. Off-premises signs Billboards shall not be allowed in the C-1 zone in those locations listed in Subsection 6 of this chapter, below, notwithstanding the underlying zone. as a conditional use. Off-premises signs shall be allowed in the C-2, C-3, M-1 and M-2 zones as a permitted use.~~
5. Size. ~~Off-premises signs~~Billboards shall not exceed ~~six hundred seventy-two~~300 square feet in the C-2, C-3, ~~M-1 and M-2~~and M zones, ~~except as provided below and in Subsection 12 of this chapter. Off-premises signs located in a C-1 zone shall not exceed three hundred square feet in size.~~
 - a. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed 600 square feet.
 - b. Signs oriented for viewing along State Street and located within 20 feet of the State Street right-of-way shall not exceed 600 square feet.
6. Prohibited Locations. Billboards, notwithstanding the underlying zone, ~~shall not be permitted anywhere along Main Street, east of the I-215 freeway, or within 500 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:~~
 - a. 2000 East and 3300 South
 - b. 1100 East and 3900 South
 - c. 1300 East and 3900 South
 - d. 2300 East and 3900 South
 - ~~4.e. Murray-Holladay Road and Highland Drive~~
7. Height. ~~The maximum height of an off-premises sign shall be thirty-five feet in a C-1 zone. The Except as provided below and in Subsection 11 of this chapter, the maximum height of an off-~~

Proposed Ordinance - Redlines

~~premises sign billboard~~ shall be ~~forty-five~~ 32 feet above the grade level of the road in the C-2, C-3, ~~M-1 and M-2 or M~~ zones, ~~except as provided below: or, when oriented for freeway viewing only and located within three hundred feet of the nearest freeway lane, twenty-five feet above freeway grade level or fifty feet overall, whichever is greater.~~

a. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of 50 feet, but in no event shall be greater than 25 feet above freeway grade level.

b. In the event that a billboard cannot be viewed from any residential zone, it may exceed 32 feet in height, up to a maximum height of 40 feet. In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:

a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within 150 feet of the residential zone boundary, aAnd

~~5.b. greater in height on the same side of the street and billboard~~The billboard must be situated on the same side of the street and within 50 feet of an existing building or buildings and have no greater height than the immediately adjacent building(s).

~~6.8. Separation. The minimum distance between off-premises signs larger than three hundred square feet shall be five hundred lineal feet as measured along the same side of the street including intersections. The minimum distance between all off-premises signsbillboards on the same side of the street three hundred square feet or less in size shall be three hundred shall be 500 lineal feet as measured along the same side of the street including intersections. All off-premises signs billboards must be at least one hundred fifty 250 radial feet from any other off-premises signbillboard located on the opposite side of the street from where a new sign is to be located.~~

9. Setbacks.

a. Setbacks from Rights-of-Way. The minimum setback shall be ~~eighteen inches~~ five feet to the leading edge of a billboard, including all structural and service support elements. ~~for off-premises signs. The signbillboard's front-yard setback shall be measured from the future right-of-way line as indicated on the Functional Classification Map of the General Plan (see Transportation Improvement Plan).~~ The closest edge of ~~an off-premises billboard sign~~ shall not project into any required setback area.

b. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.

c. Setbacks from A-1, R-1, R-2, R-4, and RM Zones. The minimum setback between ~~a an off-premises signa billboard~~ and any residential zone boundary shall be one hundred fifty feet. The minimum setback of a billboard may be reduced to 100 feet if the billboard owner certifies as part of a building permit that no portion of the proposed

Proposed Ordinance - Redlines

billboard is visible from any ground level vantage point on a property in an A-1, R-1, R-2, R-4, or RM zone that is within 150 feet of the proposed sign, as measured from the zone boundary line.

8.10. Lighting. Lighting shall be confined to the sign face, and the lighting source shall not be directly visible from any ground-level vantage point. Illumination of billboards shall comply with the standards established in MKC Section 19.82.135 (D).

11. Design. ~~Off-premises signs~~Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the ~~copy sign~~ face. The back ~~of any single-faced of the sign billboard~~ and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. ~~Tri-vision sign faces shall be permitted and, if illuminated, must be externally illuminated.~~ Internally illuminated ~~off-premises signs~~billboards, electronic display, digital display, LED display, video display billboards ~~(outdoor video advertising)~~ and electronic message centers are only allowed immediately adjacent to the interstate freeway system I-15 freeway and shall be limited to no more than one change to the copy face in a twenty-four hour period. Two-decked ~~off-premises signs~~billboards are prohibited in all zones.

12. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or any site in the city that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:

a. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections, and may be reduced to 150 radial feet from any other billboard.

9-b. The maximum height of a billboard may be increased to 40 feet in height, subject to the standards established in Section 7(b) above.

10.13. Credits for Removal. Prior to the removal of any ~~off-premises sign~~billboard, the owner shall obtain a permit for the demolition of the ~~off-premises sign~~billboard. Permits may be provided following application to the ~~Salt Lake County Planning and Development Services Division on behalf of the City. The Salt Lake County Planning and Development Services Division on behalf of the City shall by letter inform the City.~~ After any ~~off-premises sign~~billboard is ~~demolished~~removed, the ~~Salt Lake County Planning and Development Services Division on behalf of the City~~ shall create a "billboard bank account" for the sign owner. The account shall solely reflect credits for the ~~off-premises billboard advertising space sign~~ square footage as well as the date of ~~removal~~removal, and the street address from which the billboard was removed. Any ~~off-premises sign billboard~~ credits not used within thirty-six months of their creation shall expire and be of no further value or use. An ~~off-premises sign~~billboard owner may sell or otherwise transfer ~~off-premises signs~~billboards and/or billboard bank account credits. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. ~~Demolition~~Removal of a billboard ~~n-off-premises sign~~ that has two in-use advertising faces shall receive billboard bank account credits for the square footage of each sign face.

Proposed Ordinance - Redlines

Credits may not be used to enlarge any non-conforming billboard, or conforming billboard sign, other than those billboards located immediately adjacent to the I-15 freeway, along State Street or within 20 feet of the State Street right-of-way.

~~11.14.~~ Relocation. The owner of an existing ~~off-premises sign~~billboard may remove an existing ~~off-premises sign billboard~~ from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter. Prior to approval of a permit for relocation, the ~~sign billboard~~ owner (applicant) shall submit to the ~~county~~City a ~~notarized affidavit signed by the property owner, a complete~~ copy of the ~~completed and signed~~ lease agreement ~~or other document to be signed by the property owner~~, indicating at a minimum the duration of the lease and renewal and termination provisions. Additionally, prior to approval of a permit for relocation, ~~Salt Lake County Planning and Development Services Division on behalf the City~~ shall by letter inform the affected community council chair~~man~~ and affected planning commission chair~~man~~ that application for a ~~billboard~~ n off-premises sign permit has been received. If a sign is to be relocated within 600 feet of a community district boundary, the city shall inform the affected community council chairs of each community district. ~~Off-premises signs~~Billboards moved to approved locations shall conform to all ~~off-premises sign billboard~~ requirements of the new location. ~~Off-premises signs~~Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC). A new ~~off-premises sign billboard~~ permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed. When the permit for construction of a new ~~off-premises sign~~billboard is issued, the ~~Salt Lake County Planning and Development Services Division on behalf City~~ shall deduct from the sign owner's billboard bank account the advertising face square footage ~~of used for~~ the new ~~off-premises sign billboard~~. If the new ~~off-premises sign billboard~~ uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

~~12. Council Review and Monitoring. The council shall, on a regular six-month schedule be updated at a regular public meeting to changes in status and effectiveness of the provisions related to off-premises signs in the City.~~

15. Notice Required for Billboards Relocated Subject to State Statute. If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within 500 feet of the property to which the sign is to be relocated or erected. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.

16. Business Licenses Required for Billboards.

- a. Each billboard shall be considered a separate business and shall be subject to obtaining a business license and paying the required fee as established in the Millcreek fee schedule. Companies or individuals with multiple locations may license as a single unit with a fee for each location.

Proposed Ordinance - Redlines

b. The City considers billboards to operate as a separate business due to the following factors:

a. Advertising space is rented or leased on each billboard separately.

b. Each billboard is erected at a separate location requiring a separate rent or lease agreement.

c. Billboards require regular inspections to assure continued compliance.

d. Billboards create other administrative costs such as zoning approvals and other enforcement activities.

13.17. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section ~~section~~ is found to be in conflict with any other provision of the ~~county~~City, the most restrictive or highest standard will apply, prevail and govern.

19.82.185 Off-Premises Signs; Billboards

1. Purpose. This section provides for the reasonable regulation of billboards with the intent of enhancing economic development, redevelopment, the aesthetics of existing and future billboards, mitigating negative impacts, promoting safety and protecting property values that further the goals and planning policies of the City.
2. Cap on Area of Billboards. The combined square footage of all billboards allowed in the City shall be limited to the combined square footage of billboards that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as billboards are annexed into a municipal jurisdiction or removed and not relocated.
3. Billboards are only allowed in the C-2, C-3, and M zones as a permitted use, subject the additional restrictions established in this chapter.
4. Location. Billboards shall not be allowed in those locations listed in Subsection 6 of this chapter, below, notwithstanding the underlying zone.
5. Size. Billboards shall not exceed 300 square feet in the C-2, C-3, and M zones, except as provided below and in Subsection 12 of this chapter.
 - a. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed 600 square feet.
 - b. Signs oriented for viewing along State Street and located within 20 feet of the State Street right-of-way shall not exceed 600 square feet
6. Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere along Main Street, east of the I-215 freeway, or within 500 feet of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:
 - a. 2000 East and 3300 South
 - b. 1100 East and 3900 South
 - c. 1300 East and 3900 South
 - d. 2300 East and 3900 South
 - e. Murray-Holladay Road and Highland Drive
7. Height. Except as provided below and in Subsection 11 of this chapter, the maximum height of a billboard shall be 32 feet above the grade level of the road in the C-2, C-3, or M zones, except as provided below:
 - a. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of 50 feet, but in no event shall be greater than 25 feet above freeway grade level.

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- b. In the event that a billboard cannot be viewed from any residential zone, it may exceed 32 feet in height, up to a maximum height of 40 feet. In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:
 - a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within 150 feet of the residential zone boundary, and
 - b. The billboard must be situated on the same side of the street and within 50 feet of an existing building or buildings and have no greater height than the immediately adjacent building(s).
8. Separation. The minimum distance between all billboards on the same side of the street shall be 500 lineal feet as measured along the same side of the street including intersections. All billboards must be at least 250 radial feet from any other billboard located on the opposite side of the street from where a new sign is to be located.
9. Setbacks.
 - a. Setbacks from Rights-of-Way. The minimum setback shall be five feet to the leading edge of a billboard, including all structural and service support elements. The billboard's front-yard setback shall be measured from the future right-of-way line as indicated on the Functional Classification Map of the General Plan. The closest edge of a billboard shall not project into any required setback area.
 - b. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.
 - c. Setbacks from A-1, R-1, R-2, R-4, and RM Zones. The minimum setback between a billboard and any residential zone boundary shall be one hundred fifty feet. The minimum setback of a billboard may be reduced to 100 feet if the billboard owner certifies as part of a building permit that no portion of the proposed billboard is visible from any ground level vantage point on a property in an A-1, R-1, R-2, R-4, or RM zone that is within 150 feet of the proposed sign, as measured from the zone boundary line.
10. Lighting. Lighting shall be confined to the sign face and the lighting source shall not be directly visible from any ground-level vantage point. Illumination of billboards shall comply with the standards established in MKC Section 19.82.135 (D).
11. Design. Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the sign face. The back of any single-faced billboard and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. Internally illuminated billboards, electronic display, digital display, LED display, video display billboards-and electronic message centers are only allowed immediately adjacent to the I-15 freeway and shall be limited to no

more than one change to the copy face in a twenty-four hour period. Two-decked billboards are prohibited in all zones.

12. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or any site in the city that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:
 - a. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections, and may be reduced to 150 radial feet from any other billboard.
 - b. The maximum height of a billboard may be increased to 40 feet in height, subject to the standards established in Section 7(b) above.
13. Credits for Removal. Prior to the removal of any billboard, the owner shall obtain a permit for the demolition of the billboard. Permits may be provided following application to the City. After any billboard is removed, the City shall create a "billboard bank account" for the sign owner. The account shall solely reflect credits for the billboard advertising space square footage as well as the date of removal, and the street address from which the billboard was removed. Any billboard credits not used within thirty-six months of their creation shall expire and be of no further value or use. A billboard owner may sell or otherwise transfer billboards and/or billboard bank account credits. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Removal of a billboard that has two in-use advertising faces shall receive billboard bank account credits for the square footage of each sign face. Credits may not be used to enlarge any non-conforming billboard or conforming billboard, other than those billboards located immediately adjacent to the I-15 freeway, along State Street or within 20 feet of the State Street right-of-way.
14. Relocation. The owner of an existing billboard may remove an existing billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter. Prior to approval of a permit for relocation, the billboard owner (applicant) shall submit to the City a complete copy of the completed and signed lease agreement, indicating at a minimum the duration of the lease and renewal and termination provisions. Additionally, prior to approval of a permit for relocation, the City shall by letter inform the affected community council chair and planning commission chair that application for a billboard permit has been received. If a sign is to be relocated within 600 feet of a community district boundary, the city shall inform the affected community council chairs of each community district. Billboards moved to approved locations shall conform to all billboard requirements of the new location. Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC). A new billboard permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed. When the permit for construction of a new billboard is issued, the City shall deduct from the sign owner's billboard bank account the advertising face square footage used for the new billboard. If the new billboard uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

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15. Notice Required for Billboards Relocated Subject to State Statute. If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within 500 feet of the property to which the sign is to be relocated or erected. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.
16. Business Licenses Required for Billboards.
 - a. Each billboard shall be considered a separate business and shall be subject to obtaining a business license and paying the required fee as established in the Millcreek fee schedule. Companies or individuals with multiple locations may license as a single unit with a fee for each location.
 - b. The City considers billboards to operate as a separate business due to the following factors:
 - a. Advertising space is rented or leased on each billboard separately.
 - b. Each billboard is erected at a separate location requiring a separate rent or lease agreement.
 - c. Billboards require regular inspections to assure continued compliance.
 - d. Billboards create other administrative costs such as zoning approvals and other enforcement activities.
17. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the City, the most restrictive or highest standard will apply, prevail and govern.

Utah Cities' Billboards / Outdoor Advertising Ordinances

This summary is **not** a legal review of billboard ordinances or state code, nor does it provide a complete summary of these ordinances. Instead, the intent is to give an understanding of what cities have done and their general sentiment as respects billboards within their cities.

When a city designates all billboards within its jurisdiction to be “non-conforming” or “prohibited”, the practical effect is that the city is prohibiting any new billboards and is attempting to prevent the existing “non-conforming” billboards from being moved, increased in size, converted to electronic or any other alternation. Changes in state law, however, have eroded the ability of cities to regulate non-conforming signs.

Source of information: city websites, and specifically the zoning ordinance language found on these websites, as of November 2018.

City	Billboard Ordinances	Notes / Code Citation	Are <u>new</u> billboards (including the expansion of an existing billboard) larger than 300 sq. ft. allowed (<u>excluding</u> freeway locations)? See Note #12
Millcreek	Billboards are a permitted use in all commercial and manufacturing zones, excepting C-1, where allowed as a conditional use. Subject to billboard “bank” that limits total sign square footage to amount that existed in 2004.	19.82.185	Allowed – up to 675 square feet in C-2, C-3 & manufacturing zone “Billboard Bank” – see note #13
South Salt Lake	Billboards are allowed in some areas, but new billboards are prohibited east of 200 East; maximum size not to exceed 300 square feet excepting freeway billboards. Billboard bank exists. 500 ft. minimum separation along same side of road.	17.16	Prohibited
Sandy	Classified as “non-conforming” – shall not be moved altered or enlarged...	“Any billboards will be in conformance with state code”.	Prohibited “Non-conforming” billboard – see note #14
Holladay	Billboards are prohibited, except as allowed in the ordinance, meaning existing legal non-conforming signs	13.82.180	Prohibited

Salt Lake City	Salt Lake City as a complex, extensive billboard ordinance that will be summarized at a later date.	21A.46.160	Potentially allowed in certain areas
Taylorsville	Classified as “non-conforming”	12.26.040 “Any billboards will be in conformance with state code” See note #1	Prohibited
Cottonwood Heights	Billboards are prohibited – but includes certain designated areas where non-conforming billboards can be converted to digital / electronic.	19.82.110	Prohibited
Draper	Classified as “non-conforming”	9-26-110 See note #2	Prohibited
West Valley City	Permitted in some zones, prohibited in other zones. Subject to billboard “bank”. Its ordinance language materially more restrictive than Millcreek’s.	11-05-105 See note #3	Prohibited
Riverton	Prohibited – “Billboards shall not be installed within city limits.”	17.22.150	Prohibited
Murray	“All off premises advertising signs are prohibited within the jurisdiction of the city.”	17.48.170 See note #4 below	Prohibited
Bluffdale	Prohibited, other than within 450 ft of I-15, but only in a “light industrial” zone	11-22-14 See note #5 below	Prohibited
Bountiful	Billboards are “prohibited, “except as allowed herein”	14-19-01 #6 below	Prohibited
West Bountiful	Billboards are prohibited, “except for those existing prior to the adoption of this chapter, as may be allowed under Utah State law.”	17.48.060	Prohibited
Centerville	Billboards are prohibited.	12.54.010	Prohibited
Layton	Excepting certain defined corridors, new billboards are prohibited.	20.06 see note #7 below	Prohibited
Kaysville	Billboards are prohibited.	17-33-8	Prohibited
Clearfield	“No new billboards shall be permitted....”	11.15.1 see note #8 below	Prohibited
Ogden	Billboards are “legal non-conforming” as of August 2001. “cap & replace” language; restricted to certain areas of the city	Title 18	Prohibited – with some contradictory language on this subject.

Logan	Billboards are prohibited in all zones: "Off-premise signs, except where specifically allowed by this chapter;"	17.40.40	Prohibited
Provo	All billboards are "legal non-conforming uses".	See note #9 below	Prohibited
Lehi	Billboards and off-premises signs are not allowed within the city, except for along I-15	See Note #10	Prohibited
Vernal	Billboards allowed as conditional use in commercial & industrial zones	16.28.050 See Note #11 below	Prohibited
Heber	Billboards are prohibited	18.103	Prohibited
Park City	Billboards are prohibited	12-7-1	Prohibited

Note #1: Taylorsville – all off premises signs shall be prohibited, including billboards, except as provided in subsections 12.26.090 A-4 and A-8 (neither of which deal with billboards)

Note #2: Draper – Billboards, being classified as non-conforming, "may be relocated, removed or altered according to the terms of Utah Code Annotated (Ord. 963, 2-15-2011)

Note #3: West Valley City – allowed in certain commercial zones, but not in "gateway-oriented overlay zones", regardless of the underlying zone; shall not exceed 300 sq. ft in commercial zones; shall not exceed 672 feet along freeways; maximum height of 35 feet, except for freeway oriented signs; setbacks: not less than 10 feet from property line and increasing with height of the billboard. Minimum separation 500 radial feet.

Note #4: Murray – Existing billboards are "legal non-conforming" and may be continued only to the extent allowed by sections 10-9a-511 through 513 of the Utah code. "A legal non-conforming sign must not be extended, altered expanded or substituted."

Note #5: Bluffdale – "Non-appurtenant advertising structures (billboards) shall be permitted within four hundred fifty feet of the nearest edge of the Interstate-15 right of way in the light industrial (I-1) zone...."

Note #6, Bountiful – any existing billboards are of course subject to state law.

Note #7, Layton – defined corridors: I-15, Main Street, which runs parallel to I-15, and a short section of Highway 193.

Note #8, Clearfield – existing billboards shall comply with certain regulations. Confusing language, but does state that billboards "shall be allowed on commercial parcels adjacent to Interstate I-15 right of way..."

Note #9, Provo -- All off-premises [signs](#) and their supporting [structures](#) shall be kept in good appearance and condition with normal maintenance and repair (example: painting), but it shall be unlawful to reconstruct, raise, move, place, extend, or enlarge such [signs](#) or the [structure](#) supporting such [signs](#).

Note #10, Lehi – Extensive language as respects allowing freeway size electronic billboards along I-15 corridor. An existing non-conforming billboard may be converted to digital, subject to various restrictions, including the sign location being limited to a location within the “Off-Premises Electronic Display Sign Overlay Zone”, which appears to allow electronic billboard solely along the I-15 corridor and not elsewhere in the city.

Note #11, Vernal – Maximum size allowed in all zones –200 square feet. Minimum separation between billboards: 500 feet.

Note #12, all jurisdictions – To emphasize, the representations made in this column do not take into account existing freeway size (600 to 675 square feet) billboards within the city limits. In addition, a “new” billboard can be one where the sign face square footage for it comes from the removal of one or more smaller, older billboard that has been removed, Millcreek being a good example of this trend to larger billboards. Plus, there might be a few exceptions not caught, mis-read or overlooked by this analysis.

Note #13, Billboard Bank – This is a mechanism that allows the billboard company to use the sign face square footage from a demolished billboard for the erection of a new billboard. The square footage from the demolished billboard is “banked” and then, within a certain period of time, commonly 36 months, this banked square footage can be used for the sign face on a new billboard. This mechanism benefits billboard companies, as it assures them that they have the opportunity to never lose any sign square footage (as manifested in new billboards), even when a city declares all existing billboards to be non-conforming or prohibited. As respects non-conforming billboards, this mechanism has been largely preempted by changes in state law, a topic beyond the scope of this summary.

Effective 5/8/2018

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

(1) As used in this section:

- (a) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on a street or highway within the visibility area.
- (b) "Highest allowable height" means:
 - (i) if the height allowed by the municipality, by ordinance or consent, is higher than the height under Subsection (1)(b)(ii), the height allowed by the municipality; or
 - (ii)
 - (A) for a noninterstate billboard:
 - (I) if the height of the previous use or structure is 45 feet or higher, the height of the previous use or structure; or
 - (II) if the height of the previous use or structure is less than 45 feet, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than 45 feet; and
 - (B) for an interstate billboard:
 - (I) if the height of the previous use or structure is at or above the interstate height, the height of the previous use or structure; or
 - (II) if the height of the previous use or structure is less than the interstate height, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than the interstate height.
- (c) "Interstate billboard" means a billboard that is intended to be viewed from a highway that is an interstate.
- (d) "Interstate height" means a height that is the higher of:
 - (i) 65 feet above the ground; and
 - (ii) 25 feet above the grade of the interstate.
- (e) "Noninterstate billboard" means a billboard that is intended to be viewed from a street or highway that is not an interstate.
- (f) "Visibility area" means the area on a street or highway that is:
 - (i) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and
 - (ii) defined on the other end by a line extending across all lanes of traffic of the street or highway in a plane that is:
 - (A) perpendicular to the street or highway; and
 - (B)
 - (I) for an interstate billboard, 500 feet from the base of the billboard; or
 - (II) for a noninterstate billboard, 300 feet from the base of the billboard.

(2)

- (a) If a billboard owner makes a written request to the municipality with jurisdiction over the billboard to take an action described in Subsection (2)(b), the billboard owner may take the requested action, without further municipal land use approval, 180 days after the day on which the billboard owner makes the written request, unless within the 180-day period the municipality:
 - (i) in an attempt to acquire the billboard and associated rights through eminent domain under Section 10-9a-512 for the purpose of terminating the billboard and associated rights:

- (A) completes the procedural steps required under Title 78B, Chapter 6, Part 5, Eminent Domain, before the filing of an eminent domain action; and
- (B) files an eminent domain action in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain;
- (ii) denies the request in accordance with Subsection (2)(d); or
- (iii) requires the billboard owner to remove the billboard in accordance with Subsection (3).
- (b) Subject to Subsection (2)(a), a billboard owner may:
 - (i) rebuild, maintain, repair, or restore a billboard structure that is damaged by casualty, an act of God, or vandalism;
 - (ii) relocate or rebuild a billboard structure, or take another measure, to correct a mistake in the placement or erection of a billboard for which the municipality issued a permit, if the proposed relocation, rebuilding, or other measure is consistent with the intent of that permit;
 - (iii) structurally modify or upgrade a billboard;
 - (iv) relocate a billboard into any commercial, industrial, or manufacturing zone within the municipality's boundaries, if the relocated billboard is:
 - (A) within 5,280 feet of the billboard's previous location; and
 - (B) no closer than 300 feet from an off-premise sign existing on the same side of the street or highway, or if the street or highway is an interstate or limited access highway that is subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act between the relocated billboard and an off-premise sign existing on the same side of the interstate or limited access highway; or
 - (v) make one or more of the following modifications, as the billboard owner determines, to a billboard that is structurally altered by modification or upgrade under Subsection (2)(b)(iii), by relocation under Subsection (2)(b)(iv), or by any combination of these alterations:
 - (A) erect the billboard:
 - (I) to the highest allowable height; and
 - (II) as the owner determines, to an angle that makes the entire advertising content of the billboard clearly visible; or
 - (B) install a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before the billboard's relocation.
- (c) A modification under Subsection (2)(b)(v) shall comply with Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, to the extent applicable.
- (d) A municipality may deny a billboard owner's request to relocate or rebuild a billboard structure, or to take other measures, in order to correct a mistake in the placement or erection of a billboard without acquiring the billboard and associated rights through eminent domain under Section 10-9a-512, if the mistake in placement or erection of the billboard is determined by clear and convincing evidence, in a proceeding that protects the billboard owner's due process rights, to have resulted from an intentionally false or misleading statement:
 - (i) by the billboard applicant in the application; and
 - (ii) regarding the placement or erection of the billboard.
- (e) A municipality that acquires a billboard and associated rights through eminent domain under Section 10-9a-512 shall pay just compensation to the billboard owner in an amount that is:
 - (i) the value of the existing billboard at a fair market capitalization rate, based on actual annual revenue, less any annual rent expense;
 - (ii) the value of any other right associated with the billboard;
 - (iii) the cost of the sign structure; and
 - (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the billboard owner's interest is a part.

- (f) If a municipality commences an eminent domain action under Subsection (2)(a)(i):
 - (i) the provisions of Section 78B-6-510 do not apply; and
 - (ii) the municipality may not take possession of the billboard or the billboard's associated rights until:
 - (A) completion of all appeals of a judgment allowing the municipality to acquire the billboard and associated rights; and
 - (B) the billboard owner receives payment of just compensation, described in Subsection (2)(e).
- (g) Unless the eminent domain action is dismissed under Subsection (2)(h)(ii), a billboard owner may proceed, without further municipal land use approval, to take an action requested under Subsection (2)(a), if the municipality's eminent domain action commenced under Subsection (2)(a)(i) is dismissed without an order allowing the municipality to acquire the billboard and associated rights.
- (h)
 - (i) A billboard owner may withdraw a request made under Subsection (2)(a) at any time before the municipality takes possession of the billboard or the billboard's associated rights in accordance with Subsection (2)(f)(ii).
 - (ii) If a billboard owner withdraws a request in accordance with Subsection (2)(h)(i), the court shall dismiss the municipality's eminent domain action to acquire the billboard or associated rights.
- (3) Notwithstanding Section 10-9a-512, a municipality may require the owner of a billboard to remove the billboard without acquiring the billboard and associated rights through eminent domain if:
 - (a) the municipality determines:
 - (i) by clear and convincing evidence that the applicant for a permit intentionally made a false or misleading statement in the applicant's application regarding the placement or erection of the billboard; or
 - (ii) by substantial evidence that the billboard:
 - (A) is structurally unsafe;
 - (B) is in an unreasonable state of repair; or
 - (C) has been abandoned for at least 12 months;
 - (b) the municipality notifies the billboard owner in writing that the billboard owner's billboard meets one or more of the conditions listed in Subsections (3)(a)(i) and (ii);
 - (c) the billboard owner fails to remedy the condition or conditions within:
 - (i) 180 days after the day on which the billboard owner receives written notice under Subsection (3)(b); or
 - (ii) if the condition forming the basis of the municipality's intention to remove the billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a natural disaster, after the day on which the billboard owner receives written notice under Subsection (3)(b); and
 - (d) following the expiration of the applicable period under Subsection (3)(c) and after providing the billboard owner with reasonable notice of proceedings and an opportunity for a hearing, the municipality finds:
 - (i) by clear and convincing evidence, that the applicant for a permit intentionally made a false or misleading statement in the application regarding the placement or erection of the billboard; or
 - (ii) by substantial evidence that the billboard is structurally unsafe, is in an unreasonable state of repair, or has been abandoned for at least 12 months.

- (4) A municipality may not allow a nonconforming billboard to be rebuilt or replaced by anyone other than the billboard's owner, or the billboard's owner acting through a contractor, within 500 feet of the nonconforming location.
- (5) A permit that a municipality issues, extends, or renews for a billboard remains valid beginning on the day on which the municipality issues, extends, or renews the permit and ending 180 days after the day on which a required state permit is issued for the billboard if:
 - (a) the billboard requires a state permit; and
 - (b) an application for the state permit is filed within 30 days after the day on which the municipality issues, extends, or renews a permit for the billboard.

Amended by Chapter 239, 2018 General Session