



## **PROVO MUNICIPAL COUNCIL**

### **Redevelopment Agency of Provo**

#### **Regular Meeting Agenda**

5:30 PM, Tuesday, January 09, 2018

Room 200, Municipal Council Chambers

351 West Center, Provo, Utah

#### **Decorum**

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

#### **Opening Ceremony**

Roll Call

Prayer

Pledge of Allegiance

Approval of Minutes

- September 5, 2017 Board of Canvassers
- November 21, 2017 Council Meeting

#### **Presentations, Proclamations, and Awards**

#### **Public Comment**

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

#### **Action Agenda**

- 5 The election of Municipal Council officers; chair and vice-chair. (18-001)
- 6 A resolution acknowledging the election of the Chair and Vice-Chair of the Provo Municipal Council for calendar year 2018. (18-001)

## Redevelopment Agency of Provo

- 7 The election of Redevelopment Agency of Provo officers; chair and vice-chair. (18-001)
- 8 A resolution acknowledging the appointment of the Chair and Vice-Chair of the Redevelopment Agency of Provo City for calendar year 2018. (18-001)

## Action Agenda (Continued)

Consideration of an amendment to Ordinance 2017-51 regarding rental contracts. (17-104)

An ordinance amending the zone map classification of approximately 2.32 acres of real property, generally located at 1282 North Geneva Road, from Agriculture (A1.5) to One-family Residential (R1.10). Lakeview North Neighborhood. (17-0009R)

An ordinance amending Provo City Code regarding signage. Citywide impact. (17-0019OA)

An ordinance amending Provo City Code to adopt a definition for "road." Citywide impact. (17-0023OA)

A resolution to place approximately 22.3 acres of real property at the northwest corner of the East Bay Golf Course on the Surplus Property List. (17-143)

\*\*\*CONTINUED TO FUTURE MEETING\*\*\* Celeste Kennard, acting Joaquin Neighborhood Chair, requests an amendment to Section 14.34.290 of the Provo City Code to add East Center Street as a Design Corridor. Joaquin, Maeser, Foothills, and Provost Neighborhoods. (17-0020OA)

\*\*\*CONTINUED TO FUTURE MEETING\*\*\* The Provo City Community Development Department requests Ordinance Amendments to Sections 14.34.285 & 14.34.287 which are Residential Design Standards. Citywide impact. (17-0024OA)

## Adjournment

If you have a comment regarding items on the agenda, please email or write to Council Members. Their contact information is listed on the Provo website at:

<http://provo.org/government/city-council/meet-the-council>

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Materials and Agenda: <http://publicdocuments.provo.org/sirepub/meet.aspx>

Council Blog: <http://provocitycouncil.blogspot.com/>

The next scheduled Regular Council Meeting will be held on 01/23/2018 at 5:30 PM in the Council Chambers, 351 West Center Street, Provo, unless otherwise noticed. The Work Session meeting start times is to be determined and will be noticed at least 24 hours prior to the meeting time, but typically begins between 1:00 and 4:00pm.

## Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aides and services) during this meeting are invited to notify the Provo Council Office at 351 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email [evanderwerken@provo.org](mailto:evanderwerken@provo.org) at least three working days prior to the meeting. The meeting room in Provo City Center is fully accessible via the south parking garage access to the elevator. The Council Meeting is also broadcast live Provo Channel 17 at <https://www.youtube.com/user/ProvoChannel17>. For access to past Work and Council Meetings, go to playlists on <https://www.youtube.com/user/ProvoChannel17>.

### **Notice of Telephonic Communications**

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

### **Notice of Compliance with Public Noticing Regulations**

This meeting was noticed in compliance with Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at [council.provo.gov](http://council.provo.gov). Council Meeting agendas are available through the Utah Public Meeting Notice website at [pmn.utah.gov](http://pmn.utah.gov). Email subscriptions to the Utah Public Meeting Notice are available through their website.

*Network for public access is "Provo Guest", password "provoguest".*



## PROVO MUNICIPAL COUNCIL

### Board of Canvassers

5:30 PM, Tuesday, September 5, 2017  
Room 200, Municipal Council Chambers  
351 West Center, Provo, Utah

### Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council/Board Member David Harding	Council/Board Member George Stewart
Council/Board Member David Knecht	Council/Board Member Kim Santiago
Council/Board Member David Sewell	Council/Board Member Gary Winterton
Council Executive Director Clifford Strachan	Council Attorney Brian Jones
CAO Wayne Parker	

EXCUSED:

Mayor John Curtis	Council/Board Member Vernon K. Van Buren
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Conducting: Council Chair David Sewell

**[A resolution of the Mayor and Municipal Council sitting as the Board of Canvassers accepting the election returns and declaring and certifying the results of the recount vote for the primary election held for the Provo City Council City-Wide I position, Provo, Utah. \(17-105\) \(0:07:53\)](#)**

Janene Weiss, Provo City Recorder and Election Official, presented the following recount canvass report to the Board of Canvassers (BOC).

The Provo City 2017 Primary Election was conducted on August 15, 2017, using vote-by-mail optical scan paper ballots and counted with scanning equipment in conjunction with the Utah County Election Office.

Election results for Provo City Council City-Wide I showed Wesley Marriott receiving 2,099 votes and Hunter Phillips receiving 2,088 votes. As per Utah Code 20A-4-401, Mr. Phillips requested a recount of the votes.

On Friday, September 1, 2017, the ballots cast for Provo City Council City-Wide I were rescanned and counted by the Utah County Election Office staff. The results of the recount were as follows:

Wesley Marriott	2,129 votes
Hunter Phillips	2,102 votes

After the recount, it was declared that Wesley Marriott was nominated as a candidate for the office of Provo City Council City-Wide I and his name would appear on the ballot for the November 7, 2017 general election.

Ms. Weiss explained that when the recount concluded, there were 141 more votes than were counted in the original primary canvass report. Because of the discrepancy, Bryan Thompson, Utah County Clerk, had been invited to attend and was willing to answer questions from the council. Chair Sewell invited Mr. Thompson to explain what led to the discovery of 141 additional ballots.

Mr. Thompson began by explaining the process for a recount. He said during a recount, the ballot counting equipment is configured to only count ballots that have a vote in the race being questioned. If the ballot counting equipment cannot clearly identify the voter's intent, the ballot is sent to an adjudication process in which the ballot is manually reviewed to determine voter intent. He said the staff were very careful to closely evaluate each ballot that required adjudication.

Mr. Thompson said he did not have a definitive answer as to why additional ballots were found as part of the recount but said he was working with the voting equipment vendor, as well as the Utah County IT staff to identify the cause and would keep Ms. Weiss apprised of their progress.

Mr. Stewart noted the difference between second and third place in the mayoral race was relatively close. He asked Mr. Thompson if the additional ballots could change the outcome of that race. Mr. Thompson understood the concern and assured Mr. Stewart this was one of the things they looked at right away. Mr. Thompson said the difference between second and third place in the mayoral race was 129 votes and the additional ballots would likely follow the same trend observed during the primary and the spread of the votes would be similar.

Chair Sewell observed that Mr. Thompson, among others, had referenced a difference of 150 ballots, rather than 141. These figures continued to be used interchangeably through the duration of the meeting. He asked Mr. Thompson to explain why the number 150 was relevant. Mr. Thompson said this number originated from the number of times cast as displayed on the summaries below:

Primary Election Summary, provided by Utah County

**Provo City Council At Large (Vote for 1)  
NON**

		Total	
Times Cast		13,074 / 41,798	31.28%
Candidate	Party	Total	
Hunter Phillips	NON	2,088	
Dave Sewell	NON	6,100	
Mike Roan	NON	1,678	
Wesley Marriott	NON	2,099	
Total Votes		11,965	
		Total	
Unresolved Write-In		0	

Recount Election Summary, provided by Utah County

**Provo City Council At Large (Vote for 1)  
NON**

Precincts Reported: 0 of 45 (0.00%)

		Total	
Times Cast		13,224 / 41,798	31.64%
Candidate	Party	Total	
Hunter Phillips	NON	2,102	
Dave Sewell	NON	6,173	
Mike Roan	NON	1,702	
Wesley Marriott	NON	2,129	
Total Votes		12,106	
		Total	
Unresolved Write-In		0	

Mr. Thompson further explained that the difference between the times cast (13,074 and 13,224) was 150. The difference between the total votes (11,965 and 12,106) was 141.

Concerning the newly discovered ballots, Mr. Jones observed that the difference of votes cast in this race (141) and the times cast (150), was almost the exact same percentage of people who voted in one race but not the other in the primary. His point was that the statistical trend was nearly unchanged, despite the increase in total votes counted in the recount. He believed the spread of the votes to the candidates would also be similar. Based upon this observation, Mr. Jones then explained that to change the outcome of the mayoral race, one candidate would need 87 percent of the 141 ballots, which was highly improbable.

Ms. Santiago asked if it would be possible to recount the new ballots for the mayoral race. Mr. Thompson said they were considering the possibility of doing this but it would require additional steps. He deferred to Mr. Jones who said he spoke to one of the Utah County Attorneys about this and they agreed that because the results were final, a recount could not be called for. However, a candidate could contest the results with the court and ask the judge for a recount.

Mr. Jones added that the state statute lacked direction for handling an issue such as this, but he felt the Board of Canvassers had the ability to rescind their certification of the primary election canvass. He suggested the easiest option might be for the council to indicate to the county, as the contracted election provider, that they would like all reasonable efforts to be made to account for those ballots.

**Motion:** Council Member Stewart made a motion to ask Utah County to make an effort to count the votes cast in the mayoral race on the newly identified ballots. Council Member Santiago seconded the motion.

Mr. Thompson said the county was already in the process of doing what Mr. Stewart had requested. He said the county had both a hard copy and digital copy of each ballot and they would do everything they could to identify these ballots. He was in favor of Mr. Stewart's motion.

Mr. Winterton said he appreciated the vote by mail process but disliked how long it took to count the ballots. He asked Mr. Thompson if he would be willing to come back after the election and review the lessons learned from the vote by mail election. Mr. Thompson said he would be happy to attend a work session or city council meeting to discuss pros and cons of conducting a vote by mail election.

Mr. Harding asked for clarification regarding Mr. Stewart's motion. Mr. Jones explained the intent of the motion was to indicate the BOC's desire to ask Utah County to make all reasonable efforts to tally the additional ballots for the mayoral race. Mr. Harding asked if the motion entailed asking the county to look at all the ballots, or just the newly discovered ballots. Mr. Stewart said his motion only included the new ballots. It was not Mr. Stewart's desire to ask for a total recount.

Mr. Harding then asked what the Board of Canvassers would be voting on during this meeting. Mr. Jones explained that the resolution before the BOC was solely pertaining to the recount of the race between Mr. Marriott and Mr. Phillips. Based upon the report presented to the BOC, Mr. Jones didn't see any reason for them not to certify the results of the report before them, unless council had concerns specific to the recount in this race.

Mr. Harding still desired further clarification about what transpired during the recount and Mr. Jones suggested that Mr. Thompson respond. Mr. Thompson said there were two separate servers for processing the ballots. One server was for scanning the ballots and the other for tallying the ballots. He said once ballots had been scanned, the results were transferred via USB drive from the scanning server

to the tabulation server. He said most batches consisted of 150 ballots. Because of this, he theorized that one batch did not get transferred from the scanning server to the tabulation server, but this assumption had not yet been corroborated by an investigation.

Mr. Harding said this explanation caused him further concern. He wondered how confident he could be that all the batches had been accounted for. He wanted a double-blind comparison of the results. Mr. Thompson said it would take time, but he believed they could drill down to identify the details of the difference in totals between the primary and recount.

Chair Sewell said he would like a full count for all the individuals in the mayoral race, even though they would not be recertifying the mayoral race. He also suggested listing the vote totals for all four candidates in the resolution. Ms. Santiago asked for the rationale in this request. Mr. Sewell said he preferred to recertify the vote totals for all four candidates, rather than just the two included in the recount to provide consistency.

Chair Sewell called for a vote on Mr. Stewart's motion.

**Roll Call Vote:** The motion Passed 6:0 with Board Members Harding, Knecht, Santiago, Sewell, Stewart, and Winterton in favor. Board Member Van Buren and Mayor Curtis excused.

Chair Sewell asked if anyone was interested in making a motion to include all four candidates and their vote totals in the resolution. Mr. Winterton said they had already certified the results once, he wondered if there was a problem with two certifications. Mr. Jones didn't think this was problematic. He said they were only certifying who would move on to the general election, not the actual counts.

**Motion:** Council Member Knecht made a motion to amend the resolution to include all four candidates and the vote count for each candidate. Council Member Stewart seconded the motion.

Mr. Jones said council needed to review the amendments before the resolution could be approved. Council Staff made the requested amendments while the resolution was displayed on the screen for council to review.

Chair Sewell called for a vote on the motion.

**Roll Call Vote:** The motion Passed 6:0 with Board Members Harding, Knecht, Santiago, Sewell, Stewart, and Winterton in favor. Board Member Van Buren and Mayor Curtis excused.

**Motion:** Council Member Winterton made a motion to pass the resolution, as amended. Council Member Harding seconded the motion.

Chair Sewell called for a vote on the motion.

**Roll Call Vote:** The motion Passed 6:0 with Board Members Harding, Knecht, Santiago, Sewell, Stewart, and Winterton in favor. Board Member Van Buren and Mayor Curtis excused.

## **Adjournment**

The meeting of the Board of Canvassers was adjourned by common consent at 6:19 p.m.

Please Note – These minutes have been prepared with a time-stamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.

1



**PROVO MUNICIPAL COUNCIL**  
**Redevelopment Agency of Provo**  
**Board of Canvassers**  
**Regular Meeting Minutes**

5:30 PM, Tuesday, November 21, 2017  
Room 200, Municipal Council Chambers  
351 West Center, Provo, Utah

2 **Roll Call**

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member David Harding	Council Member David Knecht
Council Member Kim Santiago	Council Member David Sewell (Acting Mayor)
Council Member George Stewart	Council Member Kay Van Buren
Council Member Gary Winterton	Council Executive Director Clifford Strachan
Council Attorney Brian Jones	Chief Administrative Officer Wayne Parker

Conducting: Council Vice-Chair David Knecht

5

**Resolution 2017-54 of the Provo City Municipal Council and Mayor sitting as The Board of Canvassers accepting the election returns and declaring and certifying the results of the municipal general elections held in Provo, Utah on November 7, 2017. (17-105) [\(0:05:57\)](#)**

6

7 On Tuesday, November 21, 2017, prior to the regularly scheduled council meeting, the Provo  
8 City Municipal Council and Acting Mayor convened as the Board of Canvassers to certify the  
9 results of the 2017 municipal general election. Janene Weiss, Provo City Recorder and Election  
10 Official, presented the following report:

11

12 Provo City held a vote-by-mail General Election in conjunction with Utah County on November  
13 7, 2017. A general election was held for the office of Mayor, Council City-Wide I, Council  
14 District 2, and Council District 5.

15

16 Mayor

17 There were 39,024 active registered voters for the Mayor position with 14,645 ballots cast for a  
18 voter turnout of 37.5%

19

20 Council City-Wide I

21 There were 39,024 active registered voters for the Council City-Wide I position with 14,015  
22 ballots cast for a voter turnout of 35.9%

23

24 Council District 2  
25 There were 5,001 registered voters for the Council District 2 position with 1,378 ballots cast for  
26 a voter turnout of 27.6%

27  
28 Council District 5  
29 There were 6,412 registered voters for the Council District 5 position with 1,427 ballots cast for  
30 a voter turnout of 22.3%

31  
32 There were 797 provisional ballots counted by the county and, after review by the County, 34  
33 were not counted. Of those 34 ballots, 4 had already voted, 1 had incomplete registration, 1  
34 was invalid, 11 were not registered, and 17 voted in the wrong precinct.

35  
36 Individual results of the election can be found in Resolution 2017-54. Candidates elected for  
37 office to serve terms of four years, beginning January 1, 2018, are as follows:

38  
39 Mayor: Michelle G. Kaufusi  
40 Council City-Wide I: Dave Sewell  
41 Council District 2: George Handley  
42 Council District 5: David Harding

43  
44 Information by precinct was to be provided by the County and would be made available on the  
45 voteprovo.com website following the official certification of the Canvass Report.

46  
47 The original report submitted to council was amended during the meeting to correct several  
48 typographical errors. Council voted on the amended report.

49  
50 Mr. Winterton asked if Utah County Officials planned to provide post-election feedback  
51 concerning the vote-by-mail process. Ms. Wiess explained that the county would be exploring  
52 their options for the 2018 election, which would not be a municipal election. She noted the  
53 traditional voting machines that had been used in previous elections were no longer under  
54 warranty, so if the county reverted to the traditional machines, they would need to renew the  
55 warranty or find another method. She further explained that in her experience, Provo had  
56 always contracted with the county for the election and used whatever method the county was  
57 offering.

58  
**Motion:** Acting Mayor (and Council Chair) Sewell made a motion to approve  
Resolution 2017-54 as amended. Council Member Van Buren seconded the  
motion.

59  
60 Brian Jones, Council Attorney, stated that because Chair Sewell was also serving as Acting  
61 Mayor, he would need to vote twice, once as Council Chair and once as Acting Mayor.

62  
63 Vice-Chair Knecht called for a vote on the motion.

**Roll Call Vote:** The motion Passed 8:0 with Acting Mayor Sewell and Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

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Adjourn as the Board of Canvassers and convene as the Municipal Council.

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**Motion:** Council Member Harding made a motion to adjourn as the Board of Canvassers and convene as the Municipal Council. Council Member Stewart seconded the motion.

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Vice-Chair Knecht called for a vote on the motion.

**Roll Call Vote:** The motion Passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

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## Opening Ceremony

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### Prayer and Pledge of Allegiance – Leo Lines

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Vice-Chair Knecht acknowledged this was the last meeting Ms. Santiago would attend in person. She would attend the next, and final meeting of the year, via teleconference. On behalf of the council, he thanked Ms. Santiago for her dedication and service.

### Neighborhood Spotlight: Franklin Neighborhood [\(0:20:47\)](#)

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Teri McCabe, Franklin Neighborhood Chair, presented the neighborhood spotlight. Ms. McCabe listed some of the things Franklin Neighborhood residents enjoyed about their neighborhood:

- Walkability
- Farmer’s Market
- Mature Forestry
- Views
- Eclectic mix of architecture
- Sense of Community

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Mr. Harding asked Ms. McCabe what she wanted to accomplish in the next few years. Her goals included sidewalk repairs, enhanced lighting, and crosswalk improvements.

Vice-Chair Knecht said he recently took an affordable housing tour and noticed the newer Habitat for Humanity homes in the neighborhood did not have as much landscaping as the older Provo Housing homes. He asked if the neighborhood might be interested in applying for a matching grant to help install more landscaping. Ms. McCabe said her vice chair of gardening, Megan Bowen, could consider this.

### Public Comment [\(0:26:43\)](#)

92  
93 Fifteen minutes were set aside for any person to express ideas, concerns, comments, or issues  
94 that are not on the agenda. Vice-Chair Knecht opened public comment.

95  
96 Sara De La Torre, Provo, said she previously spoke to Mr. Harding and Mr. Sewell during a  
97 campaign event at BYU one month earlier. Ms. De La Torre was a volunteer at Encircle, a local  
98 non-profit organization, she wanted to know what was being done to help the LGBT+  
99 community feel welcome in Provo. She also had concerns about Encircle not being allowed to  
100 participate in the Freedom Festival parade earlier in the summer.

101  
102 Vice-Chair Knecht said he appreciated Ms. De La Torre’s questions, but explained it was not  
103 typical for council to respond to questions asked during public comment. He did explain that  
104 council was not in charge of the Freedom Festival. Mr. Jones further explained that it would be  
105 a mischaracterization to say that the Freedom Festival was a Provo City event.

106  
107 There were no other comments from the public.  
108

## Action Agenda

109  
1 **Ordinance 2017-52 amending Provo City Code Title 11 (Sanitation). (17-123)**  
**[\(0:31:34\)](#)**

110  
**Motion:** An implied motion to approve Ordinance 2017-52, as currently  
constituted, has been made by council rule.

111  
112 Brian Torgersen, Public Services Division Director, explained the purpose of the ordinance was a  
113 text amendment to Title 11 of Provo City Code. He said it had been common practice to require  
114 each residential unit have a solid waste container, but there was a loophole in the code that did  
115 not support this practice. His intent was to amend the text to require a solid waste container  
116 for each residential dwelling in Provo. This amendment did not apply to owners who had  
117 contracted to have the refuse from the dwelling collected and disposed of by a commercial  
118 hauler.

119  
120 Vice-Chair Knecht opened public comment, there was no response. There was also no response  
121 to his invitation for council discussion, as there had been considerable discussion on the item  
122 during work session earlier in the day.

123  
124 Vice-Chair Knecht called for a vote on the implied motion.  
125

**Roll Call Vote:** The motion Passed 7:0 with Council Members Harding, Knecht, Santiago,  
Sewell, Stewart, Van Buren, and Winterton in favor.

126  
2 **Ordinance 2017-53 amending Provo City Code regarding the timing of Council**  
**meetings and the election of the Municipal Council Chair. (17-139) [\(0:34:18\)](#)**

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**Motion:** An implied motion to approve Ordinance 2017-53, as currently constituted, has been made by council rule.

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Clifford Strachan, Council Executive Director, presented the ordinance. Provo City Code section 2.50.035 previously mandated that meetings would be held the first and third Tuesday of each month. The proposed text amendment would allow more flexibility in the scheduling of council meetings. Mr. Strachan said despite the change, council staff would attempt to schedule meetings on the first and third Tuesday of each month, whenever possible. There was also an amendment which stated that the Council Chair and Vice-Chair would be elected at the first regular council meeting of each year, rather than the first Tuesday of the year.

Vice-Chair Knecht opened public comment, there was no response.

Vice-Chair Knecht called for a vote on the implied motion.

**Roll Call Vote:** The motion Passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

141

**3 Resolution 2017-55 adopting the 2018 Council Regular Meeting Schedule. (17-140)**  
**(0:37:03)**

142

**Motion:** An implied motion to approve Resolution 2017-55, as currently constituted, has been made by council rule.

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Elizabeth VanDerwerken, Council Executive Office Assistant, presented council with the 2018 council meeting schedule. Ms. VanDerwerken reviewed the proposed resolution and then Vice-Chair Knecht asked for the schedule to be displayed.

Mr. Harding noted that when the April meeting was shifted for spring break, it created consecutive meetings in April and May. He suggested this could be prevented by shifting May's meetings to the second and fourth Tuesday in May. He said this suggestion was something to consider in the future and he had no objection to the current schedule.

To help provide context for the schedule, Ms. VanDerwerken showed council the draft schedule council staff used to prepare the annual meeting schedule. The draft schedule outlined holidays and other important observances that were taken into consideration in preparing the annual schedule.

Mr. Strachan offered to amend the schedule to reflect Mr. Harding's suggestion. Though, Mr. Winterton responded that he preferred the scheduled as it had been presented. Mr. Harding said he was indifferent and would not make a motion unless someone else felt strongly about it.

Wayne Parker, CAO, noted the school district met on the second and fourth Tuesday of each month, so when there was also a council meeting scheduled, this could create a dilemma for

165 citizens who like to attend both. He said when this had occurred in the past, there had been  
166 some feedback from citizens concerning the overlap.

167

168 Vice-Chair Knecht called for a vote on the implied motion.

169

**Roll Call Vote:** The motion Passed 7:0 with Council Members Harding, Knecht, Santiago,  
Sewell, Stewart, Van Buren, and Winterton in favor.

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171 **Adjournment**

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172 The meeting was adjourned by common consent at 6:27 p.m.



# Provo City Municipal Council

Council Meeting Item Description

## **Election of Municipal Council officers; chair and vice-chair.**

January 9, 2018

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The purpose of this item is to establish officer positions for the Municipal Council for 2018. Provo City Code Section 2.50 outlines the rules for government organization, including rules pertaining to the Municipal Council. Chapter 2.50.020 indicates that at the first Municipal Council meeting, the Council shall elect members to serve as Chair and Vice-chair.

Council members will make proposals as to these officer positions, and the selection must be approved by a majority vote.

1 RESOLUTION 2018- .

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3 A RESOLUTION ACKNOWLEDGING THE ELECTION OF THE CHAIR  
4 AND VICE-CHAIR OF THE PROVO MUNICIPAL COUNCIL FOR  
5 CALENDAR YEAR 2018. (18-001)

6  
7 WHEREAS, pursuant to Provo City Code Section 2.50.020(2), the Municipal Council is  
8 required to elect a Council Chair and Council Vice-Chair for calendar year 2018; and

9  
10 WHEREAS, in a duly noticed public meeting held on January 9, 2018, the individuals  
11 listed below were nominated and elected by majority voteto each position.

12  
13 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as  
14 follows:

15  
16 PART I:

17  
18 A. The election of \_\_\_\_\_ as Chair and \_\_\_\_\_ as Vice-Chair of the Municipal  
19 Council of the City of Provo, Utah for calendar year 2018 is hereby acknowledged.

20  
21 B. Each election shall be subject to acceptance by the persons named herein.

22  
23 PART II:

24  
25 This resolution shall take effect immediately.

26  
27 END OF RESOLUTION.



# Provo City Municipal Council

Council Meeting Item Description

## **The Election of Redevelopment Agency of Provo officers; chair and vice-chair.**

January 9, 2018

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The purpose of this item is to establish officer positions for the Redevelopment Agency of Provo (RDA). Section 2.1 of the RDA bylaws states:

**Officers...**The positions of Chair and First Vice Chair and any other Vice-Chair shall be appointed annually at the beginning of each calendar year by majority vote of the Board..."

RDA Board Members (who are also the Provo Municipal Council members) will make proposals as to these officer positions, and the selection must be approved by a majority vote.

1 RESOLUTION 2018-.

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3  
4 A RESOLUTION ACKNOWLEDGING THE APPOINTMENT OF THE  
5 CHAIR AND VICE-CHAIR OF THE REDEVELOPMENT AGENCY OF  
6 PROVO CITY FOR CALENDAR YEAR 2018. (18-001)  
7

8 WHEREAS, pursuant to the bylaws of the Redevelopment Agency of Provo City  
9 Corporation (the "Agency"), the positions of Chair and Vice-Chair must be appointed at the  
10 beginning of each calendar year by the Governing Board of the Agency; and  
11

12 WHEREAS, in a duly noticed public meeting held January 9, 2018, the individuals listed  
13 below were nominated and appointed by majority vote to each position.  
14

15 NOW, THEREFORE, be it resolved by the Governing Board of the Redevelopment  
16 Agency of Provo City, Utah as follows:  
17

18 PART I:  
19

20 A. The appointment of Board Member \_\_\_\_\_ as Chair and Board Member  
21 \_\_\_\_\_ as Vice-Chair of the Redevelopment Agency of Provo City for calendar year 2018  
22 is hereby acknowledged.  
23

24 B. Each appointment shall be subject to acceptance by the persons named herein.  
25

26 PART II:  
27

28 This resolution shall take effect immediately.  
29

30 END OF RESOLUTION.



47 C. The Municipal Council hereby directs that this ordinance shall remain uncodified except  
48 insofar as is necessary to indicate that Provo City Code Section 6.26.150 is not effective  
49 until Mar 1, 2018.

50  
51 D. This ordinance shall take effect immediately after it has been posted or published in  
52 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah  
53 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

54  
55 END OF ORDINANCE.

## **EXHIBIT A**

### **6.26.150. Contract Required.**

(1) For purposes of this section, the following definitions shall apply:

(a) "Owner" includes any duly authorized agent of a property owner, including an authorized property manager, but does not include any tenant or sublessor except on-site property managers of multi-family dwellings.

(b) "Tenant" includes any lessee and/or sublessee.

(c) "Contract" means, at a minimum, a document executed by both the owner and one or more tenants that meets the requirements in subsection (4). It need not contain any additional terms to meet the requirements of this section.

(d) "Rental dwelling" has the meaning defined in Provo City Code Section 6.02.010, but also includes a mobile home rental dwelling as defined in that section.

(2) Every owner of a rental dwelling shall have a written contract with each adult tenant.

(3) Every adult tenant shall have a written contract with the owner of any rental dwelling.

(4) The contract shall contain the following:

(a) a copy of the rental dwelling license application approval letter for that property;

(b) a copy of the Tenants' Rights and Responsibilities document provided by Provo City; and

(c) an acknowledgment by both owner and tenant of tenant's lease of the premises.

(5) The owner shall make the contract available to Provo City officials upon request when reasonable cause exists to believe that there is a violation of this section.

(6) It shall be unlawful for any owner, tenant, or other individual to violate the requirements of this section.

(7) Any owner, tenant, or other individual who intentionally, knowingly, or recklessly violates this section shall be guilty of a Class C misdemeanor.

(a) No person shall be in violation of this section unless he intends a violation, is aware that his conduct is reasonably certain to cause a violation of this section, or is aware of, but consciously disregards, a substantial and unjustifiable risk that his conduct will result in a violation of this section.

(b) A person shall not be held liable if a violation of this section results from his criminal or simple negligence.

(c) A second or subsequent conviction under this section shall be a Class B misdemeanor.

(d) For purposes of this section, a plea of guilty or no contest to a violation of this section, which plea is held in abeyance under Utah Code Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.



Provo City Planning Commission

# Report of Action

December 13, 2017

ITEM 2\* Nathan Chappell requests a Zone Change from A1.5 to R1.8 for 2.32 acres of property located at approximately 1282 North Geneva Road. *Lakeview North Neighborhood*. 17-0009R, Austin Corry, 801-852-6413

The following action was taken by the Planning Commission on the above described item at its regular meeting of December 13, 2017:

## RECOMMEND APPROVAL OF R1.10 ZONING

On a vote of 9:0, the Planning Commission recommended that the Municipal Council approve a zone change to R1.10 instead of the R1.8 zone as requested by the applicant.

Motion By: Maria Winden

Second By: Dave Anderson

Votes in Favor of Motion: Dave Anderson, Maria Winden, Jamin Rowan, Deon Turley, Brian Smith, Deborah Jensen, Ed Jones, Andrew Howard, Shannon Ellsworth

*Deborah Jensen was present as Chair.*

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned is described as follows:

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF GENEVA ROAD, PROVO, UTAH, AS IT CURRENTLY EXISTS, WHICH BEGINNING POINT ALSO THE SOUTHERLY-MOST CORNER OF CHAPPELL CIRCLE SUBDIVISION, PROVO, AND ALSO THE NORTHWEST CORNER OF LOT 53, PLAT "A", WHISPERWOOD SUBDIVISION, AND IS FURTHER DESCRIBED AS BEING NORTH 1655.02 FT. AND EAST 135.72 FT. (BASED UPON THE UTAH STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, BEARINGS OF SECTION LINES (NAD 27) FROM THE SOUTH ¼ CORNER OF SECTION 34, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID GENEVA ROAD NORTH 41°35'50" WEST 356.02 FT; THENCE NORTH 68°15' EAST 119.13 FT; THENCE NORTH 75°17' EAST 97.42 FT; THENCE NORTH 16°12'01" WEST 7.00 FT; THENCE NORTH 73°58'38" EAST 210.40 FT; THENCE SOUTH 8°28'26" EAST 162.12 FT; THENCE SOUTH 19°56'48" EAST 86.61 FT; THENCE SOUTH 54°33'33" WEST 272.76 FT. TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID GENEVA ROAD AND THE POINT OF BEGINNING.

AREA: 101132 SQ.FT. OR 2.32 ACRES

### RELATED ACTIONS

- Item was previously heard by the Planning Commission on 27 September 2017
- Item was continued on 3 October 2017 by the Council to grant the applicant more time to come into compliance
- Item returned to the Council on 17 October 2017 with no changes, Council referred back to the Planning Commission to give the applicant until the end of the year to address the still remaining concerns.

### DEVELOPMENT AGREEMENT

- May apply with future approvals. Applicant has indicated a willingness to proffer a development agreement, although no formal proposed agreement has been presented - referred applicant to Council Attorney.

### **STAFF PRESENTATION**

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- The R1.8 zone is potentially inconsistent with the General Plan without a development agreement
- The applicant's proposed development agreement relies on a subdivision application which is still incomplete and non-compliant with the request being made.
- The R1.10 zone would comply with the General Plan without relying on a development agreement.
- The associated subdivision would be required to be amended to meet ordinance requirements before staff would grant approval and authorize the subdivision to be recorded.

### **CITY DEPARTMENTAL ISSUES**

- City staff has indicated a variety of items that have not been submitted that would be necessary in order to verify ability to comply with City ordinances or standards. Applicant has failed to provide or address these concerns.

### **NEIGHBORHOOD AND PUBLIC COMMENT**

- The Neighborhood Chair was present /addressed the Planning Commission during the public hearing.

### **CONCERNS RAISED BY PUBLIC**

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Beth Alligood, Lakewood Neighborhood Chair, noted that the neighborhood is tired of repeatedly having the same issues with no resolution. The neighborhood is comfortable with Community Development Staff's recommendations and they will rely on city staff to come to a reasonable conclusion.

### **APPLICANT RESPONSE**

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Mr. Chappell contested that he has submitted everything and that all City Staff have given approval except for Planning.
- Mr. Chappell stated that he is not willing to amend his subdivision to R1.10 standards.

### **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- The Planning Commission asked staff how the City communicates when something is missing. Staff explained that a written report from the Coordinator Review Committee (CRC) is generated giving a detailed outline of everything required to be addressed and any staff concerns. Staff noted that this report has been sent to Mr. Chappell via email and physical prints handed to Mr. Chappell on multiple occasions.
- Brian Smith asked if the City is obligated to continue hearing an item if nothing is changing. Staff noted that the City has a legal obligation to follow due process with any request and that a hearing is required every time an application is made, even if it is the same request that has already been denied previously.



Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (\*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

**BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS**



**Planning Commission  
Staff Report  
Rezone  
Hearing Date: December 13, 2017**

**ITEM 2\*** Nathan Chappell requests a Zone Change from A1.5 to R1.8 for 2.29 acres of property located at approximately 1282 North Geneva Road. **Lakeview North Neighborhood.** 17-0009R, Austin Corry, 801-852-6413

<p><b>Applicant:</b> Nathan Chappell</p> <p><b>Staff Coordinator:</b> Austin Corry</p> <p><b>Property Owner(s):</b> Aspen Construction &amp; Development, Nila Chappell, Michael Elms, and John Meredith</p> <p><b>Parcel ID#:</b> 65254002, 65254003, 65254006, 65254007, 65254008</p> <p><b>Current Zone:</b> A1.5 <b>Proposed Zone:</b> R1.10 <b>General Plan Des.:</b> Residential <b>Acreage:</b> 2.29</p> <p><b>Development Agreement Proffered:</b> Yes</p> <p><b>Council Action Required:</b> Yes</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <p>1. <b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is January 10, 2018, 5:30 p.m.</i></p> <p>2. <b>Recommend Approval</b> of the proposed rezoning. <i>This would be a <u>change</u> from the Staff recommendation; the Planning Commission should <u>state new findings</u></i></p>	<p><b>Current Legal Use:</b> Two existing one-family residential homes</p> <p><b>Relevant History:</b></p> <ul style="list-style-type: none"><li>• This application has been heard three times by the Planning Commission; once in 2013, once in 2016, and again in September of this year. At the Municipal Council meeting following the September hearing, the Council moved to deny the project unless the applicant is able to satisfy all requirements prior to the final Planning Commission meeting 2017.</li></ul> <p><b>Neighborhood Issues:</b></p> <ul style="list-style-type: none"><li>• All neighborhood concerns raised in previous applications still remain with no resolution. The neighborhood chair has represented that the neighborhood is tired of the constant arguments over the property and they would like to see a resolution so that all parties can move forward.</li></ul> <p><b>Summary of Key Issues:</b></p> <ul style="list-style-type: none"><li>• The applicant has failed to provide all information required/requested through the CRC process.</li><li>• Applicant has self-created constraints causing non-compliance with the requested zone change. The applicant has refused to make any alterations to the plans to resolve these constraints.</li></ul> <p><b>Staff Recommended Motion:</b> That the Planning Commission recommend that the Municipal Council <b>deny</b> the proposed zone map amendment to the R1.8 zone as proposed and recommend that the Municipal Council <b>approve</b> amending the zone map to the R1.10 zone for approximately 2.29 acres located at approximately 1282 North Geneva Road.</p>
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## **OVERVIEW**

This application has been heard three times previously by the Planning Commission. In all instances, the accompanying subdivision drawings have remained almost identical, with only superficial changes occurring. The following is a brief summary of those results:

2013: The applicant requested R1.10 zoning. Planning Commission recommended denial of the zone map amendment and denied the associated subdivision application for failure to comply with City ordinances. The applicant sought a variance to code provisions and was also denied the variance. The applicant withdrew the zone map amendment request prior to being heard by the Council and the application expired with no further action.

2016: The applicant requested R1.10 zoning. Planning Commission recommended approval of the R1.10 zone, but denied the subdivision application for failure to comply with City ordinances. At that time, the Planning Commission noted that they were comfortable with what the R1.10 zone would produce and recognized that if the R1.10 zone were granted, the applicant would have to amend his proposed subdivision to comply with the zone. When the item arrived at Council, the applicant requested that the Council zone the property R1.8 so that his proposed subdivision would be closer to compliance. The Council denied this request.

September 2017: The applicant requested R1.8 zoning. Planning Commission recommended denial of the zone map amendment on the findings that the application for both the zone change and required subdivision were incomplete. The Council upheld this recommendation with one caveat. The Council moved to deny the project unless the applicant worked to satisfy all requirements prior to the final Planning Commission meeting of the year.

## **FINDINGS OF FACT**

1. A legal subdivision (Chappell Circle, Plat A) created two lots on 13 April 2007.
2. Two homes currently exist within the proposed subdivision.
3. The property is currently illegally subdivided into five parcels.
4. The proposed R1.8 zone is potentially inconsistent with the General Plan guiding policies which limit density to four units per acre, maximum.
5. Staff recommended R1.10 zoning, without any additional agreements, which would comply with General Plan policies as they have been articulated.
6. The submitted subdivision plat would have to be amended to meet Provo City Code for either the R1.8 or the R1.10 zone.

### **STAFF ANALYSIS AND CONCLUSIONS**

Since the Council meeting where this application was referred back to Planning Commission, Mr. Chappell has made one resubmittal. The CRC has reviewed these documents and found that they are, in essence, still the same documentation provided previously and still fail to address any of the previously provided comments. The only changes that have occurred since the Planning Commission meeting in September of this year are (1) inclusion of the original UDOT approval of the two lot subdivision, which is not being considered, or required as part of this application, and (2) a very minor adjustment to one lot line for the proposed lot 7 which still does not satisfy the ordinance requirements.

In order to provide a path forward, staff recommends that the City zone the property R1.10, per the Planning Commission recommendation in 2016. This decision would create clear expectations and eliminate the need of relying on additional documentation, such as development agreements, to ensure appropriate development.

### **STAFF RECOMMENDATION**

That the Planning Commission Recommend that the Municipal Council **deny** the proposed zone map amendment to the R1.8 zone as proposed and recommend that the Municipal Council **approve** amending the zone map to the R1.10 zone for approximately 2.29 acres located at approximately 1282 North Geneva Road.

ORDINANCE 2018-

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 2.32 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 1282 NORTH GENEVA ROAD, FROM AGRICULTURE (A1.5) TO ONE-FAMILY RESIDENTIAL (R1.10). LAKEVIEW NORTH NEIGHBORHOOD. (17-0009R)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 2.32 acres of real property, generally located at 1282 North Geneva Road (as described in Exhibit A), be amended from Agriculture (A1.5) to One-Family Residential (R1.10); and

WHEREAS, on December 13, 2017, the Planning Commission held a duly noticed public hearing to consider the applicant's proposal to change the zoning classification for this property to R1.8; and

WHEREAS, after such hearing, the Planning Commission determined that the proposal was incomplete and potentially inconsistent with the General Plan without a development agreement; and

WHEREAS, given that the R1.10 zone would comply with the General Plan without relying on a development agreement, the Planning Commission recommended by a vote of 9:0 that the Municipal Council approve a zone change to R1.10 instead of the R1.8 zone as requested by the applicant; and

WHEREAS, on January 9, 2018, the Municipal Council held public meetings to ascertain the facts regarding this matter, which facts are found in the meeting records; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Zone Map of Provo, Utah, should be amended as described herein; and (ii) the proposed zone map classification amendment for the real property described in the attached Exhibit A reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

41 The classification on the Zone Map of Provo, Utah is hereby amended from the  
42 Agriculture (A1.5) Zone to the One-Family Residential (R1.8) Zone for approximately 2.32  
43 acres of real property generally located at 1282 North Geneva Road, as described in the attached  
44 Exhibit A.

45 PART II:

46  
47 A. If a provision of this ordinance conflicts with a provision of a previously adopted  
48 ordinance, this ordinance shall prevail.

49  
50 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be  
51 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or  
52 invalid, the remainder of the ordinance shall not be affected thereby.

53  
54 C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo  
55 City, Utah be updated and codified to reflect the provisions enacted by this ordinance.

56  
57 D. This ordinance shall take effect immediately after it has been posted or published in  
58 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah  
59 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

60  
61 END OF ORDINANCE

**EXHIBIT A – ZONE MAP**

**LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED**

The property to be rezoned is described as follows:

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF GENEVA ROAD, PROVO, UTAH, AS IT CURRENTLY EXISTS, WHICH BEGINNING POINT IS ALSO THE SOUTHERLY-MOST CORNER OF CHAPPELL CIRCLE SUBDIVISION, PROVO, AND ALSO THE NORTHWEST CORNER OF LOT 53, PLAT "A", WHISPERWOOD SUBDIVISION, AND IS FURTHER DESCRIBED AS BEING NORTH 1655.02 FT. AND EAST 135.72 FT. (BASED UPON THE UTAH STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, BEARINGS OF SECTION LINES (NAD 27) FROM THE SOUTH ¼ CORNER OF SECTION 34, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID GENEVA ROAD NORTH 41°35'50" WEST 356.02 FT; THENCE NORTH 68°15' EAST 119.13 FT; THENCE NORTH 75°17' EAST 97.42 FT; THENCE NORTH 16°12'01" WEST 7.00 FT; THENCE NORTH 73°58'38" EAST 210.40 FT; THENCE SOUTH 8°28'26" EAST 162.12 FT; THENCE SOUTH 19°56'48" EAST 86.61 FT; THENCE SOUTH 54°33'33" WEST 272.76 FT. TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID GENEVA ROAD AND THE POINT OF BEGINNING.

AREA: 101,132 SQ.FT. OR 2.32 ACRES



WELCOME HOME

PLANNING COMMISSION

December 13, 2017

## ITEM 2\*

Nate Chappell requests a Zone Change from A1.5 to R1.8  
for 2.32 acres of property  
located at approximately 1282 North Geneva Road.

***Lakeview North Neighborhood***

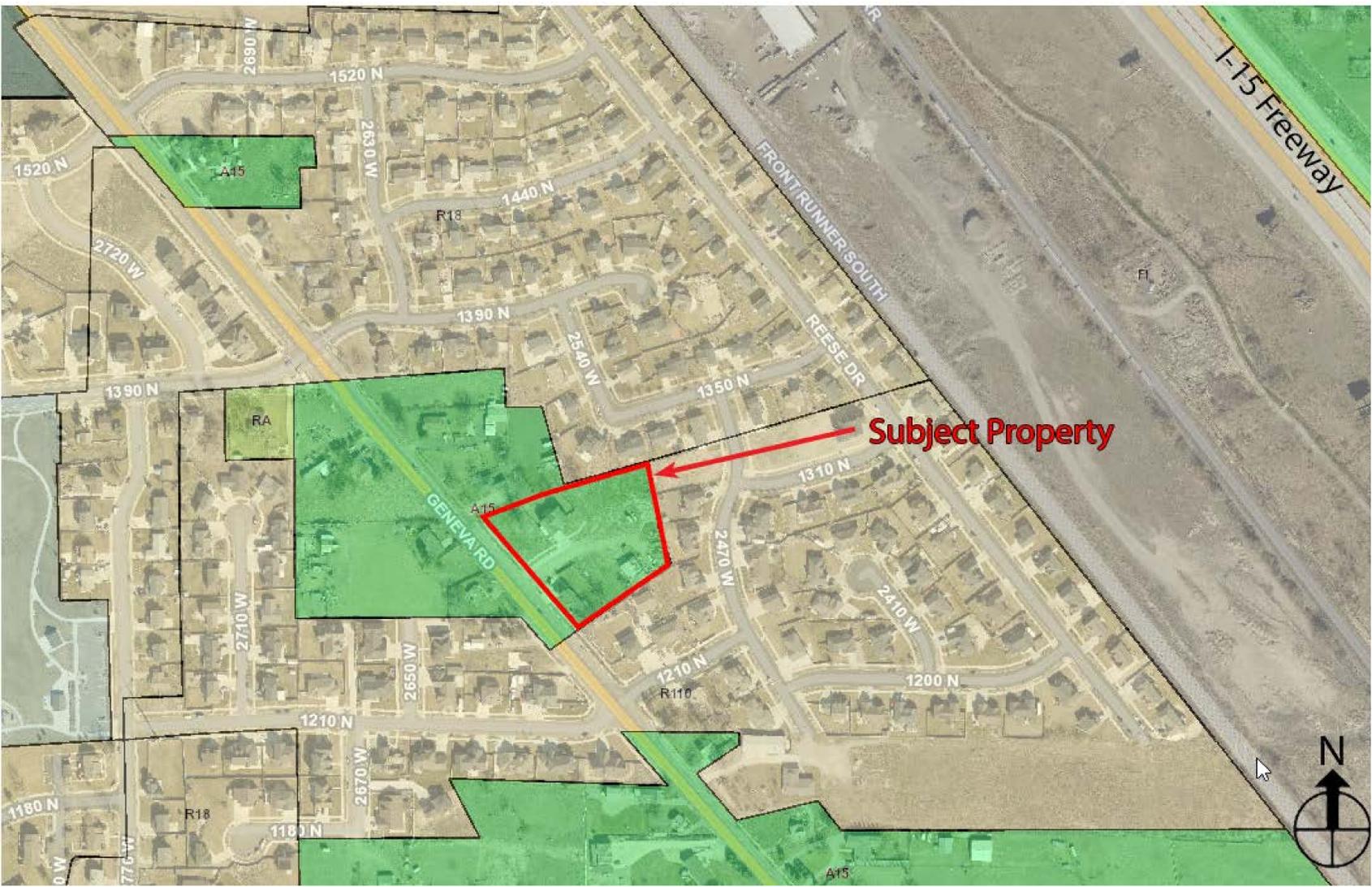
17-0009R

## ITEM 3

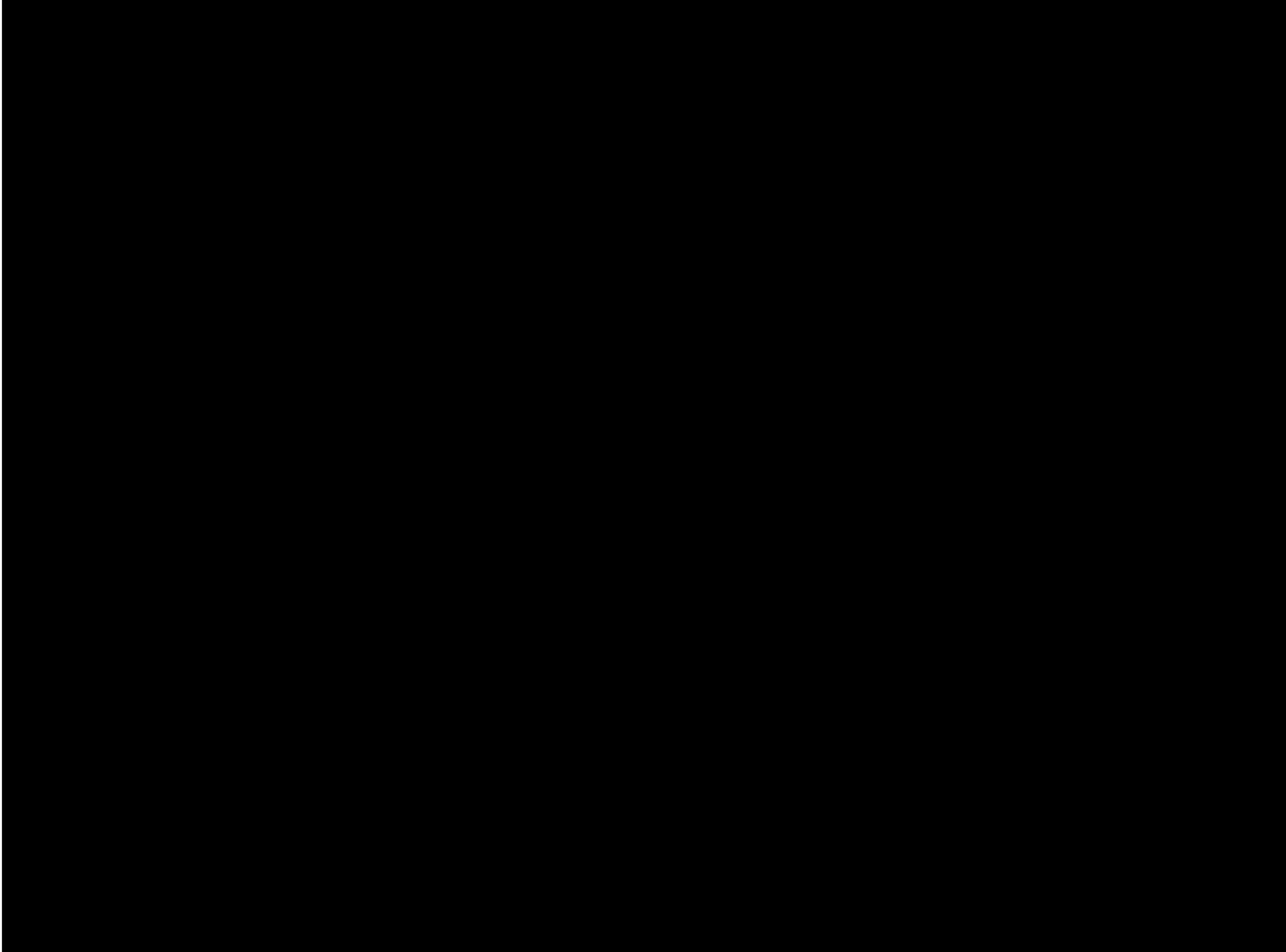
Nate Chappell requests Final Subdivision Approval, subject to approval of a Zone Change, for 2.32 acres of property located at approximately 1282 North Geneva Road.

***Lakeview  
North Neighborhood***

17-0009SF













Provo City Planning Commission

# Report of Action

December 13, 2017

ITEM 4\* The Provo City Council Office requests ordinance amendments to Sections 6.06 and 14.38 for signage within the City. **City-Wide Impact.** 17-00190A, Brian Maxfield, 801-852-6429

The following action was taken by the Planning Commission on the above described item at its regular meeting of December 13, 2017:

## RECOMMEND APPROVAL

On a vote of 8:0, the Planning Commission recommended the Municipal Council approve the above noted application.

Motion By: Jamin Rowan

Second By: Andrew Howard

Votes in Favor of Motion: Jamin Rowan; Andrew Howard; Ed Jones; Shannon Ellsworth; Maria Winden; Jamin Rowan; Dave Anderson; Deborah Jensen.

*Deborah Jensen was present as Chair.*

The staff report includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### **PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT**

The texts of the proposed amendments are attached as Exhibit "A".

### **STAFF PRESENTATION**

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- Details of Amendment
- Purpose of Amendment

### **CITY DEPARTMENTAL ISSUES**

- None

### **NEIGHBORHOOD MEETING DATE**

- City-wide application; all Neighborhood Chairs received notification.

### **CITY DEPARTMENTAL ISSUES**

- None

### **NEIGHBORHOOD AND PUBLIC COMMENT**

- No public comment was received nor made as part of the Public Hearing.

### **PLANNING COMMISSION DISCUSSION**

- The Planning Commission asked brief clarifying questions regarding this item.



Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (\*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

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**EXHIBIT "A"**

**Chapter 6.06**

**Use of Electronic Signs**

**6.06.010. Scope.** Any business operating an on-premises electronic display sign shall comply with the requirements of this Chapter in order to qualify for a business license.

**6.06.010. Hold Time and Transitions.**

(1) Each message shall be illuminated for no less than eight (8) seconds before transitioning to a new message.

(2) Notwithstanding subsection (1), the message may not be changed more than three (3) times per day unless the sign qualifies as a high-churn electronic display sign under Provo City Code Chapter 14.38.

(3) The images and messages displayed shall be static, and the transition from one static display to another shall be instantaneous with no special effects or the transition may provide a black screen for at least one (1) second.

(4) Electronic display signs shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in color, fade in or fade out in any manner imitating movement, or any other means not providing constant illumination.

(5) An electronic display sign that was in operation prior to May 28, 2013, is not subject to the requirements of this Section 6.06.010 so long as the sign is not replaced, reconstructed, upgraded, moved, or otherwise substantially changed.

**6.06.020. Brightness.**

(1) All electronic display signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions at all times.

(2) No electronic display sign shall exceed a brightness level of more than three-tenths (3/10) foot candles above ambient light as measured using a foot candle (lux) meter perpendicular to the electronic display sign face measured at ground level and at the distances shown in the table below:

<b><u>Size (square feet)</u></b>	<b><u>Distance from source</u></b>
<u>0 to 100</u>	<u>100 feet</u>
<u>101 to 350</u>	<u>150 feet</u>
<u>351 to 650</u>	<u>200 feet</u>
<u>Over 650</u>	<u>250 feet</u>

34 (3) Prior to the issuance or renewal of a business license, the owner of an electronic display sign shall provide the City  
35 with a certification from the sign manufacturer stating that the sign is capable of complying with the above brightness  
36 provisions.

37  
38 (4) An electronic display sign that was in operation prior to May 28, 2013 and that is not reasonably capable of  
39 complying with the brightness standards in this section is not subject to the requirements of this Section 6.06.020 so long  
40 as the sign is not replaced, reconstructed, upgraded, moved, or otherwise substantially changed.  
41

## 42 Chapter 14.38

### 43 Signs and Outdoor Advertising

44 ...

#### 45 **14.38.010. General Requirements.**

46 The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or  
47 maintained within the City of Provo.  
48

49 (1) Sign Approval. Except as otherwise provided, it shall be unlawful and a class C misdemeanor to erect or maintain any  
50 sign or outdoor advertising structure in the City of Provo without first obtaining the approval of the Planning Commission  
51 for said sign or advertising structure, the giving of which shall be based upon the provisions of this Title.

52 (2) Permits. The approval of the Planning Commission shall be evidenced by a permit issued by the Building Inspection  
53 Division. All signs shall be constructed and all permits shall be issued in accordance with the provisions of the  
54 International Building Code. Permits for off-premises nonconforming signs shall be renewed on an annual basis.  
55 Applications for permits, or for the renewal of permits, shall require the applicant to disclose the owner of the sign and the  
56 owner of the property on which the sign is or will be located, all relevant dates in regard to expiration of any lease or lease  
57 option, the date and cost of construction of the sign, the date and cost of any modification of the sign, the fair market value  
58 as appraised for property tax purposes, the date the sign will be depreciated for federal income tax purposes, the cost of  
59 operating the sign, and any other information reasonably required by the planning commission. A permit may be revoked  
60 and a sign removed pursuant to Subsection (7) of this Section if the applicant for a permit makes a false or misleading  
61 statement in the permit application or renewal.

62 (3) Electronic Display and Animated Signs. Except as otherwise provided in this Chapter, all animated signs are  
63 prohibited. On-premise low-churn electronic display signs are permitted, but businesses using such signs are subject to the  
64 business licensing regulations contained in Provo City Code Chapter 6.06. On-premise high-churn electronic display signs  
65 are prohibited, except as otherwise provided in Section 14.38.025 of this Chapter.

66 (4) Sound or Emissions. No sign shall be designed for the purpose of emitting sound, smoke, or steam.

67 (5) Movable Signs, Banners, and A-Frame Signs. Except as otherwise provided in this Chapter, all movable signs,  
68 banners and A-frame signs are prohibited. This prohibition shall include signs mounted or painted upon vehicles or trailers  
69 which are parked in any location for the purpose of calling attention to or advertising a person, place, or thing.

70 (6) Canopy Signs. Signs painted on or affixed to canopies which are part of the building shall be considered part of the  
71 total allowed area of wall signs for the walls from which the canopy projects. Signs painted on or affixed to canopies  
72 which are freestanding shall be considered part of the total allowable area of freestanding signs for that use. Signs  
73 suspended under canopies (marquees) which project over public rights-of-way shall be limited to six (6) square feet. Signs  
74 with changeable copy (reader boards) located on marquees of theaters or similar public assembly uses may combine the  
75 total allowable area for all building faces as permitted by Section 14.38.140, Provo City Code, so long as there are no wall  
76 signs placed upon building faces other than the face to which the marquee is attached.

77 (7) Violations.

78 (a) It is unlawful to erect or maintain a sign contrary to the provisions of this Chapter. If a sign is erected or  
79 maintained in violation of this Chapter the Planning Commission may do the following:

80 (i) Order the defect corrected within a fixed period of time, not exceeding thirty (30) days, if correction of the  
81 defect will bring the subject sign into compliance with the provisions of this Chapter; but

82 (ii) If correction of the defect will result in a violation of the provisions of this Chapter, order that the subject  
83 sign be removed by, and at the expense of the owner of the sign, within a fixed period of time not exceeding  
84 thirty (30) days.

85 (b) If the owner of the sign contests the order of the Planning Commission, the remedy shall be an appeal to the  
86 zoning Board of Adjustment, which appeal shall be taken in the time and manner otherwise provided in this Title for  
87 appeals to the zoning Board of Adjustment.

88 (c) If the owner of the sign fails or refuses to remove the subject sign at the order of the Planning Commission, the  
89 City may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation  
90 thereto, unless otherwise ordered by a court of law. Removal by the City shall be at the expense of the owner, and the  
91 City may obtain judgment against the owner in an amount equal thereto, together with reasonable attorneys' fees and  
92 costs.

93 ...  
94

95 **14.38.025. On-Premises High-Churn Electronic Display Sign Standards.**

96 (1) On-premises high-churn electronic display signs are prohibited in all areas of the City of Provo, except for properties  
97 within the GW, WG, FC, FC2, CA, CG, PO, CM, SC1, SC2, SC3, M1, M2 FI, MP, PIC and PF zones which have frontage  
98 on the following streets and locations:

99 (a) University Parkway, from 100 West northwesterly to the boundary line of the City of Provo;

100 (b) North State Street, from Bulldog Boulevard (1230 North Street) northwesterly to the boundary line of the City of  
101 Provo;

102 (c) Bulldog Boulevard, from Canyon Road (200 East) westward to North State Street;

103 (d) Freedom Boulevard, from 550 North northward to ~~940 North Street~~ University Parkway;

104 (e) 820 North Street, from 1890 West eastward to 1350 West Street;

105 (f) Center Street, from 1300 West eastward to 600 West Street;

106 (g) University Avenue, from 920 South southward to 1860 South;

107 (h) 1860 South Street, from University Avenue eastward to South State Street; and

108 (i) South State Street, from 640 South Street southward to the boundary line of the City of Provo.

109 (2) Properties described in Subsection (1) that have frontage along Interstate 15 (I-15) shall not have any on-premises  
110 high-churn electronic display sign located closer than one thousand two hundred (1,200) feet from another on-premises  
111 high-churn electronic display sign.

112 (3) ~~On-premises electronic display signs are prohibited in the DT1 and DT2 zones with the following exceptions:~~

113 (a) ~~A restaurant menu sign that is a wall sign meeting the requirements described in Section 14.38.105(1)(f), Provo~~  
114 ~~City Code, may be an on-premises electronic display sign.~~

115 (b) ~~Business Hours Sign. A sign displaying the hours of operation of a business and/or whether the business is open~~  
116 ~~may be an on-premises electronic display sign. Such sign may not exceed four (4) square feet and may be located on a~~  
117 ~~building face or within a window.~~

118 (4) All high-churn electronic display signs shall be subject to the following requirements:

(a) Comply with all other provisions of the respective zoning districts as set forth in this Title, including all sign regulations described in this Chapter.

(b) Comply with all the provisions of Chapter 6.06 regarding use of electronic display signs by a business.

(c) Hold Time. Each message shall be illuminated for no less than eight (8) seconds before transitioning to a new message.

(i) The images and messages displayed shall be static, and the transition from one static display to another shall be instantaneous with no special effects or the transition may provide a black screen for at least one (1) second.

(ii) Electronic display signs shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in color, fade in or fade out in any manner imitating movement, or any other means not providing constant illumination.

(iii) Each message shall be illuminated for no less than eight (8) seconds before transitioning to a new message.

~~(c) Illumination.~~

~~(i) All electronic display signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions at all times.~~

~~(ii) No electronic display sign shall exceed a brightness level of more than three tenths (3/10) foot candles above ambient light as measured using a foot candle (lux) meter perpendicular to the electronic display sign face measured at ground level and at the distances shown in the table below:~~

Size (square feet)	Distance from source
0 to 100	100 feet
101 to 350	150 feet
351 to 650	200 feet
Over 650	250 feet

(d) Prior to the issuance of any permit for construction or conversion, the owner shall provide the City with a certification from the sign manufacturer stating that the sign is capable of complying with the ~~above brightness standards~~ illumination and brightness standards provisions found in Chapter 6.06.

...

**14.38.085. North University Avenue Riverbottoms Design Corridor and Specialty Support Commercial (SSC) Sign Standards.**

(1) An integrated sign design scheme which meets the requirements of this Section shall be required for each new performance development, shopping center, or office complex located within the North University Avenue Riverbottoms Design Corridor, as per Section 14.34.290(2), Provo City Code.

(2) Except as provided in Subsection (2)(a) of this Section, the provisions of this Section shall apply to any sign located within the North University Avenue Riverbottoms Design Corridor notwithstanding any other provision of this Title and shall supersede sign provisions in any chapter with which this Chapter 14.38 may be associated for purposes of development except Section 14.38.010(1) and (2).

(a) The provisions of this Section shall not apply to an existing legal nonconforming sign provided, however, that the size, height, or location of any such sign shall not be changed except in accordance with the provisions of this Section.

(3) Monument Signs. Each commercial or professional office development in the North University Avenue Riverbottoms Design Corridor may have therein monument signs, in accordance with the following provisions:

156 (a) Number. There may, in each commercial center or professional office complex, be one (1) such sign for each three  
157 hundred (300) feet of street frontage.

158 (b) Area. The sign copy area of a monument sign shall not exceed sixty (60) square feet per side for two-sided signs.  
159 Double-faced, back-to-back, and V-type signs are permitted as a single sign or structure if both faces have common  
160 ownership. The monument structure upon which the sign is placed shall be designed to complement the architecture  
161 of the building, using the same materials and stylistic themes.

162 (c) Spacing. A minimum spacing of one hundred fifty (150) feet between sign structures may be permitted on sites  
163 with multiple structures.

164 (d) Height. No such freestanding sign (including the monument structure and pedestal) shall exceed ten (10) feet in  
165 height above the grade of street frontage sidewalk.

166 (e) Location.

167 (i) Except as otherwise provided in Subsection (3)(e)(ii) of this Section, each such monument sign shall be  
168 located on private property, outside the "clear vision" area of any street or driveway intersection, and shall not  
169 project over any property line;

170 (ii) Notwithstanding Subsection (3)(e)(i) of this Section, a sign located on a corner lot or parcel abutting  
171 University Avenue within the North University Avenue Riverbottoms Design Corridor may project up to twelve  
172 (12) feet into the University Avenue right-of-way from an adjacent property line but not closer than six (6) feet to  
173 any sidewalk or paved trail system located in the public right-of-way, subject to the qualifications set forth in  
174 Subsection (3)(e)(iii) of this Section and the following conditions:

175 (A) The controlling government agency grants written permission to locate the sign in the University  
176 Avenue right-of-way;

177 (B) Visibility of the sign, if placed on the lot or parcel as required by Subsection (3)(e)(i) of this Section,  
178 would be blocked by one (1) or more utility boxes or semaphore poles whose location and design is not  
179 controlled by the property owner, as observed at eye level from the curb or edge of pavement for University  
180 Avenue within one hundred (100) feet of the sign location; and

181 (C) The sign does not create a sight distance hazard as reasonably determined by the City Traffic Engineer  
182 based on the sign location and construction specifications, speed of nearby traffic, and other applicable City  
183 standards designed to achieve safe traffic movement.

184 (iii) A sign which existed prior to April 18, 2006, may not be relocated pursuant to the provisions of Subsection  
185 (3)(e)(ii) of this Section unless:

186 (A) Subsequent to the sign's original installation utility boxes or semaphore poles, whose location and  
187 design is not controlled by the property owner, are installed which block the sign in the manner described in  
188 Subsection (3)(e)(ii)(B) of this Section, and

189 (B) The applicant provides documentation that the sign meets the requirements of Subsection (3)(e)(iii)(A)  
190 of this Section.

191 (f) Materials. Structures supporting monument and shopping center identification signs shall be compatible with  
192 exterior materials used in building exteriors within the shopping/office center.

193 (g) Illumination. Internal illumination of a translucent sign face, or individual letters, characters, or figures shall be  
194 permitted, such that the sign face, letter or character glows.

195 (4) Wall Signs. Each business establishment or tenant of a shopping center or professional office facility may have wall  
196 signs in conformance with the standards listed below.

197 (a) Area. One (1) square foot of wall sign copy area for each linear foot of building frontage of the particular side the  
198 sign is on, or tenant space where the building setback from street frontage is less than two hundred (200) feet. For  
199 buildings with setbacks from street frontage of at least two hundred (200) feet or more, one and one-quarter (1 1/4)  
200 square feet of wall sign face for each linear foot of building frontage.

201 (b) Number. There shall be no more than one (1) such sign for the front face of each business or tenant. There may, in  
202 addition, be one (1) such sign for each business establishment or tenant having a rear or side building face with a  
203 public entrance.

204 (c) Height. No part of any such sign shall extend above the top level of a wall upon or in front of which it is situated.

205 (d) Projection. No wall sign, including structural part, shall project more than eighteen (18) inches from the face of  
206 the part of the building to which it is attached.

207 (e) Illumination. Internal illumination of a translucent sign face, or individual letters, characters, or figures shall be  
208 permitted, such that the sign face, letter or character glows.

209 (5) Shopping Center (SC3 Zone) Signs.

210 (a) Entry Archways. An archway displaying the name and logo of the shopping center may be located over a  
211 driveway, street or pedestrian entrance into the shopping center in accordance with the following provisions:

212 (i) Number. There may be one (1) sign and one (1) archway structure per entrance, not to exceed four (4)  
213 entrances.

214 (ii) Area. The area of the sign shall not exceed sixty (60) square feet.

215 (iii) Height. The height of the entry feature (archway) structure shall not exceed twenty-five (25) feet. Adequate  
216 vehicle and pedestrian clearance will be required as determined by Provo City.

217 (iv) Location. The sign shall be located on private property, outside the "clear vision" area of any street or  
218 driveway intersection, and shall not project over any property line.

219 (v) Materials. Materials shall be compatible with exterior materials used within the shopping center.

220 (vi) Illumination. Internal illumination is permitted.

221 (b) Entry Identification Monument Signs. A sign that identifies only the name of the shopping center and/or displays  
222 public greetings may be located at the entrances of the development.

223 (i) Number. There shall be not more than two (2) per driveway entrance.

224 (ii) Area. The area of the sign shall not exceed six (6) square feet.

225 (iii) Height. The sign (including the monument structure and pedestal) shall not exceed ten (10) feet in height  
226 above the grade of street frontage sidewalk.

227 (iv) Location. The sign shall be located on private property, outside the "clear vision" area of any street or  
228 driveway intersection, and shall not project over any property line.

229 (v) Materials. Materials shall be compatible with exterior materials used within the shopping center.

230 (vi) Illumination. Internal illumination is permitted.

231 (c) Commercial Monument Signs. Commercial monument signs are only permitted to be located along the frontage of  
232 4800 North.

233 (i) Number. There may be one (1) such sign for each three hundred (300) feet of street frontage, not to exceed  
234 two (2) signs if the frontage is greater than six hundred (600) feet.

235 (ii) Area. The sign copy area of a monument sign shall not exceed sixty (60) square feet per side for two-sided  
236 signs. The monument structure upon which the sign is placed shall be designed to complement the architecture of  
237 the building, using the same materials and stylistic themes.

238 (iii) Spacing. A minimum spacing of one hundred fifty (150) feet between sign structures is required.

239 (iv) Height. The sign (including the monument structure and pedestal) shall not exceed ten (10) feet in height  
240 above the grade of street frontage sidewalk.

241 (v) Location. Monument signs shall be located on private property, outside the “clear vision” area of any street or  
242 driveway intersection, and shall not project over any property line.

243 (vi) Materials. Materials shall be compatible with exterior materials used within the shopping center.

244 (vii) Illumination. Internal illumination is permitted.

245 (d) Shopping Center Commercial Signs.

246 (i) Number. There may be one (1) sign for each three hundred (300) feet of street frontage on University Avenue,  
247 not to exceed two (2) signs if the street frontage is greater than six hundred (600) feet.

248 (ii) Area. The area of the sign shall not exceed three hundred (300) square feet per face. The name and logo of  
249 the shopping center are not counted as part of the permitted square footage of the sign.

250 (iii) Spacing. A minimum spacing of one hundred fifty (150) feet between sign structures is required.

251 (iv) Height. A sign shall not exceed twenty-five (25) feet in height.

252 (v) Location. The sign(s) may be located on University Avenue within the Provo City right-of-way (trail system)  
253 subject to the obtaining of written permission from Provo City.

254 (vi) Materials. Materials shall be compatible with exterior materials used within the shopping center.

255 (vii) Illumination. Internal illumination is permitted.

256 (6) Research and Business Park Zone (RB&P).

257 (a) Monument Signs. Monument signs are only permitted to be located along the frontage of University Avenue.

258 (i) Number. There may be one (1) such sign for each three hundred (300) feet of street frontage.

259 (ii) Area. The sign copy area of a monument sign shall not exceed sixty (60) square feet per side for two-sided  
260 signs. The monument structure upon which the sign is placed shall be designed to complement the architecture of  
261 the building, using the same materials and stylistic themes.

262 (iii) Spacing. A minimum spacing of one hundred fifty (150) feet between sign structures is required.

263 (iv) Height. The sign (including the monument structure and pedestal) shall not exceed ten (10) feet in height  
264 above the grade of street frontage sidewalk.

265 (v) Location. There may be a monument sign located on each corner of River Park Drive. The signs shall not be  
266 located any closer than fifteen (15) feet of the back of University Avenue street curb within the public right-of-  
267 way subject to written permission from the controlling government agency.

268 (vi) Materials. Materials shall be compatible with exterior materials used within the Research and Business Park.

269 (vii) Illumination. Internal illumination and electronic display signs are not permitted.

270 ~~(7) Electronic Signs. Electronic signs which are electronically controlled contain temporary text messages that can be~~  
271 ~~changed from time to time. Electronic signs are subject to the following design specifications:~~

272 ~~(a) Signs shall automatically dim during hours of darkness.~~

273 ~~(b) Sign messages shall not change more frequently than ten (10) seconds.~~

274 (8) Prohibited Signs. Temporary signs are not permitted except as permitted in this Chapter such as real estate and  
275 campaign signs. These types of signs shall not be located in the public right-of-way.

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278 **14.38.105. Signs Permitted in the Downtown (DT, ITOD, GW, or WG) Zones.**

279 Signs within the DT1, DT2, ITOD, GW, or WG zones shall be regulated by the following provisions:

280  
281 (1) Wall signs shall comply with the following requirements:

282 (a) Ground level businesses with individual front door entrances fronting public streets.

283 (i) Number. One (1) sign per business storefront.

284 (ii) Area. Two (2) square feet of sign for each foot of linear building facade.

285 (iii) Location. Sign shall be located on the first or second story facade.

286 (iv) Projection. Signs shall not project more than eighteen (18) inches from the facade.

287 (v) Illumination. Internal or external illumination is permitted. Externally lit signs shall be illuminated only with  
288 stationary, shielded light sources directed solely onto the sign without causing glare.

289 (b) Building directory signs:

290 (i) May be located on an exterior wall next to a public entrance or within the common entrance of the building.

291 (ii) If located on an exterior wall, such directory signs shall not exceed nine (9) square feet and copy shall not  
292 exceed one (1) inch in height.

293 (iii) One (1) directory sign for each building facade with a public entrance is permitted.

294 (c) Building identification signs for buildings three (3) to four (4) stories in height:

295 (i) Number. One (1) sign per building facade consisting of individual letters (signs shall not consist of sign  
296 cabinets). No building shall be deemed to have more than four (4) facades.

297 (ii) Area. Two (2) square feet of sign for each linear foot of building facade.

298 (iii) Location. Shall be located on the top story of the building.

299 (iv) Projection. Sign shall not project greater than eighteen (18) inches from the facade.

300 (v) Illumination. Internal or external illumination is permitted. Externally lit signs shall be illuminated only with  
301 stationary, shielded light sources directed solely onto the sign without causing glare.

302 (vi) Size of Lettering. Letters are limited to two (2) feet in height.

303 (d) Building identification signs for buildings greater than five (5) stories in height:

304 (i) Number. One (1) per building facade consisting of individual letters (signs shall not consist of sign cabinets).  
305 No building shall be deemed to have more than four (4) facades.

306 (ii) Area. Four (4) square feet of sign for each linear foot of building facade.

307 (iii) Location. Shall be located on one of the top two (2) stories and not project above the wall line.

308 (iv) Projection. Sign may not project greater than eighteen (18) inches from the facade.

309 (v) Illumination. Internal or external illumination is permitted. Externally lit signs shall be illuminated only with  
310 stationary, shielded light sources directed solely onto the sign without causing glare.

311 (vi) Size of Lettering. Letters shall not exceed four (4) feet in height.

312 (e) Tenant Identification Signs.

313 (i) Number.

314 (A) For buildings two (2) to four (4) stories in height: one (1) sign per building facade facing a public street.

315 (B) For buildings five (5) stories or greater in height: two (2) signs per building facade facing a public street.

316 (ii) Type. Signs shall consist of individual letters or logos (signs shall not consist of sign cabinets).

317 (iii) Area. The sign shall not exceed fifty (50) square feet in area.

318 (iv) Location. The sign shall be located on the story immediately below the building step-back, if present, on the  
319 second floor of a two (2) story building, or below the top floor of a building greater than two (2) stories in height.

320 (v) Projection. Sign shall not project greater than eighteen (18) inches from the facade.

321 (vi) Illumination. Internal and external illumination is permitted. Externally lit signs shall be illuminated only  
322 with stationary, shielded light sources directed solely onto the sign without causing glare.

323 (vii) Size of Lettering. Letters shall not exceed three (3) feet in height.

324 ~~(f) Wall Mounted Electronic Message Center Signs.~~

325 ~~(i) Number. One (1) sign on the building facade where an entrance to the building exists.~~

326 ~~(ii) Area. The sign shall not exceed eight (8) square feet in area.~~

327 ~~(iii) Location. The sign shall be located within three (3) feet of the building entrance and shall be mounted flat~~  
328 ~~against the wall of the structure.~~

329 (2) Projecting Signs. One (1) sign shall be allowed to project from the building face for each street level business or street  
330 level parking lot entry, having street frontage, subject to the following conditions:

331 (a) Entrance. The business shall have a public entrance directly onto the street.

332 (b) Location. The sign shall be located below the finished floor of the second level of a building or have a maximum  
333 height of fifteen (15) feet above the final grade, whichever is lower.

334 (c) Clearance. There must be a minimum eight (8) feet of clearance from the bottom of the sign structure to the  
335 ground directly below the sign.

336 (d) Area. Signs shall not exceed nine (9) square feet in area.

337 (e) Sign Length and Height. Sign length and height shall not exceed three and a half (3.5) linear feet.

338 (f) Projection. Signs, including mounting hardware, shall not project more than forty-eight (48) inches from the face  
339 of the building. Signs shall not project from nor be mounted to building elements that are located within the street  
340 right-of-way.

341 (g) Thickness. Signs, including the cabinet, shall not be more than five (5) inches thick. External lighting shall not be  
342 limited to the five (5) inch maximum sign cabinet thickness.

343 (h) Lettering Height. Individual sign letters shall not exceed twelve (12) inches in height.

344 (i) Frontage Width.

345 (i) Any storefront or business premises that is less than thirty (30) feet in width shall have only one (1) projecting  
346 sign.

347 (ii) If such a storefront or business premises contains more than one (1) street level business, the maximum  
348 permitted sign area for a single sign may be divided between a maximum of two (2) signs hung from a single  
349 sign mounting bracket.

350 (iii) Up to six (6) inches of space between signs shall not be included in the maximum height and width.

351 (iv) The maximum projection shall meet the requirement of Subsection (2)(f) of this Section.

352 (j) Materials. Exposed surfaces of the sign may be constructed of metal, glass, stone, solid wood, or other materials  
353 that are architecturally compatible with the exterior of the structure. If staff determines that the proposed materials are  
354 not architecturally compatible, the sign will be referred to the Design Review Committee for review and approval.

355 (k) Lighting. Projecting signs may be illuminated internally or externally. Externally lit signs shall be illuminated  
356 only with stationary, shielded light sources directed solely onto the sign without causing glare.

357 (l) Hold Harmless Agreement. When a sign extends over a public right-of-way, a hold harmless agreement must be  
358 signed by the owner of the sign prior to approval and installation of said sign.

359 (m) Message. The message on projecting signs shall be limited to the name of the business and its logo.

360 (n) Sign Type. Projecting signs shall not be electronic display signs.

361 (o) Changeable Copy. Projecting signs shall not be designed to include changeable copy.

362 (p) Exemptions. City-owned wayfinding and parking facility identification signs are exempt from the requirements of  
363 this Subsection.

364 (3) Parking Entry Sign. One (1) parking entry sign may be constructed for any nonconforming surface level parking lot  
365 subject to the following restrictions:

366 (a) Number. One (1) sign is permitted for every parking entryway along a public street. No more than one (1) sign is  
367 permitted per street frontage.

368 (b) Height. The maximum height shall not exceed twelve (12) feet from the natural grade of the lot.

369 (c) Area. Signs shall not exceed nine (9) square feet in area.

370 (d) Projection. Signs shall not project over the property line into the public right-of-way.

371 (e) Exemptions. City-owned wayfinding and parking facility identification signs are exempt from the requirements of  
372 this Subsection.

373 (4) Awning Signs. One (1) sign shall be permitted on each awning located over a first floor window or door subject to the  
374 following restrictions:

375 (a) Area. A maximum of one (1) square foot of sign may be installed on each lineal foot of awning.

376 (b) Location. Signs must be located on the vertical valence of the awning that directly faces a public street or right-of-  
377 way and must consist of graphics that are no more than twelve (12) inches in height.

378 (c) Projection. Awnings may project a maximum of six (6) feet from the property line into the public right-of-way.

379 (5) New Construction Signs. One (1) sign shall be permitted along each street frontage of a new construction project  
380 subject to the following restrictions:

381 (a) Area. Signs shall not exceed sixty-four (64) square feet in area.

382 (b) Height. The maximum height shall not exceed twelve (12) feet from the natural grade of the lot.

383 (c) Projection. Signs shall not project over the property line into the public right-of-way.

384 (d) New construction signs must be removed prior to the issuance of a certificate of occupancy for the new project.

385 (6) Real Estate Signs. One (1) sign shall be permitted along each street frontage of any property that is being offered for  
386 sale, lease, or rent subject to the following restrictions:

387 (a) Area. Signs shall not exceed thirty-two (32) square feet in area.

388 (b) Height. The maximum height shall not exceed eight (8) feet.

389 (c) Projection. Signs shall not project over the property line into the public right-of-way.

390 (7) Window Signs. Signs shall be permitted on or inside the windows on the first floor of commercial establishments  
391 subject to the following restrictions:

392 (a) Area. Signs shall not cover more than twenty-five percent (25%) of the total window area of the first floor facade  
393 they are located on.

394 (b) Location. Signs are only permitted in windows that directly face a public street.

395 (c) Electronic display signs shall meet the standards in Section 14.38.025, Provo City Code.

396 (8) Monument Signs. One (1) sign shall be permitted in the landscaped front yard or street side yard of any property  
397 located in the DT1 zone, DT2 zone, WG zone, or GW zone subject to the following restrictions:

398 (a) Area. Signs for single tenant properties shall not exceed fifty (50) square feet. Signs for properties with more than  
399 one (1) tenant may have an additional ten (10) feet of sign for each additional tenant, up to one hundred (100) square  
400 foot maximum size.

401 (b) Height. The maximum height shall not exceed five (5) feet.

402 (c) Projection. Signs shall not project over the property line into the public right-of-way.

403 (d) Design. Signs shall be of a similar material and architecturally compatible with the main building.

404 (9) A-Frame Signs. One (1) A-frame sign shall be permitted for each ground level business with an individual front door  
405 entrance fronting a public street.

406 (a) Size. Maximum sign face size shall be twenty-four (24) inches wide and thirty-six (36) inches tall. Maximum sign  
407 stand frame size shall be twenty-seven (27) inches wide and forty-seven (47) inches tall when closed with a maximum  
408 depth of three (3) feet when opened.

409 (b) Sign Type. Sign faces shall be flat and lie in plane with the sign stand frame. Signs shall not be electrified or  
410 lighted in any manner.

411 (c) Location. The sign shall be located immediately in front of and between the side walls of the associated business.  
412 The sign shall be located immediately adjacent to the front facade of the business or within the park strip, provided a  
413 six (6) foot wide clear pedestrian way is maintained on the sidewalk. Signs shall not be located outside of this  
414 designated area in any other location within the public right-of-way.

415 (d) Time of Display. The sign shall be displayed only during the associated business's hours of operation.

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418 **14.38.160. Definitions Pertaining to Signs.**

419 The following words and phrases, whenever used in this Title, shall be construed as defined in this Section.

421 **“A-frame sign” means** any sign or structure composed of two (2) sign faces mounted or attached back-to-back in such a  
422 manner as to form a basically triangular vertical cross-section through the faces.

423 **“Animated sign” means** any sign with action, motion, or moving parts, including devices activated by wind or forced air,  
424 and signs that revolve, and which are designed and constructed to give their message through movement or semblance of

425 movement created through a sequence of progressive changes of parts or lights. This does not include electronic display  
426 signs.

427 **“Building face”** means the visible outer surface of a main exterior wall of a building. The area of the face of the building  
428 shall be the total area of such surface including the area of doors and windows which open into surface.

429 **Canopy.** See “Marquee.”

430 **“Convert, converted, conversion”** means any sign face that is changed from its existing, nondigital or nonelectronic  
431 displays to an electronic display sign. Any sign that is remodeled, repaired, or maintained in such a way that it is now an  
432 electronic display sign shall be considered a conversion.

433 **“Electronic display sign”** means any sign, or portion thereof, that displays electronic images, graphics or pictures, with or  
434 without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed  
435 display screen composed of a series of lights including light emitting diodes (LEDs), fiber optics, plasma displays, light  
436 bulbs, or other illumination devices within the display area where the message is displayed. Electronic display signs  
437 include computer programmable, microprocessor controlled electronic or digital displays.

438 **“Erect”** means to build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display.  
439 Normal maintenance, including refinishing, is not included in this definition provided the sign copy is not changed or  
440 altered.

441 **“Freestanding sign”** means any sign that is standing on or erected into the ground. Such signs are usually, but not  
442 necessarily, supported from the ground by one (1) or more poles or posts or similar uprights, with or without braces. Any  
443 sign which is mounted into the ground, but has the supports passing through any portion of the roof of a building or  
444 structure, shall be considered to be a roof sign.

445 **“Frontage”** means the length of the sides along the street or any other principal public thoroughfare, but not including  
446 such length along an alley, water course, railroad, street, or thoroughfare with no permitted access.

447 **“High-churn electronic display sign” means any electronic display sign whose image or message is changed more than**  
448 **three (3) times per day.**

449 **“Low-churn electronic display sign” means any electronic display sign whose image or message is changed three (3)**  
450 **times per day or less.**

451 **Marquee.** A “marquee” shall mean and include any roofed structure attached to and supported by a building, and  
452 projecting over public property.

453 **“Movable sign”** means any sign not affixed to or erected into the ground.

454 **“Off-premises electronic display sign”** means any off-premises sign, as defined in this Section, that is also an electronic  
455 display sign, as defined in this Section.

456 **“Off-premises sign”** means any sign which advertises products, services, or business establishments which are not  
457 located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.

458 **“On-premises sign”** means any sign which advertises products, services, or business establishments which are located,  
459 conducted, manufactured, or sold upon the same premises upon which the sign is erected.

460 **“Outdoor advertising structure”** means a structure erected and maintained for outdoor advertising purposes upon which  
461 a poster, bill, printing, or painting may be placed to advertise products, goods, services, or business establishments other  
462 than those located, conducted, manufactured, or sold upon the premises on which the structure is erected.

463 **“Projecting sign”** means any sign attached to a building or structural wall and extending horizontally outward from such  
464 wall more than eighteen (18) inches.

465 **“Property”** means land or real estate, with or without structures; not goods or services.

466 **“Residential zone”** or **“district”** means any zone which is designated by the prefix “R” in this Title.

467 **“Roof sign”** means any sign which is erected upon or over the roof or over a parapet of any building or structure.

468 **“Sign”** means any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade  
469 names, or trademarks by which anything is made known, such as are used to designate a firm, association, corporation,  
470 profession, business, or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a  
471 building, wall, roof, frame, support, fence, or other manmade structure, which are visible from any public street, public  
472 highway, or public road right-of-way. For the purpose of this Title, the word “sign” does not include the flag, pennant, or  
473 insignia of any nation, state, city, or other political unit, or of a nonprofit organization. It shall not include, further, any  
474 official notice issued by any court, public body or officer, or directional warning or information sign or structure required  
475 or authorized by law.

476 **Sign Area.** Sign area shall mean the area of a sign that is used for display purposes, excluding the minimum frame and  
477 supports. In computing sign area, only one (1) side of a back-to-back or double-face sign covering the same subject shall  
478 be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five (45)  
479 degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of  
480 the least rectangle, triangle, or circle large enough to frame the display.

481 **“Time and temperature device”** means any mechanism that displays the time and/or temperature, but does not display  
482 any commercial advertising or identification.

483 **“Wall sign”** means any sign posted or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or  
484 marquee in an essentially vertical position or with exposed face of the sign in a place approximately parallel with the wall  
485 or fascia upon which it is attached.

486 **“Wind sign”** means any propeller, whirligig, or similar commercial device which is designed to flutter, rotate, or display  
487 other movement under the influence of wind. This definition shall not include pennants, flags, or banners.

488  
489 END



**Planning Commission  
Staff Report  
Ordinance Amendment  
Hearing Date: December 13, 2017**

**ITEM 4\*** The Provo City Council Office requests ordinance amendments to Sections 6.06 and 14.38 for signage within the City. **City-Wide Impact.** 17-0019OA, Brian Maxfield, 801-852-6429

<p><u>Applicant</u>: Provo City Council Office <u>Staff Coordinator</u>: Brian Maxfield</p> <p><u>Property Owner</u>: City Wide Amendment <u>Parcel ID#</u>: N/A <u>Current General Plan Designation</u>: N/A <u>Proposed General Plan Designation</u>: N/A <u>Current Zone</u>: N/A <u>Acreage</u>: N/A <u>Number of Properties</u>: N/A</p> <p>*<u>Council Action Required</u>: Yes</p> <p><u>Related Application(s)</u>: None</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <p>1 <b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is January 10, 2017, at 5:30 p.m.</i></p> <p>2 <b>Recommend Denial</b> of the proposed ordinance amendment. <i>This would be a <u>change</u> from the Staff recommendation; the Planning Commission should state new findings.</i></p>	<p><u>Relevant History</u>: Current electronic display rules were adopted May 28, 2013.</p> <p><u>Neighborhood Issues</u>: None Received</p> <p><u>Summary of Key Issues</u>: Appropriateness of amendment.</p> <p><u>Staff Recommendation</u>:</p> <p><b>Recommend Approval</b> of the proposed ordinance amendment to Sections 6.06 and 14.38 of the City Ordinances.</p> <p><i>This action <u>would be consistent with the recommendation of the Staff Report.</u> Any additional changes should be stated with the motion</i></p>
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## **OVERVIEW**

This item is a request by the Council Office to amend sections of the City Code to allow reasonable adjustments to the sign ordinance in relation to electronic messaging. The proposed amendments involve two separate Chapters of the Ordinance. The first is an addition to Title 6 “Business Licenses and Regulations, which adds Section 6.06 dealing with Use of Electronic Signs. It requires that any business operating an on-premises electronic display sign, comply with the requirements of the Chapter in order to qualify for a business license. This change provides a significant change in the enforcement capabilities of staff in regards to electronic sign violations.

The second is to Chapter 14.38 “Signs and Outdoor Advertising” as contained in Title “Zoning.” Those changes principally relate to allowance for changing messages on electronic signs. These message changes are classified as low-churn and high-churn electronic signs, with generally greater restrictions on high-churn signs.

## **STAFF ANALYSIS**

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

*Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:*

(a) *Public purpose for the amendment in question.*

Allowances for a broader range of signage advertisement allowances for businesses.

(b) *Confirmation that the public purpose is best served by the amendment in question.*

Business retention and development is a desirable result for the city.

(c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives.*

The adopted Vision 2030 Document includes the following under the Section on “Prosperity.”

Goal 9.1 - Work effectively and fairly with the business community so the dominant perception in the business community is that it is easy to work with Provo City.

Objective 9.1.1 Work to significantly reduce the barriers to growing/expanding/doing business in Provo.

Objective 9.1.2 Look for ways to help grow/leverage the city assets to improve economic development.

*(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.*

The proposed amendment has no effect on “timing and sequencing.”

*(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies.*

The proposed amendment does not hinder nor obstruct attainment of the General Plan’s articulated policies.

*(f) Adverse impacts on adjacent land owners.*

No adverse impacts are anticipated on adjacent land owners.

*(g) Verification of correctness in the original zoning or General Plan for the area in question.*

N/A

*(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.*

N/A

### **STAFF RECOMMENDATION**

That the Planning Commission recommend to the Municipal Council, approval of the proposed addition of Chapter 6.06 and proposed amendments to Chapter 14.38.



43

44 D. This ordinance shall take effect immediately after it has been posted or published in  
45 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code  
46 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

47

48 END OF ORDINANCE.

**EXHIBIT A**

**Chapter 6.06**

**Use of Electronic Signs**

6.06.010. Scope.

6.06.020. Hold Time and Transitions.

6.06.030. Brightness.

**6.06.010. Scope.** Any business operating an on-premises electronic display sign shall comply with the requirements of this Chapter in order to qualify for a business license.

**6.06.020. Hold Time and Transitions.**

- (1) Each message shall be illuminated for no less than eight (8) seconds before transitioning to a new message.
- (2) Notwithstanding subsection (1), the message may not be changed more than three (3) times per day unless the sign is permitted to be a high-churn electronic display sign under Provo City Code Chapter 14.38.
- (3) The images and messages displayed shall be static, and the transition from one static display to another shall be instantaneous with no special effects or the transition may provide a black screen for at least one (1) second.
- (4) Electronic display signs shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in color, fade in or fade out in any manner imitating movement, or any other means not providing constant illumination.
- (5) An electronic display sign that was in operation prior to May 28, 2013, is not subject to the requirements of this Section 6.06.020 so long as the sign is not replaced, reconstructed, upgraded, moved, or otherwise substantially changed.

**6.06.030. Brightness.**

(1) All electronic display signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions at all times.

(2) No electronic display sign shall exceed a brightness level of more than three-tenths (3/10) foot candles above ambient light as measured using a foot candle (lux) meter perpendicular to the electronic display sign face measured at ground level and at the distances shown in the table below:

<u>Size (square feet)</u>	<u>Distance from source</u>
<u>0 to 100</u>	<u>100 feet</u>
<u>101 to 350</u>	<u>150 feet</u>
<u>351 to 650</u>	<u>200 feet</u>

<u>Size (square feet)</u>	<u>Distance from source</u>
<u>Over 650</u>	<u>250 feet</u>

(3) Prior to the issuance or renewal of a business license, the owner of an electronic display sign shall provide the City with a certification from the sign manufacturer stating that the sign is capable of complying with the above brightness provisions.

(4) An electronic display sign that was in operation prior to May 28, 2013 and that is not reasonably capable of complying with the brightness standards in this section is not subject to the requirements of this Section 6.06.030 so long as the sign is not replaced, reconstructed, upgraded, moved, or otherwise substantially changed.

## Chapter 14.38

### Signs and Outdoor Advertising

...

14.38.025. On-Premises [High-Churn](#) Electronic Display Sign Standards.

...

#### 14.38.010. General Requirements.

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the City of Provo.

(1) Sign Approval. Except as otherwise provided, it shall be unlawful and a class C misdemeanor to erect or maintain any sign or outdoor advertising structure in the City of Provo without first obtaining the approval of the Planning Commission for said sign or advertising structure, the giving of which shall be based upon the provisions of this Title.

(2) Permits. The approval of the Planning Commission shall be evidenced by a permit issued by the Building Inspection Division. All signs shall be constructed and all permits shall be issued in accordance with the provisions of the International Building Code. Permits for off-premises nonconforming signs shall be renewed on an annual basis. Applications for permits, or for the renewal of permits, shall require the applicant to disclose the owner of the sign and the owner of the property on which the sign is or will be located, all relevant dates in regard to expiration of any lease or lease option, the date and cost of construction of the sign, the date and cost of any modification of the sign, the fair market value as appraised for property tax purposes, the date the sign will be depreciated for federal income tax purposes, the cost of operating the sign, and any other information reasonably required by the planning commission. A permit may be revoked and a sign removed pursuant to Subsection (7) of this Section if the applicant for a permit makes a false or misleading statement in the permit application or renewal.

(3) Electronic Display and Animated Signs. Except as otherwise provided in this Chapter, all [electronic display and animated signs](#) are prohibited. [On-premise low-churn electronic display signs are permitted, but businesses using such signs are subject to the business licensing regulations contained in Provo City Code Chapter 6.06. On-premise high-churn electronic display signs are prohibited, except as otherwise provided in Section 14.38.025 of this Chapter.](#)

(4) Sound or Emissions. No sign shall be designed for the purpose of emitting sound, smoke, or steam.

(5) Movable Signs, Banners, and A-Frame Signs. Except as otherwise provided in this Chapter, all movable signs, banners and A-frame signs are prohibited. This prohibition shall include signs mounted or painted upon vehicles or trailers which are parked in any location for the purpose of calling attention to or advertising a person, place, or thing.

(6) Canopy Signs. Signs painted on or affixed to canopies which are part of the building shall be considered part of the total allowed area of wall signs for the walls from which the canopy projects. Signs painted on or affixed to canopies which are freestanding shall be considered part of the total allowable area of freestanding signs for that use. Signs suspended under canopies (marquees) which project over public rights-of-way shall be limited to six (6) square feet. Signs with changeable copy (reader boards) located on marquees of theaters or similar public assembly uses may combine the total allowable area for all building faces as permitted by Section 14.38.140, Provo City Code, so long as there are no wall signs placed upon building faces other than the face to which the marquee is attached.

(7) Violations.

(a) It is unlawful to erect or maintain a sign contrary to the provisions of this Chapter. If a sign is erected or maintained in violation of this Chapter the Planning Commission may do the following:

(i) Order the defect corrected within a fixed period of time, not exceeding thirty (30) days, if correction of the defect will bring the subject sign into compliance with the provisions of this Chapter; but

(ii) If correction of the defect will result in a violation of the provisions of this Chapter, order that the subject sign be removed by, and at the expense of the owner of the sign, within a fixed period of time not exceeding thirty (30) days.

(b) If the owner of the sign contests the order of the Planning Commission, the remedy shall be an appeal to the zoning Board of Adjustment, which appeal shall be taken in the time and manner otherwise provided in this Title for appeals to the zoning Board of Adjustment.

(c) If the owner of the sign fails or refuses to remove the subject sign at the order of the Planning Commission, the City may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law. Removal by the City shall be at the expense of the owner, and the City may obtain judgment against the owner in an amount equal thereto, together with reasonable attorneys' fees and costs.

...

**14.38.025. On-Premises High-Churn Electronic Display Sign Standards.**

(1) On-premises high-churn electronic display signs are prohibited in all areas of the City of Provo, except for properties within the GW, WG, FC, FC2, CA, CG, PO, CM, SC1, SC2, SC3, M1, M2 FI, MP, PIC and PF zones which have frontage on the following streets and locations:

(a) University Parkway, from 100 West northwesterly to the boundary line of the City of Provo;

(b) North State Street, from Bulldog Boulevard (1230 North Street) northwesterly to the boundary line of the City of Provo;

(c) Bulldog Boulevard, from Canyon Road (200 East) westward to North State Street;

(d) Freedom Boulevard, from 550 North northward to ~~940 North Street~~ University Parkway;

(e) 820 North Street, from 1890 West eastward to 1350 West Street;

(f) Center Street, from 1300 West eastward to 600 West Street;

(g) University Avenue, from 920 South southward to 1860 South;

(h) 1860 South Street, from University Avenue eastward to South State Street; and

(i) South State Street, from 640 South Street southward to the boundary line of the City of Provo.

(2) Properties described in Subsection (1) that have frontage along Interstate 15 (I-15) shall not have any on-premises high-churn electronic display sign located closer than one thousand two hundred (1,200) feet from another on-premises high-churn electronic display sign.

~~(3) On premises electronic display signs are prohibited in the DT1 and DT2 zones with the following exceptions:~~

~~(a) A restaurant menu sign that is a wall sign meeting the requirements described in Section 14.38.105(1)(f), Provo City Code, may be an on-premises electronic display sign.~~

~~(b) Business Hours Sign. A sign displaying the hours of operation of a business and/or whether the business is open may be an on-premises electronic display sign. Such sign may not exceed four (4) square feet and may be located on a building face or within a window.~~

~~(4)~~ All high-churn electronic display signs shall be subject to the following requirements:

(a) Comply with all other provisions of the respective zoning districts as set forth in this Title, including all sign regulations described in this Chapter.

(b) Comply with all the provisions of Chapter 6.06 regarding use of electronic display signs by a business.

(c) Hold Time. Each message shall be illuminated for no less than eight (8) seconds before transitioning to a new message.

~~(i) The images and messages displayed shall be static, and the transition from one static display to another shall be instantaneous with no special effects or the transition may provide a black screen for at least one (1) second.~~

~~(ii) Electronic display signs shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in color, fade in or fade out in any manner imitating movement, or any other means not providing constant illumination.~~

~~(iii) Each message shall be illuminated for no less than eight (8) seconds before transitioning to a new message.~~

~~(c) Illumination.~~

~~(i) All electronic display signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions at all times.~~

~~(ii) No electronic display sign shall exceed a brightness level of more than three tenths (3/10) foot candles above ambient light as measured using a foot candle (lux) meter perpendicular to the electronic display sign face measured at ground level and at the distances shown in the table below:~~

<del>Size (square feet)</del>	<del>Distance from source</del>
<del>0 to 100</del>	<del>100 feet</del>
<del>101 to 350</del>	<del>150 feet</del>
<del>351 to 650</del>	<del>200 feet</del>
<del>Over 650</del>	<del>250 feet</del>

(d) Prior to the issuance of any permit for construction or conversion, the owner shall provide the City with a certification from the sign manufacturer stating that the sign is capable of complying with the ~~above-brightness~~illumination and brightness standards provisions found in Chapter 6.06.

...

**14.38.085. North University Avenue Riverbottoms Design Corridor and Specialty Support Commercial (SSC) Sign Standards.**

(1) An integrated sign design scheme which meets the requirements of this Section shall be required for each new performance development, shopping center, or office complex located within the North University Avenue Riverbottoms Design Corridor, as per Section 14.34.290(2), Provo City Code.

(2) Except as provided in Subsection (2)(a) of this Section, the provisions of this Section shall apply to any sign located within the North University Avenue Riverbottoms Design Corridor notwithstanding any other provision of this Title and shall supersede sign provisions in any chapter with which this Chapter 14.38 may be associated for purposes of development except Section 14.38.010(1) and (2).

(a) The provisions of this Section shall not apply to an existing legal nonconforming sign provided, however, that the size, height, or location of any such sign shall not be changed except in accordance with the provisions of this Section.

(3) Monument Signs. Each commercial or professional office development in the North University Avenue Riverbottoms Design Corridor may have therein monument signs, in accordance with the following provisions:

(a) Number. There may, in each commercial center or professional office complex, be one (1) such sign for each three hundred (300) feet of street frontage.

(b) Area. The sign copy area of a monument sign shall not exceed sixty (60) square feet per side for two-sided signs. Double-faced, back-to-back, and V-type signs are permitted as a single sign or structure if both faces have common ownership. The monument structure upon which the sign is placed shall be designed to complement the architecture of the building, using the same materials and stylistic themes.

(c) Spacing. A minimum spacing of one hundred fifty (150) feet between sign structures may be permitted on sites with multiple structures.

(d) Height. No such freestanding sign (including the monument structure and pedestal) shall exceed ten (10) feet in height above the grade of street frontage sidewalk.

(e) Location.

(i) Except as otherwise provided in Subsection (3)(e)(ii) of this Section, each such monument sign shall be located on private property, outside the “clear vision” area of any street or driveway intersection, and shall not project over any property line;

(ii) Notwithstanding Subsection (3)(e)(i) of this Section, a sign located on a corner lot or parcel abutting University Avenue within the North University Avenue Riverbottoms Design Corridor may project up to twelve (12) feet into the University Avenue right-of-way from an adjacent property line but not closer than six (6) feet to any sidewalk or paved trail system located in the public right-of-way, subject to the qualifications set forth in Subsection (3)(e)(iii) of this Section and the following conditions:

(A) The controlling government agency grants written permission to locate the sign in the University Avenue right-of-way;

(B) Visibility of the sign, if placed on the lot or parcel as required by Subsection (3)(e)(i) of this Section, would be blocked by one (1) or more utility boxes or semaphore poles whose location and design is not controlled by the property owner, as observed at eye level from the curb or edge of pavement for University Avenue within one hundred (100) feet of the sign location; and

(C) The sign does not create a sight distance hazard as reasonably determined by the City Traffic Engineer based on the sign location and construction specifications, speed of nearby traffic, and other applicable City standards designed to achieve safe traffic movement.

(iii) A sign which existed prior to April 18, 2006, may not be relocated pursuant to the provisions of Subsection (3)(e)(ii) of this Section unless:

(A) Subsequent to the sign’s original installation utility boxes or semaphore poles, whose location and design is not controlled by the property owner, are installed which block the sign in the manner described in Subsection (3)(e)(ii)(B) of this Section, and

(B) The applicant provides documentation that the sign meets the requirements of Subsection (3)(e)(iii)(A) of this Section.

(f) Materials. Structures supporting monument and shopping center identification signs shall be compatible with exterior materials used in building exteriors within the shopping/office center.

(g) Illumination. Internal illumination of a translucent sign face, or individual letters, characters, or figures shall be permitted, such that the sign face, letter or character glows.

(4) Wall Signs. Each business establishment or tenant of a shopping center or professional office facility may have wall signs in conformance with the standards listed below.

(a) Area. One (1) square foot of wall sign copy area for each linear foot of building frontage of the particular side the sign is on, or tenant space where the building setback from street frontage is less than two hundred (200) feet. For buildings with setbacks from street frontage of at least two hundred (200) feet or more, one and one-quarter (1 1/4) square feet of wall sign face for each linear foot of building frontage.

(b) Number. There shall be no more than one (1) such sign for the front face of each business or tenant. There may, in addition, be one (1) such sign for each business establishment or tenant having a rear or side building face with a public entrance.

(c) Height. No part of any such sign shall extend above the top level of a wall upon or in front of which it is situated.

(d) Projection. No wall sign, including structural part, shall project more than eighteen (18) inches from the face of the part of the building to which it is attached.

(e) Illumination. Internal illumination of a translucent sign face, or individual letters, characters, or figures shall be permitted, such that the sign face, letter or character glows.

(5) Shopping Center (SC3 Zone) Signs.

(a) Entry Archways. An archway displaying the name and logo of the shopping center may be located over a driveway, street or pedestrian entrance into the shopping center in accordance with the following provisions:

(i) Number. There may be one (1) sign and one (1) archway structure per entrance, not to exceed four (4) entrances.

(ii) Area. The area of the sign shall not exceed sixty (60) square feet.

(iii) Height. The height of the entry feature (archway) structure shall not exceed twenty-five (25) feet. Adequate vehicle and pedestrian clearance will be required as determined by Provo City.

(iv) Location. The sign shall be located on private property, outside the "clear vision" area of any street or driveway intersection, and shall not project over any property line.

(v) Materials. Materials shall be compatible with exterior materials used within the shopping center.

(vi) Illumination. Internal illumination is permitted.

(b) Entry Identification Monument Signs. A sign that identifies only the name of the shopping center and/or displays public greetings may be located at the entrances of the development.

(i) Number. There shall be not more than two (2) per driveway entrance.

(ii) Area. The area of the sign shall not exceed six (6) square feet.

(iii) Height. The sign (including the monument structure and pedestal) shall not exceed ten (10) feet in height above the grade of street frontage sidewalk.

(iv) Location. The sign shall be located on private property, outside the "clear vision" area of any street or driveway intersection, and shall not project over any property line.

(v) Materials. Materials shall be compatible with exterior materials used within the shopping center.

(vi) Illumination. Internal illumination is permitted.

(c) Commercial Monument Signs. Commercial monument signs are only permitted to be located along the frontage of 4800 North.

(i) Number. There may be one (1) such sign for each three hundred (300) feet of street frontage, not to exceed two (2) signs if the frontage is greater than six hundred (600) feet.

(ii) Area. The sign copy area of a monument sign shall not exceed sixty (60) square feet per side for two-sided signs. The monument structure upon which the sign is placed shall be designed to complement the architecture of the building, using the same materials and stylistic themes.

(iii) Spacing. A minimum spacing of one hundred fifty (150) feet between sign structures is required.

(iv) Height. The sign (including the monument structure and pedestal) shall not exceed ten (10) feet in height above the grade of street frontage sidewalk.

(v) Location. Monument signs shall be located on private property, outside the "clear vision" area of any street or driveway intersection, and shall not project over any property line.

(vi) Materials. Materials shall be compatible with exterior materials used within the shopping center.

(vii) Illumination. Internal illumination is permitted.

(d) Shopping Center Commercial Signs.

(i) Number. There may be one (1) sign for each three hundred (300) feet of street frontage on University Avenue, not to exceed two (2) signs if the street frontage is greater than six hundred (600) feet.

(ii) Area. The area of the sign shall not exceed three hundred (300) square feet per face. The name and logo of the shopping center are not counted as part of the permitted square footage of the sign.

(iii) Spacing. A minimum spacing of one hundred fifty (150) feet between sign structures is required.

(iv) Height. A sign shall not exceed twenty-five (25) feet in height.

(v) Location. The sign(s) may be located on University Avenue within the Provo City right-of-way (trail system) subject to the obtaining of written permission from Provo City.

(vi) Materials. Materials shall be compatible with exterior materials used within the shopping center.

(vii) Illumination. Internal illumination is permitted.

(6) Research and Business Park Zone (RB&P).

(a) Monument Signs. Monument signs are only permitted to be located along the frontage of University Avenue.

(i) Number. There may be one (1) such sign for each three hundred (300) feet of street frontage.

(ii) Area. The sign copy area of a monument sign shall not exceed sixty (60) square feet per side for two-sided signs. The monument structure upon which the sign is placed shall be designed to complement the architecture of the building, using the same materials and stylistic themes.

(iii) Spacing. A minimum spacing of one hundred fifty (150) feet between sign structures is required.

(iv) Height. The sign (including the monument structure and pedestal) shall not exceed ten (10) feet in height above the grade of street frontage sidewalk.

(v) Location. There may be a monument sign located on each corner of River Park Drive. The signs shall not be located any closer than fifteen (15) feet of the back of University Avenue street curb within the public right-of-way subject to written permission from the controlling government agency.

(vi) Materials. Materials shall be compatible with exterior materials used within the Research and Business Park.

(vii) Illumination. Internal illumination and electronic display signs are not permitted.

~~(7) Electronic Signs. Electronic signs which are electronically controlled contain temporary text messages that can be changed from time to time. Electronic signs are subject to the following design specifications:~~

~~(a) Signs shall automatically dim during hours of darkness.~~

~~(b) Sign messages shall not change more frequently than ten (10) seconds.~~

~~(8) Prohibited Signs. Temporary signs are not permitted except as permitted in this Chapter such as real estate and campaign signs. These types of signs shall not be located in the public right-of-way.~~

...

**14.38.105. Signs Permitted in the Downtown (DT, ITOD, GW, or WG) Zones.**

Signs within the DT1, DT2, ITOD, GW, or WG zones shall be regulated by the following provisions:

(1) Wall signs shall comply with the following requirements:

(a) Ground level businesses with individual front door entrances fronting public streets.

(i) Number. One (1) sign per business storefront.

(ii) Area. Two (2) square feet of sign for each foot of linear building facade.

(iii) Location. Sign shall be located on the first or second story facade.

(iv) Projection. Signs shall not project more than eighteen (18) inches from the facade.

(v) Illumination. Internal or external illumination is permitted. Externally lit signs shall be illuminated only with stationary, shielded light sources directed solely onto the sign without causing glare.

(b) Building directory signs:

(i) May be located on an exterior wall next to a public entrance or within the common entrance of the building.

(ii) If located on an exterior wall, such directory signs shall not exceed nine (9) square feet and copy shall not exceed one (1) inch in height.

(iii) One (1) directory sign for each building facade with a public entrance is permitted.

(c) Building identification signs for buildings three (3) to four (4) stories in height:

(i) Number. One (1) sign per building facade consisting of individual letters (signs shall not consist of sign cabinets). No building shall be deemed to have more than four (4) facades.

(ii) Area. Two (2) square feet of sign for each linear foot of building facade.

(iii) Location. Shall be located on the top story of the building.

(iv) Projection. Sign shall not project greater than eighteen (18) inches from the facade.

(v) Illumination. Internal or external illumination is permitted. Externally lit signs shall be illuminated only with stationary, shielded light sources directed solely onto the sign without causing glare.

(vi) Size of Lettering. Letters are limited to two (2) feet in height.

(d) Building identification signs for buildings greater than five (5) stories in height:

(i) Number. One (1) per building facade consisting of individual letters (signs shall not consist of sign cabinets). No building shall be deemed to have more than four (4) facades.

(ii) Area. Four (4) square feet of sign for each linear foot of building facade.

(iii) Location. Shall be located on one of the top two (2) stories and not project above the wall line.

(iv) Projection. Sign may not project greater than eighteen (18) inches from the facade.

(v) Illumination. Internal or external illumination is permitted. Externally lit signs shall be illuminated only with stationary, shielded light sources directed solely onto the sign without causing glare.

(vi) Size of Lettering. Letters shall not exceed four (4) feet in height.

(e) Tenant Identification Signs.

(i) Number.

(A) For buildings two (2) to four (4) stories in height: one (1) sign per building facade facing a public street.

(B) For buildings five (5) stories or greater in height: two (2) signs per building facade facing a public street.

(ii) Type. Signs shall consist of individual letters or logos (signs shall not consist of sign cabinets).

(iii) Area. The sign shall not exceed fifty (50) square feet in area.

(iv) Location. The sign shall be located on the story immediately below the building step-back, if present, on the second floor of a two (2) story building, or below the top floor of a building greater than two (2) stories in height.

(v) Projection. Sign shall not project greater than eighteen (18) inches from the facade.

(vi) Illumination. Internal and external illumination is permitted. Externally lit signs shall be illuminated only with stationary, shielded light sources directed solely onto the sign without causing glare.

(vii) Size of Lettering. Letters shall not exceed three (3) feet in height.

~~(f) Wall Mounted Electronic Message Center Signs.~~

~~(i) Number. One (1) sign on the building facade where an entrance to the building exists.~~

~~(ii) Area. The sign shall not exceed eight (8) square feet in area.~~

~~(iii) Location. The sign shall be located within three (3) feet of the building entrance and shall be mounted flat against the wall of the structure.~~

(2) Projecting Signs. One (1) sign shall be allowed to project from the building face for each street level business or street level parking lot entry, having street frontage, subject to the following conditions:

(a) Entrance. The business shall have a public entrance directly onto the street.

(b) Location. The sign shall be located below the finished floor of the second level of a building or have a maximum height of fifteen (15) feet above the final grade, whichever is lower.

(c) Clearance. There must be a minimum eight (8) feet of clearance from the bottom of the sign structure to the ground directly below the sign.

(d) Area. Signs shall not exceed nine (9) square feet in area.

(e) Sign Length and Height. Sign length and height shall not exceed three and a half (3.5) linear feet.

(f) Projection. Signs, including mounting hardware, shall not project more than forty-eight (48) inches from the face of the building. Signs shall not project from nor be mounted to building elements that are located within the street right-of-way.

(g) Thickness. Signs, including the cabinet, shall not be more than five (5) inches thick. External lighting shall not be limited to the five (5) inch maximum sign cabinet thickness.

(h) Lettering Height. Individual sign letters shall not exceed twelve (12) inches in height.

(i) Frontage Width.

(i) Any storefront or business premises that is less than thirty (30) feet in width shall have only one (1) projecting sign.

(ii) If such a storefront or business premises contains more than one (1) street level business, the maximum permitted sign area for a single sign may be divided between a maximum of two (2) signs hung from a single sign mounting bracket.

(iii) Up to six (6) inches of space between signs shall not be included in the maximum height and width.

(iv) The maximum projection shall meet the requirement of Subsection (2)(f) of this Section.

(j) Materials. Exposed surfaces of the sign may be constructed of metal, glass, stone, solid wood, or other materials that are architecturally compatible with the exterior of the structure. If staff determines that the proposed materials are not architecturally compatible, the sign will be referred to the Design Review Committee for review and approval.

(k) Lighting. Projecting signs may be illuminated internally or externally. Externally lit signs shall be illuminated only with stationary, shielded light sources directed solely onto the sign without causing glare.

(l) Hold Harmless Agreement. When a sign extends over a public right-of-way, a hold harmless agreement must be signed by the owner of the sign prior to approval and installation of said sign.

(m) Message. The message on projecting signs shall be limited to the name of the business and its logo.

(n) Sign Type. Projecting signs shall not be electronic display signs.

(o) Changeable Copy. Projecting signs shall not be designed to include changeable copy.

(p) Exemptions. City-owned wayfinding and parking facility identification signs are exempt from the requirements of this Subsection.

(3) Parking Entry Sign. One (1) parking entry sign may be constructed for any nonconforming surface level parking lot subject to the following restrictions:

(a) Number. One (1) sign is permitted for every parking entryway along a public street. No more than one (1) sign is permitted per street frontage.

(b) Height. The maximum height shall not exceed twelve (12) feet from the natural grade of the lot.

(c) Area. Signs shall not exceed nine (9) square feet in area.

(d) Projection. Signs shall not project over the property line into the public right-of-way.

(e) Exemptions. City-owned wayfinding and parking facility identification signs are exempt from the requirements of this Subsection.

(4) Awning Signs. One (1) sign shall be permitted on each awning located over a first floor window or door subject to the following restrictions:

(a) Area. A maximum of one (1) square foot of sign may be installed on each lineal foot of awning.

(b) Location. Signs must be located on the vertical valence of the awning that directly faces a public street or right-of-way and must consist of graphics that are no more than twelve (12) inches in height.

(c) Projection. Awnings may project a maximum of six (6) feet from the property line into the public right-of-way.

(5) New Construction Signs. One (1) sign shall be permitted along each street frontage of a new construction project subject to the following restrictions:

(a) Area. Signs shall not exceed sixty-four (64) square feet in area.

(b) Height. The maximum height shall not exceed twelve (12) feet from the natural grade of the lot.

(c) Projection. Signs shall not project over the property line into the public right-of-way.

(d) New construction signs must be removed prior to the issuance of a certificate of occupancy for the new project.

(6) Real Estate Signs. One (1) sign shall be permitted along each street frontage of any property that is being offered for sale, lease, or rent subject to the following restrictions:

(a) Area. Signs shall not exceed thirty-two (32) square feet in area.

(b) Height. The maximum height shall not exceed eight (8) feet.

(c) Projection. Signs shall not project over the property line into the public right-of-way.

(7) Window Signs. Signs shall be permitted on or inside the windows on the first floor of commercial establishments subject to the following restrictions:

(a) Area. Signs shall not cover more than twenty-five percent (25%) of the total window area of the first floor facade they are located on.

(b) Location. Signs are only permitted in windows that directly face a public street.

(c) Electronic display signs shall meet the standards in Section 14.38.025, Provo City Code.

(8) Monument Signs. One (1) sign shall be permitted in the landscaped front yard or street side yard of any property located in the DT1 zone, DT2 zone, WG zone, or GW zone subject to the following restrictions:

(a) Area. Signs for single tenant properties shall not exceed fifty (50) square feet. Signs for properties with more than one (1) tenant may have an additional ten (10) feet of sign for each additional tenant, up to one hundred (100) square foot maximum size.

(b) Height. The maximum height shall not exceed five (5) feet.

(c) Projection. Signs shall not project over the property line into the public right-of-way.

(d) Design. Signs shall be of a similar material and architecturally compatible with the main building.

(9) A-Frame Signs. One (1) A-frame sign shall be permitted for each ground level business with an individual front door entrance fronting a public street.

(a) Size. Maximum sign face size shall be twenty-four (24) inches wide and thirty-six (36) inches tall. Maximum sign stand frame size shall be twenty-seven (27) inches wide and forty-seven (47) inches tall when closed with a maximum depth of three (3) feet when opened.

(b) Sign Type. Sign faces shall be flat and lie in plane with the sign stand frame. Signs shall not be electrified or lighted in any manner.

(c) Location. The sign shall be located immediately in front of and between the side walls of the associated business. The sign shall be located immediately adjacent to the front facade of the business or within the park strip, provided a six (6) foot wide clear pedestrian way is maintained on the sidewalk. Signs shall not be located outside of this designated area in any other location within the public right-of-way.

(d) Time of Display. The sign shall be displayed only during the associated business's hours of operation.

...

#### **14.38.160. Definitions Pertaining to Signs.**

The following words and phrases, whenever used in this Title, shall be construed as defined in this Section.

**“A-frame sign”** means any sign or structure composed of two (2) sign faces mounted or attached back-to-back in such a manner as to form a basically triangular vertical cross-section through the faces.

**“Animated sign”** means any sign with action, motion, or moving parts, including devices activated by wind or forced air, and signs that revolve, and which are designed and constructed to give their message through movement or semblance of movement created through a sequence of progressive changes of parts or lights. This does not include electronic display signs.

**“Building face”** means the visible outer surface of a main exterior wall of a building. The area of the face of the building shall be the total area of such surface including the area of doors and windows which open into surface.

**Canopy.** See “Marquee.”

**“Convert, converted, conversion”** means any sign face that is changed from its existing, nondigital or nonelectronic displays to an electronic display sign. Any sign that is remodeled, repaired, or maintained in such a way that it is now an electronic display sign shall be considered a conversion.

**“Electronic display sign”** means any sign, or portion thereof, that displays electronic images, graphics or pictures, with or without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LEDs), fiber optics, plasma displays, light bulbs, or other illumination devices within the display area where the message is displayed. Electronic display signs include computer programmable, microprocessor controlled electronic or digital displays.

**“Erect”** means to build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display. Normal maintenance, including refinishing, is not included in this definition provided the sign copy is not changed or altered.

**“Freestanding sign”** means any sign that is standing on or erected into the ground. Such signs are usually, but not necessarily, supported from the ground by one (1) or more poles or posts or similar uprights, with or without braces. Any sign which is mounted into the ground, but has the supports passing through any portion of the roof of a building or structure, shall be considered to be a roof sign.

**“Frontage”** means the length of the sides along the street or any other principal public thoroughfare, but not including such length along an alley, water course, railroad, street, or thoroughfare with no permitted access.

“High-churn electronic display sign” means any electronic display sign whose image or message is changed more than three (3) times per day.

“Low-churn electronic display sign” means any electronic display sign whose image or message is changed three (3) times per day or less.

**Marquee.** A “marquee” shall mean and include any roofed structure attached to and supported by a building, and projecting over public property.

**“Movable sign”** means any sign not affixed to or erected into the ground.

**“Off-premises electronic display sign”** means any off-premises sign, as defined in this Section, that is also an electronic display sign, as defined in this Section.

**“Off-premises sign”** means any sign which advertises products, services, or business establishments which are not located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.

**“On-premises sign”** means any sign which advertises products, services, or business establishments which are located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.

**“Outdoor advertising structure”** means a structure erected and maintained for outdoor advertising purposes upon which a poster, bill, printing, or painting may be placed to advertise products, goods, services, or business establishments other than those located, conducted, manufactured, or sold upon the premises on which the structure is erected.

**“Projecting sign”** means any sign attached to a building or structural wall and extending horizontally outward from such wall more than eighteen (18) inches.

**“Property”** means land or real estate, with or without structures; not goods or services.

**“Residential zone”** or **“district”** means any zone which is designated by the prefix “R” in this Title.

**“Roof sign”** means any sign which is erected upon or over the roof or over a parapet of any building or structure.

**“Sign”** means any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, business, or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence, or other manmade structure, which are visible from any public street, public highway, or public road right-of-way. For the purpose of this Title, the word “sign” does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional warning or information sign or structure required or authorized by law.

**Sign Area.** Sign area shall mean the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one (1) side of a back-to-back or double-face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five (45) degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle, or circle large enough to frame the display.

**“Time and temperature device”** means any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.

**“Wall sign”** means any sign posted or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or marquee in an essentially vertical position or with exposed face of the sign in a place approximately parallel with the wall or fascia upon which it is attached.

**“Wind sign”** means any propeller, whirligig, or similar commercial device which is designed to flutter, rotate, or display other movement under the influence of wind. This definition shall not include pennants, flags, or banners.





WELCOME HOME

PLANNING COMMISSION

December 13, 2017

## ITEM 2\*

Nate Chappell requests a Zone Change from A1.5 to R1.8  
for 2.32 acres of property  
located at approximately 1282 North Geneva Road.

***Lakeview North Neighborhood***

17-0009R

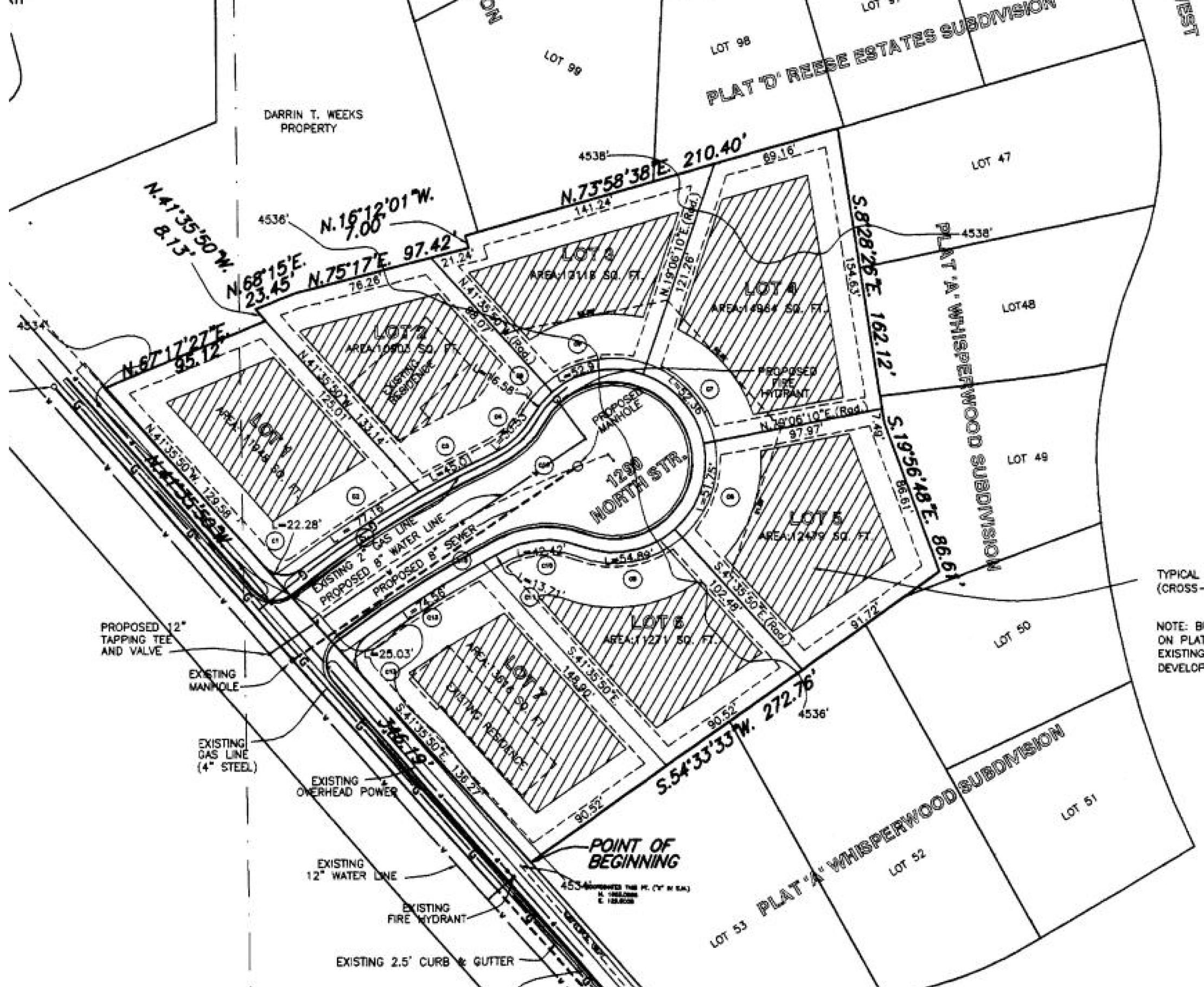
## ITEM 3

Nate Chappell requests Final Subdivision Approval, subject to approval of a Zone Change, for 2.32 acres of property located at approximately 1282 North Geneva Road.

***Lakeview  
North Neighborhood***

17-0009SF





DARRIN T. WEEKS  
PROPERTY

LOT 98  
LOT 99  
LOT 97  
PLAT 'D' REESE ESTATES SUBDIVISION

N. 41°35'50" W. 8.13'  
N. 15°12'01" W. 7.00'  
N. 68°15' E. 23.45'  
N. 75°17' E. 97.42'

N. 73°58'38" E. 210.40'  
N. 19°06'10" E. (Reg.) 97.97'

S. 81°28'26" E. 162.12'

S. 19°56'48" E. 86.61'

S. 54°33'33" W. 272.76'

N. 67°17'27" E. 95.12'

N. 41°35'50" W. 129.58'

N. 41°35'50" W. 129.58'

PROPOSED 12" TAPPING TEE AND VALVE

EXISTING MANHOLE

EXISTING GAS LINE (4" STEEL)

EXISTING OVERHEAD POWER

EXISTING 12" WATER LINE

EXISTING FIRE HYDRANT

EXISTING 2.5' CURB & GUTTER

POINT OF BEGINNING

453' APPROXIMATE THE P.C. (7" M.S.D.)  
N. 108.000' E. 108.000'

LOT 72  
AREA: 10902 SQ. FT.

LOT 74  
AREA: 19664 SQ. FT.

LOT 75  
AREA: 2479 SQ. FT.

LOT 76  
AREA: 1271 SQ. FT.

PLAT 'A' WHISPERWOOD SUBDIVISION

TYPICAL BUILDAB (CROSS-HATCHED)

NOTE: BUILDINGS ON PLAT 'A', CH EXISTING AT THE DEVELOPED.

LOT 47

LOT 48

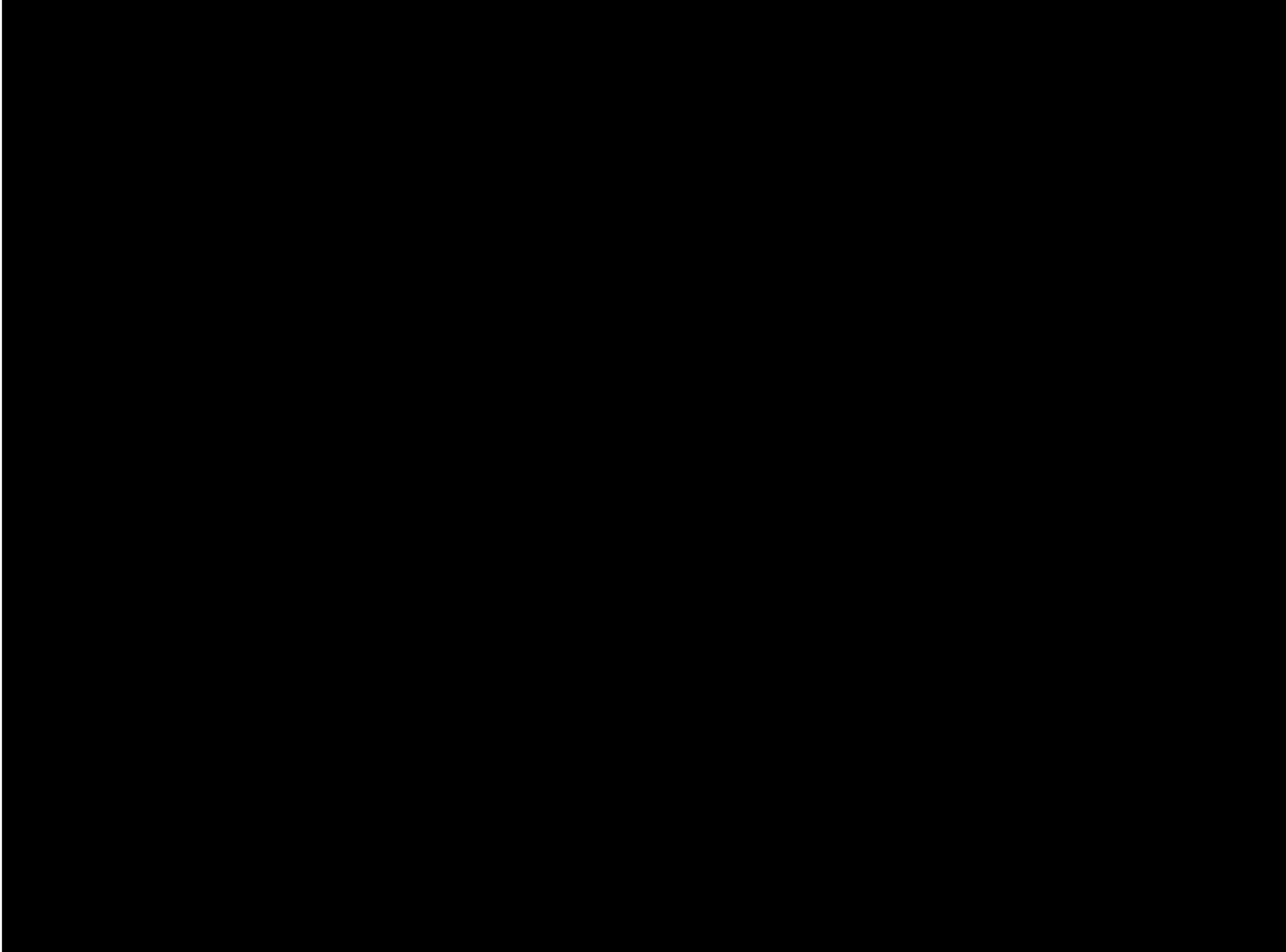
LOT 49

LOT 50

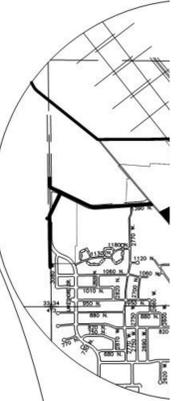
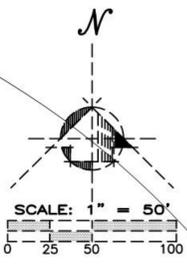
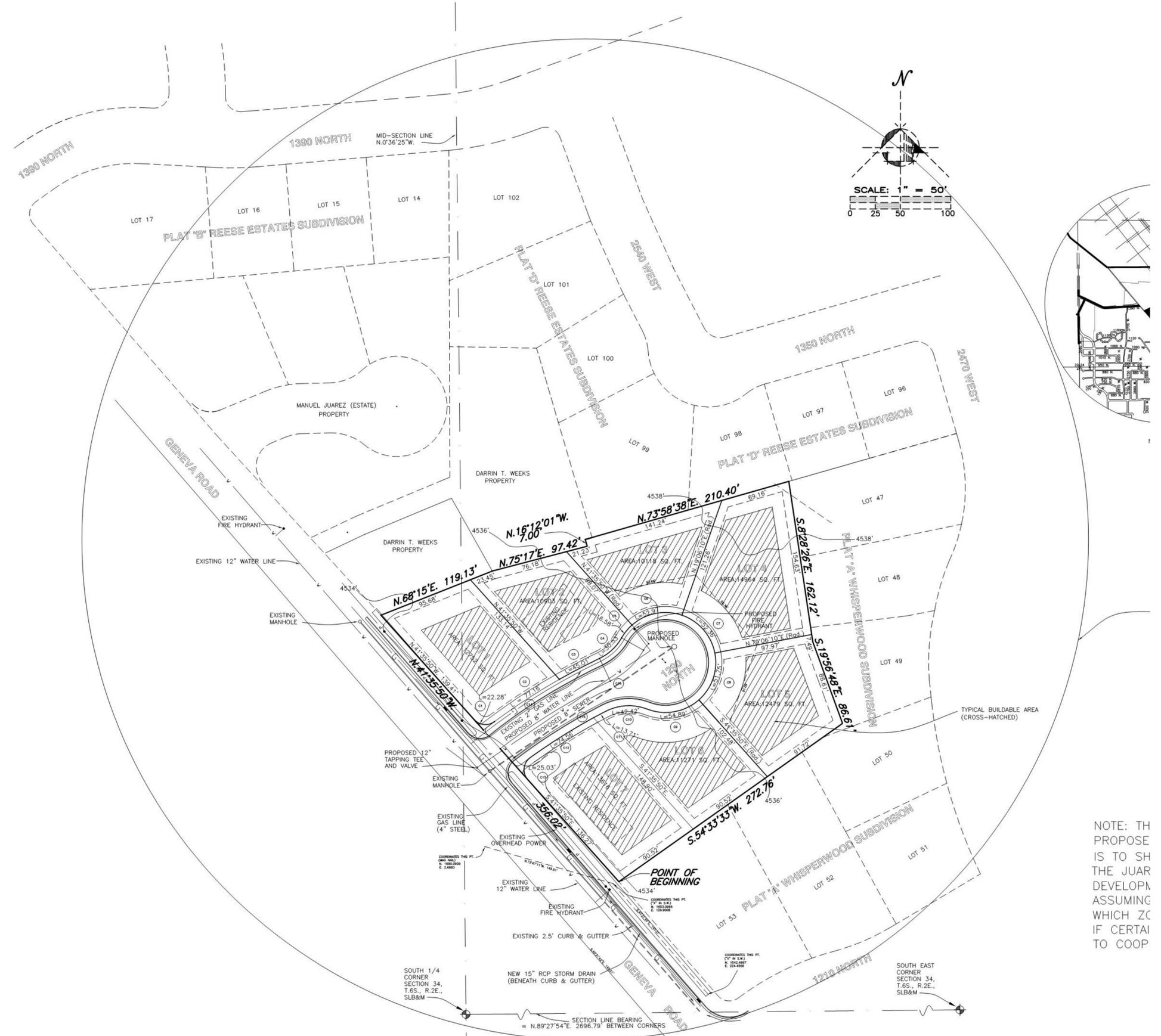
LOT 51

LOT 52

LOT 53







NOTE: TH PROPOSE IS TO SH THE JUAR DEVELOPM ASSUMING WHICH ZC IF CERTAI TO COOP



Provo City Planning Commission

# Report of Action

December 13, 2017

ITEM 5\*      The Provo City Community Development Department requests an Ordinance Amendment to Section 14.06.020 to adopt a definition for "Road." *City-Wide Impact*. 17- 0023OA, Brian Maxfield, 801-852-6429

The following action was taken by the Planning Commission on the above described item at its regular meeting of December 13, 2017:

## RECOMMEND APPROVAL

On a vote of 8:0, the Planning Commission recommended the Municipal Council approve the above noted application.

Motion By: Brian Smith

Second By: Jamin Rowan

Votes in Favor of Motion: Brian Smith; Jamin Rowan; Ed Jones; Shannon Ellsworth; Maria Winden; Andrew Howard; Dave Anderson; Deborah Jensen.

*Deborah Jensen was present as Chair.*

The motion includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

The text of the proposed PRO Zone is attached as Exhibit A.

### STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- The purpose of amendment.

### CITY DEPARTMENTAL ISSUES

- None

### NEIGHBORHOOD MEETING DATE

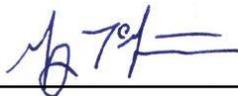
- City-wide application; all Neighborhood Chairs received notification.

### NEIGHBORHOOD AND PUBLIC COMMENT

- No public comment was received nor made as part of the Public Hearing.

### PLANNING COMMISSION DISCUSSION

- No further discussion was held by the Planning Commission



Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (\*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

**EXHIBIT "A"**

***Addition of a definition for the term "Road"***

**Chapter 14.06. Interpretation and Definitions.**

**14.06.020. Definitions**

"Road" See definition of "Street"



**Planning Commission  
Staff Report  
Ordinance Amendment  
Hearing Date: December 13, 2017**

**ITEM 5\*** The Provo City Community Development Department requests an Ordinance Amendment to Section 14.06.020 to adopt a definition for “Road.” **City-Wide Impact.** 17- 0023OA, Brian Maxfield, 801-852-6429

<p><u>Applicant</u>: Community Development Department <u>Staff Coordinator</u>: Brian Maxfield</p> <p><u>Property Owner</u>: City Wide Amendment <u>Parcel ID#</u>: N/A <u>Current General Plan Designation</u>: N/A <u>Proposed General Plan Designation</u>: N/A <u>Current Zone</u>: N/A <u>Acreage</u>: N/A <u>Number of Properties</u>: N/A</p> <p>*<u>Council Action Required</u>: Yes</p> <p><u>Related Application(s)</u>: None</p> <p><b><u>ALTERNATIVE ACTIONS</u></b> 1 <b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is January 10, 2017, at 5:30 p.m.</i></p> <p>2 <b>Recommend Denial</b> of the proposed ordinance amendment. <i>This would be a change from the Staff recommendation; the Planning Commission should state new findings.</i></p>	<p><u>Relevant History</u>: None</p> <p><u>Neighborhood Issues</u>: None Received</p> <p><u>Summary of Key Issues</u>: Appropriateness of amendment.</p> <p><u>Staff Recommendation</u>:</p> <p>That the Planning Commission recommend <b>approval</b> of the proposed ordinance amendment to the Municipal Council, which adds a definition for the term “Road” to Section 14.06.020 Definitions.</p> <p><i>This action <u>would be consistent with the recommendation of the Staff Report.</u> Any additional changes should be stated with the motion</i></p>
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## **OVERVIEW**

This item is a proposed amendment to the Zoning Ordinance to add a reference definition for ‘Road.’ The resulting amendment would simply read:

“Road” See definition of “Streets”

This proposed amendment is a result of an issue occurring during a Board of Adjustment meeting where having the proposed wording, may have saved some confusion in the discussion. Although the definition for “Street” in both Title 14 Zoning and Title 15 Land Use and Development includes “road” as basically another name for a street, an argument was presented that a road is not a street. The definition for “Street” in the current Section 14.06.020 reads (with highlighting by staff):

“Street” means a thoroughfare which has been dedicated to the public and accepted by proper public authority, or a thoroughfare not less than twenty (20) feet wide, which has become a public thoroughfare by right of use and which affords the principal means of access to abutting property; provided that easements, walkways, and alleys shall not be considered as **“Streets” for the purpose of this Title. Streets include: public rights-of-way, including** highways, avenues, boulevards, parkways, **roads**, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways. See also Chapter 15.03, Provo City Code.

Staff believes the proposed clarification in the definition would significantly lessen or eliminate any confusion in the term.

## **STAFF ANALYSIS**

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

*Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:*

*(a) Public purpose for the amendment in question.*

Better clarification of ordinance terms.

(b) Confirmation that the public purpose is best served by the amendment in question.

The change addresses and clarifies what may have caused a misunderstanding of terms in an item recently considered by the Board of Adjustment.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

The proposed amendment would not be incompatible with any of the General Plan's policies, goals and objectives.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

The proposed amendment has no effect on "timing and sequencing."

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

The proposed amendment does not hinder nor obstruct attainment of the General Plan's articulated policies.

(f) Adverse impacts on adjacent land owners.

N/A

(g) Verification of correctness in the original zoning or General Plan for the area in question.

N/A

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

N/A

**STAFF RECOMMENDATION**

That the Planning Commission recommend **approval** of the proposed ordinance amendment to the Municipal Council, which adds a definition for the term “Road” to Section 14.06.020 Definitions.

**EXHIBIT "A"**

***Addition of a definition for the term "Road"***

**Chapter 14.06. Interpretation and Definitions.**

**14.06.020. Definitions**

**"Road" See definition of "Street"**

ORDINANCE 2018-.

AN ORDINANCE AMENDING PROVO CITY CODE TO ADOPT A  
DEFINITION FOR “ROAD.” CITYWIDE IMPACT. (17-00230A)

WHEREAS, it is proposed to amend Provo City Code Section 14.06.020 to add a reference definition for “road” indicating that it has the same meaning as “street;” and

WHEREAS, the proposed change will lessen or eliminate confusion when using the term “road” in City discussions; and

WHEREAS, on December 13, 2017, the Planning Commission held a duly noticed public hearing to consider this proposal, and after such hearing the Planning Commission recommended approval to the Municipal Council by a vote of 8:0; and

WHEREAS, on January 9, 2018, the Municipal Council held duly noticed public meetings to ascertain the facts regarding this matter, which facts are found in the meeting records; and

WHEREAS, after considering the Planning Commission recommendation and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Section 14.06.020 should be amended as set forth in Exhibit A, and (ii) this action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Provo City Code Section 14.06.020 is hereby amended as set forth in Exhibit A.

PART II:

A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.

43

44 D. This ordinance shall take effect immediately after it has been posted or published in  
45 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code  
46 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

47

48 END OF ORDINANCE.

EXHIBIT A

*Addition of a definition for the term “Road”*

**Chapter 14.06. Interpretation and Definitions.**

...

**14.06.020. Definitions**

...

**“Road”** See definition of “Street”

...



WELCOME HOME

PLANNING COMMISSION

December 13, 2017

## ITEM 5\*

The Provo City Community Development Department requests an Ordinance Amendment to Section 14.06.020 to adopt a definition for “Road.”

***City-Wide Impact***

17-00230A

# **EXHIBIT “A”**

## ***Addition of a definition for the term “Road”***

### **Chapter 14.06. Interpretation and Definitions.**

#### **14.06.020. Definitions**

**“Road” See definition of “Street”**



PROVO CITY CORPORATION

COUNCIL OFFICE

Municipal Council Meeting Agenda

January 9, 2018

NOTICE OF PUBLIC HEARING BEFORE THE MUNICIPAL  
COUNCIL

Notice is hereby given that the Municipal Council of Provo, Utah will hold a public hearing on these items on Tuesday, January 9, 2018, beginning at 5:30 p.m. in the Council Chambers located at the Provo City Center Building, 351 West Center Street. Anyone interested is invited to attend.

Notice of Proposed Disposition: a public hearing to consider a resolution to place approximately 24 acres of real property generally located at 380 East 1860 South (generally holes 10, 11, and 12 of the East Bay Golf Course), 40 East 1860 South, and south of 1860 South at East Bay Boulevard on the surplus property list and authorizing the mayor to sell the property (17-143).

By order of the Provo City Municipal Council

Published in "The Daily Herald"

Elizabeth VanDerwerken, Executive Assistant, (801) 852-6120

1 RESOLUTION 2018-.

2  
3 A RESOLUTION TO PLACE APPROXIMATELY 22.3 ACRES OF REAL  
4 PROPERTY AT THE NORTHWEST CORNER OF THE EAST BAY GOLF  
5 COURSE ON THE SURPLUS PROPERTY LIST. (17-143)  
6

7 WHEREAS, Provo City owns an approximate 22.3-acres of ground on the northwest  
8 corner of the golf course, generally located at 380 East 1860 South, 40 East 1860 South, and  
9 south of 1860 South at East Bay Boulevard (generally holes 10, 11, and 12 of the East Bay Golf  
10 Course), as described in the attached Exhibit A, and has been asked to place this property on the  
11 surplus property list; and  
12

13 WHEREAS, there have been discussions with Wasatch Educational to place a medical  
14 school on this property with agreements to move the affected holes to the southeast portion of the  
15 golf course; and  
16

17 WHEREAS, on November 21, 2017, and December 5, 2017, the Municipal Council held  
18 duly noticed public meetings to ascertain the facts regarding the matter and receive public  
19 comment regarding the proposal, which comments are found in the meeting records; and  
20

21 WHEREAS, on January 4, 2018, the Municipal Council held a duly noticed public open  
22 house to educate the public and receive input regarding the Wasatch Educational proposal; and  
23

24 WHEREAS, on January 9, 2018, the Municipal Council held a duly noticed public  
25 hearing to receive additional public comment and ascertain the facts regarding this matter, which  
26 facts and comments are found in the meeting record; and  
27

28 WHEREAS, after considering the facts and comments presented to the Municipal  
29 Council, the Council finds (i) the property described in Exhibit A should be added to the Surplus  
30 Property List for sale subject to the conditions set forth below, and (ii) the sale of this property  
31 reasonably furthers the health, safety and general welfare of the citizens of Provo City.  
32

33 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as  
34 follows:  
35

36 PART I:  
37

38 The real Property described in the attached Exhibit A is hereby placed on the Surplus  
39 Property list, and the Mayor is authorized to negotiate concrete terms for the proposed sale with  
40 Wasatch Educational, subject to final approval of those terms by the Council at a future hearing.  
41

42 PART II:  
43

44 This resolution shall take effect immediately.  
45

46 END OF RESOLUTION.

EXHIBIT A

