



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.).

2 **EXHIBIT "A"**

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6 **Chapter 6.06**

7 **Use of Electronic Signs**

8 **6.06.010. Scope.** Any business operating an on-premises electronic display sign shall comply with the requirements of
9 this Chapter in order to qualify for a business license.

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11 **6.06.010. Hold Time and Transitions.**

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

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

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

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

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

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28 **6.06.020. Brightness.**

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

31 (2) No electronic display sign shall exceed a brightness level of more than three-tenths (3/10) foot candles above ambient
32 light as measured using a foot candle (lux) meter perpendicular to the electronic display sign face measured at ground
33 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>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.
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42 Chapter 14.38

43 Signs and Outdoor Advertising

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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.
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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.

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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.

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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.

416
417 ...

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><u>ALTERNATIVE ACTIONS</u></p> <p>1 Continue 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 Recommend Denial 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>Recommend Approval 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.