

## Chapter 14.36 Nonconformities.

- 14.36.010. Purpose.
- 14.36.020. Scope.
- 14.36.030. Change in Nonconforming Status.
- 14.36.040. Nonconforming Uses.
- 14.36.050. Noncomplying Structures.
- 14.36.060. Nonconforming Lots.
- 14.36.070. Other Nonconformities.
- 14.36.080. Nonconformities Resulting From Public Action.
- 14.36.090. Abandonment of Nonconforming Use.
- 14.36.100. Determination of Nonconforming Status—Effect of Determination.
- 14.36.110. Residential Structures Originally Constructed as a One-family Dwelling - Status Determination.
- 14.36.120. Apartment Dwellings - Status Determination.
- 14.36.130. Termination of Nonconforming Uses and Noncomplying Structures.
- 14.36.140. Billboards Exempt.
- 14.36.150. Appeals.

### 14.36.010. Purpose.

The purpose of this Chapter is to establish regulations governing legally established lots, structures, uses and other nonconformities that do not conform to applicable requirements of this Title. They may continue to exist and be put to productive use, but their nonconforming aspects shall be regulated as provided in this Chapter. The intent of this Chapter is to recognize the interests of property owners while controlling expansion of nonconforming conditions. (Rep&ReEn 2002-05)

### 14.36.020. Scope.

The provisions of this Chapter shall apply to all lots, structures, uses and other nonconformities within the City regardless of when the nonconformity was established. Any lot, structure, use or other circumstance governed by this Title which does not conform to the provisions of this Title may be continued to the extent that it was legally established and complies with applicable provisions of this Chapter. (Rep&ReEn 2002-05)

### 14.36.030. Change in Nonconforming Status.

A nonconforming lot or use, noncomplying structure, or other nonconformity may not be changed except in conformance with the provisions of this Title. Whenever any nonconforming use is changed to a less intensive nonconforming use, such use shall not be changed back to a more intensive nonconforming use. Whenever any nonconforming use is changed to a conforming use, such use shall not later be changed to a nonconforming use. (Rep&ReEn 2002-05, Am 2009-46)

### 14.36.040. Nonconforming Uses.

(1) Continuation. A nonconforming use which was legally existing when such use became prohibited may be continued as provided in this section and by any other applicable provision of this Chapter, so long as it remains otherwise lawful, subject to applicable standards and limitations in this Chapter.

(2) Expansion Within Conforming Building. A nonconforming use existing within a portion of a conforming building may not be expanded.

(3) Expanding and Altering Nonconforming Uses of Land and Structures. No nonconforming use may be moved, enlarged or altered and no nonconforming use of land may occupy additional land, except as provided in this Section.

(a) A nonconforming use may not be enlarged, expanded or extended to occupy all or a part of another structure or site, that it did not occupy on January 1, 2002.

(b) A structure containing a nonconforming use may not be moved unless the use shall thereafter conform to the regulations of the zoning district into which the structure is moved. Prior to moving any building, the applicant shall make application, and go through the process set forth in Chapter 14.40, Provo City Code.

(4) Nonconforming Use of Open Land. A nonconforming use of open land may be continued provided such nonconforming use shall not be expanded or extended into any building or open land, except as may be required by law.

(5) Expansion of Outdoor Nonconforming Uses. A nonconforming use of a lot where the principal use is not enclosed within a building, such as a salvage yard or a motor vehicle sales lot, shall not be expanded except in conformity with the requirements of this Title.

(6) Restoration. A nonconforming use in a conforming structure damaged by fire, wind, tornado, earthquake, or other natural disaster or calamity may be restored as it existed previously and its use may be continued so long as restoration is complete within one (1) year. (Rep&ReEn 2002-05, Am 2003-43)

### 14.36.050. Noncomplying Structures.

(1) Continuation. A noncomplying structure in any zone may be continued as provided in this Section and any other applicable provision of this Chapter so long as no additions or enlargements are made thereto and no structural alterations are made therein, except as provided in this Section or as may be required by law. If any noncomplying structure is removed from the lot where it was located each future structure thereon shall conform to applicable provisions of this Title.

(2) Maintenance and Repair. A noncomplying structure may be maintained. Repairs and structural alterations may be made to a noncomplying structure within the existing footprint thereof provided that the degree of nonconformity is not increased.

(3) Expansion and Enlargement. Any expansion of a noncomplying structure that increases the degree of nonconformance is prohibited except as provided in this Subsection or as may be required by law. An existing one-family dwelling which is nonconforming as to height, area, or yard regulations may be added to or enlarged if the addition or enlargement conforms with applicable requirements of this Title. Provided, however, that such a dwelling which is nonconforming as to side yard requirements but having a minimum side yard of not less than three (3) feet, may be extended along the nonconforming building line to the extent of one-half (½) the length of the existing dwelling if such extension is for the purpose of enlarging and maintaining the existing dwelling unit in the structure, and provided such enlargement conforms to all other regulations of the zone in which the dwelling is located.

(4) Relocation. If a noncomplying structure is relocated within the City, it shall be located in a manner which fully conforms with applicable requirements of this Title, including the procedures set forth in Chapter 14.40, Provo City Code.

(5) Restoration. A noncomplying structure damaged by fire, wind, tornado, earthquake, or other natural disaster or calamity may be restored as it existed previously and its use may be continued so long as restoration is complete within one (1) year. (Rep&ReEn 2002-05, Am 2009-46)

### 14.36.060. Nonconforming Lots.

(1) Continuation. A nonconforming lot may continue to be occupied and used although it may not conform in every respect with the dimensional requirements of this Title, subject to the provisions of this Section and any other applicable provision of this Chapter.

(2) Residential Zones. A new dwelling may be constructed on a legally established lot which is nonconforming as to area, frontage

and/or width provided the dwelling conforms to all other requirements of this Title and other applicable codes.

(3) Nonresidential Zones. A new building may be constructed on a legally established lot which is nonconforming as to area, frontage and/or width provided the building conforms to all other requirements of this Title and other applicable codes.

(4) Lot with Existing Building or Structure. If a nonconforming lot contains a legally established structure the owner may continue the legal use of such structure and may expand the structure so long as the expansion conforms to applicable requirements of this Title.

(5) Accessory Buildings. Accessory buildings customarily incidental to a main building or structure may be constructed on a nonconforming lot provided the accessory building and its location on the lot meets all other applicable building and zoning requirements. (Rep&ReEn 2002-05)

#### **14.36.070. Other Nonconformities.**

(1) Application and Intent. This Section shall apply to any other circumstance which does not conform to the requirements of this Title including, but not limited to, fence height or location; lack of buffers or screening; lack of or inadequate landscaping; lack of or inadequate off-street parking; and any other nonconformity not covered by Sections 14.36.040, 14.36.050, and 14.36.060 of this Chapter. Because the nonconformities regulated by this Section involve less investment and are more easily corrected than those regulated by Sections 14.36.030, 14.36.040, and 14.36.050 of this Chapter, the intent of the City is to eliminate such nonconformities as quickly as practicable. The degree of such nonconformities shall not be increased.

(2) Nonconforming Development with Approved Site Plan. Any nonconforming development which is governed by an approved site plan shall be deemed to be in conformance with this Title to the extent such development conforms to the plan.

(3) Compliance Required. Except as provided in Subsection (4), a nonconformity other than one enumerated in Sections 14.36.040, 14.36.050, and 14.36.060 of this Chapter shall be brought into conformance upon the occurrence of any one of the following:

(a) Any action which increases the floor area of the premises by more than thirty percent (30%).

(b) Any action which, when combined with one (1) or more previous expansions that have occurred over a period of time, causes the aggregate area of expansion to exceed thirty percent (30%) of the original floor area of the premises.

(c) For a lot located in a commercial or industrial zone, any change in use to a more intensive use when a new certificate of occupancy is required.

(4) This Section shall not apply to property located in any DT1 or DT2 zone. (Rep&ReEn 2002-05, Am 2003-43, Am 2010-31)

#### **14.36.080. Nonconformities Resulting From Public Action.**

When area or yard setbacks of a legally established lot are reduced as the result of conveying land to a federal, state or local government for a public purpose, such lot and yards shall be deemed to be in compliance with the minimum lot size and yard setback standards of this Title without any need for a variance. (Rep&ReEn 2002-05)

#### **14.36.090. Abandonment of Nonconforming Use.**

(1) Burden of Proof. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

(2) Presumption of Abandonment. Abandonment of a nonconforming use may be presumed to have occurred if:

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

(b) the use has been discontinued for a minimum of one (1) year; or

(c) the primary structure associated with the nonconforming use remains vacant for a period of one (1) year.

(3) Rebutting Presumption of Abandonment - Burden of Proof. The property owner may rebut the resumption of abandonment under Subsection (2), and shall have the burden of establishing that any claimed abandonment under Subsection (2) has not in fact occurred. (Rep&ReEn 2002-05, Am 2000-46)

#### **14.36.100. Determination of Nonconforming Status – Effect of Determination.**

(1) Procedure. The Zoning Administrator, or the Administrator's designee, shall determine the existence, expansion, or modification of a nonconforming lot or use, noncomplying structure, or other nonconformity as provided in the following procedure:

(a) If a determination of the nonconforming status of a property is desired, the owner or his designee shall make application for a Zone Verification with the Department of Community Development. The Zoning Administrator shall then investigate the factual and legal history of the subject property and shall thereafter make a determination of nonconforming status of the property.

(b) Notice of the determination of nonconforming status shall be mailed to the owners of the subject property, and to the chair of the neighborhood where the property is located.

(c) If within ten (10) days after notice is mailed, information is received by the Zoning Administrator which may affect the validity of the determination, the Administrator may make an amended determination. Notice of an amended determination shall be given as set forth in Subsection (b) of this Section.

(d) The notice shall include a statement that any determination may be appealed to the Board of Adjustment as provided in Chapter 14.05 of this Title and shall state the date by which the appeal must be filed.

(2) Burden of Proof. In all cases, the property owner shall have the burden of proving by a preponderance of evidence that a lot, structure, use or other circumstance which does not conform to the provisions of this Title was legally established.

(a) A preponderance of evidence is evidence which is more credible and convincing than evidence offered in opposition to it.

(b) Evidence offered to prove a lot, structure, use, or other circumstance was legally established may include, but is not limited to:

(i) the date when the circumstance was created;

(ii) copies of applicable zoning, building, or other code provisions in effect at the time of creation;

(iii) documents showing the nonconforming circumstance was authorized such as building permits, letters, and meeting minutes of governmental bodies where the circumstance was discussed and/or authorized;

(iv) property inspection reports which indicate the degree that the nonconforming circumstance complies with applicable codes in effect at the time of creation; and

(v) affidavits of persons with personal knowledge of the circumstances of creation.

(c) If a previously existing land use ordinance applied to a claimed nonconforming circumstance, and no provision of such ordinance would have allowed such circumstance, it shall be

prima facie evidence that the nonconforming circumstance was not legally established.

(d) If when established, a lot, structure, use or other circumstance did not conform to the provisions of applicable land use ordinance provisions, the fact that it has been occupied, used, or existed for a considerable period of time shall not be a factor in determining whether the circumstance should be deemed legally established.

(3) Abatement or Compliance. If a property owner is unable to demonstrate that a nonconforming lot, or use, noncomplying structure, or other nonconforming circumstance was legally established, it shall be deemed illegal and shall be abated or brought into conformance with applicable provisions of this Title. Abatement or compliance shall be achieved within thirty (30) days, unless the work which must be undertaken to achieve compliance cannot be accomplished in that time period. In such case the owner of the property shall enter into a legally binding agreement wherein the owner agrees to a schedule to achieve conformity as soon as reasonably practicable, so long as compliance is achieved within six (6) months. (Rep&ReEn 2002-05, Am 2002-32, Am 2009-46)

#### **14.36.110. Residential Structures Originally Constructed as a One-family Dwelling - Status Determination.**

(1) Purpose. In addition to other applicable provisions of this Chapter, the provisions of this Section shall be applied to determine whether a residential structure originally constructed as a one-family dwelling, but not presently occupied as such, should be deemed a nonconforming structure or use, or both.

(2) Building Permit Record. If necessary building permits were issued authorizing one (1) or more units in the dwelling in addition to the original dwelling unit and construction was substantially completed pursuant to such permits, the issuance of such permits shall be prima facie evidence that the structure and use are nonconforming.

(3) No Building Permit Record. If no building permits exist, a determination of nonconformity shall be made pursuant to Subsections (a) and (b) below.

(a) A determination shall be made as to whether a dwelling unit substantially conforms to applicable zoning and building code requirements in effect when the additional dwelling unit was established, particularly those requirements set forth in Section 14.36.130 of this Chapter. Such determination shall include a physical inspection of the premises by the Chief Building Official or his designee.

(i) If substantial conformance with applicable codes is found, the nonconforming circumstance shall be deemed legally established.

(ii) If substantial conformance is not found, the illegal aspects of the structure and use shall be abated or brought into compliance with applicable zoning and building code requirements in effect when the additional dwelling unit was established, except as provided in Section 14.36.130 of this Chapter.

(b) The presence of an interior connection between upper, lower, or adjoining portions of a structure originally constructed as a one-family dwelling shall create a presumption that only one dwelling unit was originally authorized, unless the connection was obviously originally constructed as a vestibule, lobby, or passage way between dwelling units in the structure. Any evidence that the dwelling units were legally created, including but not limited to information listed in Section 14.36.100(2)(b) of this Chapter, shall be submitted to the Zoning Administrator to aid in making this determination. (Rep&ReEn 2002-05)

#### **14.36.120. Multiple-Family Dwellings and Apartment Complexes Constructed Prior to 1974 - Status Determination.**

(1) A project consisting of one or more multiple-family dwellings or apartment buildings constructed prior to January 1, 1974, which is located in a zone where the apartments, as presently existing, are not permitted shall be deemed nonconforming so long as the apartments in the complex:

(a) Were originally constructed substantially as presently existing;

(b) Were not originally constructed and occupied as one-family dwellings and later converted to multiple-family or apartment dwellings.

(c) Are all owned by the same individual, association, firm, partnership, or other legal entity; and

(d) Are managed by a property manager, or management company in Provo City.

(2) The owner of an apartment complex which meets the requirements of Subsection (1) may request a zoning verification from the Community Development Department. If after due investigation, the Department determines by a preponderance of evidence that the building conforms to the requirements of Subsection (1), the name, address and a statement of the characteristics of the apartment building shall be added to an official list of such apartment complexes maintained by the Community Development Department. Upon determining that an apartment complex should be added to the list, the Department shall send a letter to the owner of the complex and the chair of neighborhood where the building is located stating the Department's findings and decision. During regular business hours the list shall be made available to the public upon request. (Rep&ReEn 2002-05)

#### **14.36.130. Termination of Nonconforming Uses and Noncomplying Structures.**

(1) Illegal Use. An illegal nonconforming use shall be terminated immediately without regard to this Section.

(2) Deteriorated Structure. Reconstruction or restoration of a noncomplying structure shall be prohibited and the nonconforming use of a structure shall be terminated if:

(a) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six (6) months; or

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

(3) Nonconforming Uses in Wasatch Neighborhood. This Subsection shall apply to any present or future legal nonconforming use located in the Wasatch Neighborhood regardless of how created and includes, but is not limited to, a nonconforming use created by City legislative or administrative action, a Board of Adjustment decision, a judicial decision, settlement of a zoning enforcement matter, an agreement with Provo City, an error by the City, and any previously existing provision of this Title.

(a) Pursuant to the provisions of this Section any nonconforming use located in the Wasatch Neighborhood, described in Subsection (8) of this Section, shall be terminated:

(i) by January 2, 2010, if such use was legally existing prior to January 2, 2007, or

(ii) within three (3) years after the date when such use became legally nonconforming, if legally created on or after January 2, 2007.

(iii) January 2, 2007 shall be the termination start date for a legal, nonconforming use in existence prior to January 2, 2007. The termination start date for any nonconforming

use created on or after January 2, 2007 is the date when such use became legally nonconforming.

(b) The Community Development Director or the Director's designee shall grant an owner of property affected by Subsection 14.36.130(3) an extension of the time required to conform with such section if:

(i) the owner:

(A) by six (6) months after the termination start date files a notice of intent to apply for a time extension as provided in this Section; and

(B) by one (1) year after the termination start date files a complete application for an extension of time as provided in this Section, and

(ii) the owner's application for an extension of time demonstrates by a preponderance of evidence that:

(A) the nonconforming use which is the subject of the application was legally established; and

(B) subject to the formula in Subsection (5) of this Section, the owner is unable to recover prior to three (3) years after the termination start date the amount of the owner's investment in the property.

(c)

(i) The time period during which an owner may recover the amount of investment in property affected by Section 14.36.130(3) of this Section shall be determined by dividing the residual value of the property by the average monthly net rental income from the property. The resulting figure is the number of months which the owner shall have to recover the investment in the property.

(ii) For the purposes of this Subsection the following definitions shall apply:

**"Amount of the owner's investment"** means the adjusted present value of a property as of the termination start date.

**"Adjusted present value"** means a property's original purchase price plus any capital improvements and less depreciation and net income from the property, all as adjusted for inflation to the termination start date.

**"Compliance value"** means the appraised value of the property on the termination start date assuming the nonconforming use is terminated.

**"Residual value"** means the difference between a property's adjusted present value and its compliance value as of the termination start date.

(iii) The time period determined under Subsection (5)(a) of this Section shall apply to the property for which the owner made an application for an extension of time and to the owner's successors, if any, until such time period has run.

(d) Any person aggrieved by a decision of the Community Development Director or the Director's designee applying this Section may appeal such decision to the Board of Adjustment as provided in Chapter 14.05 of this Title.

(e) The Community Development Director may adopt reasonable regulations to carry out the purpose of this Section.

(f) The boundary of the Wasatch Neighborhood is shown on the Official Neighborhood Map adopted by the Municipal Council pursuant to Section 2.29.010(1), Provo City Code, and is described as follows: commencing at 1900 North and 1200 East; thence east on 1900 North to Oak Lane; thence east on Oak Lane to 1400 East; thence south on 1400 East to 820 North; thence west on 820 North to 1350 East; thence northwest from 1350 East (connecting to Birch Lane) to 900 East; thence north on 900 East to just north of Fir Circle (1500 North), thence northwest

from 1500 North (connecting to Fir Ave.) to approximately 1200 East and 1700 North; thence north from the intersection of 1200 East and 1700 North to approximately 1900 North and 1200 East.

(4) Schools. The nonconforming status of a school district or charter school use or structure shall be terminated when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for more than twelve (12) months. (Enacted 2007-01, Am 2009-46)

#### **14.36.140. Billboards Exempt.**

The provisions of this Chapter shall not apply to billboards. Nonconforming billboards shall be terminated in accordance with applicable provisions of Section 10-9-407 and 10-9-408, Utah Code Annotated. In the event such provisions are repealed, nonconforming billboards shall be subject to the provisions of this Chapter. (Rep&ReEn 2002-05)

#### **14.36.150. Appeals.**

Any person aggrieved by a decision of the Zoning Administrator or other official enforcing the provisions of this Chapter may appeal for relief therefrom to the Board of Adjustment as provided in this Title. Any person aggrieved by a decision of the Board of Adjustment enforcing the provisions of this Chapter may appeal to the District Court as provided in Section 14.05.050 of this Title. (Rep&ReEn 2002-05)

### **Chapter 14.37. Off-Street Parking Standards.**

14.37.010.	Off-Street Parking.
14.37.020.	Permanent Parking to be Provided.
14.37.030.	Continuing Obligation.
14.37.040.	Nonconforming Facilities.
14.37.050.	Reduction in Parking Requirements.
14.37.060.	Parking Spaces Required.
14.37.070.	Parking Requirements for Uses Not Specified.
14.37.080.	General Provisions.
14.37.090.	Required Improvements and Maintenance.
14.37.100.	Parking Design Standards.
14.37.110.	Handicapped Parking Spaces.
14.37.120.	Notice of Parking and Occupancy Restrictions.

#### **14.37.010. Off-Street Parking.**

The number of off-street parking spaces required in connection with any particular land use shall be not less than that set forth in this Chapter, except for permitted reductions allowed under the provisions of Section 14.37.070, Provo City Code.

#### **14.37.020. Permanent Parking to be Provided.**

Every building structure, improvement, or use hereafter constructed, reconstructed, or enlarged, shall be provided with permanently maintained parking spaces as specified in this Chapter for the area of said construction, reconstruction, or enlargement. (Am 1995-22)

#### **14.37.030. Continuing Obligation.**

The required off-street parking facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for any owner of any building or use to discontinue or dispense with the required vehicle parking facilities without providing some other vehicle parking area which meets the requirements of this Chapter.

#### **14.37.040. Nonconforming Facilities.**

Any use of property which, on the effective date of this Chapter or of any subsequent amendment thereto, is nonconforming only as to the regulations relating to off-street parking facilities may continue in the same manner as if the parking facilities were conforming. Such existing parking facilities shall not be further reduced, however.

**14.37.050. Reduction in Off Street Parking Requirements**

(1) Purpose and Intent. The Provo City General Plan encourages the application of transportation demand management strategies to reduce traffic congestion and to lessen the amount of land that must be devoted to parking for commercial, industrial, or public facility uses. Accordingly, the purpose of this Section is to allow flexibility in off-street parking requirements for commercial, industrial or public facility uses based on the standards set forth herein. This Section shall not be used to reduce parking requirements for residential uses.

(2) Reduction of Off-Street Parking in Central Business District. The Municipal Council finds that the special character and needs of the Central Business District of the city require special requirements for off-street parking in that district. Within the Central Business District zone, the number of off-street parking spaces otherwise required by this Chapter may be reduced by fifty percent (50%) upon approval by the Planning Commission subject to the standards set forth in this Section. The Central Business District is the area within the following boundaries: Commencing at the intersection of 500 West Street and 100 South Street; thence East to the intersection of University Avenue and 100 South Street; thence North to the intersection of University Avenue and Center Street; thence East to the intersection of Center Street and 100 East Street; thence North to the intersection of 100 East Street and 100 North Street; thence West to the intersection of 100 North Street and University Avenue; thence North to the intersection of 200 North Street and University Avenue; thence West to the intersection of 300 West Street and 200 North Street; thence South to the intersection of 100 North Street and 300 West Street; thence West to the intersection of 100 North Street and 500 West Street; thence South to the point of beginning.

(3) Reduction in Off-Street Parking Based on Parking Count Justification Study.

(a) Subject to the requirements of this Subsection and Section 14.02.040, Provo City Code, the Planning Commission may issue a conditional use permit to reduce off-street parking required under Section 14.37.060, Provo City Code, for any use located on a lot within a commercial, industrial, or public facility zoning district.

(b) In addition to the application materials required for a conditional use permit, an applicant shall submit a parking count justification study prepared by a transportation planner, traffic consultant, licensed engineer, or architect. Such study shall include the following information:

(i) Calculation of the number of off-street parking spaces required by Chapter 14.37, Provo City Code for the use proposed.

(ii) Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use therein.

(iii) A reasonable conversion of gross floor area to net available floor area within existing and proposed development that accounts for such factors as wall thickness, corridors, and other portions of the development that do not generate parking demand.

(iv) A copy of the lot or business owner's plans to operate a transportation demand management program that provides incentives for employee use of transportation modes other than single occupancy vehicles.

(v) Trip generation rates expected for the uses within the existing and proposed development.

(vi) If the development is an expansion of an existing use, or if a similar facility exists elsewhere in Utah, historical data indicating parking lot usage experience at the existing development or facility.

(vii) The lot or business owner's plan to reasonably provide alternative solutions to off-street parking on the lot. Such alternative solutions may include, but shall not be limited to, off-site park-and-ride lots with shuttle bus or van transportation to the lot.

(c) Following consideration of a conditional use permit application, the Planning Commission may approve a conditional use permit reducing the parking otherwise required by this Chapter 14.37, Provo City Code, subject to the following:

(i) Adoption of findings that the conditional use meets the requirements of Section 14.02.040(2), Provo City Code.

(ii) Adoption of findings that the parking justification study reasonably reflects expected parking demand.

(iii) Recordation of a development agreement between the property owner and Provo City governing the provision of parking on the subject lot. Such agreement shall include provisions for:

(A) Monitoring of parking lot adequacy on at least an annual basis, and

(B) Construction of additional parking spaces, implementation of parking demand mitigation measures, or compliance with the usual Provo City Code parking standards if trip generation rates for uses within the development change from that set forth in the parking count justification study.

(d) If the Planning Commission reasonably determines at a future date that parking on a lot is insufficient, or that demand exceeds ninety percent (90%) of parking lot capacity as measured over a given two (2) week period, the property owner shall provide additional parking spaces to meet the then required parking standard or shall take other mitigating actions as reasonably determined by the Planning Commission to meet the purpose of this Section. (Am 1990-01, Am 1995-22, Am 1998-30)

**14.37.060. Parking Spaces Required.**

Except as otherwise provided in this Title, the number of off-street parking spaces for varied uses/areas shall be as follows:

<u>Use</u>	<u>Parking Spaces Required</u>
AIRPORT	One (1) space per four (4) seats in the passenger waiting area, plus one (1) space per four (4) tie downs, plus parking as required for any accessory uses such as a restaurant.
ART GALLERY	One (1) space per three hundred (300) square feet of gross floor area.
ASSISTED LIVING CENTER	One (1) space per three (3) beds in the facility.
AUCTION HOUSE	Two (2) spaces per one hundred (100) square feet of gross floor area.
ENTERTAINMENT	
Indoor and/or outdoor	One (1) space per two hundred (200) square feet of Amusement Center gross floor area

Amusement Centers	One (1) space per two hundred (200) square feet of with restaurants gross floor area plus one (1) per four (4) seats.	CONVALESCENT CENTER	One (1) parking space per Nursing home, Sanitarium three (3) beds
Bars, taverns, night clubs, lodges, clubs	One (1) space per 100 square feet of gross floor area.	DAY CARE CENTER	One (1) space per six (6) people based on the maximum allowable occupancy.
Dance Halls	One (1) space per four (4) persons based on the maximum allowable occupancy.	MORTUARY	One (1) per fifty (50) square feet of assembly area.
Bowling Alleys	Four (4) spaces per alley plus required parking for any accessory uses.	GAS STATION	One (1) per two hundred (200) square feet of gross floor area, pump locations are not to be included as a parking space.
Golf Course	Four (4) spaces per hole plus one (1) per three hundred (300) square feet of gross floor area of the clubhouse.	GOVERNMENT BUILDINGS	One (1) space per two hundred (200) square feet of gross floor area.
Skating Rink	One (1) space per two hundred (200) square feet of gross floor area.	HEALTH CLUBS/SPAS	One (1) space per four (4) persons based on the maximum allowable occupancy
Swimming Pool	One (1) space per one hundred (100) square feet of pool area	COMMERCIAL HORSE STABLES	One (1) space per two (2) stalls.
Indoor racquet courts	Three (3) spaces per court plus required parking for accessory uses.	HOSPITALS	One (1) space per 450 square feet of gross floor area.
Zoo	One (1) space per two thousand (2000) square feet of land area.	TRANSIENT LODGING Motels	Two (2) spaces plus one per sleeping unit.
AUTOMOBILE Repair, service, shop clinic or inspection center	Four (4) spaces per bay (service bays shall not be considered a parking space).	Hotels with restaurants/ conference rooms	One (1) per sleeping unit for hotels with accessory uses with seating capacity of one hundred (100) or less. Accessory functions exceeding a seating capacity of one hundred (100) must be reviewed by the Planning Commission and determined as part of the staff and Commission review. Additional parking may be required at the normal standard for that use.
Automobile and machinery sales	One (1) space per eight hundred (800) square feet of gross floor area.		
BED AND BREAKFAST	Two (2) spaces for the residents and one (1) space per guest room.		
CAR WASH Full Service	One (1) space per six hundred (600) square feet of gross floor area plus three (3) stacking spaces per bay.	JUNKYARD	Two (2) spaces per acre.
Self Serve	Two (2) spaces plus three (3) stacking spaces per bay.	KENNEL	One (1) space per six hundred (600) square feet of gross floor area.
CEMETERY	One (1) space per four (4) seats in the chapel or assembly area. The initial design of cemeteries should include streets that allow for adequate parallel parking.	LIBRARY	One (1) space per three hundred (300) square feet of gross floor area.
CHURCHES	One (1) space per one hundred (100) square feet of gross floor area.	LIQUOR STORE	One (1) space per two hundred (200) square feet of gross floor area.
COMMUNITY CENTER	One (1) space per two hundred fifty (250) square feet of gross floor area.	MANUFACTURING	One (1) space per four hundred (400) square feet of gross floor area plus required parking for office and accessory uses.
CONTRACTOR YARD	One (1) space per vehicle plus one (1) space per one thousand (1000) square feet of gross floor area.	MOVIE THEATER	One (1) space per four (4) seats.
		PROFESSIONAL OFFICES Business, Professional office (excluding	One (1) per two hundred fifty (250) square feet of gross floor area, plus

<p>medical/dental including banks or office providing a service on site up window</p>	<p>three (3) stacking spaces per drive up window</p>	<p>single dwellings in all other residential zones; and two (2) of the six (6) spaces required for duplexes must be covered in their respective zones. See also 14.37.080(1)(c)(i).</p>
<p>Medical/Dental</p>	<p>One (1) space per one hundred fifty (150) square feet of gross floor area.</p>	<p>MULTIPLE RESIDENTIAL - Except as provided below, for all multiple family and apartment dwellings located on a collector, arterial, or local street where daily traffic volumes exceed two thousand (2000) trips per day, the visitor parking requirements shall be .5 visitor parking spaces per dwelling unit. All multiple family dwellings, apartments and/or condominiums within R4 and R5 zones, regardless of occupancy, shall conform to Multiple Residential and Baching Singles parking requirements.</p>
<p>Veterinarian</p>	<p>One (1) space per five hundred (500) square feet of gross floor area.</p>	<p><u>Multiple Family and apartment</u></p>
<p>Office only no customers or services</p>	<p>One (1) space per two hundred fifty (250) square feet of gross floor area.</p>	<p><i>1 bedroom</i></p>
<p>Corporate Headquarters Research and Development</p>	<p>One (1) space per two hundred fifty (250) square feet of gross floor area plus one (1) space per company car.</p>	<p>Minimum of one and three-quarters (1 3/4) spaces per unit, plus .25 spaces per unit visitor parking, or one (1) space per vehicle or recreational vehicle owned or operated by a resident, whichever is greater.</p>
<p>Telemarketing Office</p>	<p>One (1) space per one hundred fifty (150) square feet of gross floor area, or one (1) space per employee on the highest shift, whichever is greater.</p>	<p><u>Multiple Family and apartment</u></p>
<p>Personal Services, barber, beauty shops, Travel agents</p>	<p>One (1) space per two hundred (200) square feet of gross floor area or two (2) per chair whichever is greater.</p>	<p><i>2 bedroom</i></p>
<p>RECYCLING CENTER</p>	<p>Five (5) spaces or one (1) space per five hundred (500) square feet of enclosed area.</p>	<p>Minimum of three (3) spaces per unit, plus .25 spaces per unit visitor parking, or one (1) space per vehicle or recreational vehicle owned or operated by a resident, whichever is greater.</p>
<p>REPAIR SERVICES including bikes, appliances</p>	<p>One (1) space per 300 square feet of gross floor area.</p>	<p><u>Multiple Family and apartment</u></p>
<p>RESTAURANTS</p>	<p>One (1) space per four (4) seats or one (1) per one hundred (100) square feet of gross floor area including outside seating.</p>	<p><i>3 bedroom</i></p>
<p>Fast Food</p>	<p>One (1) per one hundred (100) square feet plus three (3) stacking spaces for drive-thru window.</p>	<p>Minimum of three (3) spaces per unit, plus .25 spaces per unit visitor parking, or one (1) space per vehicle or recreational vehicle owned or operated by a resident, whichever is greater.</p>
<p>RETAIL</p>	<p>Furniture, appliances, hardware, etc.</p>	<p>One (1) space per six hundred (600) square feet of gross floor area.</p>
<p>Stores, grocery, convenience, personal, laundry</p>	<p>One (1) space per two hundred (200) square feet plus one (1) per four hundred (400) square feet on additional floors.</p>	<p><u>Multiple Family and apartment</u></p>
<p>RESIDENTIAL DWELLINGS</p>	<p>Elderly housing</p>	<p>One (1) space per unit plus 0.25 spaces per unit for visitor parking.</p>
<p>One and two family residential</p>	<p>Three (3) spaces per unit, plus one (1) space per vehicle or recreational vehicle owned or operated by residents. In the R1.10 zone two (2) spaces must be covered; a minimum of one (1) space must be covered for</p>	<p><i>4 bedroom</i></p>
		<p>Exception: When a multiple-family or apartment development project has received public funding that requires it to provide affordable housing to a target population (for a time period of at least thirty (30) years) and the developer enters into an agreement with Provo City to restrict occupancy in a manner that precludes unit occupancy by three (3) single persons, the off-street parking required for three (3) and four (4) bedroom units may be decreased by one (1) space per unit below the amount otherwise required. In addition, such developments shall provide .25 spaces per unit visitor parking regardless of the type of street where the development project is located. The occupancy agreement shall, at a minimum, contain all of the following provisions:</p>
		<p>(1) That the development project be designed so landscaped areas can be converted to provide additional parking areas, meeting the requirements of this Subsection, if the City determines the parking originally provided under this exception is inadequate. "Inadequate" shall mean the number of vehicles parked on the premises exceeds by ten percent (10%) the number of parking spaces provided, as shown on an approved project plan, at any time during a day for four (4) of seven (7) days.</p>

(2) That the land area which would otherwise be allocated for parking, if this exception were not invoked, be improved with landscaping meeting City standards and including at least one (1) playground area with a reasonable amount of playground equipment.

(3) That in the event additional parking is required under Subsection 1, above, the developer shall provide the number of parking spaces required in order that parking may be deemed adequate as defined in Subsection 1.

(4) That in the event developer does not provide additional parking under Subsection 3, developer shall be deemed to have breached the agreement thereby authorizing City to cause that the number of vehicles parked on the premises be reduced so that the number of vehicles does not exceed the number of available parking spaces.

(5) That a financially responsible party be locally available to enforce provisions of the agreement.

(6) That binding community rules regarding occupancy, parking, other limitations and enforcement procedures be included in the agreement and that such rules be posted conspicuously on the premises.

**BACHING SINGLES**

*one (1), two (2), three (3), four (4), five (5), and six (6) bedroom*  
Minimum of two (2) spaces per bedroom plus .25 spaces per unit visitor parking, with a maximum of three (3) bedrooms per unit, if the bedrooms are over one hundred (100) square feet. If the bedrooms are less than one hundred (100) square feet, one (1) space per bedroom plus .25 spaces per unit visitor parking, with a maximum of six (6) bedrooms per unit, if the bedrooms are under one hundred (100) square feet. Recreational vehicles shall not be allowed in the required parking area.

*Joaquin South Campus Planning Area -between University Avenue and 900 East; 500 North to a southern boundary of BYU campus*

*Minimum .70 parking space per tenant which includes parking for visitors and for the disabled as outlined in 14.37.110. Disabled Parking Space. Recreational vehicles shall not be allowed in the required parking area.*

**RIFLE RANGE** One (1) space per target.

**SCHOOLS**

**Beauty** Five (5) spaces plus two (2) per operator station plus one (1) space per two hundred (200) square feet of office space.

**Dance** One (1) space per two hundred (200) square feet of gross floor area.

**Elementary/Jr. High** Three (3) per room used for administration or classroom.

**High School** Three (3) spaces per room used for administration or classroom plus one (1) per four (4) students.

**Trade Schools** Same as high school

**SELF SERVICE STORAGE**

Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the land only and at

least thirty (30) feet wide when cubicles open onto both sides of the lane. Two (2) covered parking spaces shall be provided adjacent to the manager's quarters.

One parking space for every two hundred (200) storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of two (2) such spaces shall be provided.

Required parking spaces may not be rented as, or used for vehicular storage. However, additional parking area may be provided for recreational vehicle storage, provided that it is adequately screened under the direction of the Community Development Department.

**SUBSTANCE ABUSE**

**Inpatient Treatment Centers** One (1) space per one hundred (100) square feet of gross floor area.

**TRUCK/TRANSIT TERMINAL** One (1) space per five hundred (500) square feet of gross floor area.

**WAREHOUSING** One (1) space per six hundred (600) square feet of gross floor area.

(Rep&ReEn 1994-95, Am 1995-22, Am 1996-09, Am 1997-10, Am 1997-11, 1998-06, Am 1998-35, Am 1998-49, Am 1999-50, Am 1999-55, Am 2000-52, Am 2001-50, Am 2002-10, Am 2010-22)

**14.37.070. Parking Requirements for Uses Not Specified.**

The parking requirements for land uses which are not specified in this Chapter shall be determined by the Community Development Director. Said determination shall be based upon the requirements for the most comparable use specified herein. (Am 1986-38)

**14.37.080. General Provisions.**

The following general provisions shall apply to off-street parking requirements in this Chapter.

(1) Location. Off-street parking facilities shall be located as hereinafter specified:

(a) For one-family, duplex, and multiple residential dwellings, required parking shall be located on the same lot as the building which they are required to serve.

(b) For all other uses, (i.e. commercial uses), required parking shall be located on the same lot or on an abutting lot. Required parking shall not be located across a public street, or with an intervening property, except by a conditional use permit approved by the Planning Commission, subject to the conditions set forth in Section 14.34.320, Provo City Code. In the event a separately-owned lot is utilized, a lease shall be recorded with the Utah County Recorder.

(c) No off-street parking shall be permitted in a required front yard or street side yard, as otherwise stipulated in the respective zones, with the following exceptions:

(i) Tandem parking spaces for a one-family dwelling, a one-family dwelling with an accessory apartment, and a two-family dwelling may be located on a driveway in a required front yard, provided:

(A) such driveway leads to the minimum number of required covered off-street parking spaces which are located behind any required front setback, and

(B) both parking spaces in each tandem parking area are designated to serve the same dwelling unit.

(ii) Notwithstanding any contrary provision of this Title, required parking may be located in a required front yard of any lot or parcel located within the area bounded

by 150 North on the south, 300 North on the north, 800 East on the west, and Seven Peaks Boulevard on the east shall be permitted to have parking in a required front yard if such parking:

- (A) is located in front of a dwelling that was constructed prior to 1959;
- (B) is not located in front of the primary entry to the dwelling; and
- (C) if created after May 19, 2009 does not violate an applicable lot coverage requirement set forth in this title.

(2) Illumination. Any lights provided to illuminate any parking area permitted by this Chapter shall be arranged so as to reflect the light away from adjacent premises.

(3) Mixed Occupancies in the Building. In the case of mixed uses in the building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for joint use.

(4) Joint Use. The Planning Commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under conditions specified herein.

(a) Up to fifty percent (50%) of the parking facilities required by this Code for a use considered to be a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be contiguous, and the joint use of such facilities is assured by recording in the Office of the County Recorder of Utah County, Utah, of a covenant by such owner or owners of properties jointly used as prescribed by Section 14.37.110(1), Provo City Code.

(5) Common Facilities. Common parking facilities may be provided in lieu of the individual requirements contained herein, provided the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately. If the common facilities are located on more than one (1) lot, a covenant for the preservation of said parking facilities must be filed in accordance with the provisions of Section 14.37.110(1), Provo City Code.

(6) Submission of Plans. The plans for any proposed parking area or expansion of existing parking area shall be submitted to the Community Development Department for Project Plan Approval. The plans shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot. As part of Project Plan Approval a bond will be required in an amount to be determined by the Engineering Department, to guarantee the completion of all improvements and conditions of Project Plan Approval.

(7) No Parking as an Accessory Use Unless a Permitted Use is in Force. A parking area may be permitted or required in any zone as an accessory use to the principal permitted or conditional use existing on the same lot or parcel of property but such accessory use shall not be permitted in an RA, R1, RC, R2, R3, or RM zone unless there is a principal use on the same parcel which the parking legitimately serves as an accessory use. This provision applies to parking as well as other uses listed in the Standard Land Use Code under use numbers 4600. For purposes of this subsection, a lot or parcel of property shall be defined as property shown in the official records of the Utah County Recorder as a separate piece of property with its own tax identification number. (Am 1988-52, Am 1990-02, Am 1995-02, Am 1995-22, Am 1997-11, Am 1998-06, Am 2006-46, Am 2009-23)

#### **14.37.090. Required Improvement and Maintenance.**

Except as provided in Section 14.34.350, Provo City Code, every lot or portion thereof used as a public or private parking area shall be paved with asphaltic cement or concrete and maintained so as to eliminate dust or mud, and shall be so maintained, sealed, resurfaced, graded and drained as to dispose of all surface water. Said surface water drainage shall not cross a public sidewalk.

(1) When asphalt surfacing is used, the pavement thickness of a public or private parking area shall be a minimum of two (2) inches of asphalt and six (6) inches of road base, except parking areas that contain more than four (40) parking spaces shall be three (3) inches of asphalt with eight (8) inches of road base. When concrete surfacing is used, pavement thickness shall be a minimum of six (6) inches. Whenever a parking lot plan is required under this or any other title of the Provo City Code, a drawing showing a pavement cross section shall be included as part of the parking lot plan submitted for City review.

(2) Public and private parking areas shall be designed with wheel stops, approved by the Planning Commission or its designee, located in a manner so as to prevent any portion of a parked vehicle from extending over a property line, sidewalk or landscaped area (to prevent damage to vegetation). Manufactured wheel stops are preferred. All curbing shall be maintained in a functional and safe manner.

(3) Public and private parking areas shall be striped before use to clearly demarcate required parking spaces. Said striping shall be maintained in functional condition as dictated by climatic conditions and usage. Striping shall be at least three (3) inches wide and shall consist of white or yellow paint designed for this purpose.

(4) Where visitor parking is required, each such space shall be clearly identified by the use of signage or painting of the curb or pavement surface. Such signage or painting shall include the words "Visitor Parking Only" and shall be sized and routinely maintained to ensure readability. The property owner shall enforce the "Visitor Parking Only" requirements of this Title.

(5) Driveways serving public and private parking lots shall be constructed with a grade not to exceed fifteen percent (15%).

(6) The provisions of this Section shall not apply to detached one-family residential uses. (Am 1985-32, Am 1987-11, Am 1999-57, Am 2001-48)

#### **14.37.100. Parking Design Standards.**

All off-street parking facilities shall be built consistent with Figure 14.37.100(a) through Figure 14.37.100(o) as set forth at the end of this Chapter and in conformance with the following design standards except as otherwise provided in Subsection (16) of this Section:

(1) All parking spaces shall have minimum dimensions of eight and one-half (8½) by eighteen (18) feet.

(2) When a garage or carport is provided to meet the parking requirements of this Title, regardless of zone or type of structure (one-family or multi-family), there shall be a minimum interior width of twenty (20) feet and interior length of twenty (20) feet for two (2) parking spaces, a minimum interior width of twelve (12) feet and a minimum interior length of twenty (20) feet for one (1) parking space.

(3) Backing space, in accordance with Figure 14.37.100(f) shall be provided for parking areas which are composed of four (4) or more spaces so that cars need not back into a public street or alley. Public sidewalks shall not be permitted to be used as part of the required backing area.

(4) Acute angle parking, one (1) degree to eighty-nine (89) degrees, shall be designed for one (1) way traffic only.

(5) Separate exits shall be provided for acute angle and one (1) way parallel parking of four (4) or more spaces so that cars need not exit by backing onto a street or alley.

(6) In the case of permitted uses in A1, RA, R1 and R2 zones, when providing access to a garage, carport, or parking area having fewer than five (5) parking spaces, a driveway shall be a minimum of twelve (12) feet in width. Said driveway shall provide paved access to a public street. When used for access to a garage, carport, or parking area having five (5) or more parking spaces, a driveway shall be a minimum of twelve (12) feet in width for one-way traffic, or sixteen (16) feet in width for two-way traffic. (Refer to Figure 14.37.100(g) and Figure 14.37.100(h) at the end of this Chapter).

(7) In the case of conditionally permitted uses in the A1, RA, R1 and R2 zones, all uses in the R2.5, R3, R4 and R5 zones, and all uses in commercial, professional office, public facility and industrial zones, when used for access to a garage, carport, or parking, loading or operations area having five (5) or more parking spaces, a driveway shall be a minimum of twelve (12) feet in width for one (1) way traffic and twenty (20) feet in width for two (2) way traffic. Driveways providing access to a garage, carport or parking, loading or operations area having four (4) or fewer parking spaces shall be a minimum of twelve (12) feet in width. All driveways shall provide paved access to a public street. (Refer to Figure 14.37.100(g) and Figure 14.37.100(h) at the end of this Chapter).

(8) Tandem parking (front to rear) shall not be permitted, except for a one-family dwelling, one-family dwelling with an accessory apartment, and a two-family dwelling when the front and back spaces in each tandem parking area are both designated to serve the same dwelling unit, and the number of covered spaces required in the respective zone are located behind the front setback.

(9) All off-street parking areas conform to applicable design standards illustrated in this Section and with dimensions set forth in Subparagraphs (1) and (2) of this Section.

(10) No parking lot as required in this Chapter shall be constructed or maintained or allowed within one hundred (100) feet of the closest bank of the Provo River at any location where the adjacent property to the River is part of the flood plain.

(11) In calculating the required parking for any given use, if the number of required parking ends in a fraction, the number shall be rounded up to the next whole number.

(12) Required parking for multiple residential development shall not be rented, leased or otherwise utilized by another residential unit or development with the intent of increasing the occupancy of said unit.

(13) Additional back-up area, such as a hammerhead, shall be provided at the end of a dead-end parking aisle. (Refer to Figure 14.37.100(m) at the end of this Chapter).

(14) Sub-grade parking structures shall have a maximum average grade of not more than fifteen percent (15%) measured from property line to the finished floor of the structure to ensure adequate sight distance, safe, and accessible parking in all weather conditions.

(15) Parking in carports and parking structures shall be nine (9) feet by eighteen (18) feet. The nine (9) foot width shall be clear width measured from inside column to inside column. The backup area shall be twenty-six (26) from supporting column to supporting column. (Refer to Figure 14.37.100(l) and Figure 14.37.100(n) at the end of this Chapter).

(16) (a) Subject to the provisions of Subsection (b) of this Subsection (16), the parking design standards set forth in Subsections (1) to (15) of this Section may be reduced for a nonconforming one-family detached dwelling or one-family detached dwelling constructed on a nonconforming lot to:

- (i) allow expansion of the dwelling; or
- (ii) establish an accessory apartment.

(b) Reduction of a parking design standard set forth in Subsections (1) to (15) of this Section may be permitted only if:

(i) the parking design standard for an existing driveway, garage, carport, or other parking area to be retained, replaced, reconstructed, or expanded cannot be reasonably achieved without substantially disrupting a landscaped yard, the location and design of an existing garage or carport, or other feature associated with a dwelling;

(ii) the reduced design standard is at least equal to the greater of:

(A) the standard in effect when the dwelling was constructed, or

(B) the standard to which an existing improvement is constructed; and

(iii) the subject property is:

(A) located within the Dixon, Franklin, Joaquin, Maeser, or Timp neighborhood as shown on the official Neighborhood Map referenced in Section 2.29.010(1), Provo City Code; and

(B) not located in an RA, R1.20, R1.15, or R1.10 zone.

(c) A property owner who is adversely affected by a decision made pursuant to this Subsection (16) may request a variance or appeal the decision to the Board of Adjustment as provided in Chapter 14.05 of this Title.

(d) A design standard reduction for a new driveway, garage, carport or parking area, other than a replacement for an existing improvement as set forth in Subsection (b), shall not be permitted unless a variance is approved by the Board of Adjustment as provided in Chapter 14.05 of this Title. (Am 1990-01, Am 1991-14, Am 1995-22, Am 1997-11, 1998-06, 1999-15, 1999-30, Am 2002-15, Am 2004-05)

Figure 14.37.100(a) Parallel Parking.

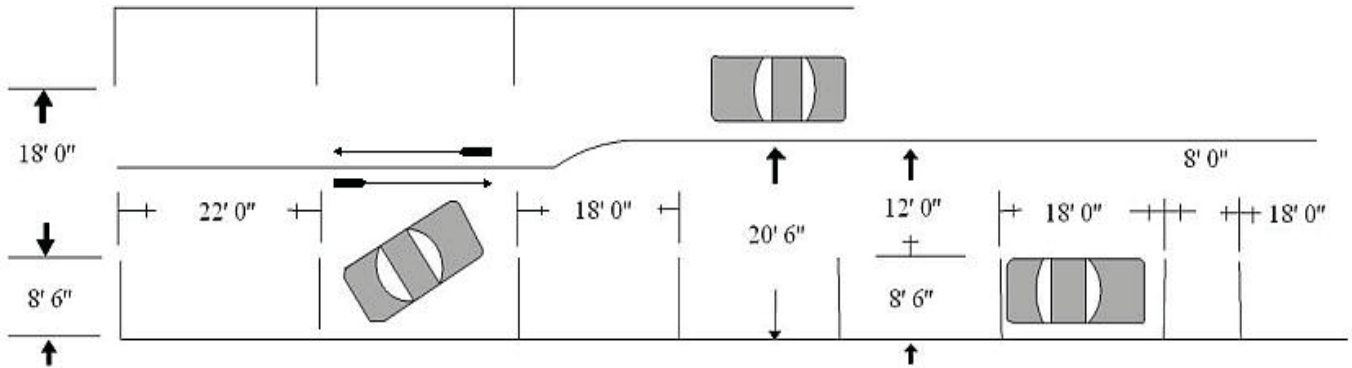


Figure 14.37.100(b) 30 Degree Angled Parking

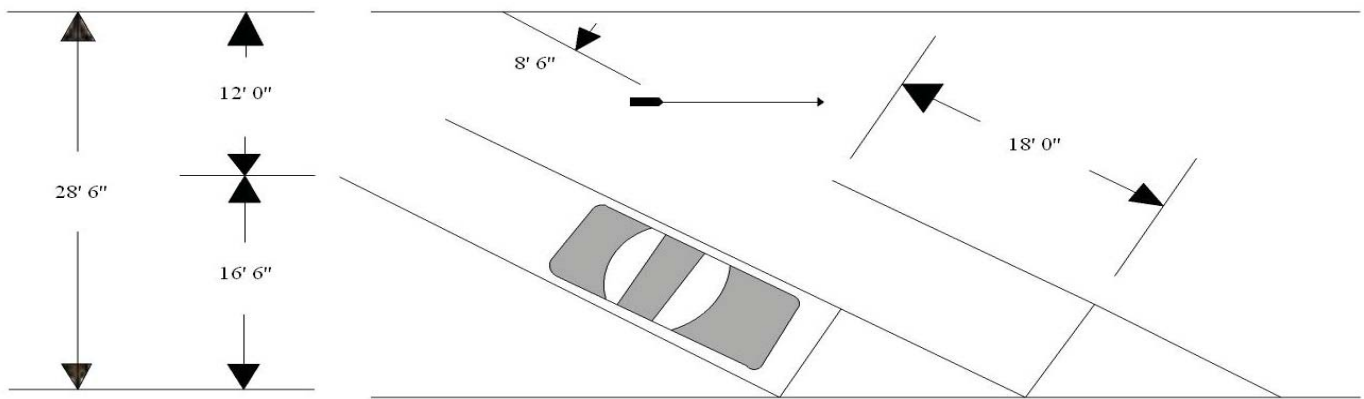


Figure 14.37.100(c) 45 Degree Angled Parking.

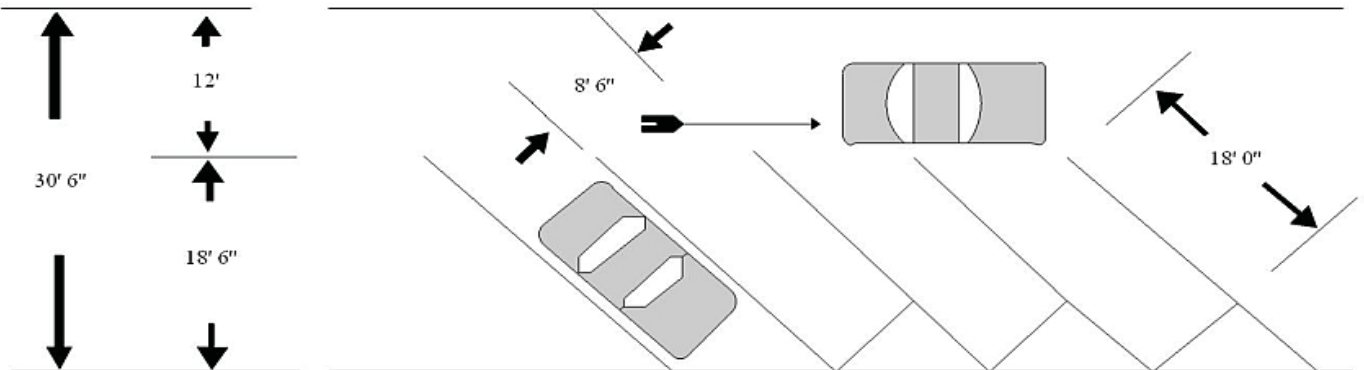
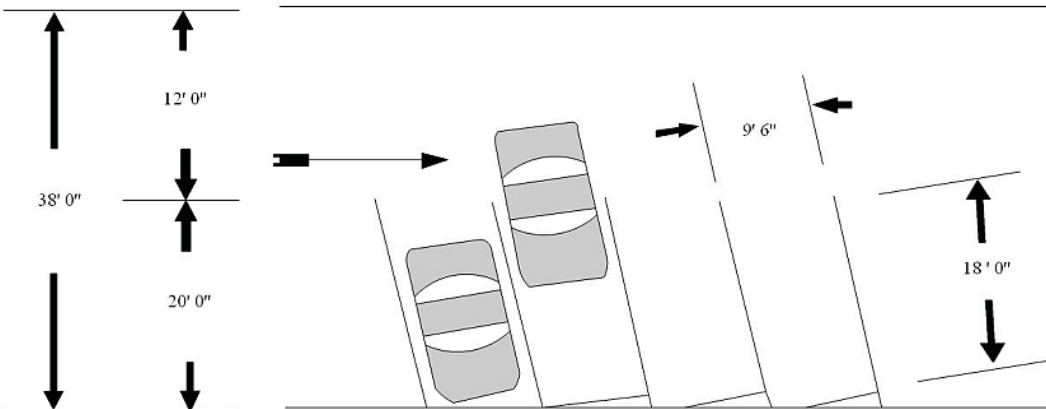


Figure 14.37.100(d) 80 Degree Angled Parking.



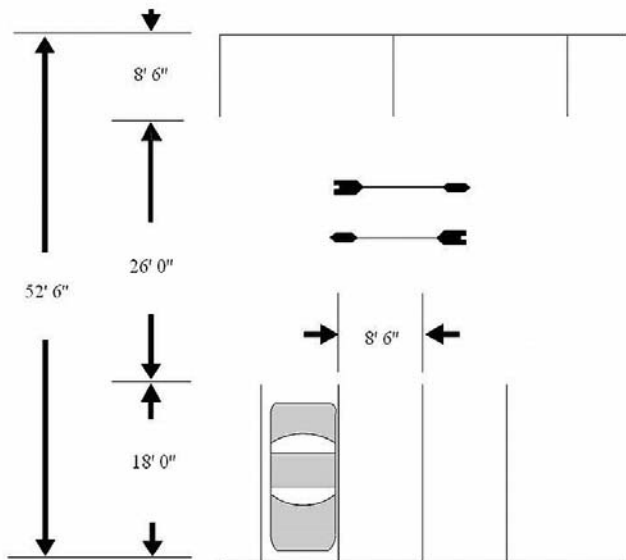
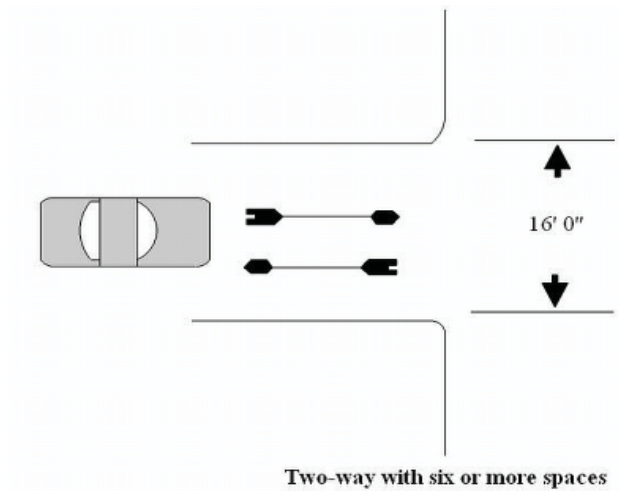
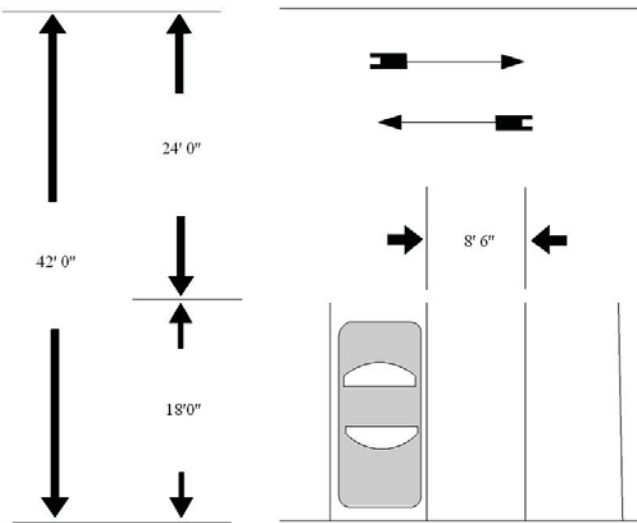


Figure 14.37.100(e) 90 Degree Angled Parking.

Figure 14.37.100(f) 90 Degree Angled Parking.  
Figure 14.37.100(g) Driveway Width.

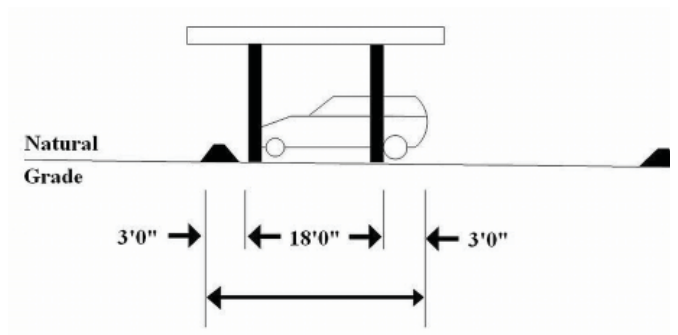


Figure 14.37.100(h) Driveway Widths.

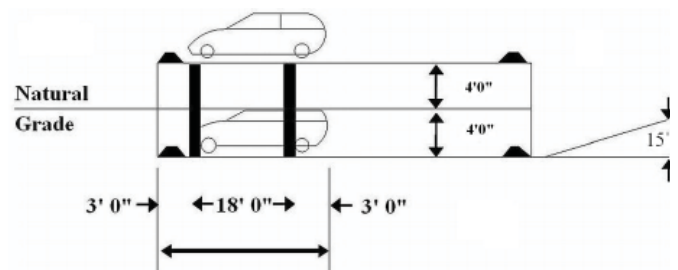
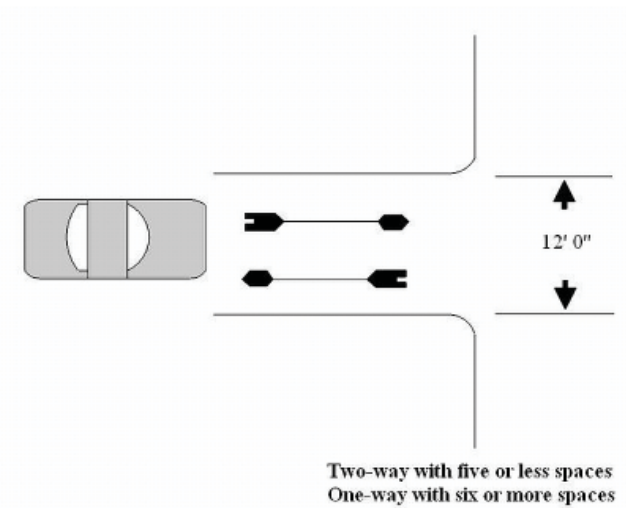


Figure 14.37.100(i) Side View of Carports and Poles.

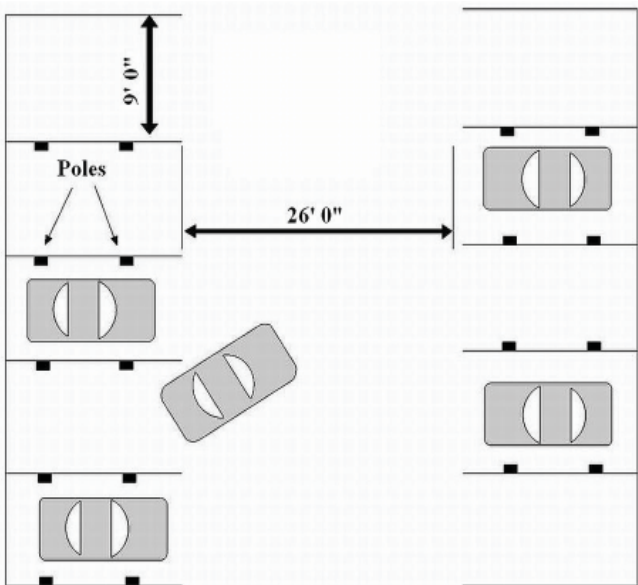
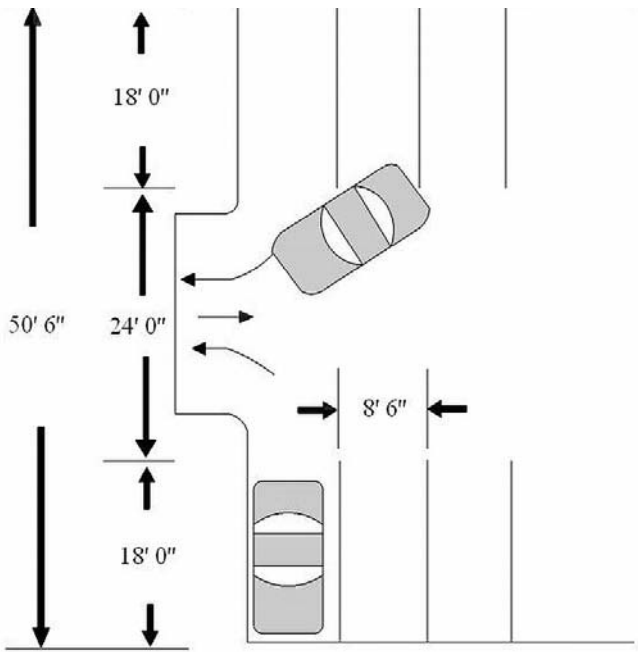
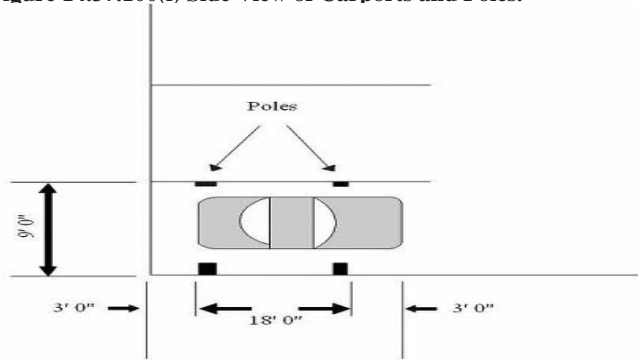
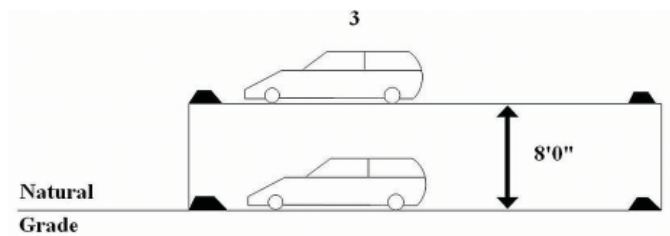
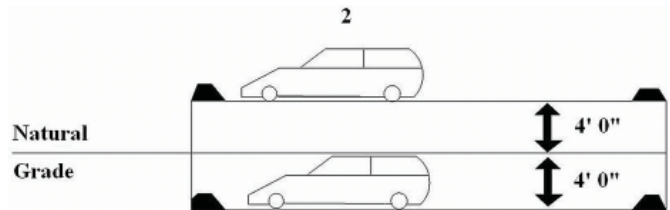
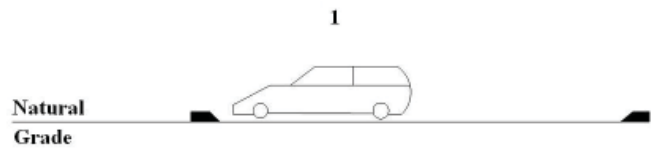
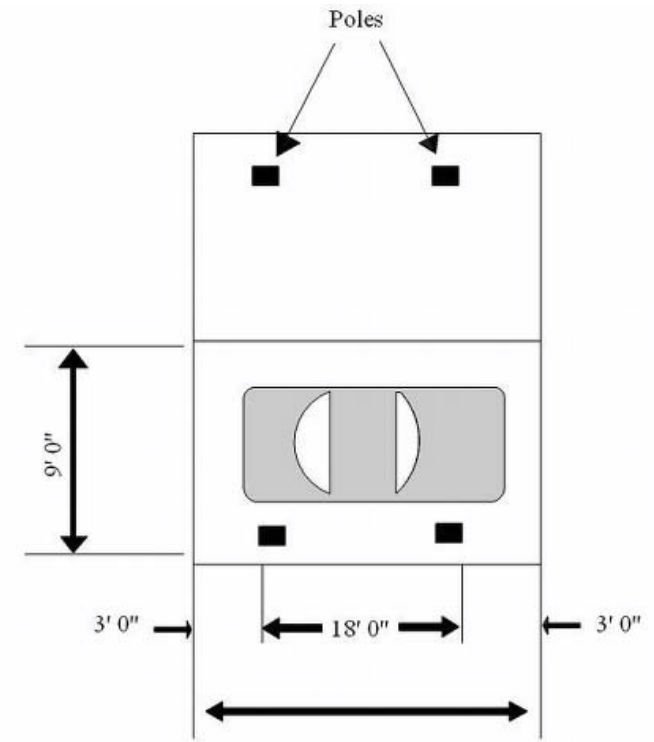


Figure 14.37.100(j) Side View of Parking Structure and Poles.



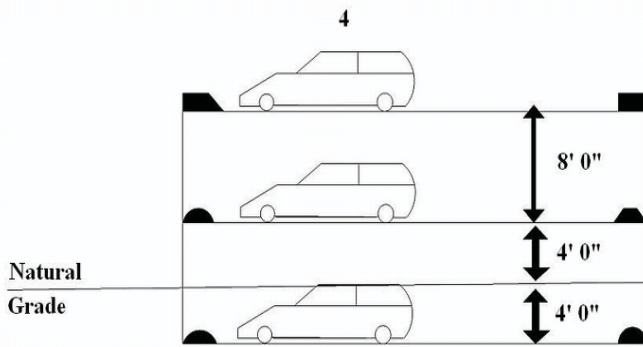


Figure 14.37.100(k) Top View of Carport and Poles

Figure 14.37.100(l) Top View of Parking Structure and Poles.  
Figure 14.37.100(m) Top View of Parking Turnaround.

Figure 14.37.100(n) Top View of Parking Structure, 5 or More.  
Figure 14.37.100(o) Parking Structure Diagram.

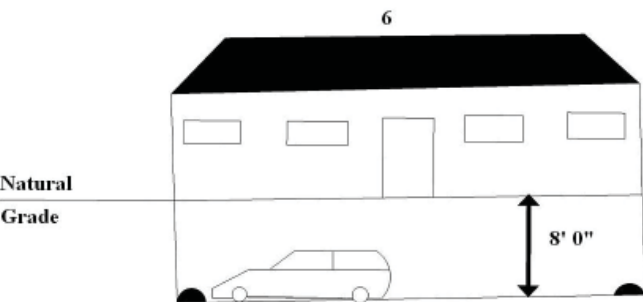


**14.37.110. Disabled Parking Spaces.**

(1) All structures which are required by the provisions of the Uniform Building Code to have adaptations which assist access by disabled persons shall, in addition, provide off-street parking for disabled persons as described below. The provisions described below are minimum requirements, which for good cause, may be altered or increased by the Planning Commission.

(2) Parking Spaces required:

Total Number of Parking Spaces in Lots and Garages	Required Number of Accessible Spaces for Disabled Drivers
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-999	2% of total spaces
Over 1000	20 spaces plus 1 space for every 100 spaces, or fraction thereof, over 1000

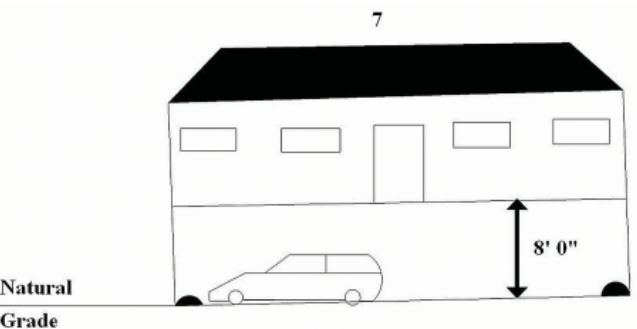


(3) Parking spaces for the disabled shall be set aside and identified with signs for use by individuals with physical disabilities.

(4) Parking spaces identified for the disabled shall be a minimum of eight and one-half (8½) feet wide and shall be located as near as possible to the main public or primary entrance of a single building or centrally located where practical in parking lots that serve more than one (1) building.

(5) Parking spaces shall include a protected passenger loading zone five (5) feet wide to one side of the parking space which has direct access to a hard surfaced walkway either by a level surface or a curbed ramp. One (1) van accessible space shall be provided for each eight (8) accessible spaces required. Van accessible spaces shall include a protected passenger loading zone eight (8) feet wide to one (1) side of the parking space which has direct access to a hard surfaced walk-way either by a level surface or a curbed ramp.

(6) A Parking space passenger loading zone shall be clearly marked by colored diagonal markings 4" wide and 6" apart painted over the finished surface of the loading zone area. (Enacted 1989-15, Am 1992-62, Am 1998-06)



**14.37.120. Notice of Parking and Occupancy Restrictions.**

(1) Prior to the issuance of a building permit for any multiple residential project over two (2) dwelling units, a contract must be entered into between Provo City and the developer agreeing to a determined occupancy based on a given number of parking spaces. This contract will be recorded with the Utah County Recorder's office and will run with the property.

(2) Prior to the issuance of a Certificate of Occupancy for new multiple residential dwelling units a permanent notice must be placed on the electrical box within each unit indicating the maximum allowable occupancy of each unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice must be a six inch by six inch (6"X6") metal or plastic plate that is permanently attached to the electrical box with minimum one-half (½) inch engraved letters.

(3) Upon submittal of these documents any violation to the restrictions and regulations noted therein will be considered a misdemeanor offense and will be subject to criminal action as provided in Section 1.03.010, Provo City Code. (Enacted 1991-81, Am 1992-30, Am 1995-22)

## Chapter 14.38. Signs and Outdoor Advertising.

- 14.38.010. General Requirements.
- 14.38.020. Signs on Premises.
- 14.38.030. Exceptions.
- 14.38.040. Location Standards.
- 14.38.050. Special Purpose Signs.
- 14.38.060. Classification of Signs.
- 14.38.070. Signs Permitted - Agricultural (A) and Residential (R) Zones.
- 14.38.075. Signs Permitted in Public Facilities (PF) Zones.
- 14.38.080. Signs Permitted in Commercial (C) Zones.
- 14.38.085. University Avenue Riverbottoms Design Review Corridor and Specialty Support Commercial (SSC) Sign Standards.
- 14.38.090. Signs Permitted in Neighborhood Shopping Center (SC-1) Zones and Community Shopping Center (SC-2) Zones.
- 14.38.095. Signs Permitted in Regional Shopping Center (SC-3) Zones.
- 14.38.100. Signs Permitted in Industrial (M) Zones.
- 14.38.105. Signs Permitted in the Downtown (DT) Zones.
- 14.38.110. Signs Permitted in Other Zones.
- 14.38.115. Off-Premise Advertising Structures.
- 14.38.120. Size of Freestanding Signs to Five Foot Height.
- 14.38.130. Size of Freestanding Signs Over Five Foot Height.
- 14.38.140. Size of Wall Signs and Painted Wall Signs.
- 14.38.150. Nonconforming Signs.
- 14.38.160. Definitions Pertaining to Signs.

### 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 B 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. Said approval shall not be required for temporary non-electrical wall and non-electrical freestanding signs of less than thirty-two (32) square feet in area. (Examples of signs not requiring planning commission approval are real estate "for sale" signs and election campaign signs.)

(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 Uniform Building Code. Permits for off-premise 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 Section 14.38.010(7), Provo City Code if the applicant for a permit makes a false or misleading statement in the permit application or renewal.

(3) Animated Signs. Flashing or rotating signs are permitted in commercial (C) zones. Flashing shall be limited to sequential, chasing, or subdued color change. No intense strobe-type flashing will be permitted. Rotation shall be limited to eight (8) revolutions per minute; provided, however, that the lights described above may not be used within three hundred (300) feet of a residence, apartment, hotel, or other residential structure.

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

(5) Movable, Temporary Freestanding Signs and Banners. Except as otherwise provided in this Chapter, all movable, temporary freestanding signs, banners, including but not limited to movable, freestanding, 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. (Am 1986-10, Am 1987-45, Am 1991-53)

### 14.38.020. Signs on Premises.

Except as provided within the provisions of respective zoning districts, and unless otherwise expressly provided in this Chapter,

no sign shall be permitted which is not used exclusively to advertise the ownership, sale, or lease of property upon which said sign is placed, or to advertise a business conducted, services rendered, goods produced or sold upon such premises, or to advertise or identify any other lawful activity conducted upon such premises.

#### **14.38.030. Exceptions.**

This Chapter shall have no application to signs used exclusively for:

(1) The display of official notices used by any court or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.

(2) Directional, warning, or information signs of a public or semi-public nature, directed and maintained by an official body or public utility.

(3) Barber poles not to exceed six (6) feet in height located on private property and bearing no advertising copy or message.

(4) Any sign of a noncommercial nature when used to protect the health, safety, or welfare of the general public.

(5) Any official flag, pennant, or insignia of any nation, state, city, or other political unit.

(6) Time and temperature signs and elements of commercial signs which convey only time, temperature, or weather conditions.

#### **14.38.040. Location Standards.**

All signs and outdoor advertising structures shall comply with the following location requirements:

(1) Fire Escapes. No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator, or window.

(2) Traffic. No freestanding or projecting sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points twenty-five (25) feet from the intersections of the projecting property lines; unless same in its entirety is less than three (3) feet, or more than eight (8) feet above the curb grade, no part of its means or support has a single or joined horizontal dimension exceeding twelve (12) inches, or said sign is within an area in which a building or structure is permitted by the provisions of the respective zone.

(3) Utility Lines. No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Utah or rules and regulations duly promulgated by agencies thereof.

(4) Clearance. No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than ten (10) feet.

#### **14.38.050. Special Purpose Signs.**

In addition to any other permitted sign(s), signs for special purposes set forth in this Section shall be permitted as provided herein.

(1) For Sale, Rent, or Lease Signs. In all zoning districts, signs may be erected to advertise the sale, rent, or lease of property upon which said signs are placed. Said signs shall be limited to one (1) sign per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six (6) square feet in residential zones or thirty-two (32) square feet in non-residential zoning districts. Said signs shall be exempt from project plan approval.

(2) Directory Signs. In all districts where group occupancies in office buildings, commercial buildings, or industrial buildings are permitted, directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession,

business, or industrial pursuit. Said sign shall be situated at least two (2) feet inside the property line and shall not exceed twelve (12) feet in height. Said sign shall not exceed an area of one hundred (100) square feet and shall not be placed within a clear-vision area of a corner lot as set forth in Section 14.34.100, Provo City Code.

(3) Construction Project Signs. Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building; architects, engineers, and construction organizations participating in the project; and such other information as may be approved by the Planning Commission. In residential districts no such sign shall exceed thirty-two (32) square feet in area. In other districts, no such sign shall exceed an area of sixty-four (64) square feet, and no freestanding sign shall exceed twelve (12) feet in height. All such signs shall be removed before a final inspection is granted by the Building Inspector.

(4) On/Off-Site Directional Signs. Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property, and shall be located on the properties to which they pertain. No such sign shall exceed six (6) square feet.

(5) Open-House Signs. Open-house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owner, lessee, or occupant. Such signs may state the name of the person or firm sponsoring the open-house. Such signs shall not exceed six (6) square feet.

(6) Church, Quasi-Public Organizations and Apartment House Identification Signs. In all districts, a church or quasi-public organization may erect one (1) wall sign on the premises to identify the name of the organization and announce activities thereof. Apartment houses of five (5) or more dwelling units may erect one (1) sign on the premises to identify only the name of the apartment complex and to indicate a vacancy. Said wall sign shall not exceed an area of thirty-two (32) square feet, and may be mounted upon a freestanding, ornamental masonry wall.

(7) Bus Bench and Shelter Signs. In all zones, one (1) bus bench sign or one (1) bus shelter sign may be installed at bona fide stops along a public transit route provided the owners of said benches and shelters are authorized by contract to operate in Provo City and advertising on said benches and shelters does not exceed an area of twenty-four (24) square feet each. Said signs shall be exempt from the provisions of Section 14.38.020, Provo City Code.

(8) Development Promotional and Directional Signs. One (1) development promotional sign may be placed on the premises of each subdivision, planned development, or condominium project having five (5) or more lots or approved dwelling units. Said promotional sign may have an area of sixty-four (64) square feet, plus five (5) additional square feet for each lot or dwelling unit in said development in excess of five (5), up to a maximum area of three hundred (300) square feet. A second development promotional sign may be placed on the premises of each subdivision, planned development, or condominium project having two (2) or more separate, major points of access and having fifty (50) or more lots or approved dwelling units. Said promotional sign may have an area of sixty-four (64) square feet, plus five (5) additional square feet for each lot or dwelling unit in said development in excess of fifty (50), up to a maximum area of three hundred (300) square feet. In addition, two (2) directional signs may be located off-site to contain only the name and direction of any subdivision or planned development. Said signs may have a maximum area of twelve (12) square feet each and shall not be located in the right-of-way of any public street. All of the above signs shall be removed not later than thirty (30) days following the sale of all lots or dwelling units in said development, and before a final inspection is granted by the Building Inspector.

(9) Name Plates. One (1) name plate or marker shall be allowed for each dwelling to indicate only the occupant's name. Said name plate shall not exceed two (2) square feet in area and shall be limited to a wall sign if said sign contains an occupational designation. (Am 1986-10, Am 1994-41, Am 2003-14)

#### **14.38.060. Classification of Signs.**

Every sign erected or proposed to be erected within the City of Provo shall be classified by the Planning Commission in accordance with the definitions of signs contained in this Chapter. Any sign which does not clearly fall within one (1) of the classifications shall be placed in the classification which the sign, in view of its design, location, and purpose, most clearly approximates in the opinion of said Planning Commission.

#### **14.38.070. Signs Permitted - Agricultural (A) and Residential (R) Zones.**

No sign shall be erected in any agricultural or any residential zones except as provided within the provisions of the respective zoning districts as established in this Title, except that certain special purpose signs may be erected in all zones in compliance with the provisions of Section 14.38.050, Provo City Code.

#### **14.38.075. Signs Permitted in Public Facilities (PF) Zones.**

The signs described in the following Subsections (1) and (2) of this Section are permitted in a PF zone. The signs described in Subsections (3), (4), (5) and (6) of this Section are permitted pursuant to the conditional use process.

(1) Nameplates. Nameplates not exceeding fifty (50) square feet placed upon a building which identifies the name and/or address of a structure or complex.

(2) Sign or Monument. A sign or a monument identifying points of interest or building complex not exceeding thirty-two (32) square feet placed upon an ornamental masonry wall which identifies the name and/or address of the structure or complex. The freestanding sign shall be five (5) feet or less in height and meet the following requirements:

(a) There may be one (1) such sign for each frontage of the property plus one (1) additional sign for each two hundred (200) foot increment of said frontage in excess of two hundred (200) feet. Said signs shall be placed no closer than one hundred (100) feet apart.

(3) Wall Signs. Except as otherwise provided in this Title, every wall sign in a PF zone shall comply with the following requirements:

(a) Area: See Section 14.38.140, Provo City Code.

(b) Number: There shall be one (1) such sign for the front face of each building fronting a public street.

(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) Thickness: All such signs, including any light box or structural part, shall not project more than twelve (12) inches from the front face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.

(4) Freestanding Signs over Five (5) Feet in Height. Pertinent freestanding signs over five (5) feet in height shall be allowed only with the issuance of a conditional use permit by the Planning Commission, and subject to the conditions established therein. Said sign shall not exceed a height of twenty-five (25) feet.

(5) Projection. No such signs shall project over a property line, nor project into any required front yard.

(6) Lighted Signs. Only indirect and diffused lighted signs are permitted in the PF zone. Lights that are not an integral part of a sign must be directed away from surrounding properties and oncoming traffic. No flashing or rotating lights are permissible.

(7) Public Facility Temporary Promotional Signs. Signs of a temporary nature may be attached to structures within the Public Facility (PF) zones, provided that such signs are securely mounted and are in accord with the public purposes of the entity which is located in the PF zone. Such signs shall be removed within forty eight (48) hours of the conclusion of the event promoted by the sign.

(a) Area: See Section 14.38.140, Provo City Code.

(b) Number: There shall be one (1) such sign for the front face of each building fronting a public street.

(8) Signs erected within the interior of a public facility and located more than five hundred (500) feet from the nearest public road shall be exempt from the provisions of this Section. (Am 1990-01, Am 1997-60, Am 1997-86)

#### **14.38.080. Signs Permitted in Commercial (C) Zones.**

For each place of business or occupancy within a commercial zone, the following types of signs shall be permitted in conformance with the standards set forth: (See Section 14.38.090, Provo City Code for signs in shopping center (SC) zones)

(1) Freestanding Signs Under Five (5) Feet in Height. Appurtenant freestanding signs five (5) feet or less in height shall meet the following requirements:

(a) Area: Section 14.38.120, Provo City Code.

(b) Number: There may be one (1) such sign for each frontage of the property, plus one (1) additional sign for each one hundred (100) foot increment of said frontage in excess of one hundred (100) feet. Said signs shall be placed no closer than fifty (50) feet apart. In the case of a parcel of property having multiple occupancies with a common frontage, the frontage shall be deemed to be that of the entire commonly used parcel of property and not the frontage of the individual business or occupancies.

(2) Freestanding Signs Over Five (5) Feet in Height. Appurtenant, freestanding signs over five (5) feet in height shall comply with the following provisions:

(a) Area: Refer to Section 14.38.130, Provo City Code.

(b) Number: There may be one (1) such sign on each street frontage and one (1) additional sign for any portion of each such frontage in excess of two hundred (200) feet. The size of any such additional sign shall be determined from Section 14.38.130, Provo City Code, by counting as frontage that portion of each frontage which is in excess of two hundred (200) feet.

(c) Height: No such sign shall exceed thirty-five (35) feet in height except in the CH zone where a maximum height of fifty (50) feet will be allowed.

(d) Projection: No such sign shall project over a property line, nor more than five (5) feet into any required front yard.

(3) Wall Signs in the CBD Zone. Wall signs shall be permitted in the CBD zone as follows:

(a) Signs for a ground level business with individual front door entrances fronting public streets shall be as follows:

(i) Number: One (1) sign per business store front.

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

(iii) Location: The sign shall be located on the first or second story facades.

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

(v) Lighting: Internal or external lighting is permitted.

(b) A ground level business without an individual front door entrance to a public street and with access through a common entrance(s) and tenants located above ground level may not have individualized wall signs on the exterior of the building. Identification signs for these businesses may be located on a

directory sign located next to or within the common entrance of the building. 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.

(c) Building identification signs for a building up to four (4) stories in height shall be as follows:

(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: Signs shall be located on the top story of the building.

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

(v) Lighting: Internal or external lighting is permitted.

(vi) Size of Lettering: Sign letters shall not exceed two (2) feet in height

(d) Building identification signs for a building for (5) stories or more in height shall be as follows:

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

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

(iv) Projection: The sign may not project greater than 18" from the facade.

(v) Lighting: Internal or external lighting is permitted.

(vi) Size of lettering: Sign letters shall not exceed four (4) feet in height.

(e) Mid-building level tenant identification signs for a building greater than eight (8) stories in height shall be as follows:

(i) Number: One (1) sign consisting of individual letters (signs shall not consist of sign cabinets) on a building wall facing a public street if the building wall has a mid-story step back consisting of at least four (4) feet. There shall only one (1) such sign for each building side which fronts a public street regardless of the number of mid-story setbacks.

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

(iii) Location: The sign shall be located on the story immediately below the building step back.

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

(v) Lighting: Internal and external lighting is permitted.

(vi) Size of Lettering: Sign letters shall not exceed three (3) feet in height.

(4) Wall signs in other Commercial (C) zones.

(a) Area: The maximum area shall be as set forth in Section 14.38.140, Provo City Code.

(b) Number: There may be two (2) such signs for each building face, but in no case shall a total wall sign area for each face exceed that shown in Section 14.38.140, Provo City Code. No building shall be deemed to have more than four (4) building faces.

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

(d) Projection: No such sign, including any light box or structural part, shall project more than eighteen (18) inches from the face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.

(Am 1991-14, Am 2010-01)

**14.38.085. University Avenue Riverbottoms Design Review Corridor and SSC Specialty Support Commercial 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 University Avenue Riverbottoms Design Review Corridor.

(2) Except as provided in Subsection (a), the provisions of this Section shall apply to any sign located within the University Avenue Riverbottoms Design Review 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 Riverbottoms Design Review 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 14.38.085(3)(e)(ii), 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 14.38.085(3)(e)(i), a sign located on a corner lot or parcel abutting University Avenue within the University Avenue Riverbottoms Design Review 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 14.38.085(3)(e)(iii) 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 14.38.085(3)(e)(i), 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 14.38.085(3)(e)(ii) 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 14.38.085(3)(e)(ii)(B), and

(B) the applicant provides documentation that the sign meets the requirements of Subsection 14.38.085(3)(e)(iii)(A).

(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 (1.25) 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 sign and one archway structure per entrance, not to exceed four 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 in within the shopping center.

(vi) Illumination: Internal illumination is permitted. Electronic message centers are not 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 in within the shopping center.

(vi) Illumination: Internal illumination is permitted. Electronic message centers are not 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 in within the shopping center.

(vii) Illumination: Internal illumination and electronic message centers are 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 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 to 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 in within the shopping center

(vii) Illumination: Internal illumination and electronic message centers are 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 permission from the controlling government agency.

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

(vii) Illumination: Internal illumination and electronic message centers are not permitted.

(7) Electronic Message Center Signs. Electronic message center signs which are electronically controlled contain temporary text messages that can be changed from time to time. Electronic message centers 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 10 seconds.

(8) Prohibited Signs.

(a) Mechanical movement graphics and flashing signs are expressly prohibited. This includes signs that have physical rotation and movement. This does not include electronic message center signs.

(b) Temporary signs are not permitted except as permitted in Chapter 14.38 such as real estate and campaign signs. These types of signs shall not be located in the public right of way. (Enacted 1996-77, Am 2006-18, Am 2010-38)

**14.38.090. Signs Permitted in Neighborhood Shopping Center (SC1) Zones and Community Shopping Center Zones (SC2).**

In neighborhood shopping center zones (SC1) and community shopping center zones (SC2), there may be permitted for each place of business or occupancy, wall signs or painted wall signs in accordance with the following provisions. There may, in addition, be one (1) freestanding sign over five (5) feet in height for each street frontage of the entire shopping center complex. Said sign shall conform with the following provisions:

(1) Freestanding Signs Over Five (5) Feet in Height. Each shopping center facility established under the provisions of the respective shopping center zones may have therein freestanding signs over five (5) feet in height, in accordance with the following provisions:

(a) Area: The main portion of said freestanding sign which identifies the name of the shopping center shall be in accordance with the provisions of Section 14.38.130, Provo City Code. In addition thereto, there may be an area on said freestanding sign not to exceed one-half (1/2) of the area allowed by the above-referenced section, which shall identify one (1) or more of the tenants or business establishments in said shopping center.

(b) Number: There may, in each shopping center, be one (1) such sign for each frontage within the shopping center. There shall be no other freestanding sign along said frontage.

(c) Height: No such freestanding sign shall exceed thirty-five (35) feet in height.

(d) Projection: No such sign shall project over any property line nor more than five (5) feet into any required front yard.

(2) Wall Signs and Painted Wall Signs. Each business establishment or tenant of a shopping center facility may have wall signs or painted wall signs in conformance with the following:

(a) Area: Refer to Section 14.38.140, Provo City Code.

(b) Number: There shall be 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 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 such sign, including any light box or structural part, shall project more than eighteen (18) inches from the face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.

(3) Freestanding Signs Under Five Feet. Freestanding signs under five feet in height may be permitted on an individual development pad as follows:

(a) The maximum area of sign space shall be as described in Section 14.38.120, Provo City Code.

(b) The maximum height for each freestanding sign under five (5) feet shall be five (5) feet.

(c) All signs must be architecturally compatible using similar building materials and colors.

(d) Each sign must be in conformance with the setback requirements of the zone.

(e) Signs shall be designed with an opaque pedestal which conceals any pole support. The opaque pedestal shall extend the entire width and length of the sign, and there may not be any exposed space between the pedestal and the ground or landscaped area. (Am 1987-51, Am 2000-32)

**14.38.095. Signs Permitted in Regional Shopping Center Zones - (SC3).**

In the regional shopping center zones, there may be for each place of business or occupancy, wall signs or painted wall signs and freestanding signs over five (5) feet in height as follows:

(1) Freestanding Signs Over Five (5) Feet in Height. Each shopping center facility established in a SC3 zone may have a freestanding sign over five (5) feet in height as follows:

(a) The area of the sign shall be as described in Section 14.38.130, Provo City Code.

(b) If the frontage of the shopping center facility is more than two hundred fifty (250) lineal feet (see Section 14.38.130, Provo City Code) the planning commission may approve a free-standing sign with a total area exceeding three hundred twenty (320) square feet. The actual size of the larger sign shall be determined by the Planning Commission based on the following:

(i) The degree to which the signs and the landscaping thereof architecturally and aesthetically blend with the shopping center facility and the landscaping thereof.

(ii) The volume and speed of travel of vehicular traffic moving past the shopping center facility.

(iii) The total number of tenants and the number of major tenants in the shopping center facility.

(iv) The area of the larger sign shall not be increased more than thirty two (32) square feet (in excess of three hundred twenty (320) square feet) for each twenty five (25) lineal feet of frontage (in excess of two hundred fifty (250) lineal feet).

(v) No sign shall exceed seven hundred twenty (720) square feet of sign space. A second sign, not exceeding seven hundred twenty (720) square feet of sign space may be allowed if the shopping center facility has more than five hundred (500) lineal feet of frontage, provided, that no more than two (2) signs may be erected.

(c) No freestanding sign shall exceed forty (40) feet in height.

(2) Wall Signs and Painted Wall Signs. Each business establishment or tenant of a shopping center facility may have a wall sign or painted wall sign as follows:

(a) A wall sign may not exceed fifteen percent (15%) of the total wall area in square feet.

(b) There may be only one (1) sign for each face of a business.

(c) No part of any sign shall extend above the top level of the wall upon or in front of which it is situated except for wall signs for independent pads in the zone where no part of any such sign shall extend more than five (5) feet above the top level of the wall or roof. The projection of such sign shall project no more than five (5) feet from the face of the building to which it is attached.

(3) Freestanding Signs under Five Feet. Freestanding signs under five (5) feet in height may be permitted on an individual development pad as follows:

(a) The maximum area of sign space shall be as described in Section 14.38.120, Provo City Code.

(b) There may be one (1) freestanding sign under five (5) feet in height for each individual pad in the shopping center facility.

(c) The maximum height for each free-standing sign under five (5) feet shall be five (5) feet.

(d) All sign must be architecturally compatible using similar building materials and colors.

(e) Each sign must be in conformance with the setback requirements of the zone. (Enacted 1987-51, Am 1995-02)

#### 14.38.100. Signs Permitted in Industrial (M) Zones.

Signs permitted in industrial zones shall include freestanding signs under five (5) feet, and wall signs and painted wall signs, all in conformance with the following provisions:

(1) Freestanding Signs Under Five (5) Feet in Height. Freestanding signs under five (5) feet in height may be permitted in any industrial zone in conformance with the following:

(a) Area: The maximum area shall be as set forth in Section 14.38.120, Provo City Code.

(b) Number: There may be one (1) such sign for each parcel of land in the industrial zone.

(c) Height: The maximum height of such sign shall be five (5) feet.

(2) Wall Signs and Painted Wall Signs. Wall signs and painted wall signs may be created in any industrial zone as follows:

(a) Area: Refer to Section 14.38.140, Provo City Code.

(b) Number: There shall be one (1) such sign only on each face of the building which fronts upon a public street.

(c) Height: No part of any such sign shall project above the wall or building face upon which it is mounted or painted.

(d) Projection: No such sign, including any light box or structural part, shall project more than eighteen (18) inches from the face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.

#### 14.38.105. Signs Permitted in the Downtown (DT) Zones.

Signs within the DT1, DT2, ITOD, or GW 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 store front.

(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) Lighting: Internal or external lighting is permitted.

(b) Ground level businesses with access through a common entrance and tenants located above ground level are not allowed to have individualized wall signs on the exterior of the building. Identification signs for these businesses may be located on a directory sign located next to or within the common entrance of the building. 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. 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) Lighting: Internal or external lighting is permitted.

(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 18 inches from the facade.

(v) Lighting: Internal or external lighting is permitted.

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

(e) Mid-building level tenant identification signs for buildings greater than eight (8) stories in height:

(i) Number: One (1) sign on each building facade consisting of individual letters (signs shall not consist of sign cabinets) facing a public street if the facade has a mid-story step back consisting of at least four (4) feet.

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

(iii) Location: The sign shall be located on the story immediately below the building step back.

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

(v) Lighting: Internal and external lighting is permitted.

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

(f) Restaurant Menu Signs:

(i) Number: One (1) sign on the building facade where an entrance to the building or restaurant 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 or restaurant 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) Height: 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 (3) linear feet.

(f) Projection: Signs, including mounting hardware, shall not project more than forty-eight (48) inches from the face of the building.

(g) Thickness: Signs, including the cabinet, shall not be more than four (4) inches thick. External lighting shall not be limited to the four (4) inch maximum sign cabinet thickness.

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

(i) 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.

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

(k) 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.

(l) Business Identification: The message on projecting signs shall be limited to the name of the business and its logo.

(m) Electronic Signs: Projecting signs shall not include electronic components.

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

(o) Building Location: Projecting signs shall not project from building elements that are located within the street right-of-way.

(3) Parking Entry Sign (Pole Sign). One parking entry pole 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.

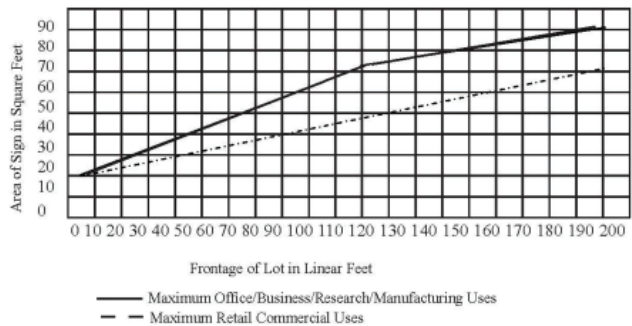
(d) Projection: Signs shall not project over the property line into the public right of way.

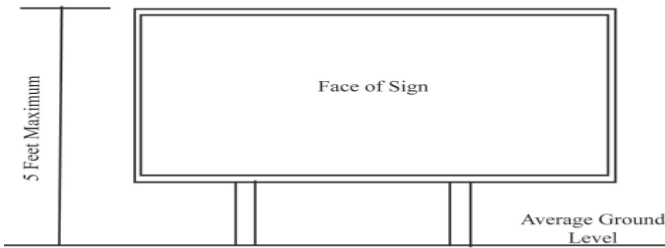
(4) Awning Signs. One (1) sign shall be permitted on each awning located over a first floor window subject to the following restrictions:

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

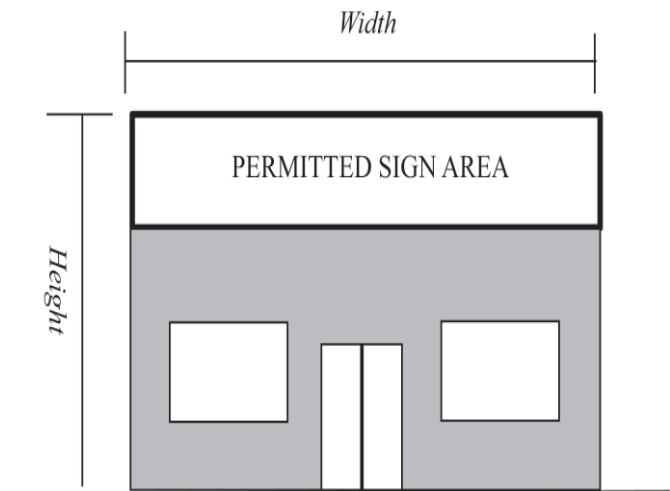
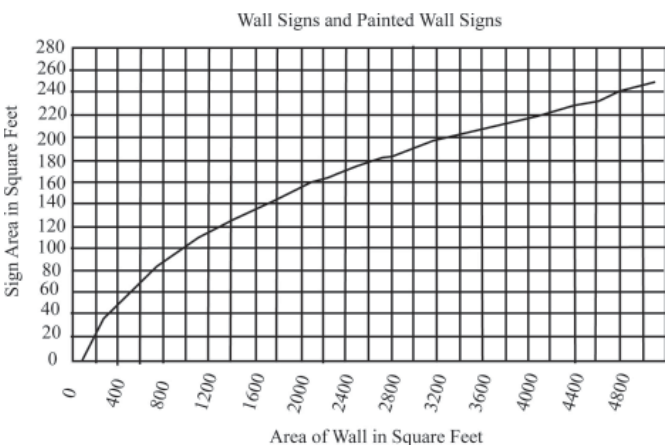
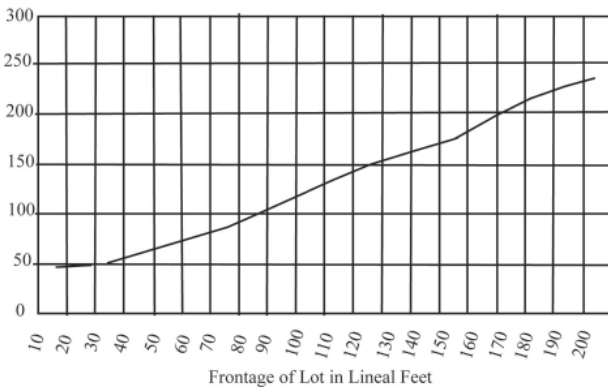
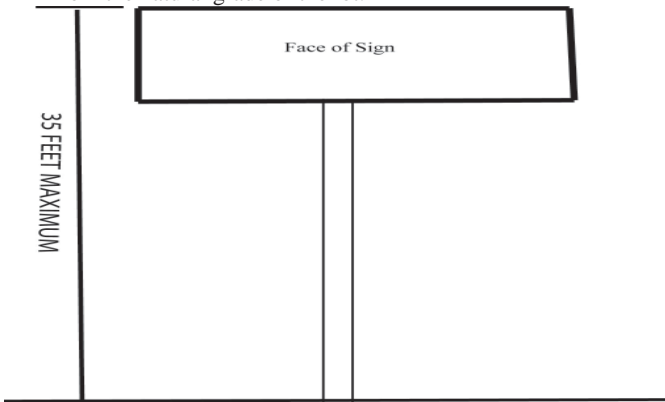
(b) Projection: Awnings may project a maximum of six (6) feet from the property line into the public right of way.

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





- (a) Area: Signs shall not exceed 64 square feet in area.
- (b) Height: The maximum height shall not exceed 12 feet from the natural grade of the lot.



Height = 16 feet for grade level establishments  
 Height = Floor to floor dimension for upper level establishments

- (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. One (1) sign shall be permitted in the inside windows on the first floor of commercial establishments subject to the following restrictions:

- (a) Area: Signs shall not cover more than 25% of the total area of the window facade they are located on.
- (b) Location: Signs are only permitted in windows that directly face a public street.

- (8) Monument Signs. One (1) sign shall be permitted in the landscaped yard of any property located in the sixty (60) foot transitional setback required in Section 14.21A.080 in the DT1 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. (Enacted 2010-31)

**14.38.110. Signs Permitted in other Zones.**

For those zoning districts which do not have sign regulations as a part of the zone provisions, and for those which are not readily placed into classifications referred to in preceding sections, the Planning Commission shall classify said zones as either: residential (R), agricultural (A), commercial (C), shopping center (SC), or industrial (M) zones depending upon the similarity of the characteristics and permitted uses of said zone to those already classified. When such a classification has been made by the Planning Commission, the sign provisions applying to the respective classification shall apply to said zones.

**14.38.115. Off-Premise Advertising Structures.**

(1) Prohibition on New Off-Premise Signs. Except for off-premise public information and logo signs meeting the size, shape, color, and other requirements described below in Subsection (2) of this Section, no permits shall be issued for the construction of off-premise signs or outdoor advertising structures. All lawfully existing off-premise signs and outdoor advertising structures are nonconforming uses in all zones of the City.

(2) Public Information and Logo Signs. Off-premise public information signs are permitted pursuant to this Section for the purpose of directing the traveling public to points of interest, historical sites, and other locations of interest, approved as such by the Planning Commission. Specifications for off-premise information signs are set forth in the Manual of Uniform Traffic Control Devices as adopted by the City and all such signs shall comply with these specifications. Off-premise "logo" signs are permitted under this Section for the purpose of directing the traveling and general public to business establishments which provide lodging, food, camping, gas, or other services. Identified by the State of Utah Department of Transportation as the "Logo Sign Program," these signs shall comply with the following regulations:

(a) Logo Sign Program. In constructing and maintaining a logo sign program of signs, the owner and installation contractor shall comply with and adhere to all applicable state and federal laws and regulations, and to UDOT Policy and Procedure. All signs that will be placed within the City, with the exception of those along the Interstate 15 right-of-way, must be approved by the City Administration prior to installation.

(i) Logo Structures. All logo structures shall conform to specifications as shown in the Utah Department of Transportation approved drawings or must be approved by the Planning Commission.

(ii) Directional signs. Directional signs shall not exceed forty two inches by forty eight inches (42"x48") in size, and accommodate no more than two (2) businesses.

(iii) Placement. Placement of logo signs within the City of Provo shall follow the guidelines outlined in Attachment C, Section H of the State Contract #90-3392. Contractors shall obtain the necessary approval and permits from the City.

(iv) Height. No sign shall exceed twelve (12) feet from ground level.

(v) Offset. In general, the offset (location) of the sign shall be setback equal to existing signage in the right of way. If no other signage exists, offsets shall be no less than eight (8) feet. All locations must be reviewed and approved by the Traffic Engineer for traffic safety.

(vi) Design. Business logo sign design shall consist of the business name, trademark, or symbol, provided it does not resemble any traffic sign, symbol, or device. The business symbol, name, etc. must be consistent on all business signs for that business. Business logos will contain no supplemental advertising and be uniform in size. The size of the logo plates shall be eighteen inches by twenty four inches (18"x24") as specified in State Contract #90-3392.

(vii) Number. There may not be more than one (1) directional sign per type, (camping, gas, lodging, food, etc.) per each location.

(viii) Removal. If any business which is participating in logo sign program closes, the logo for said business must be removed within fifteen (15) days from closure of said business. If said sign(s) are declared to be a traffic hazard, they must be removed as determined by the City Traffic

Engineer. Failure to remove the sign within the fifteen (15) day period shall be unlawful, the sign shall be a nuisance, and the sign thereafter may be removed by the City and the expense of removal charged to the owner.

(3) Acquisition of Interests. Provo City may acquire title to off-premise nonconforming signs or outdoor advertising structures by gift, purchase, agreement, exchange, or eminent domain, and shall have the right to amortize off-premise nonconforming signs as permitted by state or federal law. (Am 1985-20, Am 1991-53)

**14.38.120. Size of Freestanding Signs to Five Foot Height.**

**14.38.130 Freestanding Signs Over Five Feet High****14.38.140 Size of Wall Signs and Painted All Signs.****14.38.150. Nonconforming Signs.**

(1) All on-premise or appurtenant signs which have been made nonconforming by the adoption of provisions contained within this Title shall be subject to the following regulations:

(a) Unsafe Signs: Any sign or portion thereof declared unsafe by a proper public authority must be restored to a safe condition or removed within thirty (30) days of mailing or otherwise given notice of the unsafe condition.

(b) Alterations: A nonconforming sign shall not be reconstructed, raised, moved, placed, extended, or enlarged unless said sign is changed so as to conform to all provisions of this Title. Alterations shall also mean that changing of the text or message that the sign is conveying from one (1) use of the premise to another use of the premise and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. Alterations shall not be interpreted to include changing the text or copy on off-premise advertising signs, theater signs, outdoor bulletins or other similar signs which are designed to accommodate changeable copy.

(c) Restoration: Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of God, act of a public enemy, or damaged by any other cause, to the extent of more than sixty percent (60%) of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this Title or shall be removed.

(2) All off-premise signs which are made nonconforming uses by the provisions of this Title shall be subject to the following:

(a) Unsafe Signs: Any sign or portion thereof found or declared unsafe in a manner provided by law, which may be repaired without violating Subsection (2)(b) of this Section, must be restored to a safe condition within thirty (30) days after the owner is given notice of the unsafe condition. Any sign not repaired as required and permitted by this Subsection (2)(a) is unlawfully maintained and subject to the provisions of Section 14.38.010(7), Provo City Code.

(b) Alterations: All off-premise signs and their supporting structures shall be kept in good appearance and condition with normal maintenance and repair (example: painting), but it shall be unlawful to reconstruct, raise, move, place, extend, or enlarge such signs or the structure supporting such signs. Any sign altered contrary to the provisions of this Subsection (2)(b) is unlawfully maintained and subject to the provisions of Section 14.38.010(7), Provo City Code.

(c) Deterioration and Abandonment: A nonconforming off-premise sign or sign structure that ceases to be used for sign purposes for a period of one year shall be deemed abandoned on the ground that the nonconforming use has been abandoned, the nonconforming use has substantially changed, and/or such other grounds as may be appropriate. Any sign or sign structure which is abandoned or in an unreasonable state of repair is unlawfully maintained and subject to immediate revocation of its permit and removal pursuant to the provisions of section 14.38.010(7), Provo City Code.

(d) Termination of Nonconforming Signs. Except where preempted by federal law, a sign permit for an existing off-premise nonconforming sign shall terminate and the sign shall be removed pursuant to the provisions of Section 14.38.010(7), Provo City Code on the date the owner of the sign has been

able to recover or amortize the fair market value of the sign pursuant to state law. Using relevant information including but not limited to, information provided by the sign owner in the sign permit application, relevant aesthetic and traffic engineering information, and amortization periods used by other jurisdictions, the administration may establish an amortization period and condemnation value for each nonconforming sign as of August 1, 1991, that balances the harm to the owner against the public good, without imposing an undue burden upon the owner. The amortization value may not be less than the condemnation value, but no more, and shall take into consideration the cost of operation to the owner over the amortization period. A sign maintained after expiration of the related permit, as described in this subsection, is unlawfully maintained and subject to revocation of its permit and removal pursuant to the provisions of Section 14.38.010(7), Provo City Code. (Am 1991-53)

**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"** 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"** Any sign which is designed and constructed to give its message through movement or semblance of movement created through a sequence of progressive changes of parts, lights, or degree of lighting.

**"Appurtenant Sign"** See On-Premise Sign.

**"Building Face"** 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.

**"Erect"** 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"** 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"** 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.

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

**"Movable", "Freestanding Sign"** Any sign not affixed to or erected into the ground.

**"Non-appurtenant Sign"** See Off-Premise Sign.

**"Off-premise Sign" or "Non-appurtenant Sign"** 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-Premise Sign" or "Appurtenant Sign"** 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"** 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 those located, conducted,

manufactured, or sold upon the premises on which the structure is erected.

**"Projecting Sign"** Any sign attached to a building or structural wall and extending horizontally outward from such wall more than eighteen (18) inches.

**"Property"** Land or real estate, with or without structures; not goods or services.

**"Residential Zone"** or **"District"** Any zone which is designated by the prefix "R" in this Title.

**"Roof Sign"** Any sign which is erected upon or over the roof or over a parapet of any building or structure.

**"Sign"** 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"** Any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.

**"Wall Sign"** 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 plane approximately parallel with the wall or fascia upon which it is attached.

**"Wind Sign"** 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.

## Chapter 14.39. Travel Trailer Parks.

- 14.39.010. Conditional Use Permit.
- 14.39.020. Property Development Standards.
- 14.39.030. Minimum Park Area.
- 14.39.040. Length of Occupancy.
- 14.39.050. Eating and Cooking Facilities.
- 14.39.060. Disposal and Water Stations.

### 14.39.010. Conditional Use Permit.

A Conditional Use Permit for a travel trailer park must be issued in accordance with the provisions of Section 14.02.040, Provo City Code before such a facility may be constructed in any zone which permits said construction and location as a conditional use. In addition to such terms and conditions as may be required upon the issuance of a Conditional Use Permit for a travel trailer park, all travel trailer parks shall be built to the standards set forth in this Chapter.

### 14.39.020. Property Development Standards.

The following development standards shall apply to the individual travel trailer sites. Plans and elevations for the travel trailer park and any buildings or structures proposed for location therein shall be submitted with the application for a Conditional Use Permit for a travel trailer park in conformance with the provisions of Section 14.02.040, Provo City Code. Said plans shall be in conformance with the following general development standards.

(1) Travel Trailer Site Requirements. Each travel trailer site shall be plainly marked and numbered for identification and shall meet all requirements of this Chapter.

(2) Travel Trailer Site Area. Each travel trailer site in a travel trailer park shall have an area of not less than one thousand five hundred (1,500) square feet.

(3) Travel Trailer Site Width. Each travel trailer site shall have an average width of at least twenty-five (25) feet. Trailers shall be separated from each other and from other structures by at least ten (10) feet. Any accessory uses such as attached awnings or steps, shall, for the purposes of this separation requirement, be considered to be part of the trailer.

(4) Travel Trailer Site Frontage. Each travel trailer site shall abut directly upon a travel trailer park street for a minimum distance of twenty (20) feet. Alignment and gradient shall be properly adapted to topography.

(5) Trailer Density. Not more than one (1) travel trailer shall be placed on a travel trailer site.

(6) Site Coverage. The travel trailer and accessory structures shall not cover more than seventy-five percent (75%) of a travel trailer site.

(7) Off-Street Parking.

(a) Each travel trailer site shall have thereon a paved space suitable for providing automobile parking which may be a part of or a continuation of a pad upon which the trailer will rest. Said parking space shall have unencumbered dimensions of not less than nine (9) feet in width and twenty (20) feet in length.

(b) Each travel trailer site shall provide sufficient parking and maneuvering space so that the parking, loading, or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, side-walk, right-of-way, or any private grounds not part of the travel trailer parking area.

(c) There shall be provided guest parking in each travel trailer park at the ratio of one (1) parking space for each ten (10) travel trailer sites within said park. These spaces shall be in addition to those on-site spaces required by (a) above.

(8) Landscaping. The following landscaping provisions shall apply to all travel trailer parks:

(a) All open areas except driveways, parking areas, walking ways, utility areas, or patios shall be maintained with landscaping in accordance with a detailed landscaping plan to be approved in conjunction with issuance of a Conditional Use Permit.

(b) Trees shall be planted along the street frontages as may be required as a condition of a Conditional Use Permit upon recommendation of the Director of Parks and Recreation. There shall also be at least one (1) tree upon each travel trailer site.

(9) Walls and Fences. Walls and fences on individual travel trailer sites shall not exceed two (2) feet in height. In addition, a decorative wall or fence at least six (6) feet in height shall be erected around the perimeter of each travel trailer park. Said wall or fence shall be of masonry construction, or of wood construction with masonry pilasters at an interval of no less than twenty (20) feet on center.

(10) Travel Trailer Park Streets. Travel trailer park streets shall be provided in such a pattern as to provide convenient traffic circulation within the travel trailer park. They shall be built to the following standards:

(a) Streets shall be at least twenty-five (25) feet wide. Parking shall not be allowed on travel trailer park streets.

(b) The travel trailer park streets shall be paved in accordance with City standards and shall be provided with concrete curb and gutter. Said curb and gutter may be of a "roll" type to provide convenient access to trailer sites.

(c) Travel trailer park streets shall be lighted in accordance with the requirements of the City Engineer.

(11) Recreation Areas: A central recreation area shall be established in all travel trailer parks, which shall be easily accessible from all trailer sites. The size of such recreation areas shall be not less than ten percent (10%) of the gross site area of all travel trailer spaces, or three thousand (3,000) square feet, whichever is greater.

(12) Travel Trailer Park Office. Every travel trailer park shall include a permanent building for office use. Such building may include a one-family dwelling for the exclusive use of the owner or manager, provided there is an area of not less than five thousand (5,000) square feet devoted exclusively to the use of said one-family dwelling and the occupants thereof.

(13) Laundry Rooms. Every travel trailer park shall have one (1) or more laundry rooms. Laundry drying lines shall not be permitted on any travel trailer sites.

(14) Restrooms and Shower Facilities. Restrooms, including toilet, showers, and lavatories, shall be provided within a travel trailer park to conveniently and adequately serve the trailer sites within said park.

(15) Telephone. The travel trailer park shall contain at least one (1) public telephone for the use of park renters.

(16) Utilities. All utility distribution facilities, including television antenna service lines serving individual travel trailer sites, shall be placed underground. The owner is responsible for complying with the requirements of this Subsection (16), and he shall make the necessary arrangements with each of the serving utilities for installation of said facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenances to such underground facilities may be placed above ground. All travel trailer sites must be served with water and electricity. Natural gas hookups shall not be provided upon individual travel trailer sites.

(17) Storage. There shall be no open storage of personal belongings within a travel trailer site, nor shall there be an accessory building, shed, or cabinet placed upon or erected upon an individual travel trailer site for the storage of materials or personal belongings.

(18) Fuel Tanks. All fuel tanks maintained within a travel trailer site must be mounted securely upon or attached to the travel trailer or recreation vehicle which they serve. No such tanks shall be larger than fifty (50) gallon capacity. No accessory, freestanding fuel tanks shall be permitted in individual travel trailer sites, except that one (1) such tank no larger than fifty (50) gallons may be approved by the Zoning Administrator for use only during the period of November 1 to February 29 in locations specifically approved.

(19) Skirting. Any skirting surrounding the open space beneath a travel trailer or other recreation vehicle shall be of the same basic material as the exterior skin of the vehicle and shall have the same color(s) as that of the skin of the vehicle, or complimentary color(s) thereto.

(20) Extra Vehicles. In addition to a self propelled recreational vehicle or travel trailer and necessary tow vehicle, the occupants of a travel trailer site may have only one (1) other vehicle, which is owned by said occupants or otherwise associated therewith, located within the travel trailer park.

(21) Removal of Wheels. There shall be no removal of axles, wheels or tires from a travel trailer or other recreational vehicle located within a travel trailer park, except for emergency, temporary removal to accomplish repairs.

(22) Mail Boxes. There shall be no separate mail boxes, separate street address designations, or other similar accessories which would

give the appearance of "permanence" to occupants of a travel trailer site.

(23) Disclosure. The owner(s) of any travel trailer park in Provo City built and/or regulated by these provisions shall provide a copy of the standards set forth in this Section to all occupants who are tenants of the park for more than thirty (30) days. (Am 1986-10, Am 1987-45, Am 1991-53, 1998-06)

#### **14.39.030. Minimum Park Area.**

No travel trailer park facility shall be constructed on a parcel of property which has an area of less than two (2) acres.

#### **14.39.040. Length of Occupancy.**

No travel trailer site located within a travel trailer park established under the provisions of this Chapter shall be occupied by any individual, family, or group of individuals within a trailer, camper, motor home, or other facility for a period exceeding thirty (30) days.

#### **14.39.050. Eating and Cooking Facilities.**

Each travel trailer site shall be equipped with a picnic table and benches or equivalent, and an outdoor cooking facility which meets the approval of the Fire Chief.

#### **14.39.060. Disposal and Water Stations.**

Each travel trailer park shall have facilities for disposal from the holding tanks of trailers and similar vehicles which shall be hooked to the City sewer system, and also a source of potable water for filling trailer water tanks.

### **Chapter 14.40. Relocation of Buildings.**

14.40.010. Purpose.

14.40.020. Planning Commission Approval.

14.40.030. Application.

14.40.040. Fee.

14.40.050. Public Hearing.

14.40.060. Standards for Relocation.

14.40.070. Conditional Approval.

14.40.080. Performance Bond.

14.40.090. Inspection of Work.

14.40.100. Other Permits Required.

#### **14.40.010. Purpose.**

The purpose of this Chapter is to provide adequate safeguards to insure that buildings moved from one (1) location to another will not have any adverse effect on property values and the neighborhood environment at their new location, and that they will harmonize and fit into the existing and anticipated development of the area.

#### **14.40.020. Planning Commission Approval.**

No persons shall place, move on, or affix to the land in any manner any building which was formerly located in another site, unless approval of the Planning Commission has first been obtained. The term "building" as used herein means any structure designed, built, or occupied as a shelter or roughed enclosure for persons, animals, or property, and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. An accessory structure having a floor area of less than one hundred (100) square feet and being less than eight (8) feet high, and modular homes or buildings of new construction as defined in this Title shall not be regulated by this Chapter.

#### **14.40.030. Application.**

A person seeking Planning Commission approval hereunder shall file an application for such approval with the Planning Commission as follows:

(1) Form. The application shall be made in writing upon forms provided by the Planning Commission, and shall be filed in the office of the Planning Commission.

(2) Contents. The application shall set forth and contain:

(a) A description of the building to be moved, giving construction materials, dimensions, number of rooms, condition of exterior and interior, date of construction, and an estimate of its present value;

(b) The present location of the building, giving city and street address or legal description of its present site;

(c) A complete legal description of the lot on which said building is proposed to be located and the street address;

(d) A plot plan of the proposed new site showing all boundary lines, adjacent lots on all sides, all structures and improvements, means of access, and the location of the building proposed to be moved;

(e) Photographs of the building showing front, rear, and side elevations; and such other photos of the building or site as may help to portray the proposal;

(f) Any additional information which the Planning Commission may find necessary in making a fair determination of whether the application should be approved.

#### **14.40.040. Fee.**

The application shall be accompanied by a fee for each building to be relocated in the amount shown on the Consolidated Fee Schedule adopted by the Municipal Council, except for accessory buildings as defined in the definition sections of this Title. (Am 2006-15)

#### **14.40.050. Public Hearing.**

A public hearing before the Planning Commission shall be set, with right of appeal to the Board of Adjustment, in the same manner and in accordance with the same procedures established by Section 14.05.030, Provo City Code. (Am 1999-15)

#### **14.40.060. Standards for Relocation.**

Before approving any application hereunder, the Planning Commission shall determine that all of the following conditions are satisfied:

(1) That the building will conform to all provisions of the applicable zoning regulations at its proposed site;

(2) That the building is of the size and architectural style which shall be in harmony with existing developments of the neighborhood. If the area into which the building is proposed to be removed is undergoing development or redevelopment, the Planning Commission may consider developments and improvements planned or anticipated by property owners in the area;

(3) That the building will have no detrimental effects on the environment and property values of the area into which it is to be removed;

(4) That the proposed relocation will not adversely affect any proposed streets or other improvements in the area, nor be in conflict with an adopted plan of the City.

#### **14.40.070. Conditional Approval.**

The Planning Commission may approve a proposed relocation subject to such conditions as it may deem warranted by the circumstances. Said conditions may include specified landscaping and exterior finishing, dedication, and improvements of streets and alleys adjoining the property, and time for completion of the work and improvements required. Such conditional approval shall not become effective, nor shall any action be taken thereon, unless and until a performance bond is furnished as required by this Chapter.

#### **14.40.080. Performance Bond.**

If approval is granted subject to performance of conditions by the applicant, a performance bond as otherwise described in this Title shall be posted with Provo City and shall guarantee the performance of the conditions enumerated by the Planning Commission and any work ordered done by the Building Inspection Division. (Rep&ReEn 1989-20)

#### **14.40.090. Inspection of Work.**

The cash deposit or check shall not be released or the bond shall be exonerated as the case may be, nor shall the removed building be occupied until the Planning Commission and the Chief Building Official certify that all work and improvements specified by the Planning Commission and the Current City Construction Codes have been satisfactorily completed. The Planning Commission shall cause an inspection of the building at its new location to be made on request therefore by the owner or applicant, or at the expiration of the time designation by the Planning Commission for completion of the work. Said inspection shall include a determination of compliance with provisions of the Current City Construction Codes and conditions or requirements imposed by the Planning Commission upon approval of the building relocation. No Certificates of Occupancy or Certificates of Zoning Compliance shall be issued until the inspection has been made and all code requirements and conditions are complied with.

#### **14.40.100. Other Permits Required.**

Approval or conditional approval by the Planning Commission hereunder is not a building permit, and shall not relieve the applicant of requirements for obtaining necessary building permits or moving permits.