

***ITEM 2** Liisa Hancock requests an Ordinance Text Amendment to Section 14.38.025 (On-Premises Short Hold Time Electronic Display Sign Standards) to add allowance on University Avenue between Cougar Blvd and University Pkwy. Carterville Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20240164

OVERVIEW

Liisa Hancock, in representing the Medical Center Company LLC owners, requests an ordinance text amendment to the sign code to add additional area where on-premises short hold electronic display signs would be permitted.

The LLC, which has a building at 1355 North University Avenue, has expressed a desire to have this type of sign permitted so the multiple tenants can better advertise on a rotating display in front of its building.

Adding this area to the existing standards of Section 14.38.025 would bring in an additional five (5) properties permitted to have a short hold electronic display sign through this corridor, since the underlying zone would still restrict the residential properties along this section of University Avenue from this sign type. The CVS and Panda Express in this corridor already have the sign permitted, fronting Cougar Blvd.

STAFF ANALYSIS

To ensure that the proposed amendment is consistent with the General Plan of the city, staff have analyzed the proposal against the criteria in Section 14.02.020. The following is that analysis from the applicant, and then from staff: (applicant response in *italics*, staff response in **bold**)

(a) Public purpose for the amendment in question.

Applicant Response: To “provide those individuals living, working, traversing through and using restaurant and retail areas in the BYU [area] knowledge of services available within a couple of blocks.” To allow the public to benefit from nearby Provo businesses.

Staff response: The public purposes stated by the applicant are valid and are supported by staff.

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

Applicant Response: The current sign allowances are insufficient for the number of businesses within the medical building at 1355 N University Ave. Allowing this change allows all the businesses in the area to have equal opportunities for advertising.

Staff response: Staff believes that the proposed amendment is the best way to address the above public purpose, and that by making the change, allows businesses to advertise on a level playing field.

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

Applicant Response: The General Plan Chapter 3 recognizes purpose to “strive for development that will create places for individuals, families, businesses, and institutions to thrive” and “promot[ing] safe and convenient walkability and bikeability where possible.” Also, Chapter 5 identifies the goal to “strive for a resilient and vibrant economy that supports good jobs and a high quality of life for all residents”. And finally, page 53 acknowledges that “removing unnecessary code requirements and policy impediments can be key in making sure Provo has a healthy and prosperous economic environment.”

Staff response: The proposed amendments help to meet goals of the General Plan, specifically, Chapter 3, goal 3, to “review and revise Provo City Code to make it more consistent and accessible” as well as the above stated goals referenced by the applicant.

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

Staff response: There are no timing and sequencing issues related to this request.

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

Staff response: Staff believes that this proposal would not hinder or obstruct General Plan policies.

(f) Adverse impacts on adjacent landowners.

Applicant Response: “The amendment has minimal impact on adjacent landowners. The high-density housing to the back is not impacted because the sign placement will front University Avenue. The neighbors to the south are located in the LZ3 lighting zone.”

Staff response: Staff agrees with the above statement from the applicant on potential impacts.

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

Staff response: Confirmed.

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

Staff response: Does not apply.

APPLICABLE ZONING CODES

14.38.025 On-Premises Short Hold Time Electronic Display Sign

Standards.

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

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

(b) North State Street, from Cougar Boulevard (1230 North Street) northwesterly to 1720 North;

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

(d) Freedom Boulevard, from 100 North northward to University Parkway;

(e) 820 North Street, from I-15 eastward to 1350 West Street;

(f) Draper Lane from 820 North to 600 South;

(g) University Avenue, from 600 South southward to Lakeview Parkway (1860 South);

(h) 4800 North from Provo River to University Avenue;

(i) Towne Centre Boulevard; and

(j) University Avenue from 4800 North to 5200 North.

(2) Properties described in Subsection [\(1\)](#) of this Section that have frontage along Interstate 15 (I-15) shall not have any on-premises short hold time electronic display signs located closer than one thousand two hundred (1,200) feet from another on-premises short hold time electronic display sign.

(3) All short hold time electronic display signs shall be subject to the following requirements:

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

(b) Comply with all the provisions of Chapter [6.06](#), Provo City Code, regarding minimum hold times and use of electronic display signs by a business.

(c) Prior to the issuance of any permit for construction or conversion, the owner shall provide the City with a certification from the sign manufacturer stating that the sign is capable of complying with the illumination and brightness standards found in Chapter [6.06](#), Provo City Code.

Chapter 6.06

USE OF ELECTRONIC SIGNS

Sections:

- 6.06.010** **Scope.**
- 6.06.015** **Lighting Zones.**
- 6.06.020** **Hold Time and Transitions.**
- 6.06.030** **Brightness.**

6.06.010

Scope.

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

(Enacted 2018-06, Am 2021-12, Am 2021-45)

6.06.015

Lighting Zones.

For purposes of regulating hold times and brightness of electronic display signs, three (3) lighting zones within the City are designated:

LZ1: Low ambient light. This zone consists of all areas within the zones listed in Section [14.38.010\(3\)](#), Provo City Code, where on-premises electronic display signs are prohibited.

LZ2: Moderate ambient light. This zone is for primarily mixed-use areas and consists of all areas that are not designated as being in the LZ1 or LZ3 zones.

LZ3: Moderately high ambient light. This zone is for business district street sections and consists of those areas that are specifically listed in Section [14.38.025\(1\)](#), Provo City Code.

(Enacted 2021-45)

6.06.020

Hold Time and Transitions.

(1) The minimum hold time for an electronic display sign is the minimum amount of time that a message must be displayed before transitioning to a new message. The minimum hold time for all on-premises electronic display signs in the LZ2 lighting zone is one (1) hour.

(2) The minimum hold time for an on-premises electronic display sign in the LZ3 lighting zone shall be:

(a) Eight (8) seconds for a sign adjacent to and facing Interstate 15;

(b) Fifteen (15) seconds for a sign located in an SC3 zone and associated with a commercial building housing twenty (20) or more different tenants; and

(c) One (1) minute for all other signs in the LZ3 zone that are not described in Subsection [\(2\)\(a\)](#) or [\(2\)\(b\)](#) of this Section.

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

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

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

(Enacted 2018-06, Am 2021-12, Am 2021-45)

6.06.030

Brightness.

- (1) The following nighttime brightness standards shall apply beginning thirty (30) minutes after sunset and ending thirty (30) minutes before sunrise. No electronic display sign shall exceed a nighttime brightness level of two hundred (200) candelas per square meter (nits) in the LZ2 lighting zone or three hundred (300) candelas per square meter (nits) in the LZ3 lighting zone.
- (2) Notwithstanding Subsection [\(1\)](#) of this Section, signs adjacent to and facing Interstate 15 are exempt from the nighttime brightness standard.
- (3) Prior to the issuance or renewal of a business license, the owner of an electronic display sign shall provide the City with a certification from the sign manufacturer stating that the sign is capable of complying with the above brightness provisions.
- (4) An electronic display sign that was in operation prior to May 28, 2013, and that is not reasonably capable of complying with the brightness standards in this Section is not subject to the requirements of this Section so long as the sign is not replaced, reconstructed, upgraded, moved, or otherwise substantially changed.

(Enacted 2018-06, Am 2021-45)

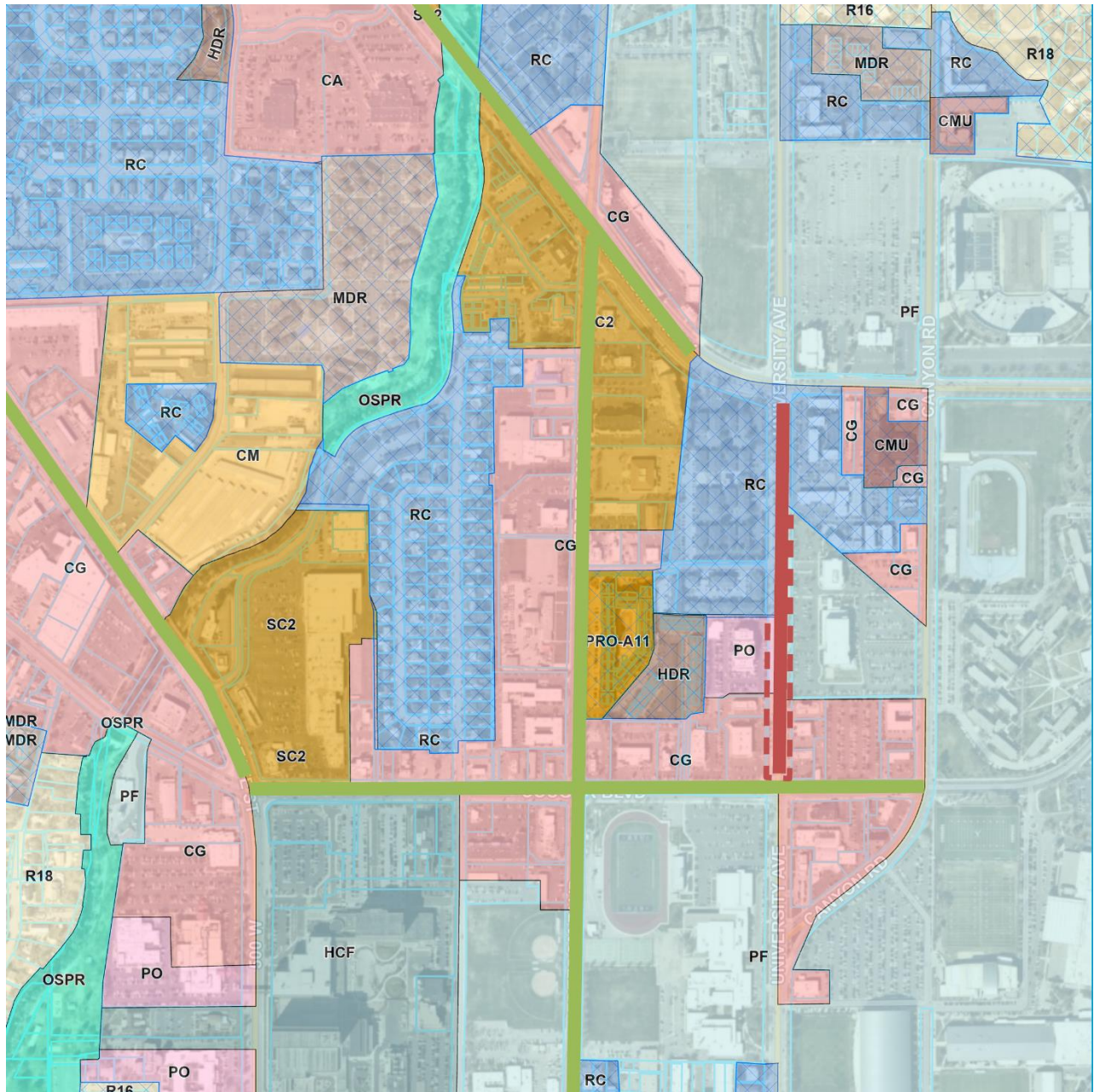
CONCLUSIONS

Staff believe the proposed amendment is appropriate and will benefit the businesses in this corridor without opening short hold electronic displays to areas that would be inappropriate or have negative impacts.

ATTACHMENTS

1. Area Reference Map
2. Proposed Amendment

ATTACHMENT 1 – AREA REFERENCE MAP



— = Existing On-Premises Short Hold Electronic Display Areas

— = Proposed Area

- - - = Frontages permitted for new electronic display

ATTACHMENT 2 – PROPOSED AMENDMENT

14.38.025 On-Premises Short Hold Time Electronic Display Sign Standards.

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- (i) Towne Centre Boulevard; ~~and~~
- (j) University Avenue from 4800 North to 5200 North; ~~and~~
- (k) University Avenue from Cougar Boulevard northward to University Parkway.