1	ORDINANCE 2013-17.
2 3 4 5 6 7	AN ORDINANCE ADDING SECTION 14.38.170 OFF-PREMISE ELECTRONIC DISPLAY SIGNAGE (BILLBOARDS) TO CHAPTER 14.38 SIGNS AND OUTDOOR ADVERTISING, REGULATING OFF-PREMISE ELECTRONIC DISPLAY SIGNS IN THE CITY. <i>Citywide Impact</i> . (12-00170A)
8 9 10	WHEREAS, it is proposed that Section 14.38.170 (Off-premise Electronic Display Signage (Billboards)) be added to Chapter 14.38 (Signs and Outdoor Advertising) to regulate the use of Off-premise Electronic Display Signs in the City; and
11 12 13 14 15 16	WHEREAS, on October 24, 2012, the Planning Commission held a duly noticed public hearing to consider a proposal from Community Development and after such hearing the Planning Commission recommended to the Municipal Council the ordinance be amended as proposed by Community Development; and
17 18 19 20	WHEREAS, on March 19, 2013, the Municipal Council discussed the proposal from Community Development as well as an alternative proposal and decided to postpone voting on the entire ordinance, but to move forward with the section regarding Off-premise Electronic Display Signs; and
21 22 23 24 25	WHEREAS, on April 9, 2013, May 7, 2013, and May 21, 2013, the Municipal Council held duly noticed public hearings to receive public comments and ascertain the facts regarding this matter, which facts and comments are found in the hearing records; and
23 26 27 28	WHEREAS, all persons for and against the proposed ordinance amendment were given an opportunity to be heard; and
29 30 31 32 33	WHEREAS, after considering the Planning Commission's recommendations, and facts and comments presented to the Municipal Council, the Council finds the proposed ordinance amendment reasonably furthers the health, safety, and general welfare of the citizens of Provo City.
34 35 36	NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:
37 38	PART I:
39 40	Chapter 14.38 of the Provo City Code is hereby amended as follows:
41 42	Chapter 14.38. Signs and Outdoor Advertising.
43 44	14.38.160. Definitions Pertaining to Signs.
44 45 46	"Electronic Display Sign" any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed

	levision screens, plasma screens, digital screens, LED screens, video boards, holographic splays, and other similar media.
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"(Off-premise Electronic Display Sign" any Off-premise Sign, as defined in this Section, that
al	so an Electronic Display Sign, as defined in this Section.
14	4.38.170 Off-premise Electronic Display Signs (Billboards)
	(1) As provided in Provo City Code 14.38.115(1), no new permits for Off-premise Sig
	will be issued.
	(2) <u>Conversion of an existing Off-premise Sign to an Off-premise Electronic Display</u>
	Sign is eligible for permit, provided the area of the converted Off-premise Electror
	Display Sign does not exceed that of the original Off-premise sign.
	(3) <u>The Off-premise Electronic Display Sign Overlay Zone (Sign Overlay Zone) is</u>
	established to provide areas of the city in which an Off-premise Sign may be
	converted into an Off-premise Electronic Display Sign. Off-premise Signs shall n
	be converted into Electronic Display Signs in any location except those within the
	Sign Overlay Zone. The purpose of the Sign Overlay Zone is to encourage and
	promote economic development and ensure an attractive business climate for areas
	the City; to highlight and cross-promote the uses, goods and services available in t
	City's retail commercial core; to promote appropriate and economically viable
	signage which uses clear, attractive graphics; to protect street views and vistas of
	pedestrians and drivers; to protect pedestrians and motorists from traffic safety
	hazards; to protect residents from glare and excessive illumination; to provide clea
	development standards under which signs enabled by this Sign Overlay Zone can
	designed and installed; and to promote and protect the public health, safety, welfar
	and convenience by regulating signs enabled by this Sign Overlay Zone.
	(4) <u>The Sign Overlay Zone shall apply to those properties that are not zoned residentia</u>
	and that front the following roads:
	(a) <u>That portion of I-15 that lies within the boundaries of the City of Provo</u> .
	(b) <u>University Avenue</u> , between 680 South and the I-15 interchange generally
	located at 1860 South,
	(c) <u>State Street</u> , between Bulldog Blvd. on the south and the boundary line of t
	<u>City of Provo on the north, and</u>
	(d) <u>Center Street, between I-15 and 900 West.</u>
	(5) <u>Off-premise Electronic Display Signs must meet the following standards:</u>
	(a) At no time shall Off-premise Electronic Display Signs cast a light level gre
	than 0.3 foot candle more than the ambient light level at the location. Light cu
	devices should minimize light above the billboard. Foot candle readings shall
	measured at ground level and at the distances shown in the table below:

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

<u>351 to 650</u>	<u>200 feet</u>
<u>Over 650</u>	<u>250 feet</u>

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91	(b) Off-premise Electronic Display Signs must be equipped with both a dimmer
92	control and a photocell that automatically adjusts the display's intensity according
93	to ambient light levels. In addition, Off-premise Electronic Display Signs must
94	have a default mechanism to turn off the sign within 24 hours of a reported
95	malfunction.
96	(c) Messages displayed on Off-premise Electronic Display Signs shall have a
97	minimum display duration of 8 seconds and must be static during each individual
98	message. No portion of the message may flash, scroll, twirl, change color, fade in
99	or fade out, or imitate movement. The transition from one static display to
100	another must be instantaneous.
101	(d) The images and messages displayed must be complete in themselves, without
102	continuation in content to the next image or message or to any other sign.
103	(e) Off-premise Electronic Display Signs must be located at least three hundred
104	(300) linear feet from any Off-premise Sign that is not an Electronic Display Sign,
105	at least one thousand two hundred (1,200) linear feet from any other Off-premise
106	Electronic Display Sign located on the same side of the street, and at least five
107	hundred (500) linear feet from an interstate exchange, as measured from any part
108	of the Off-premise Electronic Display Sign to the nearest portion of any other
109	Off-premise Sign or Off-premise Electronic Display Sign or to the nearest right-
110	of-way line of the interchange.
111	(f) No Off-premise Electronic Display Sign shall be located closer than one
112	thousand six hundred (1600) linear feet from any other Off-premise Electronic
113	Display Sign located on the opposite side of the street, as measured from any part
114	of one Off-premise Electronic Display Sign to the nearest portion of any other
115	Off-premise Electronic Display Sign.
116	(6) (g) Off-premise Electronic Display Signs must be located at least 300 feet from any
117	residence as measured from any part of the Off-premise Electronic Display Sign to
118	the nearest property line of the residence. This distance may be reduced to 150 feet if
119	no portion of the Off-premise Electronic Display Sign face or viewing surface is
120	visible from the residence.
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122 <u>PART II:</u>

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A. If a provision of this Ordinance 2013-17 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this ordinance shall prevail.

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

132 C. The Municipal Council hereby directs that the official copy of the Provo City Code be 133 updated to reflect the provisions enacted by this ordinance.

- D. This ordinance shall take effect immediately after being posted or published as required by law.

END OF ORDINANCE.