

Ordinance 2021-12

SHORT TITLE:

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING THE HOLD TIMES FOR ELECTRONIC SIGNS AND SIGN SIZE LIMITS. CITYWIDE APPLICATION. (PLOTA20210046)

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL	✓		
CW 2	DAVID SHIPLEY	✓		
CD 1	BILL FILLMORE	✓		
CD 2	GEORGE HANDLEY	✓		
CD 3	SHANNON ELLSWORTH	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	DAVID HARDING	✓		
TOTALS		7	0	

This ordinance was passed by the Municipal Council of Provo City, on the 30th day of March 2021, on a roll call vote as described above. Signed this 7th day of April 2021.

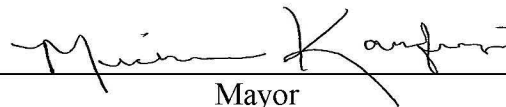


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 8th day of April 2021.



Mayor

Ordinance 2021-12

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 8th day of April 2021, with a short summary being published on the 3rd day of April 2021, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2021-12.



Amanda Grambrack

City Recorder

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ORDINANCE 2021-12

AN ORDINANCE AMENDING PROVO CITY CODE
REGARDING THE HOLD TIMES FOR ELECTRONIC SIGNS
AND SIGN SIZE LIMITS. CITYWIDE APPLICATION.
(PLOTA20210046)

WHEREAS, it is proposed that Provo City Code Chapters 6.06 and 14.38 be amended to update hold times and permitted locations for electronic signs and to replace the size limit tables with more legible graphs; and

WHEREAS, on March 10, 2021, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 8:0; and

WHEREAS, on March 16 and March 30, 2021, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council makes the following findings:

- (i) Provo is open for business. The Municipal Council wants new businesses and existing businesses to thrive;
- (ii) Signage is an important way for businesses to communicate their presence and location and to advertise;
- (iii) Signage can also be detrimental to community aesthetics and traffic safety. It can be distracting due to size, brightness, or frequency of message updates;
- (iv) It is desirable and necessary to regulate signage in a way that strikes a good balance between the interests of businesses and community residents;
- (v) Provo regulates signage size according to such factors as zone and street frontage of the business. Somewhat larger signs are allowed in predominantly commercial areas;
- (vi) Provo already regulates digital sign brightness in accordance with the best practice recommendation of the International Sign Association. That recommendation is that signs not exceed a brightness level of 0.3 foot candles above ambient lighting conditions as measured by a foot candle (lux) meter perpendicular to the sign face, from a specified distance related to the size of the sign. Signs that follow this guideline are readable at night but not so bright as to be offensive or overly distracting on account of the brightness level;
- (vii) The distinguishing characteristic of digital signage as compared to static signage of similar size and brightness is the ability to change messages quickly and easily;
- (viii) Various studies (a partial list of which is included in Exhibit C) support the following findings of the Council regarding digital sign transitions and hold times:
 - a. Crash risk increases by 2.8 times when a driver's eyes leave the road for 2 or more seconds;

- 46 b. Research and industry sponsored studies show that digital signs take drivers’
47 eyes off the road for 2, 3 and even 5 seconds at a time;
48 c. Changing digital signs receive significantly more glances and more long
49 glances than static signs;
50 d. When a driver sees an image transition, there is an increase in glances longer
51 than two seconds;
52 e. Drivers are neurophysiologically predisposed to orient to motion and sudden
53 changes in the periphery of their vision. Increased transition duration (hold
54 time) helps avoid or reduce such sudden motion or changes;
55 f. For traffic safety, it is also recommended to set minimum hold times such that
56 no driver will see more than one message change;
- 57 (ix) In commercial areas, improving traffic safety is the primary goal of digital hold
58 time regulation and preserving community aesthetics is secondary. To minimize
59 distraction and improve safety, drivers should encounter at most one message
60 change while passing a particular area. While state regulations use an 8 second
61 minimum hold time to achieve this goal at freeway speeds, driving speeds in the
62 city environment are lower and there can be more digital signs in close proximity.
63 In consideration of those factors, longer minimum hold times are appropriate;
- 64 (x) In areas that are not predominantly commercial, the primary goal is to preserve
65 community aesthetics. A much longer minimum hold time is necessary for that
66 purpose. This allows businesses to change their message multiple times throughout
67 the day while minimizing aesthetic distractions for pedestrians, cyclists and
68 motorists;
- 69 (xi) Provo City Code should be amended as described herein; and
70 (xii) The proposed amendment reasonably furthers the health, safety, and general
71 welfare of the citizens of Provo City.

72
73 NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as
74 follows:

75
76 PART I:

77
78 Provo City Code Chapters 6.06 and 14.38 are hereby amended as set forth in Exhibits A
79 and B, respectively.

80
81 PART II:

82
83 A. If a provision of this ordinance conflicts with a provision of a previously adopted
84 ordinance, this ordinance shall prevail.

85
86 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
87 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid,
88 the remainder of the ordinance shall not be affected thereby.
89

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

92
93 D. This ordinance shall take effect immediately after it has been posted or published in
94 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code
95 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

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97 END OF ORDINANCE.

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Chapter 6.06
USE OF ELECTRONIC SIGNS

Sections:

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

6.06.010

Scope.

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

(Enacted 2018-06)

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. ~~Each message shall be illuminated for no less than eight (8) seconds before transitioning to a new message.~~ Except as otherwise provided in Subsection (2), the minimum hold time for all on-premise electronic display signs is one hour.

~~(2) Notwithstanding Subsection (1) of this Section, the message may not be changed more than three (3) times per day unless the sign is permitted to be a high-churn electronic display sign under Chapter 14.38, Provo City Code.~~ Notwithstanding Subsection (1), the minimum hold time for an on-premise electronic display sign described in this Subsection (2) shall be:

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

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

(c) one minute for all signs that are not described in Subsections (2)(a) or (2)(b) and are located in areas specified in Provo City Code Section 14.38.025 as allowing short hold time electronic display signs.

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

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

145
146 (5) An electronic display sign that was in operation prior to May 28, 2013, is not subject to the
147 requirements of this Section so long as the sign is not replaced, reconstructed, upgraded, moved,
148 or otherwise substantially changed.

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150 (Enacted 2018-06)

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Chapter 14.38
SIGNS AND OUTDOOR ADVERTISING

Sections:

- 14.38.010 General Requirements.**
- 14.38.020 Signs on Premises.**
- 14.38.025 On-Premises ~~High-Churn~~ Short Hold Time Electronic Display Sign Standards.**
- 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) and Open Space, Preservation and Recreation (OSPR) Zones.**
- 14.38.080 Signs Permitted in Commercial (C) Zones.**
- 14.38.085 North University Avenue Riverbottoms Design Corridor and Specialty Support Commercial (SSC) Sign Standards.**
- 14.38.090 Signs Permitted in Neighborhood Shopping Center (SC1) Zones and Community Shopping Center Zones (SC2).**
- 14.38.095 Signs Permitted in Regional Shopping Center Zones (SC3).**
- 14.38.100 Signs Permitted in Industrial (M) Zones.**
- 14.38.105 Signs Permitted in the Downtown (DT, ITOD, GW, or WG) Zones.**
- 14.38.110 Signs Permitted in Other Zones.**
- 14.38.115 Off-Premises Signs and Outdoor Advertising Structures.**
- 14.38.120 Size of Freestanding Signs to Five (5) Foot Height.**
- 14.38.130 Size of Freestanding Signs Over Five (5) Foot Height.**
- 14.38.140 Size of Wall Signs and Painted Wall Signs.**
- 14.38.145 Size of Other Signs.**
- 14.38.150 Nonconforming Signs.**
- 14.38.160 Definitions Pertaining to Signs.**
- 14.38.170 Off-Premises Electronic Display Signs (Billboards).**

14.38.010
General Requirements.

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

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

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

211
212 (3) *Electronic Display and Animated Signs.* Except as otherwise provided in this Chapter, all
213 animated signs are prohibited. On-premises ~~low-churn~~ electronic display signs are prohibited in
214 all Project Redevelopment Option (PRO) zones, the Special Development Plan (SDP) Overlay
215 Zone, the Downtown Historic District, and the A, RA, RC, R1, R2, ~~R2.5, R3, R4, and R5 zones,~~
216 VLDR, LDR, MDR, and HDR zones, but are permitted elsewhere. Businesses using electronic
217 display signs are subject to the business licensing regulations contained in Chapter 6.06, Provo
218 City Code. On-premises ~~high-churn~~ short hold time electronic display signs are prohibited in all
219 zones, except as otherwise provided in Section 14.38.025, Provo City Code.

220
221 (4) *Sound or Emissions.* No sign shall be designed for the purpose of emitting sound, smoke, or
222 steam.

223
224 (5) *Movable Signs, Banners, and A-Frame Signs.* Except as otherwise provided in this Chapter,
225 all movable signs, banners and A-frame signs are prohibited. This prohibition shall include signs
226 mounted or painted upon vehicles or trailers which are parked in any location for the purpose of
227 calling attention to or advertising a person, place, or thing.

228
229 (6) *Canopy Signs.* Signs painted on or affixed to canopies which are part of the building shall be
230 considered part of the total allowed area of wall signs for the walls from which the canopy
231 projects. Signs painted on or affixed to canopies which are freestanding shall be considered part
232 of the total allowable area of freestanding signs for that use. Signs suspended under canopies
233 (marquees) which project over public rights-of-way shall be limited to six (6) square feet. Signs
234 with changeable copy (reader boards) located on marquees of theaters or similar public assembly
235 uses may combine the total allowable area for all building faces as permitted by Section
236 14.38.140, Provo City Code, so long as there are no wall signs placed upon building faces other
237 than the face to which the marquee is attached.

238
239 (7) *Violations.*

240 (a) It is unlawful to erect or maintain a sign contrary to the provisions of this Chapter. If a
241 sign is erected or maintained in violation of this Chapter the Planning Commission may do
242 the following:
243

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

247
248 (ii) If correction of the defect will result in a violation of the provisions of this Chapter,
249 order that the subject sign be removed by, and at the expense of, the owner of the sign,
250 within a fixed period of time not exceeding thirty (30) days.

251
252 (b) If the owner of the sign contests the order of the Planning Commission, the remedy
253 shall be an appeal to the zoning Board of Adjustment, which appeal shall be taken in the
254 time and manner otherwise provided in this Title for appeals to the zoning Board of
255 Adjustment.

256
257 (c) If the owner of the sign fails or refuses to remove the subject sign at the order of the
258 Planning Commission, the City may remove the sign at any time after the owner thereof
259 exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a
260 court of law. Removal by the City shall be at the expense of the owner, and the City may
261 obtain judgment against the owner in an amount equal thereto, together with reasonable
262 attorneys' fees and costs.

263
264 **14.38.020**

265 **Signs on Premises.**

266 Except as provided within the provisions of respective zoning districts, and unless otherwise
267 expressly provided in this Chapter, no sign shall be permitted which is not used exclusively to
268 advertise the ownership, sale, or lease of property upon which said sign is placed, or to advertise
269 a business conducted, services rendered, goods produced or sold upon such premises, or to
270 advertise or identify any other lawful activity conducted upon such premises.

271
272 **14.38.025**

273 **On-Premises ~~High-Churn~~ Short Hold Time Electronic Display Sign Standards.**

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

278
279 (a) University Parkway, from 100 West northwesterly to the boundary line of the City of
280 Provo;

281
282 (b) North State Street, from ~~Bulldog-Cougar~~ Boulevard (1230 North Street) northwesterly
283 to ~~the boundary line of the City of Provo~~ 1720 North;

284
285 (c) ~~Bulldog-Cougar~~ Boulevard, from Canyon Road (200 East) westward to North State
286 Street;

287
288 (d) Freedom Boulevard, from ~~550~~100 North northward to University Parkway;

289

290 (e) 820 North Street, from ~~1890 West~~ I-15 eastward to 1350 West Street;

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

292
293 (f) Draper Lane from 820 N to 600 S;

294
295 (g) University Avenue, from ~~920~~600 South southward to Lakeview Parkway (1860 South);

296
297 ~~(h) 1860 South Street, from University Avenue eastward to South State Street; and~~

298
299 ~~(i) South State Street, from 640 South Street southward to the boundary line of the City of~~
300
301 ~~Provo.~~

302
303 (h) 4800 North from Provo River to University Avenue;

304
305 (i) Towne Centre Blvd; and

306
307 (j) University Avenue from 4800 N to 5200 N

308
309 (2) Properties described in Subsection (1) of this Section that have frontage along Interstate 15
310 (I-15) shall not have any on-premises ~~high-churn~~ short hold time electronic display signs located
311 closer than one thousand two hundred (1,200) feet from another on-premises ~~high-churn~~ short
312 hold time electronic display sign.

313
314 (3) All ~~high-churn~~ short hold time electronic display signs shall be subject to the following
315 requirements:

316
317 (a) Comply with all other provisions of the respective zoning districts as set forth in this
318 Title, including all sign regulations described in this Chapter.

319
320 (b) Comply with all the provisions of Chapter 6.06, Provo City Code, regarding minimum
321 hold times and use of electronic display signs by a business.

322
323 ~~(c) Hold Time. Each message shall be illuminated for no less than eight (8) seconds before~~
324 ~~transitioning to a new message.~~

325
326 ~~(d)~~ (c) Prior to the issuance of any permit for construction or conversion, the owner shall
327 provide the City with a certification from the sign manufacturer stating that the sign is
328 capable of complying with the illumination and brightness standards found in Chapter 6.06,
329 Provo City Code.

330
331 (Enacted 2013-16, Am 2018-06)

332
333 ...

334

335 **14.38.085**

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

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

342
343 (2) Except as provided in Subsection [\(2\)\(a\)](#) of this Section, the provisions of this Section shall
344 apply to any sign located within the North University Avenue Riverbottoms Design Corridor
345 notwithstanding any other provision of this Title and shall supersede sign provisions in any
346 chapter with which this Chapter may be associated for purposes of development except Section
347 [14.38.010\(1\)](#) and (2), Provo City Code.

348
349 (a) The provisions of this Section shall not apply to an existing legal nonconforming sign;
350 provided, however, that the size, height, or location of any such sign shall not be changed
351 except in accordance with the provisions of this Section.

352
353 (3) *Monument Signs.* Each commercial or professional office development in the North
354 University Avenue Riverbottoms Design Corridor may have therein monument signs, in
355 accordance with the following provisions:

356
357 (a) *Number.* There may, in each commercial center or professional office complex, be one
358 (1) such sign for each three hundred (300) feet of street frontage.

359
360 (b) *Area.* The sign copy area of a monument sign shall not exceed sixty (60) square feet per
361 side for two-sided signs. Double-faced, back-to-back, and V-type signs are permitted as a
362 single sign or structure if both faces have common ownership. The monument structure upon
363 which the sign is placed shall be designed to complement the architecture of the building,
364 using the same materials and stylistic themes.

365
366 (c) *Spacing.* A minimum spacing of one hundred fifty (150) feet between sign structures
367 may be permitted on sites with multiple structures.

368
369 (d) *Height.* No such freestanding sign (including the monument structure and pedestal)
370 shall exceed ten (10) feet in height above the grade of street frontage sidewalk.

371
372 (e) *Location.*

373
374 (i) Except as otherwise provided in Subsection [\(3\)\(e\)\(ii\)](#) of this Section, each such
375 monument sign shall be located on private property, outside the “clear vision” area of
376 any street or driveway intersection, and shall not project over any property line.

377
378 (ii) Notwithstanding Subsection [\(3\)\(e\)\(i\)](#) of this Section, a sign located on a corner lot
379 or parcel abutting University Avenue within the North University Avenue Riverbottoms
380 Design Corridor may project up to twelve (12) feet into the University Avenue right-of-

381 way from an adjacent property line but not closer than six (6) feet to any sidewalk or
382 paved trail system located in the public right-of-way, subject to the qualifications set
383 forth in Subsection [\(3\)\(e\)\(iii\)](#) of this Section and the following conditions:

384
385 (A) The controlling government agency grants written permission to locate the
386 sign in the University Avenue right-of-way;

387
388 (B) Visibility of the sign, if placed on the lot or parcel as required by Subsection
389 [\(3\)\(e\)\(i\)](#) of this Section, would be blocked by one (1) or more utility boxes or
390 semaphore poles whose location and design is not controlled by the property owner,
391 as observed at eye level from the curb or edge of pavement for University Avenue
392 within one hundred (100) feet of the sign location; and

393
394 (C) The sign does not create a sight distance hazard as reasonably determined by
395 the City Traffic Engineer based on the sign location and construction specifications,
396 speed of nearby traffic, and other applicable City standards designed to achieve safe
397 traffic movement.

398
399 (iii) A sign which existed prior to April 18, 2006, may not be relocated pursuant to the
400 provisions of Subsection [\(3\)\(e\)\(ii\)](#) of this Section unless:

401
402 (A) Subsequent to the sign's original installation utility boxes or semaphore poles,
403 whose location and design is not controlled by the property owner, are installed
404 which block the sign in the manner described in Subsection [\(3\)\(e\)\(ii\)\(B\)](#) of this
405 Section, and

406
407 (B) The applicant provides documentation that the sign meets the requirements of
408 Subsection [\(3\)\(e\)\(iii\)\(A\)](#) of this Section.

409
410 (f) *Materials.* Structures supporting monument and shopping center identification signs
411 shall be compatible with exterior materials used in building exteriors within the
412 shopping/office center.

413
414 (g) *Illumination.* Internal illumination of a translucent sign face, or individual letters,
415 characters, or figures shall be permitted, such that the sign face, letter or character glows.

416
417 (4) *Wall Signs.* Each business establishment or tenant of a shopping center or professional
418 office facility may have wall signs in conformance with the standards listed below.

419
420 (a) *Area.* One (1) square foot of wall sign copy area for each linear foot of building
421 frontage of the particular side the sign is on, or tenant space where the building setback from
422 street frontage is less than two hundred (200) feet. For buildings with setbacks from street
423 frontage of at least two hundred (200) feet or more, one and one-quarter (1 1/4) square feet
424 of wall sign face for each linear foot of building frontage.

425

426 (b) *Number*. There shall be no more than one (1) such sign for the front face of each
427 business or tenant. There may, in addition, be one (1) such sign for each business
428 establishment or tenant having a rear or side building face with a public entrance.
429

430 (c) *Height*. No part of any such sign shall extend above the top level of a wall upon or in
431 front of which it is situated.
432

433 (d) *Projection*. No wall sign, including structural part, shall project more than eighteen (18)
434 inches from the face of the part of the building to which it is attached.
435

436 (e) *Illumination*. Internal illumination of a translucent sign face, or individual letters,
437 characters, or figures shall be permitted, such that the sign face, letter or character glows.
438

439 (5) *Shopping Center (SC3 Zone) Signs*.
440

441 (a) *Entry Archways*. An archway displaying the name and logo of the shopping center may
442 be located over a driveway, street or pedestrian entrance into the shopping center in
443 accordance with the following provisions:
444

445 (i) *Number*. There may be one (1) sign and one (1) archway structure per entrance, not
446 to exceed four (4) entrances.
447

448 (ii) *Area*. The area of the sign shall not exceed sixty (60) square feet.
449

450 (iii) *Height*. The height of the entry feature (archway) structure shall not exceed
451 twenty-five (25) feet. Adequate vehicle and pedestrian clearance will be required as
452 determined by Provo City.
453

454 (iv) *Location*. The sign shall be located on private property, outside the “clear vision”
455 area of any street or driveway intersection and shall not project over any property line.
456

457 (v) *Materials*. Materials shall be compatible with exterior materials used within the
458 shopping center.
459

460 (vi) *Illumination*. Internal illumination is permitted.
461

462 (b) *Entry Identification Monument Signs*. A sign that identifies only the name of the
463 shopping center and/or displays public greetings may be located at the entrances of the
464 development.
465

466 (i) *Number*. There shall be not more than two (2) per driveway entrance.
467

468 (ii) *Area*. The area of the sign shall not exceed six (6) square feet.
469

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

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

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

(vi) *Illumination.* Internal illumination is permitted.

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

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

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

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

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

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

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

(vii) *Illumination.* Internal illumination is permitted.

(d) *Shopping Center Commercial Signs.*

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

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

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

520
521 (iv) *Height*. A sign shall not exceed twenty-five (25) feet in height.

522
523 (v) *Location*. The sign(s) may be located on University Avenue within the Provo City
524 right-of-way (trail system) subject to the obtaining of written permission from Provo
525 City.

526
527 (vi) *Materials*. Materials shall be compatible with exterior materials used within the
528 shopping center.

529
530 (vii) *Illumination*. Internal illumination is permitted.

531
532 (6) *Research and Business Park Zone (RB&P)*.

533
534 (a) *Monument Signs*. Monument signs are only permitted to be located along the frontage
535 of University Avenue.

536
537 (i) *Number*. There may be one (1) such sign for each three hundred (300) feet of street
538 frontage.

539
540 (ii) *Area*. The sign copy area of a monument sign shall not exceed sixty (60) square
541 feet per side for two-sided signs. The monument structure upon which the sign is placed
542 shall be designed to complement the architecture of the building, using the same
543 materials and stylistic themes.

544
545 (iii) *Spacing*. A minimum spacing of one hundred fifty (150) feet between sign
546 structures is required.

547
548 (iv) *Height*. The sign (including the monument structure and pedestal) shall not exceed
549 ten (10) feet in height above the grade of street frontage sidewalk.

550
551 (v) *Location*. There may be a monument sign located on each corner of River Park
552 Drive. The signs shall not be located any closer than fifteen (15) feet of the back of
553 University Avenue street curb within the public right-of-way subject to written
554 permission from the controlling government agency.

555
556 (vi) *Materials*. Materials shall be compatible with exterior materials used within the
557 Research and Business Park.

558
559 (vii) *Illumination*. Internal illumination and electronic display signs are not permitted.

560
561 (7) *Prohibited Signs*. With the exception of for sale, rent, or lease signs authorized by Section
562 [14.38.050\(1\)](#), Provo City Code, all other types of signs not explicitly authorized by this Section

563 are prohibited. [Electronic versions of the types of signs explicitly authorized by this Section are](#)
564 [allowed as specified in Provo City Code 14.38.010\(3\).](#)

565
566 (Enacted 1996-77, Am 2006-18, Am 2010-38, Am 2013-16, Am 2018-06, Am 2019-28)

567
568 **14.38.095**

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

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

572
573 (1) *Freestanding Signs Over Five (5) Feet in Height.* Each shopping center facility established
574 in an SC3 zone may have a freestanding sign over five (5) feet in height as follows:

575
576 (a) The area of the sign shall be as described in Section [14.38.130](#), Provo City Code.

577
578 (b) If the frontage of the shopping center facility is more than two hundred fifty (250) lineal
579 feet (see Section [14.38.130](#), Provo City Code) the planning commission may approve a
580 freestanding sign with a total area exceeding three hundred twenty (320) square feet. The
581 actual size of the larger sign shall be determined by the Planning Commission based on the
582 following:

583
584 (i) The degree to which the signs and the landscaping thereof architecturally and
585 aesthetically blend with the shopping center facility and the landscaping thereof.

586
587 (ii) The volume and speed of travel of vehicular traffic moving past the shopping
588 center facility.

589
590 (iii) The total number of tenants and the number of major tenants in the shopping
591 center facility.

592
593 (iv) The area of the larger sign shall not be increased more than thirty-two (32) square
594 feet (in excess of three hundred twenty (320) square feet) for each twenty-five (25)
595 lineal feet of frontage (in excess of two hundred fifty (250) lineal feet).

596
597 (v) No sign shall exceed seven hundred twenty (720) square feet of sign space. A
598 second sign, not exceeding seven hundred twenty (720) square feet of sign space may be
599 allowed if the shopping center facility has more than five hundred (500) lineal feet of
600 frontage; provided, that no more than two (2) signs may be erected.

601
602 (c) No freestanding sign shall exceed forty (40) feet in height.

603
604 (d) Notwithstanding the above provisions, a shopping center facility that has more than one
605 thousand eight hundred (1,800) linear feet of frontage directly adjacent to Interstate 15 shall
606 be allowed one (1) freestanding sign that meets the following criteria:

607
608 (i) Shall not exceed one thousand four hundred (1,400) square feet of sign space.

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(ii) Shall not exceed ninety (90) feet in height.

(iii) Shall be located adjacent to Interstate 15.

(iv) Transition time between each message shall comply with the requirements of Provo City Chapter 6.06.

(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 (5) 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 freestanding sign under five (5) feet shall be five (5) feet.

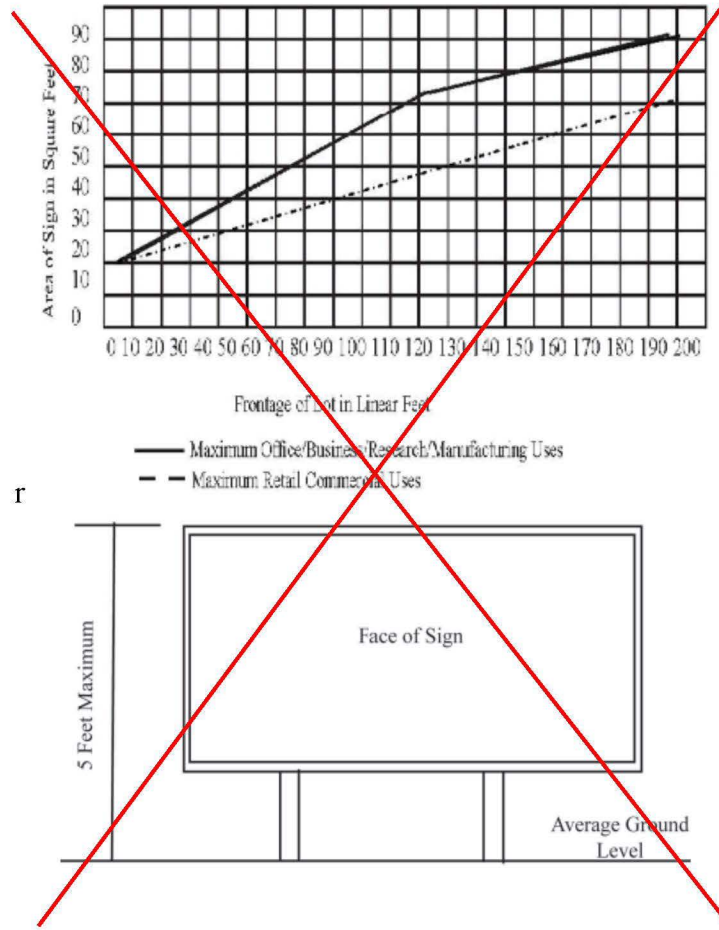
(d) All signs must be architecturally compatible using similar building materials and colors.

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

(Enacted 1987-51, Am 1995-02, Am 2013-16, Am 2017-29)

...

649 **14.38.120**
 650 **Size of Freestanding Signs to Five (5) Foot Height.**



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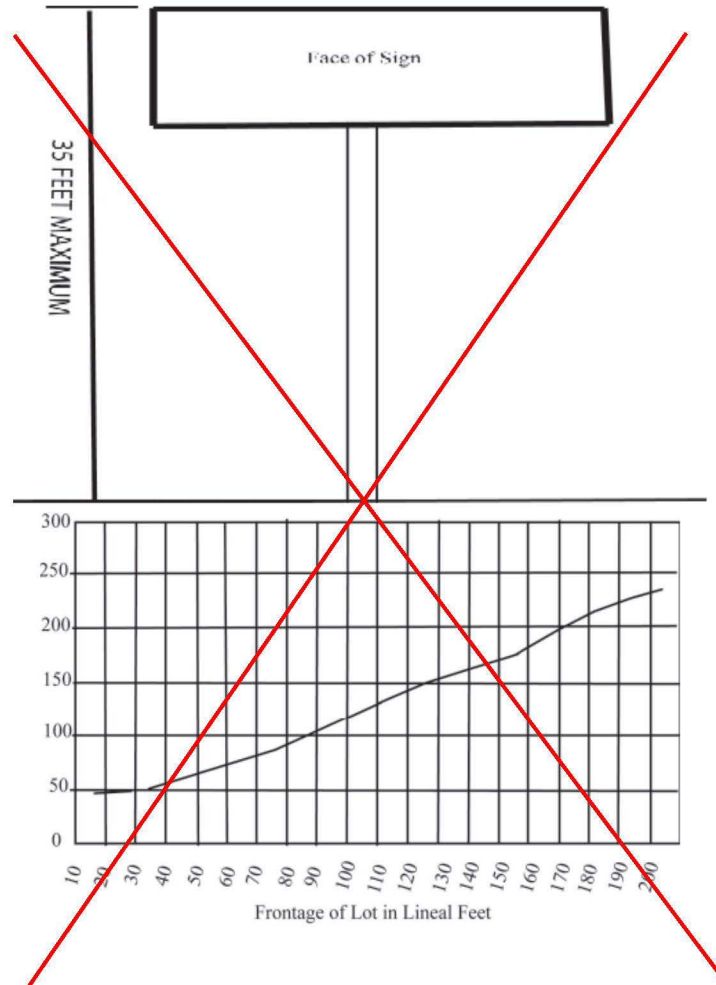
654 (1) Ground Mounted signs up to five (5) feet in height must not exceed the following maximum
 655 sign face area based on street frontage in linear feet:

656

Frontage of Lot	Maximum Area of Sign Face
Up to 10 linear feet	20 square feet
11 to 30 linear feet	30 square feet
31 to 50 linear feet	40 square feet
51 to 70 linear feet	50 square feet
71 to 90 linear feet	60 square feet
91 to 110 linear feet	70 square feet
111 to 150 linear feet	80 square feet
Over 150 liner feet	90 square feet

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658 **14.38.130**
 659 **Size of Freestanding Signs Over Five (5) Foot Height.**
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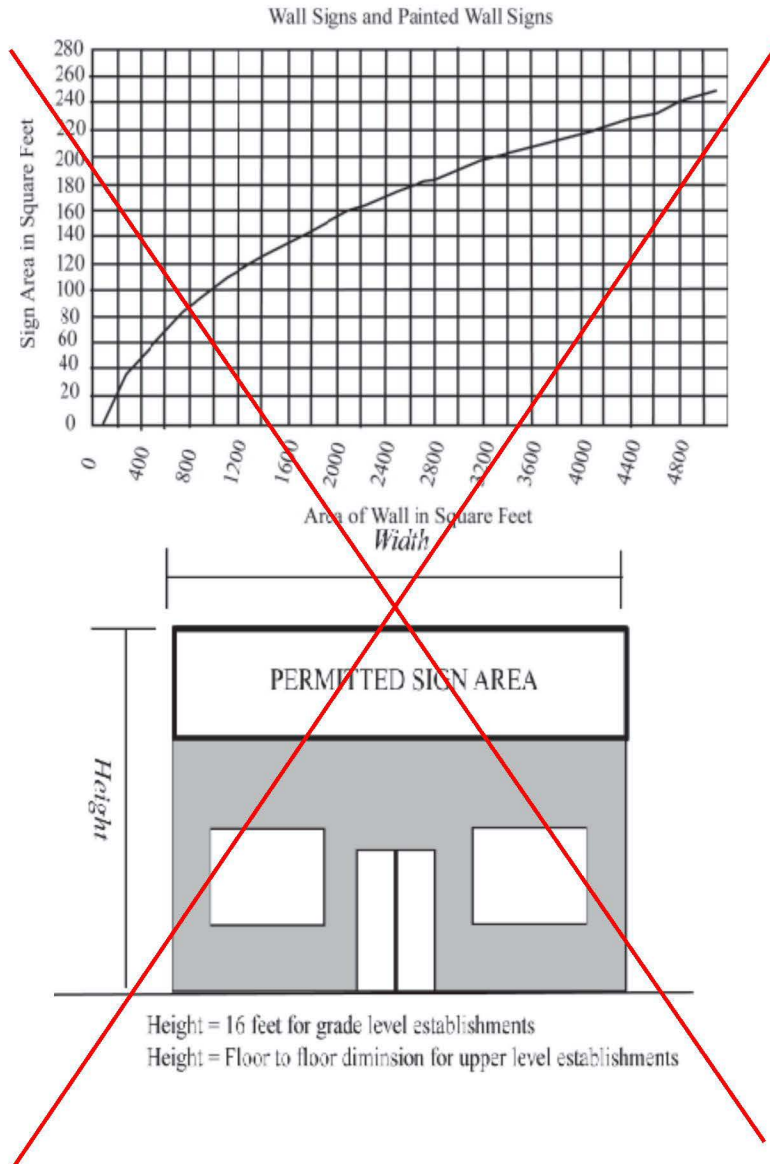
(1) Freestanding signs over five (5) feet in height must not exceed the following maximum sign face area based on street frontage in linear feet:

Frontage of Lot	Maximum Area of Sign Face
Up to 30 linear feet	50 square feet
31 to 60 linear feet	70 square feet
61 to 80 linear feet	90 square feet
81 to 100 linear feet	120 square feet
101 to 120 linear feet	140 square feet
121 to 140 linear feet	160 square feet
141 to 160 linear feet	180 square feet
161 to 180 linear feet	210 square feet
Over 180 linear feet	230 square feet

667

668 **14.38.140**
 669 **Size of Wall Signs and Painted Wall Signs.**

670
 671 (1) Wall Signs and Painted Wall Signs must not exceed the following maximum sign face area
 672 based on the wall face square footage:
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Area of Wall	Maximum Area of Sign Face
Up to 200 square feet	20 square feet
201 to 400 square feet	45 square feet
401 to 600 square feet	70 square feet
601 to 800 square feet	90 square feet
801 to 1000 square feet	100 square feet
1001 to 1300 square feet	120 square feet

1301 to 1700 square feet	140 square feet
1701 to 2100 square feet	160 square feet
2101 to 2600 square feet	180 square feet
2601 to 3200 square feet	200 square feet
3201 to 4100 square feet	220 square feet
4101 to 4800 square feet	240 square feet
Over 4800 square feet	260 square feet

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14.38.145
Size of Other Signs.

(1) If not otherwise regulated as to maximum sign area in this code, signs are governed by the following:

Maximum Sign Area	Street Frontage
20 sq. ft.	85 ft. or less
25 sq. ft.	86-90 ft.
30 sq. ft.	91-99 ft.
35 sq. ft.	100 ft. or more

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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.

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

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

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

707 **Canopy.** See “Marquee.”

708

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

713

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

720

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

724

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

730

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

734

735 **“~~High-churn~~ Short hold time electronic display sign”** means any electronic display sign
736 whose ~~minimum hold time is less than one (1) hour~~ ~~image or message is changed more than~~
737 ~~three (3) times per day.~~

738

739 **“~~Low-churn~~ Long hold time electronic display sign”** means any electronic display sign whose
740 ~~image or message is changed three (3) times per day or less~~ ~~minimum hold time is at least one~~
741 ~~(1) hour.~~

742

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

745

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

747

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

750

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

754
755 **“On-premises sign”** means any sign which advertises products, services, or business
756 establishments which are located, conducted, manufactured, or sold upon the same premises
757 upon which the sign is erected.

758
759 **“Outdoor advertising structure”** means a structure erected and maintained for outdoor
760 advertising purposes upon which a poster, bill, printing, or painting may be placed to advertise
761 products, goods, services, or business establishments other than those located, conducted,
762 manufactured, or sold upon the premises on which the structure is erected.

763
764 **“Projecting sign”** means any sign attached to a building or structural wall and extending
765 horizontally outward from such wall more than eighteen (18) inches.

766
767 **“Property”** means land or real estate, with or without structures; not goods or services.

768
769 **“Residential zone”** or **“district”** means any zone which is designated by the prefix “R” in this
770 Title.

771
772 **“Roof sign”** means any sign which is erected upon or over the roof or over a parapet of any
773 building or structure.

774
775 **“Sign”** means any words, lettering, parts of letters, figures, numerals, phrases, sentences,
776 devices, designs, pictures, trade names, or trademarks by which anything is made known, such as
777 are used to designate a firm, association, corporation, profession, business, or service, whether
778 placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof,
779 frame, support, fence, or other manmade structure, which are visible from any public street,
780 public highway, or public road right-of-way. For the purpose of this Title, the word “sign” does
781 not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of a
782 nonprofit organization. It shall not include, further, any official notice issued by any court, public
783 body or officer, or directional warning or information sign or structure required or authorized by
784 law.

785
786 **Sign Area.** Sign area shall mean the area of a sign that is used for display purposes, excluding
787 the minimum frame and supports. In computing sign area, only one (1) side of a back-to-back or
788 double-face sign covering the same subject shall be computed when the signs are parallel or
789 diverge from a common edge by an angle of not more than forty-five (45) degrees. In relation to
790 signs that do not have a frame or a separate background, sign area shall be computed on the basis
791 of the least rectangle, triangle, or circle large enough to frame the display.

792
793 **“Time and temperature device”** means any mechanism that displays the time and/or
794 temperature, but does not display any commercial advertising or identification.

795

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

799
800 **“Wind sign”** means any propeller, whirligig, or similar commercial device which is designed to
801 flutter, rotate, or display other movement under the influence of wind. This definition shall not
802 include pennants, flags, or banners.

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805 Exhibit C

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807 **Partial List of Studies Consulted**

808

809 “Digital Signs and Billboards: Crafting and Enforcing Local Regulations” – a slide summary of a
810 90-minute presentation from the Veridian Group, a consultancy specializing in human factors
811 research, available at [http://media.straffordpub.com/products/digital-signs-and-billboards-](http://media.straffordpub.com/products/digital-signs-and-billboards-crafting-and-enforcing-local-regulations-2013-12-11/presentation.pdf)
812 [crafting-and-enforcing-local-regulations-2013-12-11/presentation.pdf](http://media.straffordpub.com/products/digital-signs-and-billboards-crafting-and-enforcing-local-regulations-2013-12-11/presentation.pdf) .

813

814 “The impact of road advertising signs on driver behavior and implications for road safety: A
815 critical systematic review”, a study from Australia examining 90 research papers related to the
816 topic, available at <https://www.sciencedirect.com/science/article/pii/S0965856418310632>

817

818 “Effects of electronic billboards on driver distraction”, a Swedish study available at
819 <https://www.scenic.org/wp-content/uploads/2019/09/eebdd.pdf>.

820

821 Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers,
822 update August 2016

823 (https://www.signs.org/media/files/ISA_EMCR_recommendations_refresh_FINAL.pdf).