

Ordinance 2022-33

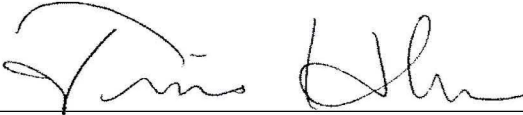
SHORT TITLE:

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING THE NEIGHBORHOOD PROGRAM. (22-055)

I
PASSAGE BY MUNICIPAL COUNCIL
ROLL CALL


DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY		✓	
CW 2	DAVID SHIPLEY	✓		
CD 1	BILL FILLMORE		✓	
CD 2	GEORGE HANDLEY	✓		
CD 3	SHANNON ELLSWORTH	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	RACHEL WHIPPLE	✓		
TOTALS		5	2	

This ordinance was passed by the Municipal Council of Provo City, on the 9th day of August 2022, on a roll call vote as described above. Signed this 18th day of August 2022.


Chair

II
APPROVAL BY MAYOR

This ordinance is approved by me this 18th day of August 2022.


Mayor

Ordinance 2022-33

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 18th day of August 2022 and was published on the Utah Public Notice Website on the 10th day of August 2022. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2022-33.



Deirdre Allman

City Recorder

ORDINANCE 2022-33

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING THE NEIGHBORHOOD PROGRAM. (22-055)

WHEREAS, it is proposed that in order to accommodate changes to the Neighborhood Program Provo City Code Chapter 2.29 be repealed in its entirety and replaced with a new Chapter 2.29 detailing the amended program, now called the Neighborhood District Program; and

WHEREAS, the Neighborhood Program Review Committee presented their recommendation to change the structure of Provo’s Neighborhood Program; and

WHEREAS, on July 26, 2022 and August 9, 2022, 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 Neighborhood Program Review Committee’s recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Neighborhood District Program Map of Provo, Utah should be amended as described herein; and (ii) Provo City Code should be updated as described herein.

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

PART I:

Provo City Code Chapter 2.29 is repealed in its entirety.

PART II:

A new Provo City Code Chapter 2.29 is enacted as set forth in Exhibit A.

PART III:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, 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.

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C. The Municipal Council hereby directs that the official copy of the Neighborhood District Map of Provo City, Utah, and the official copy of the Provo City Code be updated and codified to reflect the provisions enacted by this ordinance.

D. This ordinance shall take effect January 1, 2023, after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE.

EXHIBIT A – NEIGHBORHOOD DISTRICT PROGRAM

Chapter 2.29

Neighborhood District Program

Sections:

- 2.29.010 Neighborhood District Program Created
- 2.29.020 Purpose
- 2.29.030 Voting Membership
- 2.29.040 Executive Board
- 2.29.050 Meetings
- 2.29.060 Matching Grant Review Process
- 2.29.070 Neighborhood District Fee Waivers

2.29.010 Neighborhood District Program Created

(1) *Neighborhoods and Neighborhood Districts.* There are hereby established geographic areas within the City which shall be known as Neighborhoods and Neighborhood District Zones as shown on an Official Neighborhood Map adopted by the Municipal Council, which by this reference is made a part of this Chapter. Each “Neighborhood” is a geographically distinct portion of the City. Each “Neighborhood District” shall consist of geographically adjacent Neighborhoods. The boundaries of Neighborhoods and Neighborhood Districts shall be determined by the Municipal Council and shall appear on the Official Neighborhood Map.

(2) *Neighborhood Districts.* There shall be no more than five (5) total Neighborhood Districts. Each Neighborhood District shall have an Executive Board comprised of residents from within the boundaries of the Neighborhood District. When possible, at least one (1) resident from each Neighborhood located within the boundaries of the Neighborhood District shall serve on the Executive Board.

(3) *Neighborhood District Program.* The Neighborhood Districts and their associated activities created by this Chapter shall be referred to as the Neighborhood District Program.

2.29.020 Purpose

- (1) The purpose of the Neighborhood District Program is to provide for public participation and involvement in City affairs and provide a mechanism for communication between the Municipal Council and the public.
- (2) Each Neighborhood District Executive Board may provide suggestions and feedback to the Municipal Council on governmental affairs and services affecting the area the Neighborhood District represents.
- (3) The Neighborhood District Executive Board shall work to:
 - (a) Identify and build on the strengths and assets of each Neighborhood in order to solve local problems and meet local needs and desires;
 - (b) Bring Neighborhood residents and other local stakeholders (including Neighborhood businesses and residential landlords) together to achieve the shared goals of the Neighborhood District Program;
 - (c) Bring other non-governmental organizations and local nonprofit organizations to help deliver services that are needed by residents within their Neighborhood District;
 - (d) Create opportunities for community building among residents (i.e., service projects, beautification efforts, social activities, etc.); and
 - (e) Organize yearly social activities for the individual Neighborhoods within their boundaries.
- (4) The Neighborhood District Executive Board is not a legislative body. The Board members are not elected officials and do not have any implied legislative or executive authority.

2.29.030 Voting Membership

Voting at a Neighborhood District meeting is limited to persons eighteen (18) years of age or older whose primary Provo domicile is within the identified boundaries of the corresponding Neighborhood District. For purposes of this Chapter, "primary Provo domicile" means the Provo domicile where the person physically resides more days in a calendar year than any other Provo domicile.

No person may be a member or resident, or vote at meetings, of more than one Neighborhood District. A person who physically resides at more than one domicile in Provo, for purposes of this Chapter, is a member and resident of the Neighborhood District where their primary Provo domicile is located. Before a person may vote at a Neighborhood District meeting, they must sign a Declaration of Residency declaring the address of their primary Provo domicile and that they are a resident of the corresponding Neighborhood District.

2.29.040 Executive Board

- (1) Members: Appointment: Vacancies: Removal.
 - (a) A minimum of seven (7) members, with a maximum of eleven (11) members, shall be appointed by the Municipal Council to serve as the Executive Board for each Neighborhood District.
 - (b) Only residents of the corresponding Neighborhood District may be considered for appointment to the Executive Board, except as provided in Subsection (2).
 - (c) Neighborhood input will be considered in making appointments to the Executive Boards.
 - (d) Before an applicant can be appointed, they are required to attend a Neighborhood District Orientation session for that appointment cycle, provide evidence of attendance at an orientation session in the past three (3) years, or have served as an Executive Board member in the past two (2) years.
 - (e) Members of the Executive Board shall serve at the pleasure of the Municipal Council and may be removed from office by a majority of the members of the Municipal Council.
- (2) Notwithstanding the requirements of Subsection (1):
 - (a) In the Neighborhood District containing the University Neighborhood, the Municipal Council shall appoint one (1) member of the Executive Board from persons nominated by the President of Brigham Young University;
 - (b) In the Neighborhood District containing the Downtown Neighborhood, the Municipal Council shall appoint one (1) member of the Executive Board from persons nominated by Downtown Provo, Inc.;
 - (c) In the Neighborhood District containing the Joaquin Neighborhood, the Municipal Council shall appoint at least one (1) member of the Executive Board who is a property owner of student housing located within the Joaquin Neighborhood so long as the following requirements are met:
 - (i) The property owner has a valid and current rental dwelling license from Provo City; and
 - (ii) The property owner is not a member of another Neighborhood District Executive Board.
 - (d) The Municipal Council may choose to appoint a maximum of one (1) business owner to an Executive Board so long as the following requirements are met:

- (i) The business has a physical location within the boundaries of the Neighborhood District;
 - (ii) The business has a valid business license from Provo City and is in good standing; and
 - (iii) The owner is not a member of another Neighborhood District Executive Board.
- (3) Officers of the Executive Board. The voting members of each Neighborhood District shall select a chair, two (2) vice-chairs, and a secretary from the members of the Executive Board.
- (4) Terms of office.
 - (a) Executive Board Member
 - (i) All Executive Board member terms shall be for forty-eight (48) months upon appointment. At the launch of this program, one-half of the appointments will be for terms of twenty-four (24) months for the purposes of staggering.
 - (ii) No individual may be appointed to serve on an Executive Board who has served on any Executive Board within the last twelve (12) months unless appointed under Subsection (2) or as otherwise provided in this Subsection (4)(ii). If a position on the Executive Board has been vacant for more than three months, this prohibition may be waived by the Municipal Council at their discretion.
 - (b) Chair of the Executive Board
 - (i) No person may serve as Chair for more than twelve (12) consecutive months.
 - (ii) No person may be selected as Chair within twenty-four (24) months of having served as Chair.
- (5) *Communications.* Members of the Neighborhood District Executive Boards shall coordinate and channel all official communications to the Municipal Council/Planning Commission through their respective Executive Board's Chair and the Neighborhood Coordinator.
- (6) *Official representatives.* The Chair, or in their absence, a Vice-Chair or other duly appointed representative, shall be the official representative of their Neighborhood District to the Municipal Council or Planning Commission and shall represent positions taken by their Neighborhood District, provided that such representative has received the prior approval for such representation from a majority of the Neighborhood District Executive Board members present at the Neighborhood District meeting during which the item was discussed.
- (7) *Meetings.*
 - (a) Absences. If a member of an Executive Board fails to attend three (3) or more consecutive meetings, or fifty (50%) percent or more of the meetings in any eight (8) month period, without the approval of the majority of the other Executive Board members, the seat of such member shall be deemed immediately vacated.
 - (b) At least a majority of the currently serving Executive Board members must be present at any meeting to conduct any business or take any official action.

- (8) *Candidates for public offices.* If any member of an Executive Board files as a candidate for election to a public office, they shall take a leave of absence from the Executive Board immediately upon filing and until the election is over. If any member of an Executive Board is elected or appointed to any public office, their seat as a member of the Executive Board shall become vacant upon election or appointment to the public office.

2.29.050 Meetings

- (1) *Presiding officer.* The Chair, or a Vice-Chair in the absence of the Chair, shall preside over Neighborhood District meetings.
- (2) *Secretaries.* Each Executive Board shall have a secretary to keep an accurate record of the meetings and general actions and discussions of the Neighborhood District Executive Board, including an accurate record of the Executive Board members in attendance.
- (3) *Time and place.* A meeting of the residents of each Neighborhood District shall be held at a regularly scheduled designated time and place. The Neighborhood Coordinator in the Municipal Council Office shall be responsible for the meeting schedule.
- (4) *Open to the public.* All Neighborhood District meetings shall be open to the public and duly noticed, and agendas prepared and posted therefore, pursuant to provisions of the Utah Open & Public Meetings Act (Utah Code Title 52 Chapter 4).
- (5) *Official business.* Official business of a Neighborhood District may only be conducted at duly noticed meetings operating under established procedures set forth in this section and under the provisions of the Utah Open & Public Meeting Act (Utah Code Chapter 52-4).
- (6) *Recommendations.* Official recommendations to the Municipal Council and/or Planning Commission may be made by the residents of a Neighborhood District, by a Neighborhood District Executive Board, or both. Recommendations of a Neighborhood District Executive Board must be approved according to the rules governing its meetings set forth in this Chapter. Recommendations of the residents of a Neighborhood District must be made by means of motions adopted by a majority vote of the residents present at the meeting. Executive Board members may vote on such motions but vote simply as residents of the Neighborhood District. All official recommendations from the residents of a Neighborhood District to the Municipal Council and/or Planning Commission must show the number of residents that voted in favor of and in opposition to said recommendation, as well as the number of residents present that abstained from voting.
- (7) *Communications.*
- (a) No Neighborhood District Executive Board member may use the title of Neighborhood District Executive Board member on any form of communication except for (i) communications directed to the Planning Commission and/or Municipal Council or (ii) communications directed to the residents of the

Neighborhood District. Communications of both types must be approved by a majority of the Executive Board and channeled through the Neighborhood Coordinator.

- (b) No Neighborhood District Executive Board member may use the title of Neighborhood District Executive Board member for any communication involving political and/or commercial activities.
- (8) *Agendas.* The Neighborhood Coordinator shall establish the agenda for Neighborhood District meetings. However, at any regular meeting of the residents of a Neighborhood District, any member may request the inclusion of any specific agenda item that falls within the subject matter and jurisdiction of the Neighborhood District for a specific future meeting. Upon concurrence of a majority of the members of the Executive Board, such items will be placed on the agenda of the next meeting as requested.
- (9) *Supplemental rules.* All meetings and activities of each Neighborhood District shall operate under such further rules, not inconsistent with the provisions of this Chapter, as may be established and adopted by the Municipal Council Executive Director. The Neighborhood Coordinator will create and maintain an official handbook for the program.
- (10) *Attendance by Municipal Council Members.* Members of the Municipal Council may attend Neighborhood District meetings, as desired.
- (11) *Services provided by the City.* The City may provide the following services to Neighborhood Districts:
 - (a) Neighborhood Coordinator and other reasonable staff support as necessary to render assistance to the Neighborhood Districts and respective Executive Boards. Requests for additional staff support shall be made to the Municipal Council Executive Director.
 - (b) The Municipal Council Office shall have a yearly budget of one thousand dollars (\$1,000.00) for each Neighborhood District Executive Board to utilize for facilitating meetings of the Executive Board or District members or social functions for the Neighborhood District.
 - (c) The Neighborhood Coordinator will coordinate with the Development Services Department to arrange for staff representation on land use applications.
 - (d) The Neighborhood Coordinator will invite other City departments to participate in Neighborhood District meetings to share useful information and speak with residents on relevant issues.

2.29.060 Matching Grant Review Process.

- (1) Five thousand dollars (\$5,000.00) shall be set aside each year for use as a matching grant fund for use within each Neighborhood District.
- (2) The Municipal Council Executive Director shall establish criteria for awarding matching grants and shall establish procedures for evaluating and approving grant applications.

- (3) The Neighborhood District Executive Board will review applications for completeness, request additional information as needed, recommend approval or rejection of the application, and submit complete applications with recommendations to the Neighborhood Coordinator or their designee.
- (4) The Municipal Council Executive Director may accept or reject the Neighborhood District Executive Board's recommendation regarding any matching grant application, subject to direction by the Municipal Council Chair.
- (5) If the grant is approved by the Municipal Council Executive Director, then the Secretary for the Neighborhood District Executive Board will work with the Neighborhood Coordinator or their designee to administer the grant.
- (6) Any funds not spent will be returned to the Council Office.

2.29.070 Neighborhood District Fee Waivers.





- (1) An Executive Board Chair may request a fee waiver before submitting an application on behalf of their Neighborhood District to the Development Services Department for:
 - (a) A text amendment to the General Plan or Provo City Code Title [14](#) or [15](#); or
 - (b) A map amendment to the [General Plan Map](#) or the Zone Map of Provo.
- (2) An Executive Board Chair may only submit a fee waiver request if:
 - (a) Authorized by Municipal Council;
 - (b) Authorized by City Administration; or
 - (c) A duly noticed meeting of the Neighborhood District residents is held at which a majority of the residents present vote in support of the proposed amendment.
- (3) In all cases, the fee waiver request may not be granted if:
 - (a) The Chair is a developer, or an agent of a developer, of a project related to the proposed amendment; or
 - (b) The Chair will receive an economic benefit for advancing the proposed amendment or for any project related to the proposed amendment.
- (4) The Development Services Director, or their designee, shall make the final determination on the fee waiver request at the Director's, or designee's, discretion.

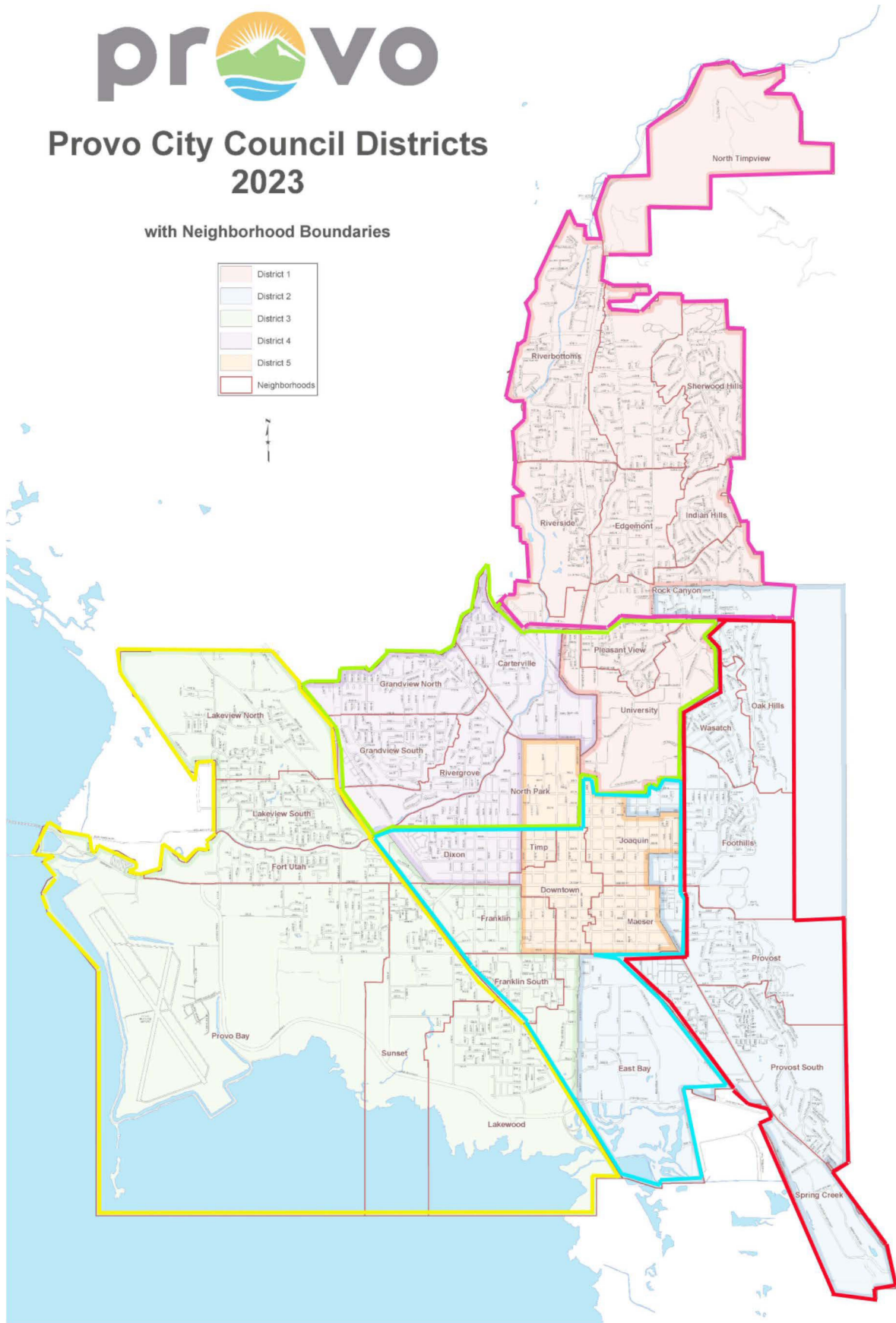
EXHIBIT B – NEIGHBORHOOD DISTRICT PROGRAM MAP



**Provo City Council Districts
2023**

with Neighborhood Boundaries

	District 1
	District 2
	District 3
	District 4
	District 5
	Neighborhoods



District 1

North Timpview

Riverbottoms

Sherwood Hills

Riverside

Edgemont

Indian Hills

Rock Canyon

District 4

Grandview North

Grandview South

Rivergrove

North Park

Carterville

Pleasant View

University

District 2

Oak Hills

Wasatch

Foothills

Provost

Provost South

Spring Creek

District 5

Dixon

Timp

Franklin

Franklin South

Downtown

Joaquin

Maeser

East Bay

District 3

Lakeview North

Lakeview South

Fort Utah

Provo Bay

Sunset

Lakewood