

Ordinance 2022-47

SHORT TITLE:


AN ORDINANCE AMENDING THE PREVIOUSLY ADOPTED ORDINANCE 2022-33 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			Excused
CD 2	GEORGE HANDLEY	✓		
CD 3	SHANNON ELLSWORTH			Excused
CD 4	TRAVIS HOBAN	✓		
CD 5	RACHEL WHIPPLE	✓		
TOTALS		5	0	

This ordinance was passed by the Municipal Council of Provo City, on the 15<sup>th</sup> day of November 2022, on a roll call vote as described above. Signed this 1st day of December 2022.

  
\_\_\_\_\_  
Chair

II  
APPROVAL BY MAYOR

This ordinance is approved by me this 1st day of December 2022.

  
\_\_\_\_\_  
Mayor

Ordinance 2022-47

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 3rd day of January 2023 and was published on the Utah Public Notice Website on the 18<sup>th</sup> day of November 2022. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2022-47.



*Heidi Allman*

City Recorder

1 ORDINANCE 2022-47

2 AN ORDINANCE AMENDING THE PREVIOUSLY ADOPTED ORDINANCE  
3 2022-33 REGARDING THE NEIGHBORHOOD PROGRAM. (22-055)  
4

5  
6 WHEREAS, Provo City Code Chapter 2.29 was repealed in its entirety and reenacted on  
7 August 9, 2022 by ordinance 2022-33; and  
8

9 WHEREAS, the Neighborhood Program Review Committee has recommended changes  
10 to the adopted Neighborhood District Program ordinance; and  
11

12 WHEREAS, after considering the Neighborhood Program Review Committee's  
13 recommendation, and facts and comments presented to the Municipal Council, the Council finds  
14 (i) the previously adopted Ordinance 2022-33 should be amended as described herein and (ii)  
15 such action furthers the health, safety, and general welfare of the citizens of Provo City.  
16

17 NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as  
18 follows:  
19

20 PART I:  
21

22 Ordinance 2022-33, which has an effective date of January 1, 2023 is hereby amended  
23 prior to its implementation. The text of Provo City Code Chapter 2.29 that was approved by  
24 Ordinance 2022-33 is hereby amended as shown in Exhibit A.  
25

26 PART II:  
27

- 28 A. If a provision of this ordinance conflicts with a provision of a previously adopted  
29 ordinance, this ordinance shall prevail.  
30
- 31 B. This ordinance and its various sections, clauses and paragraphs are hereby  
32 declared to be severable. If any part, sentence, clause or phrase is adjudged to be  
33 unconstitutional or invalid, the remainder of the ordinance shall not be affected  
34 thereby.  
35
- 36 C. The Municipal Council hereby directs that the official copy of the Provo City  
37 Code be updated to reflect the provisions enacted by this ordinance when  
38 Ordinance 2022-33 takes effect.  
39
- 40 D. This ordinance shall take effect immediately after it has been posted or published  
41 in accordance with Utah Code 10-3-711, presented to the Mayor in accordance  
42 with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.  
43

44 END OF ORDINANCE.

46 **EXHIBIT A – NEIGHBORHOOD DISTRICT PROGRAM**

47  
48 Chapter 2.29  
49 Neighborhood District Program

50  
51 Sections:

- 52 2.29.010 Neighborhood District Program Created  
53 2.29.020 Purpose  
54 2.29.030 Voting Membership  
55 2.29.040 Executive Board  
56 2.29.050 Meetings  
57 2.29.060 Matching Grant Review Process  
58 2.29.070 Neighborhood District Fee Waivers

59  
60  
61 **2.29.010 Neighborhood District Program Created**

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

69  
70 (2) *Neighborhood Districts.* There shall be no more than five (5) total Neighborhood  
71 Districts. Each Neighborhood District shall have an Executive Board comprised of residents  
72 from within the boundaries of the Neighborhood District. When possible, at least one (1)  
73 resident from each Neighborhood located within the boundaries of the Neighborhood District  
74 shall serve on the Executive Board.

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

77  
78 **2.29.020 Purpose**

79 (1) The purpose of the Neighborhood District Program is to provide for public participation  
80 and involvement in City affairs and provide a mechanism for communication between the  
81 Municipal Council and the public.

82 (2) Each Neighborhood District Executive Board may provide suggestions and feedback to  
83 the Municipal Council on governmental affairs and services affecting the area the  
84 Neighborhood District represents.

- 85 (3) The Neighborhood District Executive Board shall work to:
- 86 (a) Identify and build on the strengths and assets of each Neighborhood in order to
- 87 solve local problems and meet local needs and desires;
- 88 (b) Bring Neighborhood residents and other local stakeholders (including
- 89 Neighborhood businesses and residential landlords) together to achieve the
- 90 shared goals of the Neighborhood District Program;
- 91 (c) Bring other non-governmental organizations and local nonprofit organizations to
- 92 help deliver services that are needed by residents within their Neighborhood
- 93 District;
- 94 (d) Create opportunities for community building among residents (i.e., service
- 95 projects, beautification efforts, social activities, etc.); and
- 96 (e) Organize yearly social activities for the individual Neighborhoods within their
- 97 boundaries.
- 98 (4) The Neighborhood District Executive Board is not a legislative body. The Board
- 99 members are not elected officials and do not have any implied legislative or executive
- 100 authority.

101

102 **2.29.030 Voting Membership**

103 Voting at a Neighborhood District meeting is limited to persons eighteen (18) years of age or

104 older whose primary Provo domicile is within the identified boundaries of the corresponding

105 Neighborhood District. For purposes of this Chapter, “primary Provo domicile” means the Provo

106 domicile where the person physically resides more days in a calendar year than any other Provo

107 domicile.

108 No person may be a member or resident, or vote at meetings, of more than one Neighborhood

109 District. A person who physically resides at more than one domicile in Provo, for purposes of

110 this Chapter, is a member and resident of the Neighborhood District where their primary Provo

111 domicile is located. Before a person may vote at a Neighborhood District meeting, they must

112 sign a Declaration of Residency declaring the address of their primary Provo domicile and that

113 they are a resident of the corresponding Neighborhood District.

114 **2.29.040 Executive Board**

115 (1) Members: Appointment: Vacancies: Removal.

- 116 (a) A minimum of seven (7) members, with a maximum of eleven (11) members,  
117 shall be appointed by the Municipal Council to serve as the Executive Board for  
118 each Neighborhood District.
- 119 (b) Only residents of the corresponding Neighborhood District may be considered  
120 for appointment to the Executive Board, except as provided in Subsection (2).
- 121 (c) Neighborhood input will be considered in making appointments to the Executive  
122 Boards.
- 123 (d) Before an applicant can be appointed, they are required to attend a  
124 Neighborhood District Orientation session for that appointment cycle, provide  
125 evidence of attendance at an orientation session in the past three (3) years, or  
126 have served as an Executive Board member in the past two (2) years.
- 127 (e) Members of the Executive Board shall serve at the pleasure of the Municipal  
128 Council and may be removed from office by a majority of the members of the  
129 Municipal Council.
- 130 (2) Notwithstanding the requirements of Subsection (1):
- 131 (a) In the Neighborhood District containing the University Neighborhood, the  
132 Municipal Council shall appoint one (1) member of the Executive Board from  
133 persons nominated by the President of Brigham Young University;
- 134 (b) In the Neighborhood District containing the Downtown Neighborhood, the  
135 Municipal Council shall appoint one (1) member of the Executive Board from  
136 persons nominated by Downtown Provo, Inc.;
- 137 (c) In the Neighborhood District containing the Joaquin Neighborhood, the  
138 Municipal Council shall appoint at least one (1) member of the Executive Board who  
139 is a property owner of student housing located within the Joaquin Neighborhood so  
140 long as the following requirements are met:
- 141 (i) The property owner has a valid and current rental dwelling license from  
142 Provo City; and
- 143 (ii) The property owner is not a member of another Neighborhood District  
144 Executive Board.
- 145 (d) The Municipal Council may choose to appoint a maximum of one (1) business  
146 owner to an Executive Board so long as the following requirements are met:
- 147 (i) The business has a physical location within the boundaries of the  
148 Neighborhood District;
- 149 (ii) The business has a valid business license from Provo City and is in good  
150 standing; and
- 151 (iii) The owner is not a member of another Neighborhood District Executive  
152 Board.
- 153 (3) Officers of the Executive Board. The voting members of each Neighborhood District shall  
154 select a chair, two (2) vice-chairs, and a secretary from the members of the Executive  
155 Board.
- 156 (4) Terms of office.
- 157 (a) Executive Board Member

- 158 (i) All Executive Board member terms shall be for forty-eight (48) months upon  
159 appointment. At the launch of this program, one-half of the appointments  
160 will be for terms of twenty-four (24) months for the purposes of staggering.  
161 (ii) No individual may be appointed to serve on an Executive Board who has  
162 served on any Executive Board within the last twelve (12) months unless  
163 appointed under Subsection (2) or as otherwise provided in this Subsection  
164 (4)(ii). If a position on the Executive Board has been vacant for more than  
165 three months, this prohibition may be waived by the Municipal Council at  
166 their discretion.
- 167 (b) Chair of the Executive Board
- 168 (i) No person may serve as Chair for more than twelve (12) consecutive months.  
169 (ii) No person may be selected as Chair within ~~twenty-four (24)~~ **twelve (12)**  
170 months of having served as Chair.
- 171 (5) *Communications.* Members of the Neighborhood District Executive Boards shall  
172 coordinate and channel all official communications to the Municipal Council/Planning  
173 Commission through their respective Executive Board's Chair and the Neighborhood  
174 Coordinator.
- 175 (6) *Official representatives.* The Chair, or in their absence, a Vice-Chair or other duly  
176 appointed representative, shall be the official representative of their Neighborhood  
177 District to the Municipal Council or Planning Commission and shall represent positions  
178 taken by their Neighborhood District, provided that such representative has received  
179 the prior approval for such representation from a majority of the Neighborhood District  
180 Executive Board members present at the Neighborhood District meeting during which  
181 the item was discussed.
- 182 (7) *Meetings.*
- 183 (a) Absences. If a member of an Executive Board fails to attend three (3) or more  
184 consecutive meetings, or fifty (50%) percent or more of the meetings in any  
185 eight (8) month period, without the approval of the majority of the other  
186 Executive Board members, the seat of such member shall be deemed  
187 immediately vacated.
- 188 (b) At least a majority of the currently serving Executive Board members must be  
189 present at any meeting to conduct any business or take any official action.
- 190 (8) *Candidates for public offices.* If any member of an Executive Board files as a  
191 candidate for election to a public office, they shall take a leave of absence from the  
192 Executive Board immediately upon filing and until the election is over. If any member of  
193 an Executive Board is elected or appointed to any public office, their seat as a member  
194 of the Executive Board shall become vacant upon election or appointment to the public  
195 office.

196

- 198 (1) *Presiding officer.* The Chair, or a Vice-Chair in the absence of the Chair, shall preside  
199 over Neighborhood District meetings.
- 200 (2) *Secretaries.* Each Executive Board shall have a secretary to keep an accurate record of  
201 the meetings and general actions and discussions of the Neighborhood District  
202 Executive Board, including an accurate record of the Executive Board members in  
203 attendance.
- 204 (3) *Time and place.* A meeting of the residents of each Neighborhood District shall be  
205 held at a regularly scheduled designated time and place. The Neighborhood Coordinator  
206 in the Municipal Council Office shall be responsible for the meeting schedule.
- 207 (4) *Open to the public.* All Neighborhood District meetings shall be open to the public  
208 and duly noticed, and agendas prepared and posted ~~therefore, pursuant to provisions of~~  
209 ~~the Utah Open & Public Meetings Act (Utah Code Title 52 Chapter 4)~~ **on the City**  
210 **website.**
- 211 (5) *Official business.* Official business of a Neighborhood District may only be  
212 conducted at duly noticed meetings operating under established procedures ~~set forth in~~  
213 ~~this section and under the provisions of the Utah Open & Public Meeting Act (Utah Code~~  
214 ~~Chapter 52-4).~~
- 215 (6) *Recommendations.* Official recommendations to the Municipal Council and/or  
216 Planning Commission may be made by the residents of a Neighborhood District, by a  
217 Neighborhood District Executive Board, or both. Recommendations of a Neighborhood  
218 District Executive Board must be approved according to the rules governing its meetings  
219 set forth in this Chapter. Recommendations of the residents of a Neighborhood District  
220 must be made by means of motions adopted by a majority vote of the residents present  
221 at the meeting. Executive Board members may vote on such motions but vote simply as  
222 residents of the Neighborhood District. All official recommendations from the residents  
223 of a Neighborhood District to the Municipal Council and/or Planning Commission must  
224 show the number of residents that voted in favor of and in opposition to said  
225 recommendation, as well as the number of residents present that abstained from  
226 voting.
- 227 (7) *Communications.*
- 228 (a) No Neighborhood District Executive Board member may use the title of  
229 Neighborhood District Executive Board member on any form of communication  
230 except for (i) communications directed to the Planning Commission and/or  
231 Municipal Council or (ii) communications directed to the residents of the  
232 Neighborhood District. Communications of both types must be approved by a  
233 majority of the Executive Board and channeled through the Neighborhood  
234 Coordinator.
- 235 (b) No Neighborhood District Executive Board member may use the title of  
236 Neighborhood District Executive Board member for any communication involving  
237 political and/or commercial activities.
- 238 (8) *Agendas.* The Neighborhood Coordinator shall establish the agenda for  
239 Neighborhood District meetings. However, at any regular meeting of the residents of a  
240 Neighborhood District, any member may request the inclusion of any specific agenda  
241 item that falls within the subject matter and jurisdiction of the Neighborhood District for



242 a specific future meeting. Upon concurrence of a majority of the members of the  
243 Executive Board, such items will be placed on the agenda of the next meeting as  
244 requested.

245 (9) *Supplemental rules.* All meetings and activities of each Neighborhood District shall  
246 operate under such further rules, not inconsistent with the provisions of this Chapter, as  
247 may be established and adopted by the Municipal Council Executive Director. The  
248 Neighborhood Coordinator will create and maintain an official handbook for the  
249 program.

250 (10) *Attendance by Municipal Council Members.* Members of the Municipal Council may  
251 attend Neighborhood District meetings, as desired.

252 (11) *Services provided by the City.* The City may provide the following services to  
253 Neighborhood Districts:

254 (a) Neighborhood Coordinator and other reasonable staff support as necessary to  
255 render assistance to the Neighborhood Districts and respective Executive Boards.  
256 Requests for additional staff support shall be made to the Municipal Council  
257 Executive Director.

258 (b) The Municipal Council Office shall have a yearly budget of one thousand dollars  
259 (\$1,000.00) for each Neighborhood District Executive Board to utilize for  
260 facilitating meetings of the Executive Board or District members or social  
261 functions for the Neighborhood District.

262 (c) The Neighborhood Coordinator will coordinate with the Development Services  
263 Department to arrange for staff representation on land use applications.

264 (d) The Neighborhood Coordinator will invite other City departments to participate  
265 in Neighborhood District meetings to share useful information and speak with  
266 residents on relevant issues.

267 **2.29.060 Matching Grant Review Process.**

268 (1) Five thousand dollars (\$5,000.00) shall be set aside each year for use as a matching  
269 grant fund for use within each Neighborhood District.

270 (2) The Municipal Council Executive Director shall establish criteria for awarding matching  
271 grants and shall establish procedures for evaluating and approving grant applications.

272 (3) The Neighborhood District Executive Board will review applications for completeness,  
273 request additional information as needed, recommend approval or rejection of the  
274 application, and submit complete applications with recommendations to the  
275 Neighborhood Coordinator or their designee.

276 (4) The Municipal Council Executive Director may accept or reject the Neighborhood District  
277 Executive Board's recommendation regarding any matching grant application, subject to  
278 direction by the Municipal Council Chair.

- 279 (5) ~~It~~ If the grant is approved by the Municipal Council Executive Director, then the  
280 Secretary for the Neighborhood District Executive Board will work with the  
281 Neighborhood Coordinator or their designee to administer the grant.  
282 (6) Any funds not spent will be returned to the Council Office.

283 **2.29.070 Neighborhood District Fee Waivers.**

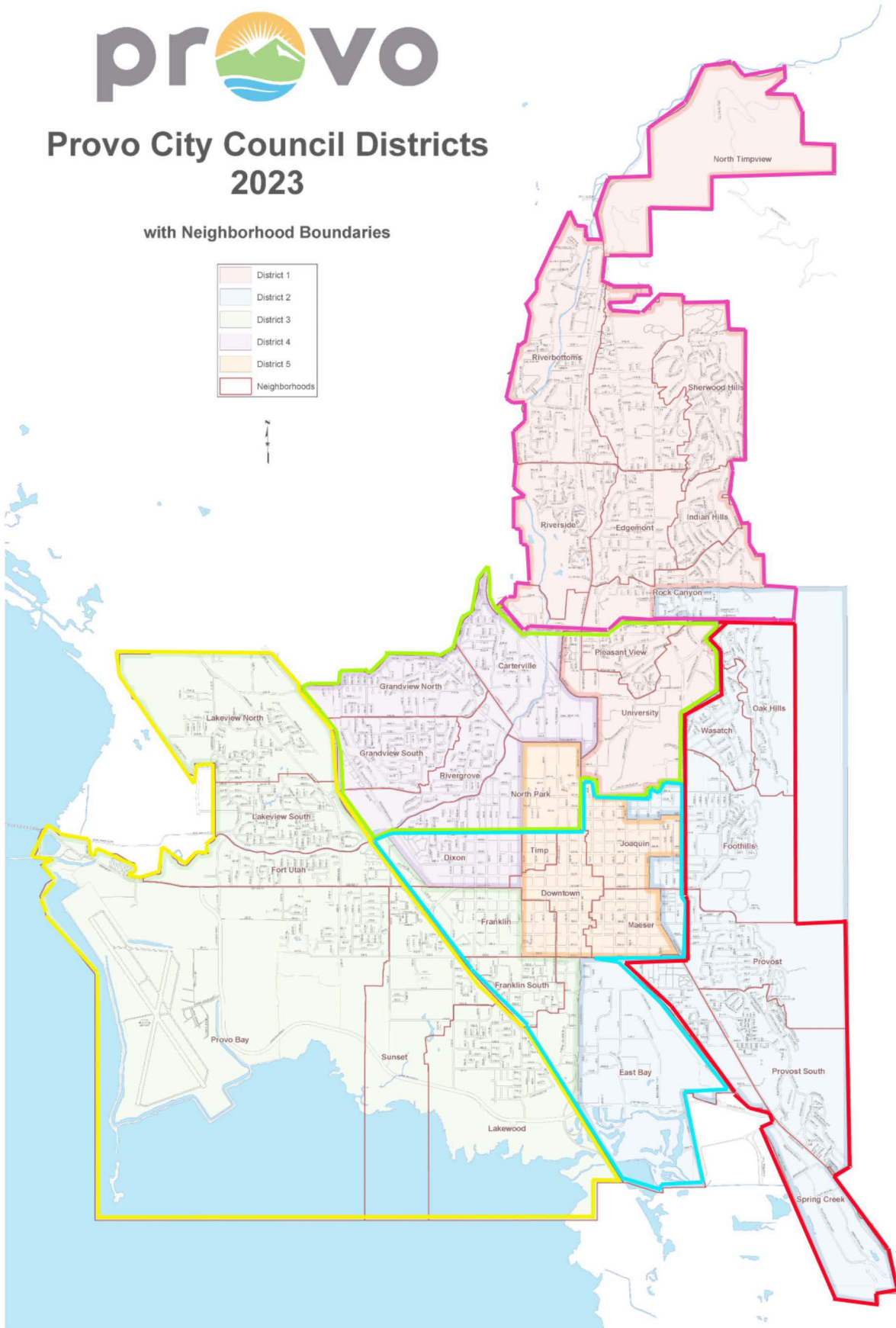
- 284 (1) An Executive Board Chair may request a fee waiver before submitting an application on  
285 behalf of their Neighborhood District to the Development Services Department for:  
286 (a) A text amendment to the General Plan or Provo City Code Title [14](#) or [15](#); or  
287 (b) A map amendment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



# 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 2**

Oak Hills

Wasatch

Foothills

Provost

Provost South

Spring Creek

**District 3**

Lakeview North

Lakeview South

Fort Utah

Provo Bay

Sunset

Lakewood

**District 4**

Grandview North

Grandview South

Rivergrove

North Park

Carterville

Pleasant View

University

**District 5**

Dixon

Timp

Franklin

Franklin South

Downtown

Joaquin

Maeser

East Bay