



**Planning Commission  
Staff Report  
Hearing Date: February 10, 2021**

**\*ITEM # 1** The Development Services Department requests an Ordinance Text amendment to remove the Design Review Committee requirement from Section 14.33A.040 of the Provo City Code. Citywide impact. Brandon Larsen (801) 852-6408  
jblarsen@provo.org PLOTA20210014

**Applicant:** Development Services Department

**Staff Coordinator:** Brandon Larsen

**Parcel ID#:** Citywide

**\*Council Action Required:** Yes

**Related Application(s):** None

**ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is February 24, 2021 at 6:00 P.M.*
2. **Recommend Denial** of the proposed ordinance amendment. *This action would not be consistent with the recommendations of the Staff Report. In the event of a recommendation of denial, the Planning Commission should establish new findings.*

**Relevant History:** The City adopted Chapter 14.33A (the Critical Hillside Overlay Zone) of the City Code on June 16, 2020.

**Neighborhood Issues:** This is a citywide application. Staff has not received any substantive feedback from citizens or neighborhood chairs.

Staff did receive questions from one member of the public for this proposal, but the questions were rooted in a lack of information (the citizen was under the impression that the proposal was to eliminate the DRC). It appears staff was able to clear up the misunderstanding.

**Summary of Key Issues:**

- Subsection 14.33A.040(3) of the Code requires all proposals for residential development in the CH Zone to obtain a recommendation from the Design Review Committee (DRC). This requirement appears to be unnecessary and challenging for single-family developments.
- The requirements establishing when a building or use must go before the DRC for review is already set forth in Chapter 14.04A. A few other sections of the ordinance help to provide additional direction on when a building or use must go before the DRC for review.

**Staff Recommendation:** Staff recommends forwarding a positive recommendation of the amendment set forth herein.

## **BACKGROUND**

Subsection 14.33A.040(3) of the Code establishes design review requirements for certain uses conducted within the Critical Hillside (CH) Overlay Zone. This subsection reads as follows:

*“Notwithstanding any other provision in Title 14 or 15, Provo City Code, all proposals for residential and nonresidential developments in the CH Zone, as well as all proposals for main buildings, except for one-family detached dwellings, shall obtain a recommendation from the Design Review Committee.”*

This subsection requires, among other things, design review for all residential developments. Design review for a development of single-family homes would not be very useful considering there would be no landscaping or architecture to review. Additionally, design review of residential developments, which do not require project plan approval, may lie outside the scope of the Design Review Committee's (DRC) powers and duties established in Chapter 14.04A. Section 14.04.020 of the Code identifies the duties of the DRC, as follows:

*“The Design Review Committee shall review and make design recommendations regarding the external design of buildings and site plans for all proposed new buildings, structures, and uses which are subject to project plan approval and design review.”*

The elimination of the subject requirement would allow the Powers and Duties section of Chapter 14.04A to control in the question of when a proposal in the CH Zone must go to the DRC for their recommendation. Other sections of the Code, such as Subsection 15.03.310(5)<sup>1</sup>, help to give further direction regarding when a proposal must have design review.

Further, it should be noted that most<sup>2</sup> of the Design Criteria used by the DRC to evaluate proposals appear to only be applicable to the following: *“all three (3) unit or greater multi-family structures, projects with groupings of more than one two-family structure, and all nonresidential structures requiring project plan approval”* (See Subsection 14.34.280[2]).

## **STAFF ANALYSIS**

**General Plan Policies.** The Design Review Process paragraph of Section 1.2.4 of the General Plan reveals the foundational policies for the DRC and the City's design review process:

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<sup>1</sup> Subsection 15.03.310(5) of the Code requires as follows: *“Prior to consideration of a final project plan for any development of three (3) or more residential units or any nonresidential project, the Design Review Committee shall review the project plan pursuant to Sections 14.04A.020 and 14.34.280, Provo City Code.”*

<sup>2</sup> There is a small amount of additional design criteria for design corridors (see Subsections 14.34.280[4] & [5]).

*“A Design Review Committee (DRC) ... was established to address general design relationships and site planning principles that are applicable citywide. District guidelines, based on existing design characteristics, as well as needs observed in particular districts, are also addressed in design review.*

*The design review process seeks to ensure compatibility of structures in districts. This can be achieved by repeating building lines and surface treatment and by requiring a degree of uniformity in detail, scale, proportion, textures, materials, color, and building form. Harmony of design is sought to protect visual patterns of the community and to enhance visual relationships and transitions between older and newer buildings.”.*

Staff whole-heartedly supports the City’s design review process, but believes it is more appropriate for residential development (two-family and up) and nonresidential development, as is reflected in the Code requirements previously noted in this report.

**Findings of Fact.** Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of zoning map amendments:

Upon receipt of a petition by the Planning Commission, the Commission shall hold a public hearing in accordance with the provisions of Section 14.02.010 of this Title and may approve, conditionally approve, or deny the preliminary project plan. Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: (responses in bold)

(a) Public purpose for the amendment in question.

**It would eliminate the possibility of a development of single-family lots in the CH Zone from being required to go through the design review process, which would be difficult for the DRC to review because there would be no architecture or landscaping to consider at the plat stage.**

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

**Those in the CH Zone would be served by a more straight-forward development process, yet still benefited by tools and ordinances to ensure appropriate reviews are done to help facilitate a beautiful built environment.**

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

**This proposal appears to be in harmony with the General Plan policies, goals, and objectives.**

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

**Staff is not aware of timing and sequencing issues with this proposal.**

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

**This proposal appears to be in harmony with the General Plan.**

**Conclusion.** Staff believes eliminating the DRC review requirements of the CH Zone will offer Provo City, its citizens, and the development community a less complicated development and design review process. The proposal would eliminate unnecessary requirements, such as design review for developments of single-family lots. Further, Staff believes the requirements in Chapter 14.04A of the Code, and other supporting requirements elsewhere in the Code, are sufficient to direct when a recommendation from the DRC is required for a development proposal in the CH Zone.

## **ATTACHMENTS**

**Attachment 1 – Proposed Amendment**

## Attachment 1

**Subsection 14.33A.040 is proposed to be amended, as follows:**

### **14.33A.040**

#### **Development in Critical Hillside (CH) Overlay Zone.**

(1) All development in the CH Zone, including, but not limited to, grading, clearing, and excavation, shall comply with the applicable provisions of this Chapter.

(2) The submittal of maps, plans, narratives, or any other document necessary to demonstrate compliance with this Chapter shall be submitted to the Coordinator Review Committee for review.

~~(3) Notwithstanding any other provision in Title 14 or 15, Provo City Code, all proposals for residential and nonresidential developments in the CH Zone, as well as all proposals for main buildings, except for one-family detached dwellings, shall obtain a recommendation from the Design Review Committee.~~

(43) The provisions of this Chapter shall not apply in the following situations:

- (a) For lots created prior to the effective date of the ordinance establishing the Critical Hillside (CH) Overlay Zone;
- (b) For developed parcels (not lying in a development plat) developed prior to the effective date of the ordinance establishing the Critical Hillside (CH) Overlay Zone;
- (c) For parcels or lots actively and solely used in the operation of a public or private cemetery;  
and
- (d) For public parks.