

**\*ITEM # 2** Matthew Taylor requests Ordinance Text Amendments to Section 14.21A.080 (Transitional Development Standards) in the DT1 (General Downtown) zone standards. Citywide Application. PLOTA20220402

## BACKGROUND

The applicant is requesting an ordinance text amendment to modify the existing transitional development standards in the downtown area. The proposed amendment would allow some developments to have a greater impact on surrounding properties than they would under the existing standards. The proposed changes would still be maintaining transitional development standards for certain properties as noted in the proposed text in Attachment 2.

Transitional development standards apply to properties on the outer edges of the DT1 zone where the DT1 zone abuts other, less intense, zones. The standards help mitigate the potential impacts that the higher density zone could have on the lower density adjacent properties. The transitional development standards aim to reduce the size and location of buildings as they get closer to lower density development in surrounding zones outside the downtown area. This helps provide a better transition between dissimilar land uses by lowering the impact from larger developments.

## CODE ANALYSIS

Sec. 14.020.020(2) establishes criteria for the amendments to the zoning title as follows: **(Staff response in bold type)**

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:

(a) Public purpose for the amendment in question.

**Staff response: The applicant would like the code amended to allow for more development options. The current code helps limit the impacts that higher density development has near lower density development.**

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

**Staff response: The public purpose of limiting development impacts from dissimilar land uses is best served by not reducing the established standards. While future land uses may change, the existing land use needs to be protected.**

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

**Staff response: Neighborhood plans have future land use maps. These show what the land use of properties in the neighborhood should be in the future. The plans do not call for making code changes that overlook the existing land uses. When the timing is right to change the land use, then it may be an appropriate time to allow changes that will allow for more intense development.**

(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 response: The timing is not right to make changes for properties that are on a future land use map.**

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

**Staff response: It is important to protect land uses that may be negatively impacted by dissimilar land uses by providing appropriate transitions between these developed areas. The future land use maps in the neighborhood plans reflect this concept by carefully planning where zones with higher impacts should be.**

(f) Adverse impacts on adjacent landowners.

**Staff response: The proposed amendment would allow for higher density developments in the DT1 zone to be closer to lower density development than allowed by code now.**

(g) Verification of correctness in the original zoning or General Plan for the area in question.

**Staff response: N/A**

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

**Staff response: No conflicts exist between the map and plan in relation to the proposed amendment.**

## **STAFF ANALYSIS**

Staff is not supportive of the proposed text amendment to change the transitional development standards in the DT1 zone because there have been concerns about the transitional standards not adequately minimizing the impacts of higher density

developments adjacent to other residential developments. Staff feels that further reducing these standards would not be in the best interests of the public. The downtown zone allows tall and high-density development and there needs to be sufficient area for transitioning to the surrounding neighborhoods. If a development project is not financially feasible under current zoning standards, the developer simply should not purchase the property. It is not good practice to amend city codes to make an unprofitable development profitable, or a profitable development more profitable.

### **FINDINGS OF FACT**

1. That the subject property is zoned Downtown One (DT1).
2. That the DT1 zone has a list of transitional development standards in 14.21A.080.
3. That the DT1 zone was written with transitional development standards because it is a very intense zone in terms of permitted land uses, housing density, potential vehicle trip generation and building height.
4. Other zones use 14.34.300 for transitional development standards.

### **CONCLUSION**

The proposed amendment would allow for some new developments to have a greater impact on surrounding properties. Staff informed the applicant that it would not be supportive of reducing the established standards because they help mitigate the potential impacts that the higher density zone could have on the lower density zones.

### **STAFF RECOMMENDATION**

That the Planning Commission recommend to the Municipal Council denial of the proposed ordinance text amendment to Section 14.21A.080 to reduce the Transitional Development Standards in the DT1 zone.

### **ATTACHMENTS**

1. Proposed Text
2. Clean Copy of Proposed Text
3. Public Works Staff Report

Attachment 1 – Proposed Text

14.21A.080 Transitional Development Standards.

(1) ~~Buildings~~ **Properties with portions of buildings** in the DT1 zone located directly within 60 feet, or are across the street from, ~~or on City blocks which also include properties within, an RC, R1, or PRO-R zone,~~ **another property:**

- a) that are identified on a Provo City Neighborhood Plan Future Land Use Map as an RC, R1, LDR or Single-Family Residential land use designation, or
- b) that are not included in a Provo City Neighborhood Plan where the land use is residential and is less than three stories in height and are not zoned R1 or LDR

shall comply with the following **transitional zoning** standards:

<b>Standard</b>	<b>Minimum</b>	<b>Maximum</b>
Front <b>Yard</b>	10 feet	20 feet
Street Side Yard	10 feet	20 feet
<b>Rear Yard</b>	<b>15 feet</b>	<b>No Maximum</b>
Building Height	1 story	3 stories
Parking - One Bedroom Residential	1 1/2 spaces	
Parking - Two Bedrooms Residential	2 1/4 spaces	
Parking - Commercial	As required in Chapter 14.37	

~~\* Buildings on properties located adjacent to a residentially zoned property shall be designed with a pitched or gabled roof where located within sixty (60) feet of an RC, R1, or PRO-R zone. A third story of usable floor area may be provided within the pitched/gabled roof.~~

(2) ~~Buildings or portions of buildings in the DT1 zone located adjacent to a residentially zoned property shall maintain a twenty (20) foot setback from the nearest property line of the residentially zoned property.~~ **All other provisions of this Chapter shall apply.**

Attachment 2 – Clean Copy of Proposed Text

14.21A.080 Transitional Development Standards.

(1) Properties with portions of buildings within 60 feet, or are across the street from, another property:

- a) that are identified on a Provo City Neighborhood Plan Future Land Use Map as an RC, R1, LDR or Single-Family Residential land use designation, or
- b) that are not included in a Provo City Neighborhood Plan where the land use is residential and is less than three stories in height and are not zoned R1 or LDR

<b>Standard</b>	<b>Minimum</b>	<b>Maximum</b>
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Parking - Commercial	As required in Chapter 14.37	

(2) All other provisions of this Chapter shall apply.



**PUBLIC WORKS**  
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## **Public Works Staff Report**

### **Hearing Date: 1/25/2023**

Ordinance Text Amendments to Section 14.21A.080.

#### **Item #2 Summary:**

Matthew Taylor requests Ordinance Text Amendments to Section 14.21A.080 (Transitional Development Standards) in the DT1 (General Downtown) zone standards. Citywide Application. Dustin Wright (801) 852-6414 [dwright@provo.org](mailto:dwright@provo.org) PLOTA20220402

#### **Staff Recommendation:**

Public Works staff concurs with Development Services on the requested action.

Dave Decker, Public Works Director  
David Day, Development Engineering Coordinator