Ordinance 2021-08

SHORT TITLE:

An ordinance amending Provo City Code to remove the Design Review Committee requirement for the Critical Hillside (CH) Overlay Zone. Citywide application. (PLOTA20210014)

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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		✓		
<u>u</u>		TOTALS	7	0	

This ordinance was passed by the Municipal Council of Provo City, on the 16th day of February 2021, on a roll call vote as described above. Signed this 6th day of March 2021.

Chair

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APPROVAL BY MAYOR

This ordinance is approved by me this 16th day of March 2021

Mayor

Ordinance 2021-08

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CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 17th day of March 2021, with a short summary being published on the 20th day of February 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 2021-08.



Munda Grambrach
City Recorder

ORDINANCE 2021-08.

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 AN ORDINANCE AMENDING PROVO CITY CODE TO REMOVE THE DESIGN REVIEW COMMITTEE REQUIREMENT FOR THE CRITICAL HILLSIDE (CH) OVERLAY ZONE. CITYWIDE APPLICATION. (PLOTA20210014)

WHEREAS, it is proposed that Provo City Code Section 14.33A.040 be amended to remove the Design Review Committee requirement for the Critical Hillside (CH) Overlay Zone; and

WHEREAS, those in the Critical Hillside (CH) Overlay Zone would be served by a more straight-forward development process and still benefited by tools and ordinances to ensure appropriate reviews are done to help facilitate a beautiful built environment; and

WHEREAS, on February 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 9:0; and

WHEREAS, on February 16, 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 Planning Commission's recommendation and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

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

PART I:

PART II:

Provo City Code Section 14.33A.040 is hereby amended as set forth in Exhibit A.

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.

46	C. The Municipal Council hereby directs that the official copy of the Provo City Code be
47	updated to reflect the provisions enacted by this ordinance.
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49	D. This ordinance shall take effect immediately after it has been posted or published in
50	accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code
51	10-3b-204, and recorded in accordance with Utah Code 10-3-713.
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53	END OF ORDINANCE.

54 <u>Exhibit A</u>
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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.