

## **Chapter 14.21C. DT3 – Downtown Core.**

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### **14.21C.010. Purpose and Objectives.**

The Downtown Core (DT3) zone is established to provide an identifiable and visible pedestrian friendly regional urban core that is located around key transportation corridors and other regional land uses in the central part of the city. The physical environment of the area is defined through scale, mass, placement and form of individual structures and their relationship to each other and to the public realm. This area will clearly be identifiable as the center of the city by having the largest scale of building height and mass as well as a higher density of mixed uses not found in surrounding downtown zones. The DT3 zone is characterized by, clean, well-lighted streets, ample pedestrian ways, well-maintained shops, stores, offices, regional government buildings, with a mixed-use design.

### **14.21C.020. Location of Zone.**

The Downtown Core (DT3) zone shall generally be located in the historic center of Provo and shall be surrounded completely by the less intensive General Downtown (DT2) zone. The DT3 zone shall not directly abut any R1 or RC zone and shall only expand to the degree that the DT2 zone or any other appropriate commercial zone may appropriately act as a buffer between the DT3 zone and any R1 or RC zone. The DT3 zone shall have no minimum zone size.

### **14.21C.030. Permitted Uses.**

- (1) Those uses or categories of uses as listed herein, and no others, are permitted in the DT3 zone.
- (2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four digit number in which all digits are whole numbers. Classes or categories of such uses permitted within the zone are identified by a four digit number in which the last one or two digits are zeros.
- (3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the DT3 zone, subject to the limitations set forth.
- (4) First Floor Commercial. Nonresidential uses are required in the minimum habitable floor depth on the first story of all building frontage on University Avenue and Center Street within the district.

(5) Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the DT3 zone:

Use No.	Use Classification
1110	One-family dwelling, attached to commercial or other nonresidential use – (detached only if existing as of July 7, 2009)
1120	Two-family dwelling, attached to commercial or other nonresidential use – (detached only if existing as of July 7, 2009)
1130	Multiple family dwelling (three or four dwelling units)
1140	Apartments (low rise)
1150	Apartment (high rise)
1211	Batching apartments (maximum of six individuals per unit)
1220	Membership lodging
1241	Assisted living facility (subject to the locational and development standards as set forth in Section 14.34.470, Provo City Code)
1250	Religious quarters
1291	Residential facility for elderly persons (see Section 14.34.230, Provo City Code)
1292	Residential facility for persons with a disability (see Section 14.34.230, Provo City Code)
1511	Hotels
1512	Motels
1516	Bed and breakfast
1590	Other transient lodgings, NEC
4118	Railroad company office not located at terminal (office only, no storage of related vehicles or equipment is permitted)
4218	Bus company offices not located at terminal (office only, no storage of related vehicles or equipment is permitted)
4318	Airline company offices not located at terminal (office only, no storage of related vehicles is permitted)
4290	Motor vehicle transportation (indoors only)
4295	Parcel delivery and pickup service
4700	Communications (unless identified as a conditional use in Section 14.34.420)
4811	Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4815	Electric utility company office (office only, no storage of related vehicles is permitted)
4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4825	Gas company office
4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4835	Irrigation distribution channels
4837	Water utilities or irrigation company office
4841	Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4853	Refuse disposal company office
4862	Gas and electric utility company office

4863	Water and electric utility company office
4864	Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4873	Storm drain or right-of-way (predominantly covered pipes or boxes)
4923	Travel agencies
5220	Heating and plumbing equipment (no outside storage)
5230	Paint, glass, and wallpaper
5240	Electrical supplies
5251	Hardware
5254	Janitorial supplies
5255	Building maintenance supplies
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5350	Direct selling organization
5390	Retail trade - general merchandise
5400	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
5511	Automobile dealers, new and used cars (open storage/display of vehicles is only permitted behind the minimum habitable floor depth; a four foot masonry wall must be installed at the rear of the minimum habitable floor depth for storage/display on vacant lots)
5512	Automobile dealers, used cars (open storage/display of vehicles is only permitted behind the minimum habitable floor depth; a four foot masonry wall must be installed at the rear of the minimum habitable floor depth for storage/display on vacant lots)
5594	Motor scooters or motorcycles (open storage/display of vehicles is only permitted behind the minimum habitable floor depth; a four foot masonry wall must be installed at the rear of the minimum habitable floor depth for storage/display on vacant lots)
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5930	Antiques and secondhand merchandise (except 5935 Secondhand auto parts, 5938 Junk dealers and salvage, 5939 Secondhand stores)
5940	Books, stationery, art, and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies
5970	Jewelry
5990	Miscellaneous retail stores (includes florists, newspapers and magazines, photo supplies, pet stores, and other similar retail stores) (except 5992 Cigars and cigarettes)
6100	Banks, insurance, and real estate (except 6123 Pawnbrokers, 6124 Bail bonds, and 6129 Other credit services)
6200	Personal services - including laundry, photography, beauty and barber services, clothing

	repair, etc. (except 6294 Escort services and 6295 Tattooing)
6300	Business services (office and retail sales only, including 6394 Equipment rentals and 6397 Automobile rentals (indoors only), except 6370 Warehousing and Storage, 6382 Auction yards)
6420	Electrical appliance repair and service
6493	Watch and clock repair
6494	Reupholstering and furniture repair
6496	Locksmiths and key shops
6497	Gunsmiths
6498	Saw, knife, and tool sharpening
6499	Other repair services, NEC (except blacksmiths)
6500	Professional services (except 6515 Behavior, drug and alcohol treatment and 6518 Blood banks)
6600	Contract construction services (office only)
6710	Executive, legislative, and judicial functions (no repair or maintenance facilities)
6720	Protective functions and related activities
6730	Postal services
6800	Educational services
6910	Religious activities
7100	Cultural activities (except 7124 Zoos)
7210	Entertainment and assembly including legitimate theater
7230	Public assembly
7391	Coin-operated amusements
7392	Miniature golf
7397	Billiards and pool halls
7398	Video rental shops
7399	Other amusements, NEC (bike rentals only)
7414	Ice skating
7415	Roller skating and skate boarding
7417	Bowling alleys
7419	Other sports activities, NEC (Karate and judo schools only)
7600	Park

(6) Permitted Accessory Uses. Accessory uses and structures are permitted in the DT3 zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Swimming pools and incidental bath houses subject to the standards of 14.34.210 – Pools.

(b) Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use be located on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and 30 days thereafter.

(c) Vegetable and flower gardens.

(d) Home occupations subject to the regulations of Chapter 14.41 – Home Occupations.

(e) Household pets, provided that no more than two dogs and two cats six months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the

health and safety of any person or property.

(7) Uses Within Buildings. All uses established in the DT3 zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission, through the granting of a conditional use permit, to be customarily and appropriately conducted in the open. Uses customarily deemed to be conducted in the open may include, but would not be limited to public assembly, live entertainment, etc. Open storage within view of a public street or space shall be prohibited.

(8) Sidewalk cafés shall be permitted per the requirements of Section 14.34.480.

(9) Canopies and marquees shall be permitted per the requirements of Section 14.34.490.

(10) Conditional uses. The following uses and structures are permitted in the DT3 zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof:

4600	Automobile parking (except 4603 Long term storage of autos, trucks, boats, vacation trailers, etc.; Surface parking is not permitted within the first 40 feet of a property fronting a primary street or the first 30 feet of a property fronting a secondary street. A four foot masonry wall must be constructed behind the required minimum habitable floor depth on vacant lots used for surface parking.)
4700	Communications (Subject to 14.34.420)
4814	Electricity regulating substations
4824	Gas pressure control stations
4834	Water storage as part of a utility system (covered including water storage standpipes)
4836	Water pressure control stations and pumping plants
4844	Sewage pumping stations
5920	Liquor, package
6515	Behavior, drug & alcohol treatment
6900	Miscellaneous service organizations
7396	Dance halls (subject to the standards of Section 14.34.370, Provo City Code)

**14.21C.040. Prior Created Lots.**

Lots or parcels of land which were created prior to December 12, 1974, shall not be denied a building permit solely for reason of non-conformance with the lot standards of this Chapter.

**14.21C.050. Lot Standards.**

Lots within the DT3 Zone shall be developed according to the following:

- (1) Minimum Lot Area: 10,000 square feet
- (2) Minimum Lot Width: 65 feet
- (3) Minimum Lot Depth: 90 feet
- (4) Minimum Lot Frontage: 65 feet
- (5) Maximum Lot Coverage: No requirement

**14.21C.060. Yard Requirements.**

Yards shall be provided according to the following:

Yard	Minimum	Maximum
(1) Front Yard:	0 feet	10 feet

- (2) Side Yard: 0 feet 10 feet
- (3) Street Side: 0 feet 10 feet
- (4) Rear: 0 feet No requirement
- (5) Driveway Access: 16 feet 24 feet (on secondary streets only - see Section 14.37.100)
- (6) Clear Vision Area: See Section 14.34.100 – Clear Vision – Corner Lots.
- (7) Side Yard Functions: Side yards on primary streets may only be used for pedestrian access to a building or rear portion of a lot.
- (8) Courtyards: Front yards may be extended beyond maximum setback limitations for a public space upon recommendation by the Design Review Committee and the City Engineer. In determining the appropriateness of the courtyard, the approving body shall make the following findings in addition to the conditional use permit criteria:
  - (a) That the proposed courtyard will serve a legitimate public purpose.
  - (b) That the design of the courtyard enhances the public realm and will reasonably attract activity throughout each day and not on a limited special event basis.
  - (c) That the courtyard is not raised more than two feet above street sidewalk grade.
  - (d) That landscaping or other elements do not obscure more than 25% of the the street view into the setback.
  - (e) Minimum habitable floor area required by section 14.21C.090 shall be provided along the increased courtyard.
- (9) Valet Drive: A driveway access is permitted for hotels and theaters within the required yards for vehicular access and valet services according to the following:
  - (a) Traffic shall be one-way.
  - (b) No parking shall be permitted within the courtyard.
  - (c) Driveways shall be no wider than 20 feet.
  - (d) The outside radius of the driveway shall be no greater than 40 feet.
  - (e) The space between ingress and egress driveways shall be landscaped.
  - (f) That it is not located on Center Street or University Avenue.
  - (g) Minimum habitable floor area required by section 14.21C.090 shall be provided along the increased setback.

**14.21C.070. Building Height.**

Building height, measured from the top of the street curb, shall be determined by the following:

- (1) Total Maximum Building Height: 180 feet
- (2) Minimum Number of Building Stories: 2 stories
- (3) Maximum Number of Building Stories: 12 stories
- (4) Maximum First Story Height- Commercial Use: 20 feet
- (5) Maximum Story Height: 14 feet
- (6) Maximum Parapet/Cornice Height: 5 feet

- (7) Main Floor Elevation – Residential: 3 feet maximum above curb
- (8) Main Floor Elevation – Commercial: 1 foot maximum above curb
- (9) Roof mounted mechanical equipment shall be permitted so long as it is completely screened behind an architectural feature of the primary structure.
- (10) Section 14.34.090. Height Limitations – shall be adhered to within the DT3 zone.

**14.21C.080. Minimum Average Residential Unit Size.**

Each development that includes a residential use shall provide a minimum average unit size of no less than 800 square feet.

**14.21C.090. Minimum Habitable Main Floor Depth.**

- (1) Each structure in the DT3 zone fronting a primary street shall have a minimum habitable main floor depth of 40 feet along the entire street frontage yard line other than for permitted side yards and driveway approaches. Structured parking shall not be permitted above the minimum habitable floor area along primary streets.
- (2) Each structure in the DT3 zone fronting a secondary street shall have a minimum habitable main floor depth of 30 feet along the entire street frontage yard line other than for permitted side yards and driveway approaches. Structured parking is permitted above the minimum habitable floor area along secondary streets.
- (3) If a property is located along a primary street, the rear yard line shall be the property line located opposite of the property line abutting the primary street.
- (4) In the case of a corner lot that abuts two primary streets, the minimum habitable floor depth shall be required along both street frontages. Driveway access to the property may be permitted from one of the primary street frontages subject to approval by the City Engineer and the Design Review Committee.

**14.21C.100. Facade Setback.**

- (1) Each floor located above the sixth story shall be set back 15 feet from the first story building facade elevation adjacent to any street. An architectural expression line, such as a cornice or similar feature, shall be used at the fourth story roof line.

**14.21C.110. Projections.**

- (1) The following structures may be erected on or project into a required yard provided it does not obstruct a required driveway:
- (a) Fences and walls in conformance with the Provo City Code;
  - (b) Landscaping elements including trees, shrubs, and other planting materials;
  - (c) Necessary appurtenances for utility services with property-impact protection if located adjacent to driveway areas.
- (2) Buildings may project over required driveways provided that a minimum of 10 feet of clearance is provided for vehicular access.
- (3) Signs may project into a street right-of-way as permitted by Section 14.38.105 - Signs.
- (4) Marquees and canopies may project into the street right-of-way under the provisions of Section 14.34.490.
- (5) Balconies may project into the street right-of-way a maximum of five feet so long as a minimum of 10 feet of vertical clearance is provided between the sidewalk and the projecting balcony.

**14.21C.120. Distance Between Buildings.**

No requirement except as regulated by the provisions of the adopted version of the International Building Code.

**14.21C.130. Project Plan Approval.**

See Sections 15.03.300 and 15.03.310, Provo City Code

**14.21C.140. Parking, Loading, and Access.**

(1) Each lot or parcel in the DT2 zone shall provide a minimum of 50% of the required off-street parking as set forth in Chapter 14.37, Provo City Code.

(2) Parking for up to two levels of residential uses above the fourth story of any building in the DT2 zone may be reduced to 25% of the amount required.

(3) Maximum Parking. In no case shall parking exceed that required by Ch. 14.37 - Parking.

(4) Bicycle Parking. A minimum of one bicycle stall shall be required for every 2000 square feet of gross floor area. Bicycle stalls must be provided in an enclosed area in the primary structure or within a parking structure on the property.

(5) Parking Design. Parking shall be designed to the requirements of Section 14.37.100.

(a) The requirements of Section 15.03.200(14) shall not apply to property within the DT3 zone. Multiple points of access for vehicular ingress/egress shall not be required for any parking structure or lot unless deemed necessary as a result of a traffic study.

(b) Parking shall not be provided in a front or street side yard. Surface parking is not permitted within the first 40 feet of properties fronting primary streets or within the first 30 feet of properties fronting secondary streets.

**14.21C.150. Landscaping and Recreational Amenities.**

(1) Landscaping meeting the guidelines of Ch. 15.20 – Landscaping shall be required for all yards and open areas not used for vehicular parking or access.

(2) In any new project consisting of five or more residential units, an area equivalent to 10% of the residential gross floor area shall be developed in recreational amenities, such as a common clubhouse, gym, pool, roof-top garden, or other amenity. Landscaping in front and street side yards, the 15 foot minimum setback, and other required areas (such as distance provisions required by the International Building Code) shall not be calculated towards meeting this provision. Only 50% of the required recreational amenity space may be located outdoors at the ground floor level.

**14.21C.160. Design Standards.**

(1) Design standards detailed in Section 14.34.295 – Downtown Development Design Standards, shall apply to the DT3 zone.

(2) The standards set forth in Section 14.34.300 – Transitional Development Standards, shall not apply in the DT3 zone.

**14.21C.170. Signs.**

(1) Signs shall be regulated by 14.38.105. – Signs Permitted in the Downtown (DT) Zones.

**14.21C.180. Trash Storage and Location.**

All trash storage areas shall be designed according to the standards of Section 14.34.080 – Trash Storage except the following provisions shall prevail:

(1) Trash storage container enclosures shall not be located between a building and any primary or secondary street right-of-way. A conditional use permit under the provisions of Section 14.34.080 cannot be issued to allow trash storage within a front or street side yard.

(2) Trash storage containers shall be located behind a principal building (accessed via a driveway, alley or other internal block right-of-way). If this is not possible due to site constraints, trash storage containers may be enclosed within a required habitable floor area on secondary streets, if:

(a) It is completely enclosed within the building;

(b) A 100% opaque lockable garage door or other equivalent, that measures no more than 10 feet in width and eight feet in height is provided.

**14.21C.190. Walls and Fences.**

The following fence heights are permitted within the DT3 zone:

(1) Front Yard: 3 feet (chain link not permitted)

(2) Street Side Yard: 3 feet (chain link not permitted)

(3) Side Yard: 6 feet

(4) Rear Yard: 6 feet

(5) A decorative masonry wall, at least six feet in height, shall be erected along all property lines which lie adjacent to a R1 or RC zone. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the masonry wall requirement may be modified to allow other suitable materials. A signed agreement must be submitted to the Planning Commission or its designee, indicating this agreement. In the case where there is not mutual agreement, the masonry wall will be required.

**14.21C.200. Notice of Parking and Occupancy Restrictions.**

(1) Prior to the issuance of a Certificate of Occupancy for new multiple residential dwelling units a permanent notice must be placed on the electrical box within each unit indicating the maximum allowable occupancy of each unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice must be a six by six inch metal or plastic plate that is permanently attached to the electrical box with minimum one half inch engraved letters.

(2) Upon submission of these documents any violation to the restrictions and regulations noted therein will be considered a misdemeanor offense and will be subject to criminal action as provided in Section 1.03.010, Provo City Code.

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