

Chapter 14.21D. GW – Downtown Gateway.

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14.21D.010. Purpose and Objectives.

The Downtown Gateway (GW) zone is intended to accommodate, restaurants, hotels and a variety of retail uses to accommodate visitors as well as local residents. Properties in this primary entrance to Provo should be inviting, attractive, well designed and maintained and new development shall be required to adhere to the established design guidelines for this zone in order to create a distinct sense of place. This zone is not intended to accommodate large scale retail uses. Uses in this district should not compete with Downtown or a shopping center but should consist of smaller scale downtown and visitor support type uses, incorporated into a mixed-use design.

14.21D.020. Location of Zone.

The Downtown Gateway (GW) zone shall generally be located along West Center Street between the more intensive downtown zones and Interstate 15.

14.21D.030. Permitted Uses.

- (1) Those uses or categories of uses as listed herein, and no others, are permitted in the GW 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 GW 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 Center Street between 1000 West and 800 West within the district.
- (5) Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the GW zone:

Use No.	Use Classification
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1110	One-family dwelling, attached to commercial or other nonresidential use
1120	Two-family dwelling, attached to commercial or other nonresidential use
1130	Multiple family dwelling (three or four dwelling units)
1140	Apartments (low rise)
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
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)
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
 5330 Variety stores
 5340 Merchandise vending machine operators
 5390 Retail trade - general merchandise
 5400 Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
 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, except 6370 Warehousing and storage, 6380 Auction services, 6394 Equipment rentals and 6397 Automobile rentals)
 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
 7398 Video rental shops
 7399 Other amusements, NEC (bike rentals only)
 7419 Other sports activities, NEC (Karate and judo schools only)

(6) Permitted Accessory Uses. Accessory uses and structures are permitted in the GW 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 GW 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 GW zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof:

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
5530	Gasoline service stations

14.21D.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.

14.21D.050. Lot Standards.

Lots within the GW 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

14.21D.060. Yard Requirements.

Yards shall be provided according to the following:

Yard	Minimum	Maximum
(1) Front Yard:	10 feet	20 feet
(2) Front Yard (Center St):	0 feet	10 feet
(3) Side Yard:	0 feet	10 feet
(4) Street Side Yard:	10 feet	20 feet
(5) Driveway Access:	16 feet	30 feet (A driveway is permitted only in one side yard. The side yard with a driveway may be increased to 50 feet in order to provide parking along the building side. A 6 foot walk and 2 foot landscaped area must be located between the main building and the parking area. The maximum width for a driveway in a side yard is 24 feet.)
(6) Rear:	20 feet	No requirement
(7) Clear Vision Area:	See Section 14.34.100 – Clear Vision – Corner Lots.	
(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: <ul style="list-style-type: none">(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 14.21D.090 shall be provided along the increased courtyard.	

14.21D.070. Building Height.

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

(1) Total Maximum Building Height:	50 feet
(2) Minimum Number of Building Stories:	2 stories
(3) Maximum Number of Building Stories:	3 stories
(4) Maximum Story Height:	14 feet
(5) Maximum Parapet/Cornice Height:	5 feet
(6) Main Floor Elevation – Residential:	3 feet maximum above curb

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

14.21D.080 Transitional Development Standards.

(1) Buildings or portions of buildings in the GW zone located within 50 feet of a property in an RC, R1, R2, or PRO-R zone or the first 50 feet of buildings or portions of buildings in the GW zone located directly across the street from an RC, R1, R2, or PRO-R zone, shall be designed with a pitched or gabled roof. A third story of usable floor area may be provided within the pitched/gabled roof.

(2) Buildings or portions of buildings in the GW zone located adjacent to properties in an RC, R1, R2 or PRO-R zone shall be located 20 feet from the nearest property line of a residential zoned property.

14.21D.090. 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.

14.21D.100. Minimum Habitable Main Floor Depth.

(1) Each structure in the GW zone fronting a primary street shall have a minimum habitable main floor depth of 40 feet along the entire street frontage yard line except 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 GW zone fronting a secondary street shall have a minimum habitable main floor depth of 30 feet along the entire frontage yard line 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.

14.21D.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.

14.21D.120. Distance Between Buildings.

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

14.21D.130. Project Plan Approval.

See Sections 15.03.300 and 15.03.310, Provo City Code

14.21D.140. Parking, Loading, and Access.

(1) Each lot or parcel in the GW zone shall provide automobile parking sufficient to meet the requirements as set forth in Chapter 14.37, Provo City Code with the following exception:

(a) Residential units within the GW zone shall have a minimum of one and a half spaces for one bedroom units and two and a quarter spaces for units with two or more bedrooms. This requirement does not include any disabled parking spaces required by Section 14.37.110.

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

(3) 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.

(4) 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 GW 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.

(c) Parking located in an interior side yard must be located behind the main building setback. If parking is provided in a side yard, a four foot masonry screening wall must extend from the building facade along the length of the parking stalls in the side yard parking area.

14.21D.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 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.

14.21D.160. Design Standards.

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

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

14.21D.170. Signs.

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

14.21D.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.

14.21D.190. Walls and Fences.

The following fence heights are permitted within the GW 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.

14.21D.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.
