



**Planning Commission Hearing  
Staff Report  
Hearing Date: November 13, 2019**

**ITEM 7\*** The Provo City Development Services Department requests Ordinance Text Amendments to Chapter 14.21D West Gateway Zone, to better meet the purpose and objective of the WG Zone. Dixon and Franklin Neighborhoods. Brian Maxfield (801) 852-6429. PLOTA20190376

<p><u>Applicant:</u> Provo City Development Services Department</p> <p><u>Staff Coordinator:</u> Brian Maxfield</p> <p><u>*Council Action Required:</u> Yes</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <p>1. <b>Continue</b> to a future date to obtain and consider additional information. <i>The next available meeting date is December 4, 2019.</i></p> <p>3. <b>Recommend Denial</b> of the requested text amendment.</p>	<p><u>Related Items:</u> None</p> <p><u>Relevant History:</u> The West Gateway (WG) Zone was adopted in 2012. It was developed from the Gateway (GW) Zone, but reduced the strictness in design codes in hopes to encourage redevelopment between the GW Zone and newly adopted Freeway Commercial Zone(s) while leaving in transitional single-family development standards meant to provide a protective transition to adjacent low-density residential areas.</p> <p><u>Neighborhood Issues:</u> Both the Dixon and Franklin Neighborhood Chairs were notified of this item. It has been placed on the Dixon Neighborhood agenda for Tuesday, November 12, 2019. But, to staff's knowledge, no meeting with the Franklin Neighborhood has been scheduled.</p> <p><u>Staff Recommendation:</u> That the Planning Commission recommend approval to the Municipal Council of the proposed text amendments to Chapter 14.21D, WG – West Gateway Zone, as contained in Exhibits "A" and "B".</p>
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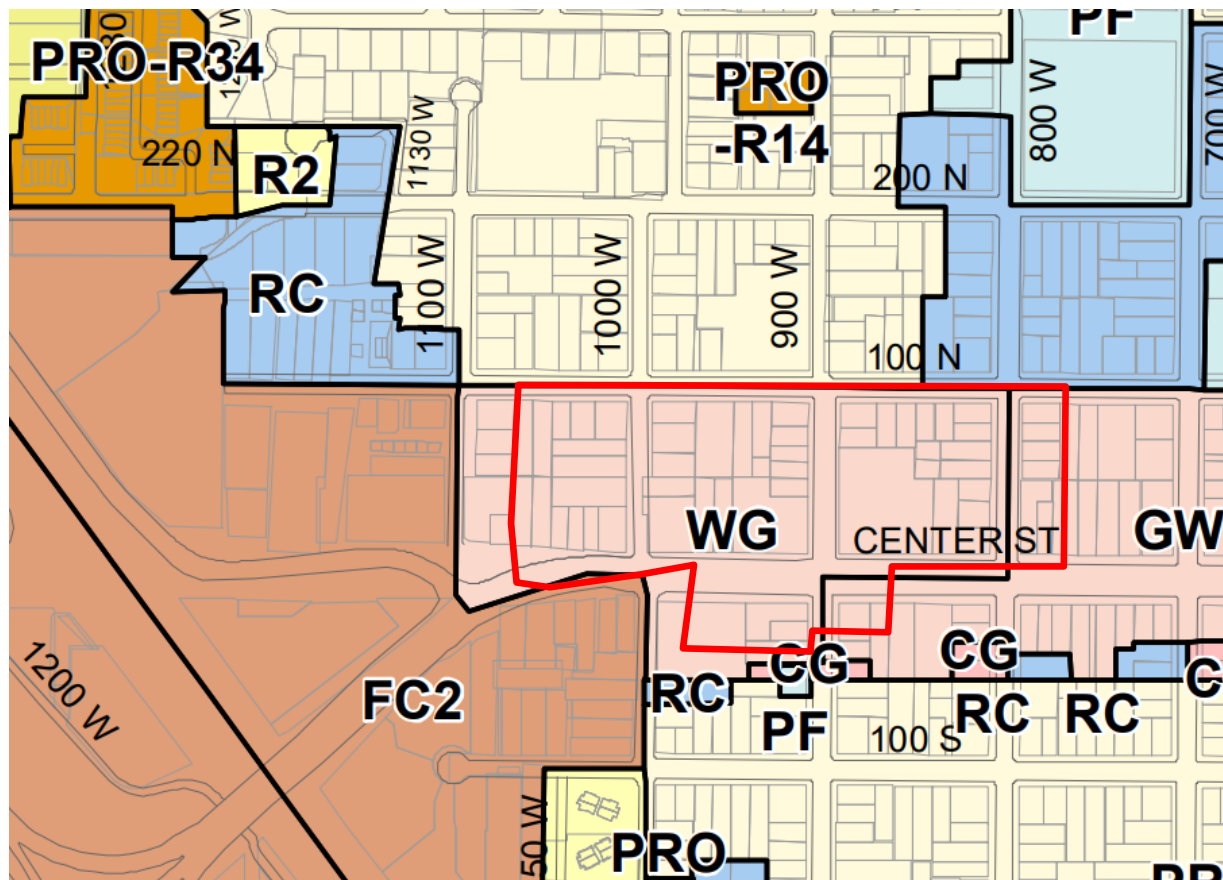
**OVERVIEW**

The West Gateway Zone was adopted in 2012. It was developed from the Gateway Zone, but reduced the strictness in design codes in hopes to encourage redevelopment between the Gateway Zone and newly adopted Freeway Commercial Zone, while leaving in transitional single-family development standards meant to provide a protective transition to adjacent low-density residential areas.

The amended zoning has not spurred redevelopment of the area. It is proposed to strengthen residential protections while making the permitted use list more consistent with the adjacent Gateway Zone.

**BACKGROUND**

The West Gateway Zone consists of 3.5 blocks between 800 West to 100 West. It is a key gateway area into the city where the I-15 off-ramp merges with West Center Street.



### Proposed Revisions to Spur Redevelopment

Current Adopted Standard		Proposed Standard		Rationale for Change
<b>14.21D.020(5) Permitted Uses</b>		<b>14.21D.020(5) Permitted Uses</b>		<p>The current code essentially only allows up to four residential units above any commercial space. The adjacent Gateway Zone allows SLU 1140 – Apartments (low rise). Further, this zone currently allows hotels, so apartments would be of no greater impact in terms of building scale that what is currently allowed.</p> <p>This amendment is critical to spurring redevelopment of the area.</p> <p>6370 is a broad category and its elimination and replacement with SLU Code 6375 better meets the intent of the zone.</p>
1130	Multiple-family dwellings (three (3) or four (4) dwelling units), located above commercial or other nonresidential use.	1130	Multiple-family dwellings (three (3) or four (4) dwelling units), located above <u>or behind</u> commercial or other nonresidential use	
1511	Hotels	<u>1140</u>	<u>Apartments (low rise)</u>	
1512	Motels	<u>1150</u>	<u>Apartments (high rise) located above or behind commercial or other nonresidential use</u>	
		<del>6370</del>	<del>Warehousing and storage when ancillary to a retail business</del>	
		<u>6375</u>	<u>Household goods warehousing and storage (only as a mixed-use within buildings, but not in ground floor areas along center street frontages) and moving company offices without local trucking</u>	

Current Adopted Standard		Proposed Standard		Rationale for Change
<b>14.21D.050 Yard Requirements</b> Yards shall be provided according to the following:		<b>14.21D.050 Yard Requirements</b> Yards shall be provided according to the following:		<p>This change moves development closer to the street and further away from adjacent residential areas.</p> <p>This change also increases setbacks adjacent to the required 100-foot one-family residential transitional area along 100 North Street.</p>
(1) Front Yard	10 feet	(1) Front Yard	<u>3 feet on Center Street, 10 feet on all other streets</u>	
(2) Side Yard:	0 feet	(2) Side Yard:	0 feet, <u>10 feet adjacent to 100-foot one-family transitional area</u>	
(3) Street Side Yard:	10 feet	(3) Street Side Yard:	10 feet <u>minimum</u>	
(4) Driveway Access:	16 feet (with a max. of 40 feet)	(4) Driveway Access:	16 feet (with a max. of 40 feet)	
(5) Rear:	20 feet	(5) Rear:	<del>20</del> <u>25 feet</u>	
(6) Clear Vision Area:	See Section 14.34.100, PCC, Clear Vision Area – Corner Lots	(6) Clear Vision Area:	See Section 14.34.100, PCC, Clear Vision Area – Corner Lots	

Current Adopted Standard	Proposed Standard	Rationale for Change																												
<p><b>14.21D.060 Building Height</b></p> <p>Building height, measured from the top of the street curb, shall be determined by the following:</p> <table border="1" data-bbox="191 449 634 1251"> <tr> <td>(1) Total Maximum Building Height:</td> <td>50 feet</td> </tr> <tr> <td>(2) Minimum Number of Building Stories:</td> <td>1 story</td> </tr> <tr> <td>(3) Maximum Number of Building Stories:</td> <td>3 stories</td> </tr> <tr> <td>(4) Maximum Story Height:</td> <td>14 feet</td> </tr> <tr> <td>(5) Maximum Parapet/Cornice Height:</td> <td>5 feet</td> </tr> <tr> <td>(6) Main Floor Elevation - Residential:</td> <td>3 feet maximum above curb</td> </tr> <tr> <td>(7) Main Floor Elevation - Commercial:</td> <td>1 foot maximum above curb</td> </tr> </table>	(1) Total Maximum Building Height:	50 feet	(2) Minimum Number of Building Stories:	1 story	(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	<p><b>14.21D.060 Building Height</b></p> <p>Building height, measured from the top of the street curb, shall be determined by the following:</p> <table border="1" data-bbox="662 449 1084 1367"> <tr> <td>(1) Total Maximum Building Height:</td> <td>50 feet</td> </tr> <tr> <td>(2) Minimum Number of Building Stories:</td> <td>1 story</td> </tr> <tr> <td>(3) <del>Maximum Number of Building Stories:</del> <u>Minimum First Story Height</u></td> <td><del>3 stories</del> <u>12 feet</u></td> </tr> <tr> <td>(4) Maximum Story Height:</td> <td>14 feet</td> </tr> <tr> <td>(5) Maximum Parapet/Cornice Height:</td> <td>5 feet</td> </tr> <tr> <td>(6) <u>Maximum</u> Main Floor Elevation - Residential:</td> <td>3 feet maximum above curb</td> </tr> <tr> <td>(7) <u>Maximum</u> Main Floor Elevation - Commercial:</td> <td>1 foot maximum above curb</td> </tr> </table>	(1) Total Maximum Building Height:	50 feet	(2) Minimum Number of Building Stories:	1 story	(3) <del>Maximum Number of Building Stories:</del> <u>Minimum First Story Height</u>	<del>3 stories</del> <u>12 feet</u>	(4) Maximum Story Height:	14 feet	(5) Maximum Parapet/Cornice Height:	5 feet	(6) <u>Maximum</u> Main Floor Elevation - Residential:	3 feet maximum above curb	(7) <u>Maximum</u> Main Floor Elevation - Commercial:	1 foot maximum above curb	<p>Sometime ago, the city eliminated the maximum <i>number of stories provisions</i> for the DT1 and DT2 zones and now rely solely on maximum height to determine the number of stories allowed.</p> <p>This proposal requests the same adjustment, which would then allow four-story buildings, which are typical of mixed-use (commercial/office and residential) or hotel uses.</p> <p>The minimum first story height addition brings this into consistency with the DT2 zones (although DT2 requires 14 feet). This provision was added to these zones so that ground floor commercial could be converted to commercial space when the market demands it. This amendment is optional.</p> <p>This first amendment is critical to spurring redevelopment of the area.</p>
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Current Adopted Standard	Proposed Standard	Rationale for Change
<p><b>14.21D.080 Minimum Habitable Main Floor Depth</b></p> <p>Each structure in the WG zone fronting a public street shall have a minimum habitable main floor depth of thirty (30) feet that is a nonresidential use.</p>	<p><b>14.21D.080 Minimum Habitable Main Floor Depth</b></p> <p>Each structure in the WG zone fronting a <del>public</del> <u>primary</u> street shall have a minimum habitable main floor depth of thirty (30) feet <del>that is a nonresidential use.</del> <u>Secondary streets shall have a minimum habitable main floor depth of thirty (30) feet for 50% of the lot frontage and may be residential or nonresidential in use.</u></p>	<p>The code says that structures on 100 North shouldn't be nonresidential, so this is a conflict. Further, requiring nonresidential space on side streets is not practical here, nor is Center Street frontage for blocks with low access (west of 1000 West).</p> <p>Combined with the amendment to require a 12 foot 1<sup>st</sup> floor height, then spaces could be converted if market conditions change.</p> <p>This amendment is critical to spurring redevelopment of the area.</p>

**Amendments that Resolve Conflicts with 100 North Transitional Zoning Goals**

Current Adopted Standard	Proposed Standard	Rationale for Change						
<p><b>14.21D.020 Permitted Uses</b></p> <p>(4) Property located within one hundred (100) feet of 100 North Street shall only be permitted to be developed with one-family residential uses, either attached or detached. No commercial uses are permitted within one hundred (100) feet of 100 North Street.</p> <p>(5) Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the WG zone:</p> <table border="1" data-bbox="191 1499 630 1654"> <tr> <td data-bbox="191 1499 282 1654">1110</td> <td data-bbox="282 1499 630 1654">One-family dwelling, <b>attached to commercial or other nonresidential use</b> (detached only if existing as of July 7, 2009)</td> </tr> </table>	1110	One-family dwelling, <b>attached to commercial or other nonresidential use</b> (detached only if existing as of July 7, 2009)	<p><b>14.21.D.020 Permitted Uses</b></p> <p>4) Property located within one hundred (100) feet of 100 North Street shall only be permitted to be developed with one-family residential uses, either attached or detached. No commercial uses are permitted within one hundred (100) feet of 100 North Street.</p> <p>(5) Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the WG zone:</p> <table border="1" data-bbox="662 1465 1094 1749"> <tr> <td data-bbox="662 1465 753 1684">1110</td> <td data-bbox="753 1465 1094 1684">One-family dwelling, <u>detached or</u> attached to commercial or other nonresidential use <u>per 14.21.D.020(4) only</u> (<del>detached only if existing as of July 7, 2009</del>)</td> </tr> <tr> <td data-bbox="662 1684 753 1749"><u>1112</u></td> <td data-bbox="753 1684 1094 1749"><u>One-family dwelling – attached</u></td> </tr> </table>	1110	One-family dwelling, <u>detached or</u> attached to commercial or other nonresidential use <u>per 14.21.D.020(4) only</u> ( <del>detached only if existing as of July 7, 2009</del> )	<u>1112</u>	<u>One-family dwelling – attached</u>	<p>Subsection (4) and (5) conflict with each other. (5) suggests that one-family dwellings can only be attached to nonresidential use whereas (4) requires standalone one-family uses in certain areas.</p> <p>The proposed standard corrects the conflicting provision and reinforces the 100 foot transitional development standards adjacent to 100 North Street, helping to enhance neighborhood preservation.</p>
1110	One-family dwelling, <b>attached to commercial or other nonresidential use</b> (detached only if existing as of July 7, 2009)							
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Current Adopted Standard	Proposed Standard	Rationale for Change																				
<p><b>14.21D.040 Lot Standards</b> Lots within the WG zone shall be developed according to the following:</p> <table border="1" data-bbox="191 415 586 724"> <tr> <td>(1) Minimum Lot Area:</td> <td>20,000 square feet</td> </tr> <tr> <td>(2) Minimum Lot Width:</td> <td>90 feet</td> </tr> <tr> <td>(3) Minimum Lot Depth:</td> <td>90 feet</td> </tr> <tr> <td>(4) Minimum Lot Frontage:</td> <td>90 feet</td> </tr> <tr> <td>(5) Maximum Lot Coverage:</td> <td>No requirement</td> </tr> </table>	(1) Minimum Lot Area:	20,000 square feet	(2) Minimum Lot Width:	90 feet	(3) Minimum Lot Depth:	90 feet	(4) Minimum Lot Frontage:	90 feet	(5) Maximum Lot Coverage:	No requirement	<p><b>14.21D.040 Lot Standards</b> Lots within the WG zone shall be developed according to the following:</p> <table border="1" data-bbox="602 384 1122 1787"> <tr> <td data-bbox="602 384 792 1098">(1) Minimum Lot Area:</td> <td data-bbox="792 384 1122 1098"> <p><u>10,000 square feet for all uses except one-family detached homes on 100 North Street*</u></p> <p><u>4,000 square feet for one-family detached homes on 100 North Street.</u></p> <p><u>Attached one-family dwelling shall be no less than 20 feet wide and 1,500 square feet in finished floor area.</u></p> <p><u>*One-family attached housing may be subdivided by a PUD or condominium plat and shall comply with minimum 20,000 square foot lot size minimum.</u></p> </td> </tr> <tr> <td data-bbox="602 1098 792 1482">(2) Minimum Lot Width:</td> <td data-bbox="792 1098 1122 1482"> <p><u>90 feet for all uses except one-family detached homes on 100 North Street*</u></p> <p><u>40 feet for one-family detached housing on 100 North Street.</u></p> <p><u>20 feet for one-family attached housing.</u></p> </td> </tr> <tr> <td data-bbox="602 1482 792 1572">(3) Minimum Lot Depth:</td> <td data-bbox="792 1482 1122 1572"> <p><u>90 feet for one-family detached housing</u></p> </td> </tr> <tr> <td data-bbox="602 1572 792 1696">(4) Minimum Lot Frontage:</td> <td data-bbox="792 1572 1122 1696"> <p><u>40 feet, except for attached housing developed as part of a PUD plat</u></p> </td> </tr> <tr> <td data-bbox="602 1696 792 1787">(5) Maximum Lot Coverage:</td> <td data-bbox="792 1696 1122 1787"> <p>No requirement</p> </td> </tr> </table>	(1) Minimum Lot Area:	<p><u>10,000 square feet for all uses except one-family detached homes on 100 North Street*</u></p> <p><u>4,000 square feet for one-family detached homes on 100 North Street.</u></p> <p><u>Attached one-family dwelling shall be no less than 20 feet wide and 1,500 square feet in finished floor area.</u></p> <p><u>*One-family attached housing may be subdivided by a PUD or condominium plat and shall comply with minimum 20,000 square foot lot size minimum.</u></p>	(2) Minimum Lot Width:	<p><u>90 feet for all uses except one-family detached homes on 100 North Street*</u></p> <p><u>40 feet for one-family detached housing on 100 North Street.</u></p> <p><u>20 feet for one-family attached housing.</u></p>	(3) Minimum Lot Depth:	<p><u>90 feet for one-family detached housing</u></p>	(4) Minimum Lot Frontage:	<p><u>40 feet, except for attached housing developed as part of a PUD plat</u></p>	(5) Maximum Lot Coverage:	<p>No requirement</p>	<p>To allow for more incremental development of the area, it is proposed to reduce the minimum lot area for areas within 300 feet of Center Street.</p> <p>Although 100 North street is identified as a location for one-family detached and attached dwellings, the current lot size and width provisions would not allow this.</p> <p>Additional standards are proposed to enhance the quality of one-family development (attached or detached) along 100 North Street.</p> <p>The proposed standards reinforce the 100-foot transitional development standards adjacent to 100 North Street. The minimum lot sizes, and attached single-family standards help enhance neighborhood preservation.</p>
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Current Adopted Standard	Proposed Standard	Rationale for Change
<p><b>14.21D.070 Transitional Development Standards</b></p> <p>Buildings or portions of buildings in the WG zone located adjacent to properties in a RC, R1, R2, or PRO-R zone shall be located twenty (20) feet from the nearest property line of a residentially zoned property. New development within this district shall adhere to the requirement for Section <a href="#">14.34.300</a>, Provo City Code, Transitional Development Standards for Uses Abutting Residential Zones.</p>	<p><b>14.21D.070 Transitional Development Standards</b></p> <p><u>(1) Buildings or portions of buildings in the WG zone located adjacent to properties in a RC, R1, R2, or PRO-R zone shall be located twenty (20) feet from the nearest property line of a residentially zoned property. New development within this district shall adhere to the requirement for Section <a href="#">14.34.300</a>, Provo City Code, Transitional Development Standards for Uses Abutting Residential Zones.</u></p> <p><u>(2) Property located within one hundred (100) feet of 100 North Street shall only be permitted to be developed with one-family residential uses, either attached or detached. No commercial uses are permitted within one hundred (100) feet of 100 North Street.</u></p>	<p>This is a cleanup related to the 100 North transitional requirements earlier cited. It could be reiterated or moved to this section for clarity.</p> <p>This is intended as cleanup only.</p>

**Section C – General Cleanup**

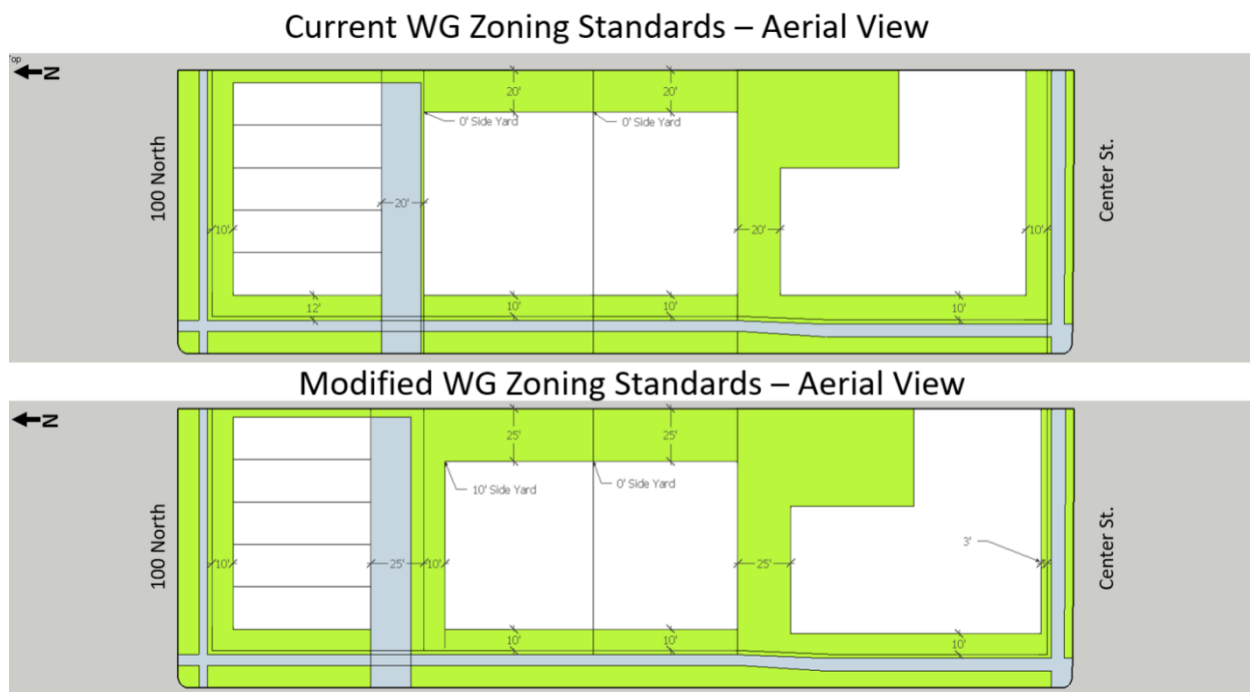
Current Adopted Standard	Proposed Standard	Rationale for Change
<p><b>14.21D.090 Minimum Habitable Main Floor Depth</b>                      (1) The following structures may be erected on or project into a required yard provided it does not obstruct a required driveway:                      (a) Fences and walls in conformance with 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 ten (10) feet of clearance is provided for vehicular access.                      (3) Signs may project into a street right-of-way as permitted by Section <a href="#">14.38.105, Provo City Code, Signs Permitted in the Downtown (DT) Zones.</a>                      (4) Marquees and canopies may project into the street right-of-way under the provisions of Section <a href="#">14.34.490, Provo City Code.</a></p>	<p><b>14.21D.090 Minimum Habitable Main Floor Depth</b>                      (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 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 ten (10) feet of clearance is provided for vehicular access.  <del>(3) Signs may project into a street right-of-way as permitted by Section <a href="#">14.38.105, Provo City Code, Signs Permitted in the Downtown (DT) Zones.</a></del>  <del>(4) Marquees and canopies may project into the street right-of-way under the provisions of Section <a href="#">14.34.490, Provo City Code.</a></del></p>	<p>Since there is a minimum 10' setback, the struck-out provisions do not make any sense.</p> <p>This is intended as cleanup only.</p>





## ANALYSIS

The proposed amendments increase opportunities for redevelopment within 300 feet of Center Street and further enhance one-family development transitional standards. The following illustrates the proposed modification to the standards and included as Exhibit “B” at the end of this report.



## REQUIRED FINDINGS

Section 14.02.020(1) of the Provo City Code states the following regarding amendments to the Planning and Zoning Title and to the General Plan:

*“Amendments shall not be made . . . except to promote more fully the objectives and purposes of this Title and the Provo City General Plan or to correct manifest errors.”*

Additionally, guidelines for consideration of an amendment are set forth in Section 14.02.020(2) of the Code and are listed below. Staff analysis is provided after the individual guidelines in **bold**.

(a) Public purpose for the amendment in question.

**To allow additional mixed-use infill development, consistent with current uses and the intended future development of the area.**

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

**These amendments encourage redevelopment of a blighted gateway into Provo City and further enhance protections residential areas along 100 North Street.**

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

**These ordinance changes are consistent with the goals of the General Plan.**

- (d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.  
**The ordinance changes helps to reduce barriers to timely redevelopment of the area, while protecting adjacent one-family areas.**
- (e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.  
**The ordinance changes do not hinder the articulated polices of the General Plan**
- (f) Adverse impacts on adjacent land owners.  
**Redevelopment of the area decreases blight and increases adjacent property values, as well as provision enhancing protection of residential areas along 100 North Street.**
- (g) Verification of correctness in the original zoning or General Plan for the area in question.  
**The General Plan map is correct.**
- (h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.  
**No conflict is anticipated.**

## **CONCLUSION**

Staff believes the proposed amendments are critical to helping provide opportunities for redevelopment of a blighted key gateway into Provo City while protecting the nature and character of adjacent residential areas.

## **RECOMMENDATION**

That the Planning Commission recommend approval to the Municipal Council of the proposed text amendments to Chapter 14.21D, WG – West Gateway Zone, as contained in Exhibits "A" and "B".

## EXHIBIT "A"

### Chapter 14.21D WG - WEST GATEWAY ZONE

#### Sections:

- 14.21D.010 Purpose and Objectives.
- 14.21D.020 Permitted Uses.
- 14.21D.030 Prior Created Lots.
- 14.21D.040 Lot Standards.
- 14.21D.050 Yard Requirements.
- 14.21D.060 Building Height.
- 14.21D.070 Transitional Development Standards.
- 14.21D.080 Minimum Habitable Main Floor Depth.
- 14.21D.090 Projections.
- 14.21D.100 Distance Between Buildings.
- 14.21D.110 Project Plan Approval.
- 14.21D.120 Parking, Loading and Access.
- 14.21D.130 Landscaping.
- 14.21D.140 Design Standards.
- 14.21D.150 Signs.
- 14.21D.160 Trash Storage and Location.
- 14.21D.170 Walls and Fences.
- 14.21D.180 Notice of Parking and Occupancy Restrictions.

#### 14.21D.010 Purpose and Objectives.

The West Gateway (WG) zone is intended to accommodate restaurants, hotels and a variety of retail uses to service visitors as well as local residents. Properties in this primary entrance to Provo should be inviting, attractive, well-designed and maintained. This zone may accommodate large-scale retail uses as well as smaller-scale downtown and visitor support type uses. The design criteria for the West Gateway is not as stringent as the Gateway zone to the east. Building location and architectural requirements have been lessened due to the different character of this area, as opposed to land further to the east.

#### 4.21D.020 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 (4) digit number in which all digits are whole numbers. Classes or categories of such uses permitted within the zone are identified by a four (4) digit number in which the last one (1) or two (2) 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 WG zone, subject to the limitations set forth.

(4) Property located within one hundred (100) feet of 100 North Street shall only be permitted

53 to be developed with one-family residential uses, either attached or detached. No commercial uses  
54 are permitted within one hundred (100) feet of 100 North Street.  
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56 (5) Permitted Principal Uses. The following principal uses and structures, and no others, are  
57 permitted in the WG zone:  
58

59	Use No.	Use Classification
60		
61	1110	One-family dwelling, <u>detached or</u> attached to commercial or other
62		nonresidential use <u>per 14.21.D.020(4) only</u> ( <del>detached only if</del>
63		<del>existing as of July 7, 2009</del> )
64	<u>1112</u>	<u>One-family dwelling - attached</u>
65	1120	Two-family dwelling, located above or behind commercial or other
66		nonresidential use (detached only if existing as of July 7, 2009)
67	1130	Multiple-family dwellings (three (3) or four (4) dwelling units),
68		located above <u>or behind</u> commercial or other nonresidential use
69	<u>1140</u>	<u>Apartments (low rise) located above or behind commercial or</u>
70		<u>other nonresidential use</u>
71	<u>1150</u>	<u>Apartments (high rise) located above or behind commercial or</u>
72		<u>other nonresidential use</u>
73	1241	Assisted living facility (subject to the locational and development
74		standards as set forth in Section 14.34.470, Provo City Code)
75	1291	Residential facility for elderly persons (see Section 14.34.230,
76		Provo City Code)
77	1292	Residential facility for persons with a disability (see Section
78		14.34.230, Provo City Code)
79	1511	Hotels
80	1512	Motels
81	1516	Bed and breakfast
82	4118	Railroad company office not located at terminal (office only, no
83		storage of related vehicles or equipment in permitted)
84	4218	Bus company offices not located at terminal (office only, no
85		storage of related vehicles or equipment is permitted)
86	4318	Airline company offices not located at terminal (office only, no
87		storage of related vehicles is permitted)
88	4295	Parcel delivery and pickup service
89	4700	Communications (unless identified as a conditional use in Section
90		14.34.420, Provo City Code)
91	4811	Electric transmission right-of-way (identifies areas where the
92		surface is devoted exclusively to the right-of-way of the activity)
93	4815	Electric utility company office (office only, no storage of related
94		vehicles is permitted)
95	4821	Gas pipeline right-of-way (identifies areas where the surface is
96		devoted exclusively of the right-of-way of the activity)
97	4825	Gas company office
98	4831	Water pipeline right-of-way (identifies areas where surface is
99		devoted exclusively to the right-of-way of the activity)
100	4835	Irrigation distribution channels
101	4837	Water utilities or irrigation company office
102	4841	Sewage pipeline right-of-way (identifies areas where surface is
103		devoted exclusively to right-of-way activity)
104	4853	Refuse disposal company office

105	4862	Gas and electric utility company office
106	4863	Water and electric utility company office
107	4864	Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
108		
109	4873	Storm drain or right-of-way (predominantly covered pipes or boxes)
110		
111	4923	Travel agencies
112	5220	Heating and plumbing equipment (no outside storage)
113	5230	Paint, glass, and wallpaper
114	5240	Electrical supplies
115	5251	Hardware
116	5254	Janitorial supplies
117	5255	Building maintenance supplies
118	5256	Swimming pool supplies
119	5311	Department stores (including major and junior chain department stores)
120		
121	5330	Variety stores
122	5340	Merchandise vending machine operators
123	5390	Retail trade - general merchandise
124	5400	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
125		
126	5594	Motor scooters or motorcycles
127	5600	Apparel and accessories
128	5700	Furniture, home furnishings, and equipment
129	5810	Eating places (restaurants)
130	5910	Drug and proprietary stores
131	5930	Antiques and secondhand merchandise (except 5935
132		Secondhand auto parts, 5938 Junk dealers and salvage, 5939
133		Secondhand stores)
134	5940	Books, stationery, art, and hobby supplies
135	5950	Sporting goods, bicycles, and toys
136	5969	Garden supplies
137	5970	Jewelry
138	5990	Miscellaneous retail stores (includes florists, newspapers and magazines, photo supplies, pet stores, and other similar retail stores) (except 5992 Cigars and cigarettes)
139		
140		
141	6100	Banks, insurance, and real estate (except 6123 Pawnbrokers, and 6124 Bail bonds, and 6129 Other credit services)
142		
143	6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6294 Escort services and 6295 Tattooing)
144		
145		
146	6300	Business services (office and retail sales only, except 6380
147		Auction services, 6394 Equipment rentals and 6397 Automobile rentals)
148		
149	<del>6370</del>	<del>Warehousing and storage when ancillary to a retail business</del>
150	<u>6375</u>	<u>Household goods warehousing and storage (only as a mixed-use within buildings, but not in ground floor areas along center street frontages) and moving company offices without local trucking</u>
151		
152		
153	6420	Electrical appliance repair and service
154	6493	Watch and clock repair
155	6494	Reupholstering and furniture repair
156	6496	Locksmiths and key shops

157	6497	Gunsmiths
158	6498	Saw, knife, and tool sharpening
159	6499	Other repair services, NEC (except blacksmiths)
160	6500	Professional services (except 6515 Behavior, drug and alcohol treatment and 6518 Blood banks)
161		
162	6600	Contract construction services (office only)
163	6710	Executive, legislative, and judicial functions (no repair or maintenance facilities)
164		
165	6720	Protective functions and related activities
166	6730	Postal services
167	6800	Educational services
168	6910	Religious activities
169	7398	Video rental shops
170	7399	Other amusements, NEC (bike rentals only)
171	7600	Park
172		

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

- 177 (a) Swimming pools and incidental bath houses subject to the standards of Section  
178 14.34.210, Provo City Code, Swimming Pools.
- 179 (b) Storage of materials used for construction of a building, including the contractor's  
180 temporary office; provided, that such use be located on the building site immediately  
181 adjacent thereto; and provided further, that such use shall be permitted only during the  
182 construction period and thirty (30) days thereafter.
- 183 (c) Vegetable and flower gardens.
- 184 (d) Home occupations subject to the regulations of Chapter 14.41, Provo City Code, Home  
185 Occupations.
- 186 (e) Household pets; provided, that no more than two (2) dogs and two (2) cats six (6)  
187 months of age or older shall be kept at any residence or commercial establishment at  
188 any time. Nothing herein shall be construed as authorizing the keeping of an animal  
189 capable of inflicting harm or discomfort or endangering the health and safety of any  
190 person or property.

191  
192 (7) Uses within Buildings. All uses established in the WG zone shall be conducted entirely  
193 within a fully enclosed building except those uses deemed by the Planning Commission, through  
194 the granting of a conditional use permit, to be customarily and appropriately conducted in the open.  
195 Uses customarily deemed to be conducted in the open may include, but would not be limited to,  
196 public assembly, live entertainment, etc. Open storage within view of a public street or space is  
197 prohibited.

198  
199 (8) Sidewalk cafes shall be permitted per the requirements of Section 14.34.480, Provo City  
200 Code.

201  
202 (9) Canopies and marquees shall be permitted per the requirements of Section 14.34.490,  
203 Provo City Code, only after a conditional use permit has been issued, and subject to the terms  
204 and conditions thereof.

205  
206 (10) Conditional Uses. The following uses and structures are permitted in the WG zone only  
207 after a conditional use permit has been issued, and subject to the terms and conditions thereof:  
208

209	4700	Communications (subject to Section 14.34.420, Provo City Code)
210	4814	Electricity regulating substations
211	4824	Gas pressure control stations
212	4834	Water storage as part of a utility system (covered including water storage standpipes)
213		
214	4836	Water pressure control stations and pumping plants
215	4844	Sewage pumping stations
216	5530	Gasoline service stations
217		
218		

219 **14.21D.030 Prior Created Lots.**

220  
221 Existing lots or parcels of land that do not meet the minimum lot standards found in Section  
222 14.21D.050, Provo City Code, may not obtain a building permit without approval of a conditional  
223 use permit. A conditional use permit may only be issued if the proposed project meets the  
224 conditions outlined in Section 14.02.040(2), Provo City Code, in addition to the following:  
225

226 (1) The applicant has demonstrated that consolidation of property to meet the minimum lot  
227 requirement is not feasible due to surrounding projects, developments or buildings;  
228

229 (2) Requiring a development that meets the minimum lot requirements would result in a  
230 project that would be inconsistent with the characteristics of the surrounding area or with the  
231 established pattern of existing buildings; and  
232

233 (3) The applicant has demonstrated that the property can be developed to comply with the  
234 purpose and requirements of this Title without further need of variances or exceptions.  
235

236  
237 **14.21D.040 Lot Standards.**

238  
239 Lots within the WG zone shall be developed according to the following:  
240

- 241 (1) Minimum Lot Area: ~~20,000~~ 10,000 square feet for all uses except one-family detached  
242 homes on 100 North Street\*  
243  
244 4,000 square feet for one-family detached homes on 100 North  
245 Street.  
246  
247 Attached one-family dwelling shall be no less than 20 feet wide and  
248 1,500 square feet in finished floor area.  
249  
250 \*One-family attached housing may be subdivided by a PUD or  
251 condominium plat and shall comply with minimum 20,000 square foot  
252 lot size minimum.  
253

- 254 (2) Minimum Lot Width 90 feet for all uses except one-family detached homes on 100  
255 North Street\*  
256  
257 40 feet for one-family detached housing on 100 North Street.  
258  
259 20 feet for one-family attached housing.  
260

- 261 (3) Minimum Lot Depth: 90 feet
- 262
- 263 (4) Minimum Lot Frontage: 90 feet
- 264 (5) Maximum Lot Coverage: No requirement
- 265

266  
267 **14.21D.050 Yard Requirements.**

268  
269 Yards shall be provided according to the following:

- 270
- 271 

~~Minimum~~
- 272 (1) Front Yard: 3 feet on Center Street, 10 feet min on all other streets; 20 feet
- 273 maximum
- 274
- 275 (2) Side Yard: 0 feet minimum, 10 feet adjacent to 100-foot one-family
- 276 transitional area
- 277
- 278 (3) Street Side Yard: 10 feet minimum
- 279
- 280 (4) Driveway Access: 16 feet (with a maximum of 40 feet)
- 281
- 282 (5) Rear: 20 25 feet minimum
- 283

284 (6) Clear Vision Area: See Section 14.34.100, Provo City Code, Clear Vision Area - Corner  
285 Lots

286  
287 (7) Courtyards. Front yards may be extended beyond maximum setback limitations, as  
288 specified in Section 14.21D.140, Provo City Code, for a public space upon recommendation by the  
289 Design Review Committee and the City Engineer. In determining the appropriateness of the  
290 courtyard, the approving body shall make the following findings in addition to the conditional use  
291 permit criteria:

- 292 (a) That the proposed courtyard will serve a legitimate public purpose;
- 293 (b) That the design of the courtyard enhances the public realm and will reasonably attract
- 294 activity throughout each day and not on a limited special event basis;
- 295 (c) That the courtyard is not raised more than two (2) feet above street sidewalk grade;
- 296 (d) That the landscaping or other elements do not obscure more than twenty-five percent
- 297 (25%) of the street view into the setback; and
- 298 (e) That the minimum habitable floor area required by Section 14.21D.080, Provo City
- 299 Code, shall be provided along the increased courtyard.
- 300

301  
302 **14.21D.060 Building Height.**

303  
304 Building height, measured from the top of the street curb, shall be determined by the following:

- 305
- 306 (1) Total Maximum Building Height: 50 feet
- 307
- 308 (2) Minimum Number of Building Stories: 1 story
- 309
- 310 (3) ~~Maximum Number of Building Stories~~ 3 stories
- 311 Minimum First Story Height: 12 feet
- 312



- 313 (4) Maximum Story Height: 14 feet  
314  
315 (5) Maximum Parapet/Cornice Height: 5 feet  
316  
317 (6) Maximum Main Floor Elevation - Residential: 3 feet maximum above curb  
318  
319 (7) Maximum Main Floor Elevation - Commercial: 1 foot maximum above curb  
320  
321 (8) Roof mounted mechanical equipment shall be permitted so long as it is completely  
322 screened behind an architectural feature of the primary structure.  
323  
324 (9) Section 14.34.090, Provo City Code, Height Limitations - Exceptions, shall be adhered to  
325 within the WG zone.  
326  
327

#### 328 **14.21D.070 Transitional Development Standards.**

329  
330 (1) Buildings or portions of buildings in the WG zone located adjacent to properties in a RC, R1,  
331 R2, or PRO-R zone shall be located twenty (20) feet from the nearest property line of a  
332 residentially zoned property. New development within this district shall adhere to the requirement  
333 for Section 14.34.300, Provo City Code, Transitional Development Standards for Uses Abutting  
334 Residential Zones.  
335

336 (2) Property located within one hundred (100) feet of 100 North Street shall only be permitted to  
337 be developed with one-family residential uses, either attached or detached. No commercial uses  
338 are permitted within one hundred (100) feet of 100 North Street.  
339

#### 340 **14.21D.080 Minimum Habitable Main Floor Depth.**

341  
342 Each structure in the WG zone fronting a public primary street shall have a minimum habitable  
343 main floor depth of thirty (30) feet that is a nonresidential use. Secondary streets shall have a  
344 minimum habitable main floor depth of thirty (30) feet for 50% of the lot frontage and may be  
345 residential or nonresidential in use.  
346  
347

#### 348 **14.21D.090 Projections.**

349  
350 (1) The following structures may be erected on or project into a required yard provided it does  
351 not obstruct a required driveway:

- 352 (a) Fences and walls in conformance with Provo City Code;  
353 (b) Landscaping elements including trees, shrubs, and other planting materials;  
354 (c) Necessary appurtenances for utility services with property-impact protection if located  
355 adjacent to driveway areas.  
356

357 (2) Buildings may project over required driveways; provided, that a minimum of ten (10) feet of  
358 clearance is provided for vehicular access.  
359

360 ~~(3) Signs may project into a street right-of-way as permitted by Section 14.38.105, Provo City~~  
361 ~~Code, Signs Permitted in the Downtown (DT) Zones.~~  
362

363 ~~(4) Marquees and canopies may project into the street right-of-way under the provisions of~~  
364 ~~Section 14.34.490, Provo City Code.~~

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**14.21D.100 Distance Between Buildings.**

No requirement except as regulated by the provisions of the adopted version of the International Building Code. Public street frontages shall not be dominated by parking lots. The distance between buildings shall not exceed eighty-five (85) feet.

**14.21D.110 Project Plan Approval.**

See Sections 15.03.300 and 15.03.310, Provo City Code.

**14.21D.120 Parking, Loading and Access.**

(1) Each lot or parcel in the WG zone shall provide automobile parking sufficient to meet the requirements as set forth in Chapter 14.37, Provo City Code.

(2) Bicycle Parking. A minimum of one (1) bicycle stall shall be required for every two thousand (2,000) 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.

(3) Parking Design. Parking shall be designed to the requirements of Section 14.37.100, Provo City Code.

(a) Surface parking shall be set back a minimum of ten (10) feet and not be provided between a building and a public street, except for convenience stores with gas pumps as specified in Section 14.21D.140, Provo City Code.

**14.21D.130 Landscaping.**

Landscaping shall be required for all yards and open areas not used for vehicular parking or access and shall meet the requirements of Chapter 15.20, Provo City Code.

**14.21D.140 Design Standards.**

(1) The following design standards are required in the WG zone:

(a) All buildings are not required to be built to the street; however, sufficient buildings shall be built to the street to substantially hide parking areas interior to the development. Building placed along the Center Street frontage shall have a minimum setback of ten (10) feet and a maximum setback of twenty (20) feet. Due to unique access and delivery needs, convenience stores with gas pumps may locate parking and gas pumps between a public street and the store, according to the following provisions:

- (i) The convenience store is at the intersection of arterial and collector streets;
- (ii) The convenience store has access to a traffic light; and
- (iii) The land parcel is a minimum of one (1) acre.
- (iv) Driveway accesses may exceed thirty (30) feet, with the approval of the Provo City Public Works Department.

(b) Backs of buildings may face a public street; however, the back facade will be treated so it is not readily recognizable as a building rear. A minimum of fifty percent (50%) of the rear facade must be dedicated to windows, door(s) or other facade treatments that suggest a building front. The door need not be functional as a building entrance.

(c) Awnings or overhangs are encouraged to allow the rear facade facing a public street to appear more as a front elevation.

- 417 (d) The exterior finished material on all buildings shall not consist of vinyl or metal siding  
418 (including sheet or corrugated metal), plywood, particle board or other wood products  
419 not intended as an architectural finish product, or manufactured stone.  
420 (e) All windows and doors, with the exception of ground level shop fronts, shall be square  
421 or vertical in proportion.  
422 (f) Doors and windows that operate as sliders are prohibited on street frontages and  
423 facades.  
424 (g) Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12 on all  
425 elevations facing a public street. Pitched roofs for residential porches and attached  
426 sheds may not be less than 2:12. This provision should not be construed to prohibit flat  
427 roof designs.

428 (2) The standards set forth in Section 14.34.300, Provo City Code, Transitional Development  
429 Standards, shall apply in the WG zone.

430  
431

#### 432 **14.21D.150 Signs.**

433 Signs shall be regulated by Section 14.38.105, Provo City Code, Signs Permitted in the Downtown  
434 (DT) Zones.

435  
436

#### 437 **14.21D.160 Trash Storage and Location.**

438 All trash storage areas shall be designed according to the standards of Section 14.34.080, Provo  
439 City Code, Trash Storage, except the following provisions shall prevail:

440 (1) Trash storage container enclosures shall not be located between a building and any  
441 primary or secondary street right-of-way. A conditional use permit under the provisions of Section  
442 14.34.080, Provo City Code, cannot be issued to allow trash storage within a front or street side  
443 yard.

444

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

- 449 (a) It is completely enclosed within the building;  
450 (b) A one hundred percent (100%) opaque, lockable garage door or other equivalent, that  
451 measures no more than ten (10) feet in width and eight (8) feet in height is provided.

452  
453

#### 454 **14.21D.170 Walls and Fences.**

455 The following fence heights are permitted within the WG zone. Chain link fences are not permitted  
456 in the WG zone.

457  
458

(1) Front Yard: 3 feet

459

(2) Street Side Yard: 3 feet

460

(3) Side Yard: 6 feet

461

(4) Rear Yard: 6 feet

462

463

464

465

466

467

468

(5) A decorative masonry wall, at least six (6) feet in height, shall be erected along all property  
lines which lie adjacent to a R-1 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

469 requirement may be modified to allow other suitable materials. A signed agreement must be  
470 submitted to the Planning Commission or its designee, indicating this agreement. In the case  
471 where there is not mutual agreement, the masonry wall will be required.

472  
473

474 **14.21D.180 Notice of Parking and Occupancy Restrictions.**

475

476 (1) Prior to the issuance of a Certificate of Occupancy for new multiple residential dwelling  
477 units, a permanent notice must be placed on the electrical box within each unit indicating the  
478 maximum allowable occupancy of each unit based on the approved occupancy consistent with the  
479 recorded parking and occupancy contract. This notice must be a six (6) inch by six (6) inch metal or  
480 plastic plate that is permanently attached to the electrical box with minimum one-half (1/2) inch  
481 engraved letters.

482

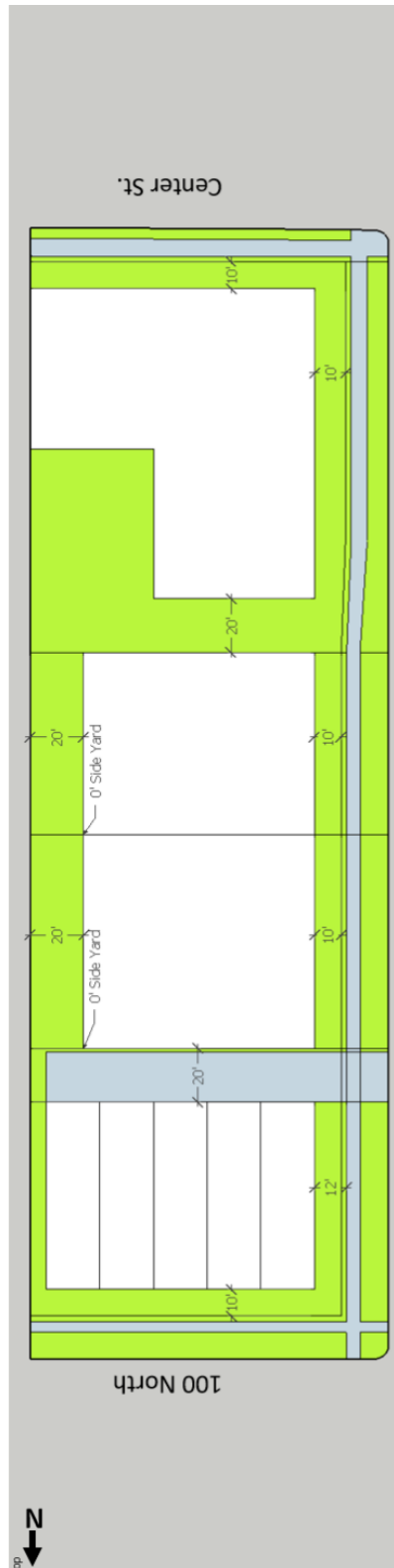
483 (2) Upon submission of these documents, any violation of the restrictions and regulations  
484 noted therein will be considered a misdemeanor offense and will be subject to criminal action as  
485 provided in Section 1.03.010, Provo City Code.

486

487 END

### EXHIBIT "B"

Current WG Zoning Standards – Aerial View



Modified WG Zoning Standards – Aerial View

