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**M E M O R A N D U M**

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**DATE:** October 19, 2004  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Proposed Ordinance to amend City Code Regarding Regulations for Parking Lots in the Downtown (D-1) Zoning District, Pursuant to Petition No. 400-03-30  
**CC:** Cindy Gust-Jenson, Rocky Fluhart, Sam Guevara, Ed Rutan, Lee Martinez, David Dobbins, Louis Zunguze, Tim Harpst, Gary Mumford, Lynn Pace, Lex Traugher, Janice Jardine

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This memorandum is intended to address issues involving a proposed ordinance to amend the *Salt Lake City Code* regarding regulations for parking lots in the Downtown (D-1) Zoning District. The proposed amendments are part of Petition No. 400-03-30. Because the petition seeks to amend portions of the *City Code's Zoning Ordinance* the City Council is required to hold a public hearing. The Council tentatively is scheduled at its November 2 meeting to set a date for a public hearing.

**OPTIONS**

- Adopt the proposed ordinance pursuant to Petition No. 400-03-30.
- Deny Petition No. 400-03-30.
- Adopt the proposed ordinance pursuant to Petition No. 400-03-30 with any amendments the City Council may wish to propose after its briefing and discussion.

**POTENTIAL MOTIONS**

City Council staff will prepare motion options after the City Council's briefing and discussion.

**KEY POINTS**

- The Salt Lake City Planning Commission initiated the petition in November 2003 and in July 2004 adopted a motion to favorably recommend the proposed amendments to the City Council.
- The proposed amendments would add new language to the *Zoning Ordinance* section 21A.30.020, chapter 21A.48.100 and *City Code* chapter 18.64 titled *Demolition*.
- The proposed ordinance would apply only to the D-1 Downtown Zoning District roughly bordered by North Temple, 300 East, 700 South and 300 West streets.

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- The proposed amendments would add criteria to Planning Commission consideration of petitions for conditional use permits to build commercial parking garages, parking lots or parking decks in the D-1 District. The proposed amendments would apply only to new petitions for conditional use permits. The proposed amendments would not apply retroactively to previous petitions.
- The criteria would require that on property where structures have been demolished and cleared away that new commercial parking garages, parking lots or parking decks that would replace the structures be associated with “an adjacent principle use” on the property or “be contributory to the overall downtown parking program.” The Administration’s transmittal identifies The Downtown Alliance’s parking token program – which City government supports – as the “overall downtown parking program.”
- The proposed amendments also would enact requirements for the landscaping of properties where structures have been demolished and “no replacement use is proposed.” Requirements would include landscaping the entire perimeter of a property to a depth of 15 feet; planting shade trees every 30 feet; planting shrubs every three feet; and filling in remaining space with groundcover plants. The shrubs and groundcover would be required to be drought tolerant.

### **ISSUES/QUESTIONS FOR CONSIDERATION**

- Although the City – financially and otherwise – supports The Downtown Alliance’s parking token program, is a property owner’s agreement to participate in the program enough of a reason for the Planning Commission to help weigh whether the Commission should grant a conditional use for a parking lot or garage that is not associated with “an adjacent principle use?”
- On Page 8 of the Planning Commission meeting minutes attached to the Administration transmittal, one of the Commissioners asked if “this proposal allows property owners to construct a harmonious fence that would respect their rights as a property owner.” According to the minutes, the Planning Division director “agreed that that is needed and stated there is a fencing ordinance that staff could look to as an example.” Do the minutes indicate that the proposed amendments also should include a provision regulating fencing, or do they indicate that existing ordinances would allow a property owner to fence a vacant lot?

### **BACKGROUND/DISCUSSION**

According to the Administration transmittal, the petition and proposed ordinance stem from a downtown property owner’s request to build a parking lot on property where structures had been demolished. According to the transmittal, comments at the public hearing on the proposed demolition included:

- Parking lots should not be allowed in the downtown on an ad hoc basis.
- Properties where buildings had been demolished should not be allowed to remain vacant.

In *Exhibit 5* of the Planning Division’s attached report, 21A.30.020.3 (2<sup>nd</sup> page of the exhibit) says, “An excessive influence of at- or above ground parking lots and structures can

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negatively impact the urban design objectives of the D-1 District. To control such impacts, the following regulations shall apply to at- or aboveground parking facilities.”

The proposed ordinance would add a fifth paragraph to the listed regulations: “Parking lots shall be permitted as conditional uses with the approval of the Planning Commission pursuant to the provisions of Chapter 21A.54 of this Title, where it is found that the parking lot is associated with an adjacent principal use and/or is contributory to the overall downtown parking program.”

As mentioned previously, the Administration has identified The Downtown Alliance’s parking token program as the “overall downtown parking program.” One question the City Council may wish to consider is whether a property owner’s agreement to participate in the parking token program is reason enough for the Planning Commission’s favorable consideration of a conditional use permit for a parking lot? Should participation in the parking token program carry weight equal to a proposal to build a parking lot “associated with an adjacent principal use?”