

February 13, 2020
ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2019-01191



REQUEST:

Lilly Lim, a representative of Lyft, Inc, with authorization of Rocky Mountain Power, the owner of the subject property, is requesting an administrative interpretation regarding whether a vehicle reservation type of use is permitted as an accessory use in the TSA-SP-C (Transit Station Area – Special Purpose – Core) zoning district. The property under consideration is located at 1355 West North Temple Street.

DECISION:

The Zoning Administrator finds that within the TSA-SP-C zoning district the proposed use described by the applicant does not meet the definition of an Accessory Use and is most similar to a taxicab facility land use type which is not listed as an allowed use in the TSA-SP-C zoning district.

FINDINGS:

The applicant with Lyft Inc. described the proposed use as, *“...an ancillary use to the existing property to provide access to business related vehicles on-site. Lyft drivers would be able to reserve a vehicle owned by Lyft on the Lyft app and pick up the vehicle on-site. Drivers will not be able to park their own personal vehicles on-site. Drivers may reserve the vehicles for not less than one week”*.

Section 21A.62 of the Salt Lake City Zoning Code, defines “Taxicab Facility” as, *“A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include dispatching, staging, facilities for servicing, repairing, and fueling the taxicabs or vans.”*

The definition “Taxicab Facility” most closely fits with the proposed use as described by the applicant. The proposed use would include facilitating a ride share operation were reserving and picking up the vehicle onsite would be common; this use is most similarly described as a taxicab facility.

Additionally, the applicant with Lyft Inc. states that Lyft is proposing to, *“add an ancillary use to the existing property to provide business related vehicles onsite”*. The proposed new use described by the applicant, as reviewed above, meets the definition of “Taxicab Facility”. The present use of office occupies 960 square feet of the existing building, the remaining 1,440 square feet of the floor area is vacant.

Per section 21A.62 of the Salt Lake City Zoning Code, to be considered an “Accessory Use” the use must meet the following definition: *“A use that: A. Is subordinate in area, extent and purpose to, and services a principle use; B. Is customarily found as an incident to such principal use; C. Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use; D. Is, except as otherwise expressly authorized by the provisions of this title, located on the same zoning lot as such principal use; and E. Is under the same ownership or control as the principal use.”*

The proposed use described by the applicant does not fall within the definition of “Accessory Use” as the proposed use described does not meet all of the provisions required by the “Accessory Use” definition. The proposed use will not be subordinate in area to the principle use, a “Vehicle, Automobile Rental Agency” is not customarily found incidental to an office use (the present use on

site), nor is the proposed use contributive to the comfort or necessity of those occupying, working at or being serviced by the existing principal use.

Therefore, due to the proposed use described by the applicant meeting the definition of “Taxicab Facility” and not satisfying the definition of “Accessory Use” the proposed use is not a permitted use in the TSA-SP-C zoning district, per 21A.33.35 Land Use Tables, and may not be located at subject site.

Any use interpretation is subject to the below standards found in Section 21A.12.050:

- A. *Any use defined in Chapter 21A.62 of this title, shall be interpreted as defined;*

Finding: The proposed use, as described by the applicant, most closely satisfies the definition of “Taxicab Facility” defined in Section 21A.62 of the City Zoning Code. Staff finds that the proposed use does not meet the definition of an “Accessory Use” per Section 21A.62 of the City Zoning Code.

- B. *Any use specifically listed without a “P” or “C” designated in the table of permitted and conditional uses for a district shall not be allowed in that zoning district;*

Finding: The land use “Taxicab Facility” is not listed in the TSA zoning district Land Use Table (21A.33.35). Uses which are not specifically listed in the Land Use Table for the TSA zoning districts and designated as permitted or conditional are not permitted in the TSA district (21A.26.010).

- C. *No use interpretation shall allow a proposed use in a district unless evidence is presented demonstrating that the proposed use will comply with the development standards established for that particular district;*

Finding: It has been found that the proposed use as described previously meets the definition of “Taxicab Facility”, this use is not allowed in the TSA-SP-C zoning district. Therefore, the use may not be established at the subject location.

- D. *No use interpretation shall allow any use in a particular district unless such use is substantially similar to the uses allowed in that district and is more similar to such uses than to uses allowed in a less restrictive district;*

Finding: The subject parcel is located in the TSA-SP-C zoning district. All TSA zoning districts do not permit auto-oriented land uses. The land use which most similarly resembles the proposed land use as described is “Taxicab Facility” which is not listed as a permitted use in the TSA-SP-C district.

- E. *If the proposed use is most similar to a conditional use authorized in the district in which it is proposed to be located, any use interpretation allowing such use shall require that it may be approved only as a conditional use pursuant to chapter 21A.54 of this title; and*

Finding: As described in Standard D, the most similar land use defined by the applicant is “Taxicab Facility”, this land use is not permitted in the TSA-SP-C zoning district.

- F. *No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of that zoning district.*

Finding: The TSA zoning districts include the following purpose statement:

“The purpose of the TSA Transit Station Area District is to provide an environment for efficient and attractive transit and pedestrian oriented commercial, residential and mixed use development around transit stations. Redevelopment, infill development and increased development on underutilized parcels should include uses that allow them to function as part of a walkable, Mixed Use District. Existing uses that are complementary to the district, and economically and physically viable, should be integrated into the form and function of a compact, mixed use pedestrian oriented neighborhood.”

The described proposed use for the site satisfies the definition of “Taxicab Facility” which is a use that is not permitted in any Transit Station Area district. Further, the proposed use is not appropriate within any Transit Station Area district per the Transit Station Area zoning district purpose statement (21A.26.078).

If you have any questions regarding this interpretation, please contact Nannette Larsen at (801) 535-7645 or by email at nannette.larsen@slcgov.com.

APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <http://www.slcgov.com/planning/planning-applications> along with information about the applicable fee. Appeals may be filed in person or by mail at:

In Person: Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT	US Mail: Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417
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Dated this 13th day of February, 2020.



Nannette Larsen
Principal Planner

cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Building Services
Applicable Recognized Organizations
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