



## OFFICE OF THE CITY ATTORNEY

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**TO:** Mayor and Council  
**FROM:** Charles Wadams, City Attorney  
**DATE:** April 24, 2023  
**SUBJECT:** Ordinance No. 1034-22 and CPAFY2022-0006 (Parking Code)

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**ACTION REQUIRED:** None at this time.

**RECOMMENDATION:** Eventual amendment of parking regulations.

**BACKGROUND:** After examining parking requirements, City staff has recommended that base parking requirements be reviewed. Since that time, a parking survey has been completed by nearly two hundred (200) Garden City residents, and work sessions have been conducted. The following concerns were relayed in the working sessions from the parking survey:

1. There should be more public parking available for greenbelt.
2. Not enough on-street parking is available for residents.
3. Not enough parking is available, particularly after work, in the area from 33rd Street to 36th Street.
4. On-street parking needs to be limited and enforced.
5. Cars may not move for weeks or months.
6. Requiring people to move vehicles is undesirable.
7. Traffic circulation, particularly around 42nd and 43rd Streets is of concern.
8. Construction causes an issue.
9. Walking, biking, and transit should be encouraged.
10. The government should not regulate parking, parking should be determined by the private sector.
11. Additional residential units have diminished parking for existing residents.
12. On-street parking makes it dangerous for drivers, pedestrians, and cyclists.
13. Use of space for housing should take precedence over parking.
14. Alternatives to large parking lots, such as along the corridors should be considered.

Accordingly, several code amendment options seeking to address those concerns are being considered. Those options can be found in the pending ordinance. In reviewing the possible amendments and addressing constituents' concerns, City staff has evaluated the parking systems of nearby municipalities. The municipalities' parking systems which are most applicable to Garden City are summarized and analyzed below. On April 24, 2023, City Council will consider the first reading of the ordinance.

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Generally, governing bodies must express clear and objective parking standards in their zoning ordinances for applicants to meet. They may not delegate to someone else, such as a state agency, to determine what the standards are on a development-by-development basis. Parking studies can be used in the right context, but the City needs to codify standards or criteria for parking regulations.

Under current Garden City code, the number of requisite parking spaces for non-residential and mixed-use proposals are to be “determined by the planning official” based on several non-specific criteria. See Garden City Code § 8-4D. While this approach allows flexibility to make determinations on the wide variety of application types, it may also allow for subjectivity. Since standards should be objective, the City should implement clear, objective parking standards for applicants to meet. Doing so will also make it easier for decision maker(s) to evaluate applications and decide whether the codified standards have been met.

**CURRENT GARDEN CITY CODE:**

**ARTICLE D. PARKING AND OFF STREET LOADING PROVISIONS**

**SECTION:**

- 8-4D-1:** Purpose
- 8-4D-2:** Applicability
- 8-4D-3:** Parking Design And Improvement Standards
- 8-4D-4:** Parking Use Standards
- 8-4D-5:** Required Number Of Off Street Parking Spaces
- 8-4D-6:** Standards For Alternatives To On Site Parking
- 8-4D-7:** Off Street Loading Standards

**8-4D-1 PURPOSE:**

This article provides regulations and standards for vehicular and bicycle parking and loading facilities with the following purposes:

- A. To provide for off street parking and loading areas that minimize traffic hazards and congestion, and mitigates impacts on surrounding properties;
- B. To limit the amount of land required for parking with the consequent impacts on water quality and storm drainage;
- C. To maximize the use and efficiency of parking facilities;
- D. To recognize that each development has unique parking needs and to provide for a flexible approach for determining parking space requirements; and
- E. To provide for parking that is in scale and supports the pattern of compact, mixed use development identified in the city's comprehensive plan.

**8-4D-2 APPLICABILITY:**

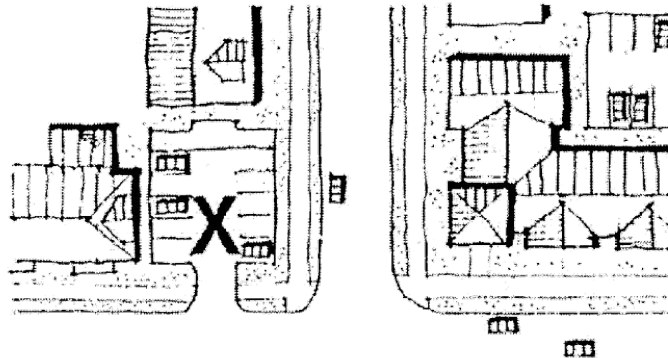
- A. The design standards as set forth in section 8-4D-3, "Parking Design And Improvement Standards", of this article shall apply to any new construction, alteration, or moving of a structure or any new or more intense use of property. Except where there is a change in use, the provisions of this article shall not apply to any existing building or structure.
- B. Construction or modification of any parking area, except single-family residential parking areas, shall comply with plans that have been approved by the city.
- C. The number of required off street parking spaces, as set forth in section 8-4D-5 of this article, shall be provided for all allowed uses in any district.

**8-4D-3 PARKING DESIGN AND IMPROVEMENT STANDARDS:**

- A. Design And Layout Of Parking Areas:
  - 1. Required: All parking areas shall be designed and constructed to provide the type and number of off street parking spaces required by section 8-4D-5 of this article, and designed as required by this section.
  - 2. General Provisions For Location Of Parking Areas:
    - a. No part of any parking area for more than ten (10) vehicles shall be closer than twenty feet (20') to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot, unless separated by screen in compliance with the provisions as set forth in article I, "Landscaping And Tree Protection Provisions", of this chapter.
    - b. If a parking area is located on the same lot with a single-family dwelling unit, the parking area may be located within the front yard required for such building if approved by the planning official after a recommendation from the design review consultant(s) as set forth by 8-6B-3 of this code and only if parking elsewhere is not feasible or possible.
    - c. Parking areas shall not be located closer than four feet (4') to any established street or alley right of way.
  - 3. Location And Design Of Parking Spaces For Residential Uses:

- a. Parking spaces for detached residential dwelling units shall be located on the same lot as the dwelling which the space is intended to serve.
  - b. Parking for attached residential dwelling units shall be located not more than three hundred feet (300') from the structure(s).
  - c. The size of the parking space for a residential unit shall be at least ten feet by twenty feet (10' x 20'). Garage spaces shall be measured from the exterior dimensions.
  - d. Other requirements apply to the location of garages and carports as set forth in article B, "Design Provisions For Residential Structures", of this chapter.
4. Nonresidential And Mixed Uses: Location of parking spaces and lots for nonresidential uses and mixed uses:
- a. Parking shall be located not more than one-fourth (1/4) mile from the use, as allowed by the provisions set forth in section 8-4D-6 of this article.
  - b. Parking lots shall not be located within forty feet (40') of a corner.
  - c. Parking spaces shall not interfere with the visibility and access to the main building entrance.
  - d. Off street parking spaces shall not be located in any required landscape area.

**Figure 8-4D-1  
Acceptable And Unacceptable Location For A Parking Lot**



5. Other Requirements: Other requirements that apply to the location, layout and design of parking lots:
  - a. Parking lots shall be designed in compliance with the requirements as set forth in article C, "Design Provisions For Nonresidential Structures", of this chapter.
  - b. Parking lots shall be designed in accordance with article I, "Landscaping And Tree Protection Provisions", of this chapter.
6. Parking Area Dimensional Standards: Parking lot layouts shall conform to the layouts and specifications identified in the "Garden City Design And Construction Guide", as amended.
7. Parking Area Access Requirements:
  - a. Parking areas shall be designed in such a manner that any vehicle leaving or entering the parking area from, or onto, a public or private street shall be traveling in a forward motion. Except for an alley and parallel spaces,

driveway configurations which require backing in, from, or out onto the street, are not allowed.

- b. Parking areas shall be designed so that all vehicles are able to turn around within the site boundaries.
  - c. Access driveways for parking areas shall be located in such a way that any vehicle entering, or leaving, such an area shall be clearly visible by a pedestrian, or motorist, approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements in section 8-4E-3, "Public Street Connections", of this chapter and the vehicle and pedestrian circulation standards in section 8-4E-4, "Internal Circulation Standards", of this chapter.
8. Handicapped Parking: Parking areas shall conform to Americans with disabilities act (ADA) standards for parking spaces. Parking spaces and access lanes shall be marked including handicapped symbols and signs.
- B. Improvements:
1. Surface: All off street parking areas and driveways into and through a parking area shall be improved with a compacted gravel base, not less than four inches (4") thick, surfaced with dustless material, including, but not limited to, asphalt, concrete, pavers, infiltration pavers, paver bricks, or recycled asphalt.
    - a. This standard shall not apply to temporary uses.
    - b. Residential uses may provide a substitute surface material where it can be demonstrated that the materials do not generate dust.
  2. Drainage: All parking and loading areas shall provide proper drainage of surface water to prevent the flow of water onto adjacent properties or walkways.
  3. Wheel Restraints: All off street parking areas for nonresidential uses shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. This standard shall not apply to temporary uses.
  4. Overhangs: When a bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced two feet (2') in length if two feet (2') is added to the width of the sidewalk or landscaped area planted in ground cover.
  5. Lighting: Any parking area for nonresidential uses which is intended to be used during non daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate parking lots shall be so arranged as to reflect the light away from the adjoining property and be on a motion detector or timer.
- C. Bicycle Parking Facilities: Space for bicycle parking shall be provided consistent with the following location and design standards:
1. Bicycle parking spaces shall:
    - a. Be a minimum space six feet (6') long by two feet (2') wide;
    - b. Be located as close as possible to the building entrance(s);
    - c. Be separated by a physical barrier to protect the bicycle from damage by motor vehicles if located within a vehicle parking area. The physical barrier can be curbs, poles, wheel stops, or other similar features;

- d. Not impede pedestrian or vehicular circulation and should be harmonious with their environment. The facilities shall be incorporated, whenever possible, into the structure's design or street furniture; and
  - e. Be located in highly well lighted areas to minimize theft and vandalism.
2. The bicycle support shall:
- a. Support bicycles in a stable position without damage to the frame, wheels, or other components;
  - b. Provide for a bicycle to be locked to the frame and front wheel with one lock;
  - c. Be securely anchored to the lot surface so bicycles cannot be easily removed and shall be of sufficient strength to resist theft and vandalism; and
  - d. Not be placed too close to a wall or other obstruction so as to make use difficult. There shall be sufficient space (at least 24 inches) besides each parked bicycle to allow easy access.

**8-4D-4 PARKING USE STANDARDS:**

- A. Number Of Spaces: No use shall provide less than the minimum or more than the maximum number of off street parking spaces required under section 8-4D-5, "Required Number Of Off Street Parking Spaces", of this article.
- B. Change Of Use: Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements of this article for the new use.
- C. Use Of Property; Phased Projects: The use of any property is conditional upon the unqualified continuance and availability of the parking as required by this code. In phased projects, individual phases of the project are exempt from the maximum parking standards, provided that the project does not exceed the maximum allowable parking at build-out.
- D. Equivalent Facilities: No required parking area or space provided, as required by this article, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities approved by the city are provided.
- E. Temporary Uses: Required parking spaces shall be used for vehicle parking only, except as may be allowed for a temporary use in compliance with the requirements as set forth in section 8-2C-36, "Temporary Uses", of this title.
- F. Parking Use For Residential Dwellings:
  - 1. Parking of one commercial vehicle as defined in chapter 7 of this title per property may be allowed, provided it is operated by the occupant and used to commute from home to work at an off site location or used as part of an approved home occupation;
  - 2. Vehicles without current registration shall not be parked or stored on any residential property other than in an enclosed space;
  - 3. One boat and one travel trailer less than six feet (6') in length may be stored in the side or rear yard;
  - 4. Tandem parking use is allowed to meet the parking requirements; and
  - 5. One on street parking space a minimum of twenty feet (20') in length may qualify as a required parking space.

**8-4D-5 REQUIRED NUMBER OF OFF STREET PARKING SPACES:**

A. Residential Uses: The minimum number of required off street vehicle parking for residential uses shall be in accord with table 8-4D-2 of this subsection.

**TABLE 8-4D-2  
REQUIRED PARKING SPACES FOR RESIDENTIAL USES**

Use	Total Required Parking Spaces Per Dwelling Unit	Required Parking Spaces Within An Enclosed Garage
Dwelling, multi-family:		
1 bedroom	1	1
More than 1 bedroom	2	1
Dwelling, single-family attached:		
1 bedroom	2	1
More than 1 bedroom	2	2
Dwelling, single-family detached	2	1
Dwelling, 2 unit:		
1 bedroom	2	1
More than 1 bedroom	2	2
For developments with more than 2 dwelling units there shall be 0.5 additional spaces/unit provided for guest parking.		

B. Nonresidential And Mixed Uses: The minimum and maximum number of required off street vehicle parking for nonresidential uses and mixed use shall be determined by the planning official based on the following criteria:

1. The specific use(s) proposed and/or on the property;
2. Uses in the vicinity of the property;
3. A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s);
4. The availability of on street, shared, and/or public parking within the vicinity of the use; and
5. The availability of public transit, vanpooling or other alternative transportation to serve the use.

C. Appeal: When in the determination of the planning official, there is insufficient parking or the proposed parking is oversupplied to meet the needs of the use(s), the planning official’s determination may be appealed to the planning and zoning commission in accordance with the provisions set forth in section 8-6A-9, “Appeals”, of this title.

D. Bicycle Parking Standards:

1. Bicycle parking facilities shall be provided for any new structure, or an addition to any existing structure, that exceeds fifteen thousand (15,000) square feet in gross floor area, or any multi-family development of three (3) or more units.
2. Bicycle parking facilities shall be provided in compliance with table 8-4D-3 of this subsection, with fractional requirements for bicycle parking over 0.5 to be rounded up.

**TABLE 8-4D-3  
REQUIRED BICYCLE PARKING SPACES**

Type Of Use	Minimum Number Of Bicycle Parking Spaces Required
All nonresidential structures	1 space per 20 vehicle spaces and 1 space per commercial tenant
Multi-family residential structures (3 or more dwelling units) including units in a mixed use project	1 space for every 6 dwelling units

**8-4D-6 STANDARDS FOR ALTERNATIVES TO ON SITE PARKING:**

Alternatives to providing on site parking are encouraged, including, but not limited to, shared use facilities, access to transit and availability of other forms of transportation such as carpools and vanpools.

A. Conditions: Conditions favorable to providing alternatives to on site parking are as follows:

1. Shared use:
  - a. There are convenient pedestrian connections between separate properties;
  - b. The properties and/or uses are within one-fourth (1/4) mile of each other;
  - c. The principal operating hours of the uses are not in substantial conflict with one another; and
  - d. Directional signs provide notice of the availability of parking.
2. Alternative transportation:
  - a. There is a transit stop within one-fourth (1/4) mile of the use; or
  - b. There is an incentive program for carpooling, vanpooling, or transit supported by the employer.
  - c. There are shower facilities and lockers to support and encourage the use of nonmotorized transportation by employees.

B. Agreement:

1. All parties involved with a joint use parking area shall submit a written agreement to the planning official, signed by the applicable parties involved. The agreement shall specify the following:
  - a. Party or parties responsible for construction; and
  - b. Party or parties responsible for maintenance.
2. The applicant or owner shall record such agreement with the Ada County recorder prior to issuance of any permits.
3. The shared use parking agreement may be terminated by the parties only if off street parking is provided in conformance with this article and approved by the planning official prior to the termination.

**8-4D-7 OFF STREET LOADING STANDARDS:**

A. Off Street Loading Space Requirements:

1. Off street loading spaces for nonresidential uses shall be provided as set forth in table 8-4D-4 of this subsection.



Gross Floor Area In Square Feet	Required Type And Number Of Spaces
0 to 36,000	1 type B
36,001 to 100,000	1 type A and 1 type B
Each additional 75,000 or fraction thereof	1 additional type A

2. Type A spaces shall be not less than twelve feet (12') in width and thirty five feet (35') in length. Type B spaces shall be not less than fifteen feet (15') in width and sixty five feet (65') in length. All spaces shall have fourteen feet (14') of vertical clearance.
- B. Off Street Loading Access Requirements:
1. Access driveways for parking areas shall be located in such a way that any vehicle entering or leaving such an area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street. Access shall conform to the clear vision requirements and the vehicle and pedestrian circulation standards in article E, "Transportation And Connectivity Provisions," of this chapter.
  2. Except for an alley, loading areas shall be designed so vehicles shall not back out into the street; or project into the public right of way or setback area.
  3. Convenient access to loading spaces from streets or alleys shall be provided with not less than fifteen feet (15') in width.
- C. Off Street Loading Requirements Adjacent To A Residential District:
1. No off street loading space shall be located closer than fifty feet (50') to a residential district unless fully enclosed or within an enclosure of walls twelve feet (12') high.
  2. No off street loading space shall face an abutting residential district.
  3. Any off street loading space located within fifty feet (50') of a residential district shall not operate between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

**THE BELOW ARE EXAMPLES OF PARKING REGULATIONS FROM OTHER LOCAL GOVERNMENTS:**

**CURRENT MERIDIAN CODE**

**11-3C-6(B)-(H)**

- B. The following standards shall apply for off street vehicle parking for nonresidential uses:
1. In all commercial and residential districts the requirement shall be one (1) space for every five hundred (500) square feet of gross floor area, except for self-service storage facilities which shall only require parking based on the gross floor area of any office space.
  2. In all industrial districts the requirement shall be one (1) space for every two thousand (2,000) square feet of gross floor area, except for self-service storage

facilities which shall only require parking based on the gross floor area of the office space.

3. In all traditional neighborhood districts the requirement shall be one (1) space for every one thousand (1,000) square feet of gross floor area. Lawfully existing structures in traditional neighborhood districts shall not be required to comply with the requirements of this section except when a proposed addition increases the number of off-street parking spaces normally required, then the applicant shall provide additional parking as set forth in this section.
  4. In circumstances where there would appear to be a public safety issue, the director may request additional information from the applicant to determine if there is sufficient parking. When in the determination of the director there is insufficient parking, the applicant shall provide alternatives to off street parking as set forth in Section 11-3C-7 of this article. The determination by the director shall be based on the following criteria:
    - a. The specific use(s) proposed and/or on the property;
    - b. Uses in the vicinity of the property;
    - c. A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s);
    - d. The availability of on street, shared, and/or public parking within the vicinity of the use; and/or
    - e. The availability of public transit, vanpooling or other alternative transportation to serve the use.
- C. Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements of this article for the new use.
- D. It is the responsibility of the applicant to ensure that the size and number of handicap accessible spaces meets all Americans with Disabilities Act (ADA) requirements.
- E. The required vehicle parking spaces shall be provided and continuously maintained.
- F. No required parking area or space provided, as required by this article, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities approved by the director are provided.
- G. One (1) bicycle parking space shall be provided for every twenty-five (25) proposed vehicle parking spaces or portion thereof, except for single-family residences, two-family duplexes, and townhouses.
- H. If the calculation of the number of off-street parking spaces results in a fraction, such number shall be rounded up or down to the next whole number. fractions less than one-half (0.5) shall be rounded down to the whole number and fractions which are one-half (0.5) and greater shall be rounded up to the next higher whole number.

**11-3C-7. Parking standard alternatives.**

Alternatives to providing off-street parking as set forth in this section are encouraged in all developments. When required to meet minimum parking standards of Sections 11-3C-5 and 11-3C-6 of this article, alternatives shall include, but not be limited to, shared use facilities, public-private partnerships for facilities such as parking structures or bicycle

locker and storage areas, access to transit and availability of other forms of transportation such as car pools and vanpools.

- A. Favorable conditions. Conditions favorable to providing alternatives to off street parking are as follows:
  - 1. Shared use.
    - a. There are convenient pedestrian connections between separate properties;
    - b. The properties and/or uses are within one thousand (1,000) feet of each other;
    - c. The principal operating hours of the uses are not in substantial conflict with one another; and
    - d. Directional signs provide notice of the availability of parking.
  - 2. Alternative transportation.
    - a. There is a transit stop within one-fourth ( $\frac{1}{4}$ ) mile of the use; or
    - b. There is an incentive program for carpooling, vanpooling, or transit supported by the employer.
- B. Shared use agreement.
  - 1. All parties involved with the shared use parking area shall submit a written agreement to the director, signed by the applicable parties involved. The agreement shall specify the following:
    - a. Party or parties responsible for construction; and
    - b. Party or parties responsible for maintenance.
  - 2. The applicant or owner shall record such agreement with the Ada County Recorder prior to issuance of any permits.
  - 3. The shared use parking agreement may be terminated by the parties only if off street parking is provided in conformance with this article and approved by the director prior to the termination.
- C. Alternative transportation. Where alternative modes of transportation are available, off street parking may be reduced by an equivalent amount to the demand that is met by the alternative transportation mode, as documented in a transportation plan prepared by a registered engineer.
- D. Old town (O-T) district alternatives. To encourage creative parking solutions the following alternatives are also available to properties located in the old town (O-T) district.
  - 1. Credit. Any addition or new construction on property where a lawful structure exists, the applicant is eligible for an existing structure credit. Off street parking for the existing square footage of a structure shall not be required, provided the applicant apply for a parking credit. Unless otherwise explicitly required by previous city approval, existing off-street parking need not be retained on properties where additions and new construction is proposed. The following must be satisfied to obtain a parking credit:
    - a. The existing square footage shall be verified through the Ada County Tax Assessor's records.
    - b. For existing structures to be demolished, the square footage of the new structure shall be equal to or greater than the existing structure.
    - c. For existing structures to be demolished, construction of a new structure shall commence within eighteen (18) months of demolition permit issuance.

2. Innovative solutions. The city recognizes that there may be innovative parking proposals that conform to the purpose, intent, and objectives of this article but were not anticipated in the specific regulations. This subsection sets forth a method for compliance in the event an innovative parking solution is proposed. The Director may approve, or recommend approval of, an innovative alternative parking solution in Old Town, when the following are satisfied:
  - a. Meridian Development Corporation (MDC) recommendation. The applicant or owner shall obtain a written recommendation on the parking compliance method proposed from the Meridian Development Corporation (MDC) board. Said recommendation from the MDC board shall accompany the submittal of a development application.
  - b. Approval. To grant approval, the director shall determine the following:
    - i. The solution proposed mitigates the additional demand created by the new or expanded use;
    - ii. The proposal will not negatively impact nearby parking or impair the character of surrounding properties;
    - iii. Strict adherence or application of the parking requirements on the subject site are not feasible or desirable in Old Town; and
    - iv. The solution is not materially detrimental to public health, safety or welfare.
- E. *Alternative off-street parking and loading plan.* The Director may approve, or recommend approval of, an alternative off street parking and loading plan, through the alternative compliance process specified in section 11-5B-5 of this title when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this article. Mitigating circumstances might include, but not be limited to, access to an adequate public transit system and/or an unusually low parking demand.

## **CURRENT EAGLE CODE**

### **8-4-2: APPLICATION OF PROVISIONS:**

- A. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off street parking and loading spaces have been provided in accordance with the provisions of this title.
- B. The provisions of this chapter, except where there is a change of use, shall not apply to any existing building or structure. Where a new use involves no additions or enlargements, there shall be provided as many such spaces as may be required by this title.
- C. Whenever a building, structure, or use, constructed or changed in use after the effective date hereof, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces per this title, additional parking spaces shall be provided so that the existing building, structure, or use, and proposed enlargement or change in use, shall then and thereafter comply with the full parking requirements set forth herein.

- D. If more than one use is located on the site, the number of off street parking spaces shall be equal to the sum of the requirements prescribed for each use unless a joint/collective parking facility is approved as provided for in section 8-4-4-3 of this chapter.

<b>Type Of Use</b>	<b>Off Street Parking Spaces Required</b>
<b>RESIDENTIAL</b>	
Apartments or multi-family dwellings	For each unit with 2 or more bedrooms - 2 including 1 covered; for each 1 bedroom or studio unit - 1.5 including 1 covered. 0.25 spaces per unit shall be provided for guest parking. Garages shall not be used for household storage and shall be kept available for parking
Boarding houses, lodging houses, dormitories and fraternity houses which have sleeping rooms	1 for each sleeping room or 1 for each permanent occupant, whichever number is greater
Mobile home court (RV)	1 for each trailer/RV space
Mobile home or manufactured home park	For each unit with 2 or more bedrooms - 2 including 1 covered; for each 1 bedroom unit - 1 covered. 0.25 spaces per unit shall be provided for guest parking. Adjacent on street parking spaces on a local street may be credited toward the guest parking requirement
Single-family dwelling (lots less than 15,000 square feet)	2 including 1 covered
Single-family dwelling (lots 15,000 square feet or more)	2
Two-family dwelling	For each unit - 2 including 1 covered
<b>COMMERCIAL</b>	
Ambulance services	1 per 500 square feet of gross floor area; plus 2 enclosed ambulance storage spaces
Artist studios	1 per 1,000 square feet of gross floor area
Auction facility	As required with conditional use permit
Automobile washing facility	1 per 200 square feet of gross floor area of sales, office, or lounge area; plus queue for 3 cars per washing station
Automotive gas station/service shop or fuel islands	1 for each 2 gasoline pumps and 2 for each service bay (spaces in front of bays or pumps shall not be counted)
Automotive, mobile home, travel trailer, and/or farm implement sales	1 per 400 square feet of gross floor area; plus 1 per 500 square feet outdoor display
Automotive repair shop, body shop, or tire shop	1 per 225 square feet of gross floor area
Automotive storage	1 per 500 square feet of gross floor area of office space; plus 1 per 1,000 square feet of gross storage area

Banks/financial institutions	1 for each 200 square feet of gross floor area; plus queue for 4 cars per drive up window
Catering service	1 per 400 square feet of gross floor area
Childcare - family	1
Childcare - group	2
Childcare - daycare center	3 for each classroom but not less than 9 for the building
Churches and other places of religious assembly	1 for each 5 seats
Clinic	1 per 200 square feet of gross floor area
Club or lodge	1 per 100 square feet of gross floor area
Commercial entertainment facilities:	
Auditoriums, sports arenas, theaters and similar uses	1 for each 3 seats
Bowling alleys	3 for each alley or lane, plus 1 additional for each 100 square feet of the area used for restaurant, cocktail lounge, arcade area or similar use
Dance floors, skating rinks	1 per 100 square feet of gross floor area
Outdoor swimming pools, public or community or club	1 for each 4 persons' capacity, plus 1 for each 4 seats or 1 for each 30 square feet floor area used for seating purposes, whichever is greater
Tennis and racquetball clubs	3 per court
Communication facilities	1 per 500 square feet gross floor area
Convenience store	1 per 250 square feet gross floor area; plus 1 for each 2 gasoline pumps
Detention facilities	As specified by conditional use permit
Emergency health care	1 per 200 square feet of gross floor area
Emergency services	1 per 500 square feet of gross floor area; plus minimum of 2 enclosed vehicle storage spaces
Equipment rental and sales yard	1 per 400 square feet of gross floor area; plus 1 per 500 square feet outdoor display
Food and beverage sales	1 per 250 square feet of gross floor area
Health clubs, spas, and weight reduction salons	1 per 250 square feet of gross floor area
Home and business services	1 per 400 square feet of gross floor area
Hospitals	1 for each bed
Hotels, motels	1 for each sleeping room, plus 1 for each 2 employees
Kennel	1 per 400 square feet of gross floor area
Laboratories	1 per 500 square feet of gross floor area
Laundromat	1 per 300 square feet of gross floor area
Laundry	1 per 400 square feet of gross floor area; plus queue for 3 cars per drive up window

Maintenance and repair services	1 per 400 square feet of gross floor area; plus 1 per 500 square feet of outdoor storage area
Mortuaries, funeral parlors, and similar type uses	1 per 4 seats
Nursery, plant materials	1 per 500 square feet of outside display/ lathe house/green house area, plus 1 per 250 square feet gross floor area
Nursing/convalescent homes, sanitariums, children's homes, asylums and similar uses	1 for each 3 beds
Offices, business and professional	1 per 250 square feet of gross floor area
Offices, medical and dental	1 per 200 square feet of gross floor area
Pawn shops	1 per 250 square feet of gross floor area
Personal improvement	1 per 250 square feet of gross floor area
Personal services	1 per 250 square feet of gross floor area
Printing and/or blueprinting	1 per 400 square feet of gross floor area
Restaurant with drive-through	1 per 200 square feet of gross floor area; plus queue space for 5 cars for drive up service
Restaurants, dining rooms, taverns, nightclubs, etc.	1 per 150 square feet of gross floor area; plus 1 per 35 square feet dance floor
Retail sales of large items such as furniture and appliances	1 per 500 square feet of gross floor area; in the DDA and TDA 1 per 1,000 square feet of gross floor area shall be required for any such use and on street parking shall be included in the minimum requirement
Retail sales not listed under another use classification	1 per 250 square feet of gross floor area; in the DDA and TDA 1 per 500 square feet of gross floor area shall be required for any such use and on street parking shall be included in the minimum requirement
Riding academies/stables	1 per 4 stalls
Shop, contractors (and/or yard)	1 per 400 square feet gross floor area of shop; plus 1 per 1,000 square feet of gross storage area (indoor and outdoor)
Storage (enclosed building and/or fenced area)	1 per 1,000 square feet of gross storage area
Travel services	1 per 250 square feet of gross floor area
Vet clinic (animal hospital)	1 per 400 square feet of gross floor area
INDUSTRIAL	
Automotive wrecking yard or salvage	1 per 1,000 square feet gross storage area; plus 1 per 300 square feet office or sales area
Industry (custom)	1 per 1,000 square feet gross area used for industrial purposes; plus 1 per 300 square feet office or sales area

Industry (limited)	1 per 750 square feet of gross floor area used for industrial purposes; plus 1 per 300 square feet office or sales area
Industry (research and development)	1 per 500 square feet
Manufacturing facilities and processing plants	1 per 500 square feet gross area used for manufacturing/processing; plus 1 per 300 square feet office or sales area
Warehousing, wholesaling, distribution and storage	1 per 1,000 square feet gross area up to 20,000 square feet plus 1 per 2,000 square feet gross area over 20,000 square feet
<b>PUBLIC/SEMIPUBLIC</b>	
Business, technical and trade schools	1 for each 2 students
Colleges, universities	1 for each 4 students
Cultural facilities	1 per 300 square feet gross floor area; plus 1 per 90 square feet for area for assembly purposes
Elementary and junior high schools	2 for each classroom and 1 for every 5 seats in the auditoriums or assembly halls
Government offices	1 per 250 square feet gross floor area
High schools	As required with conditional use permit
Kindergartens, childcare centers, nursery schools and similar uses	3 for each classroom, but not less than 9 for the building
Libraries, museums and art galleries	1 for each 400 square feet floor area

\*Eagle also has loading space requirements, bicycle parking requirements, joint/collective parking specifications, and compact vehicle specifications.

Eagle only allows a reduced number of parking spaces when (1) there is a joint parking agreement that meets requisite criteria or (2) the project falls within two designated overlay zoning districts. Eagle's parking standards are objective.

**CURRENT SUN VALLEY CODE**

Article E. Parking Regulations

**9-3E-1: PURPOSE:**

The purpose of this article is to provide regulations and standards for off street parking and loading facilities with the intent to minimize traffic hazards and congestion, and mitigate impacts on surrounding properties.

**9-3E-2: APPLICABILITY:**



The following standards shall apply to any new construction, alteration, or any new or more intense use of property. The number of off street parking spaces, as set forth in this article, shall be provided for all allowed uses in all districts.

**9-3E-3: DESIGN STANDARDS:**

- A. Design Of Parking Areas:
1. All parking areas shall be designed and constructed to provide the type and number of off street parking spaces required by this article, and designed as required by this section.
  2. Parking areas shall provide adequate snow storage and removal space and adequate drainage facilities in accordance with the design criteria, as applicable, as set forth in title 7 of this code.
  3. Location of parking spaces relative to structure(s):
    - a. Parking spaces for all detached residential dwelling units shall be located on the same lot as the use that they are intended to serve.
    - b. Parking for attached residential dwelling units shall be located not more than three hundred feet (300') from the dwelling units, except as provided by section 9-3E-5 of this article.
    - c. In the RM-1 and RM-2 districts, parking spaces shall be grouped together into parking areas or compounds, to the maximum extent possible.
  4. The size of the garage required for dwelling units shall be measured by interior dimensions and shall be at least ten feet by twenty feet (10' x 20') for a one space garage and twenty feet by twenty feet (20' x 20') for a two (2) space garage.
  5. Designated parking spaces shall not be located within any required setback areas on the lot as set forth in chapter 2 of this title, unless adequate screening is provided.
  6. All required parking as determined in section 9-3E-4 of this article shall be designed for standard vehicles. Compact stalls may be used for any parking above the number of required parking spaces.
  7. All parking lots and garages shall provide on site turnarounds for all off street parking spaces and loading facilities in accord with requirements set forth by the city fire chief.
  8. Parking stalls and driving aisles shall be designed in accordance with the standards in title 7 of this code.
- B. Design Of Bicycle Parking Facilities:
1. Bicycle parking facilities shall be located as close as possible to the building entrance(s).
  2. Bicycle parking facilities shall not obstruct pedestrian walkways, public sidewalks, or building entrances.
  3. Bicycle parking facilities shall support the bicycle and allow the owner to lock the frame and front wheel with one (1) lock.

**9-3E-4: REQUIRED NUMBER OF OFF STREET PARKING SPACES:**

- A. Required number of off street parking spaces are as follows:

Accessory dwelling unit	Each unit shall have 1 parking space, either enclosed or not enclosed.
Art studios and galleries and childcare facilities	1 on site parking space for every 750 square feet of net usable floor area and a minimum of 2 on site employee parking spaces.
Convention facilities	1 on site parking space for every 500 square feet of net usable floor area.
Dormitory	1 space per every 4 sleeping beds.
Hotels	1 on site parking space for each sleeping room or for every 3 beds, whichever is greater, plus 1 on site employee parking space for every 5 sleeping rooms.
Multiple-family dwelling unit and townhouse development in CC District	Each unit shall have at least the following:
	1. 2 1/2 parking spaces for each dwelling unit containing more than 2,400 square feet of living area; or
	2. 1 1/2 parking spaces for a unit containing between 1,200 square feet and 2,400 square feet of living area; or
	3. Deed restricted work force housing units which shall have at least 1 parking space, enclosed or unenclosed; or
	4. 1/2 parking space for a compact dwelling unit (less than 1,200 square feet); and
	5. 1/2 additional unassigned parking space for each dwelling unit.
	6. 1 parking space for deed restricted dwelling unit.
Performing arts centers, amphitheaters, education centers	1 on site parking space for every 4 seats or 1 on site parking space for every 60 square feet of net usable floor area in an auditorium or place for public assembly, whichever is greater.
Professional offices, retail and service uses, including restaurants and drinking establishments	1 on site parking space for every 250 square feet of net usable floor area, plus 1 additional on site employee parking space for every 750 square feet of net usable floor area.
Single-family dwelling unit	Each unit shall have at least 2 parking spaces, at least 1 of which shall be enclosed, with the exception of deed restricted work force housing units which shall have at least 1 parking space, enclosed or unenclosed.
Single-family dwelling unit in cluster arrangement, townhouse, or multi-family unit	Each unit shall have at least 2 parking spaces, at least 1 of which shall be enclosed; with the exception of deed restricted work force housing units which

	shall have at least 1 parking space, enclosed or unenclosed; and there shall be 1/2 additional, unassigned on site parking space for each unit.
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- B. For uses that are not specified, the commission shall determine the required number of on site parking spaces based upon the following criteria:
  - 1. Comparison of the particular use with those specified above;
  - 2. Uses in the vicinity of the property;
  - 3. A traffic study forecasting the expected traffic and parking needs expected from the use(s);
  - 4. The availability of on street, shared, and/or public parking within the vicinity of the use; and/or
  - 5. The availability of pedestrian and bicycle pathways, public transit, vanpooling or other alternative transportation to serve the use.
- C. One (1) bicycle parking space shall be provided for every twenty-five (25) vehicle parking spaces, except for single-family residences.

**9-3E-5: PARKING REDUCTION:**

Alternatives to providing on site parking as set forth in this section are encouraged in all developments. Alternatives shall include, but not be limited to, shared use facilities, remote parking area with transit service, access to transit service (bus, rail, gondola, and trolley), pedestrian and bicycle facilities, and availability of other forms of automobile transportation such as carpool and vanpools.

- A. Conditions favorable to providing alternatives to on site parking are as follows:
  - 1. Shared use:
    - a. There are convenient pedestrian connections between separate properties;
    - b. The properties and/or uses are within one thousand feet (1,000') of each other;
    - c. The principal operating hours of the uses are not in substantial conflict with one another; or
    - d. Directional signs provide notice of the availability of parking.
  - 2. Alternative transportation:
    - a. There is a transit stop or regional pedestrian and bicycle path within one-fourth (1/4) mile of the use;
    - b. There is a program for carpooling, vanpooling, or transit supported by the employer; or
    - c. The site is served by a park and ride lot or remote centralized parking with transit service.
- B. Where alternative modes of transportation are available or a parking study has demonstrated that parking as required by section 9-3E-4 of this article is not required, on site parking may be reduced as determined acceptable to the Director and approved by the commission through a conditional use permit process.

**9-3E-6: OFF STREET LOADING SPACE REQUIREMENTS:**

- A. Commercial Uses: Adequate off street loading space for commercial uses shall be provided to meet the needs of the use.

- B. Backing Into Street: All off street loading areas shall be designed to limit vehicles from backing out into the street.
- C. Screening Required: All off street loading spaces shall be screened from view from the public right-of-way.
- D. Proximity To Residential District: No off street loading space shall be located closer than fifty feet (50') to an abutting residential district unless wholly enclosed within a sound attenuating structure. Any off street loading space located within fifty feet (50') of a residential district shall not operate between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

## **PARKING REDUCTIONS**

### ***Parking Reduction Issues:***

- I. Garden City is considering the adoption of parking reduction criteria, similar to the City of Eagle. What are Eagle's allowances for a reduced number of parking spaces?
- II. What discretion does Eagle give its administrator to determine the number of requisite parking spaces?
- III. What allowances does the City of Sun Valley set forth for a reduced number of parking spaces?

Sun Valley gives a comprehensive list of parking requirements, similar to Eagle, but also allows for a reduced number of spaces (1) when certain criteria are met in order to encourage alternative modes of transportation or (2) a parking study has demonstrated that the "required number of spaces are not required". For both options, the reduced parking must be "determined acceptable to the Director and approved by the commission through a conditional use permit process."

Eagle's provisions are most clear and objective. If it were possible, ideally our code would be similar to Eagle's in that it would not include very many provisions for reduced parking. Sun Valley's code is also included.

Only relevant portions of Eagle and Sun Valley's codes are included. Omitted sections are represented by an ellipses [...]. Also included are Eagle's provisions for joint parking, which also are of interest.

## **EAGLE**

### **8-4-1: INTERPRETATION OF PROVISIONS:**

In the interpretation of this chapter, the following shall govern:

- A. Parking spaces for other permitted or conditional uses not listed herein shall be determined by the administrator. Among the factors for determining the number of spaces to be required for a use not listed herein, the administrator shall compare the proposed

use with a use which has similar traffic generating characteristics as outlined in the most recent version of the Institute Of Transportation Engineers' "Trip Generation Manual".

B. Fractional numbers shall be increased to the next whole number.

C. All development located within the design review overlay district shall comply in all respects with the site and building lighting requirements established herein. (Ord. 756, 8-23-2016)

#### **8-4-4-3: JOINT/COLLECTIVE PARKING FACILITIES:**

A. Off street parking spaces required by this chapter for any specific use shall not be considered as providing parking spaces for any other use except where a joint/collective parking facility has been approved pursuant to the following:

1. The applicant shall show that:
  - a. There is no substantial conflict in the principal operating hours of the building, structure or use for which the joint/collective parking facility is proposed;
  - b. The peak hours of parking demand from the uses shall not coincide so that the peak demand will be less than the parking required;
  - c. The shared parking spaces shall serve the uses without conflict;
  - d. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if a joint/collective parking facility was not requested; and
  - e. If a public transit system serves the area, the applicant may provide documentation showing that the parking demand will be reduced.
2. The proposed reduction of required spaces, applicable to each use, shall be shown by the applicant.
3. The city may require the applicant to submit survey data, or additional documentation substantiating a request for a joint/collective parking facility.
4. The joint/collective parking facility may be on a site other than the site where the use is located, but shall be located no further than that permitted by subsection 8-4-4-1 A of this chapter.
5. The spaces to be provided shall be available as long as the uses requiring the spaces are in operation.
6. The parties concerned in the joint/collective parking facility shall submit a written agreement in a form to be recorded for such joint/collective use, approved by the city attorney as to form and content, and such agreement, when approved as conforming to the provisions of this chapter, shall be recorded in the office of the county recorder and copies thereof filed with the zoning administrator prior to issuance of a building/zoning permit, or prior to issuance of a certificate of occupancy, whichever occurs first. The agreement shall include:
  - a. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking;
  - b. A guarantee among the landowners for access to a use of the joint/collective parking facility;

- c. A provision that the city may require parking facilities in addition to those originally approved upon findings by the city council that adequate parking to serve the uses has not been provided;
  - d. A provision stating that the city council, may for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the agreement at any time; and
  - e. Any other information required to be documented on such agreement by the city in an effort to assure compliance with this title.
7. The zoning administrator may permit a maximum reduction in the number of spaces to be provided not exceeding twenty percent (20%) of the sum of the number of spaces required for each use only if the provisions of this chapter have been met. The maximum allowable reduction in the number of spaces to be provided shall not exceed twenty percent (20%) of the sum of the number required for each use served unless a conditional use is approved by the city council.

...

#### **8-4-5: SCHEDULE OF PARKING REQUIREMENTS:**

For the purpose of this title, the following space requirements shall apply, except that in the DDA and TDA the space requirement listed herein shall be reduced by fifty percent (50%) for all nonresidential uses and adjacent on street parking shall be included in the minimum requirement [See Table].

### **SUN VALLEY**

#### **9-3E-5: PARKING REDUCTION:**

Alternatives to providing on site parking as set forth in this section are encouraged in all developments. Alternatives shall include, but not be limited to, shared use facilities, remote parking area with transit service, access to transit service (bus, rail, gondola, and trolley), pedestrian and bicycle facilities, and availability of other forms of automobile transportation such as carpool and vanpools.

A. Conditions favorable to providing alternatives to on site parking are as follows:

- 1. Shared use:
  - a. There are convenient pedestrian connections between separate properties;
  - b. The properties and/or uses are within one thousand feet (1,000') of each other;
  - c. The principal operating hours of the uses are not in substantial conflict with one another; or
  - d. Directional signs provide notice of the availability of parking.
- 2. Alternative transportation:
  - a. There is a transit stop or regional pedestrian and bicycle path within one-fourth (1/4) mile of the use;
  - b. There is a program for carpooling, vanpooling, or transit supported by the employer; or
  - c. The site is served by a park and ride lot or remote centralized parking with transit service.

B. Where alternative modes of transportation are available or a parking study has demonstrated that parking as required by section 9-3E-4 of this article is not required, on site parking may be reduced as determined acceptable to the Director and approved by the commission through a conditional use permit process. (Ord. 382, 10-25-2006)

#### **ANALYSIS AND CONCLUSION:**

Examples from neighboring jurisdictions may be helpful to determine standards that will meet the needs of Garden City. It is important to bear in mind that any changes to the current code should be clear, objective, and usable. Additionally, the changes should adhere to the goals and objectives found within Garden City's Comprehensive Plan.

From a legal standpoint, the framework for the code amendment should be to keep it as simple as possible. Generally, the current tables for residential and multifamily uses are objective. However, should the requirements for guest parking spaces be reduced? One bedroom residences currently require a one car garage. But what about covered parking as opposed to a garage, and should a garage be counted as a parking spot?

However, parking for nonresidential uses should be amended. The city has received multiple complaints regarding mixed use and commercial parking. In the commercial regulations, service providers need enough parking for its employees. Regulations regarding scale and density are workable in areas that are already built-out but may not be workable in redevelopment areas. For commercial, the parking requirements should be tied to the use. Another question is whether the city should have parking regulations only for public property or both public and private property?

Additionally, the regulations should be amended to clarify the standards for applications that are mixed-use, multi-family and non-residential/commercial development projects. As the code is currently written, one analysis is to apply parking as a multi-family application *and* as a non-residential/commercial application, rather than only analyzing it holistically as a mixed use application. If utilized that way, the code may set objective standards for the multi-family portion of the application in Table 8-4D-2, and only the workspace components of the application would need necessary parking to be determined. There are currently clear, objective standards for multi-family dwelling units. However, as the code is currently written, another analysis would be to apply the parking regulations solely as a mixed-use project. Either way, this should be clarified in the amendment.

Another issue is what should the Code state about "shared parking agreements?" As stated above, the parking provisions, regarding shared parking agreements, currently in Garden City Code Section 8-4D are:

#### **8-4D-6 STANDARDS FOR ALTERNATIVES TO ON SITE PARKING:**

Alternatives to providing on site parking are encouraged, including, but not limited to, shared use facilities, access to transit and availability of other forms of transportation such as carpools and vanpools.

- A. Conditions: Conditions favorable to providing alternatives to on site parking are as follows:
1. Shared use:
    - a. There are convenient pedestrian connections between separate properties;
    - b. The properties and/or uses are within one-fourth (1/4) mile of each other;
    - c. The principal operating hours of the uses are not in substantial conflict with one another; and
    - d. Directional signs provide notice of the availability of parking.
  2. Alternative transportation:
    - a. There is a transit stop within one-fourth (1/4) mile of the use; or
    - b. There is an incentive program for carpooling, vanpooling, or transit supported by the employer.
    - c. There are shower facilities and lockers to support and encourage the use of nonmotorized transportation by employees.
- B. Agreement:
1. All parties involved with a joint use parking area shall submit a written agreement to the planning official, signed by the applicable parties involved. The agreement shall specify the following:
    - a. Party or parties responsible for construction; and
    - b. Party or parties responsible for maintenance.
  2. The applicant or owner shall record such agreement with the Ada County recorder prior to issuance of any permits.
  3. The shared use parking agreement may be terminated by the parties only if off street parking is provided in conformance with this article and approved by the planning official prior to the termination.

The Council may want to review the requirements for shared parking agreements, as issues have arisen.

At the February 27, 2023 council meeting, I raised two other questions that should be decided at some point in time. First, should the city remove the proposed provisions that have been called “enabling legislation” because the city has no plans to use the following enabling legislation: (a) Permit Regulations (Section 6); and/or (b) Parking Benefit Districts (Section 17)? Whether to include currently unnecessary enabling language in a city ordinance depends on the specific circumstances and goals of the ordinance.

Including currently unnecessary enabling language in a city ordinance can have several benefits, such as:

- **Flexibility**: Including broad enabling language can provide a city with more flexibility in how it carries out its policies and programs. For example, if a city includes enabling language relating to parking permits in its ordinance, it may be better positioned to take advantage of new technologies or funding opportunities as they arise.



- **Future-proofing**: Including enabling language that is not immediately necessary can help to future-proof the ordinance, ensuring that it remains relevant and effective even as circumstances change.
- **Clarity**: Including enabling language can help to clarify the scope of the ordinance and the city's authority to carry out its policies and programs. This can reduce the risk of legal challenges or confusion among stakeholders.

However, it is important to balance the potential benefits of including unnecessary enabling language with the potential risks, as including currently unnecessary enabling language in a city ordinance can have some potential downsides, such as:

- **Ambiguity**: Including broad or unnecessary enabling language can create ambiguity and confusion about the scope of the ordinance, and the city's powers and responsibilities. This can make it difficult to interpret and enforce the ordinance.
- **Legal Risks**: Including too much enabling language can create legal risks if the language is later interpreted in a way that was not intended, or if it grants the city powers or authority that it does not actually have. This can result in legal challenges or liability for the city.
- **Inefficiency**: Including unnecessary enabling language can make the ordinance longer and more complex than it needs to be, which can make it more difficult to read and understand. This can create inefficiencies for city staff, stakeholders, and the public.

Overall, including unnecessary enabling language in a city ordinance should be approached with caution, and should be done only if it serves a clear purpose and aligns with the goals of the ordinance. It is important to carefully consider the potential risks and benefits before including any enabling language in an ordinance.

Second, should the city keep, delete, or change the “Equivalent Parking Adjustments” (Section 15) and/or “Parking Reductions” (Table 8-4D-6)? If Garden City is to have standards for parking reductions, it should be decided who will be granting parking reductions (Planning and Zoning Commission, City Council, or staff). Additionally, there may need to be some sort of reduction criteria for businesses such as storage units.

Eagle only allows a reduced number of parking spaces when (1) there is a joint parking agreement that meets requisite criteria or (2) the project falls within two designated overlay zoning districts. The administrator has discretion to determine the number of parking spaces for “uses not listed herein.” Otherwise, the parking standards are objective.

Sun Valley gives a comprehensive list of parking requirements, similar to Eagle, but also allows for a reduced number of spaces (1) when certain criteria are met in order to encourage alternative modes of transportation or (2) a parking study has demonstrated that the “required number of spaces are not required”. For both options, the reduced parking must be “determined acceptable to the Director and approved by the commission

through a conditional use permit process.” The city should consider its options regarding parking reductions.

The United States Constitution requires laws infringing on property rights to have a nexus to government interests. Often that interest is public health and safety. For example, the United States Supreme Court has adopted intermediate scrutiny in takings cases. The Court determined that the intermediate standard was the required level of scrutiny under the Fifth Amendment.

However, when a law infringes upon a fundamental constitutional right, the court may apply the strict scrutiny standard. Strict scrutiny holds the challenged law as presumptively invalid unless the government can demonstrate that the law or regulation is necessary to achieve a “compelling or overriding state interest.” The government must also demonstrate that the law is “narrowly tailored” to achieve that compelling purpose, and that it uses the “least restrictive means” to achieve that purpose. Failure to meet this standard will result in striking the law as unconstitutional.

The strict scrutiny standard is the highest and most stringent standard of judicial review and is part of the levels of judicial scrutiny that courts use to determine whether a constitutional right or principle should give way to the government’s interest against observance of the principle. The lesser standards are rational basis review and intermediate scrutiny. These standards are applied to statutes, ordinances, and government action at all levels of government within the United States.

Proposed parking ordinance 1034-22 is a legislative matter. *Ex parte* communications are a concern only in adjudicatory or quasi-judicial decision-making matters, as opposed to purely legislative proceedings. Due process and *ex parte* claims arise only in the context of quasi-judicial actions.

*Ex parte* rules do not apply at all in the legislative branch. Indeed, elected representatives are expected and encouraged to communicate directly with their constituents and all others who may have relevant information about pending legislation. Thus, it is entirely permissible for a lawyer or a lobbyist to discuss a client’s interest in pending legislation in private conversations with legislators. The same goes for legislative acts at the local level. This includes, for instance, the adoption of ordinances by municipal authorities. In the zoning context, the Idaho Supreme Court has also determined that the adoption of comprehensive plans and general zoning regulations constitutes “legislative” action.

If the matter addressed is “legislative” in nature, then almost any form of contact about an issue is allowed (and should be encouraged to determine the public’s opinion). That is because input and communication is encouraged where the governing board is considering laws and policies that affect a broad group of citizens. Many actions the city takes are legislative in nature, affecting each citizen equally; in such cases, due process protections do not apply. However, some actions impact only one person, or a discrete set of individuals based on facts specific to them. These actions are judicial in nature (or quasi-judicial), and trigger due process protections, depending on the interest at stake.

This ordinance does not present a significant fiscal impact to the City and serves to update and clarify code pertaining to parking regulations. Therefore, I am recommending that this ordinance be eventually passed after it has been fully vetted, the required standards, including objectivity, are satisfied, and there is a nexus to a government interest, such as public health and safety. Findings of Fact, Conclusions of Law and Decision will also have to be adopted pursuant to code.