

May 19, 2022

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2022-00372**



REQUEST:

A request by representatives of Seal Coat Supply for an administrative interpretation regarding a proposed use on property in the M-1 zone (Light Manufacturing) at approximately 5220 W 700 S (Tax ID# 14-01-300-008-0000). A determination is sought because initial discussions by the applicant raised questions about the proposed use. Per the submitted application, the proposed use consists of distribution of a parking lot sealer material from an above ground, non-permanent storage tank to contractors. The applicant believes the use should be considered Wholesale Distribution, which is a permitted use in the M-1 zone.

DECISION:

The Zoning Administrator finds that the proposed use as presented in the submitted request is considered "Wholesale Distribution" as defined in section 21A.62 of the Salt Lake City Zoning Ordinance. As such, it is a permitted use in the M-1 zoning district and is allowed at the proposed location.

This interpretation is specific to the proposed use as it relates to the Salt Lake City Zoning Ordinance. Additional requirements associated with the use may be required by other divisions, such as Building Services, Public Utilities, or the Fire Department.

FINDINGS:

The Zoning Ordinance defines "Wholesale Distribution" as:

WHOLESALE DISTRIBUTION: A business that maintains an inventory of materials, supplies and goods related to one or more industries and sells bulk quantities of materials, supplies and goods from its inventory to companies within the industry. A wholesale distributor is not a retail goods establishment.

The Zoning Administrator finds that the use described in PLNZAD2022-00372 is a "Wholesale Distribution" land use and the use is a permitted use in the M-1 Light Manufacturing Zoning District. The description provided indicates that the use is limited to wholesale distribution of a parking lot sealant to contractors. There will be no manufacturing of the sealant on site or sales to the general public. This type of activity fits the description of selling of bulk materials to companies within the construction industry.

Use Interpretation

As defined in 21A.12.050: The following standards shall govern the use interpretation:

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

Finding: Sealant Distribution is not specifically defined in the zoning ordinance. Wholesale Distribution is defined in the zoning ordinance.

- 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: “Wholesale Distribution” is specifically listed in the table of permitted and conditional uses within the M-1 zoning district as a permitted use (P).

- 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: The proposed use will be required to comply with the development standards of the M-1 zoning district.

- 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: See finding “B” above.

- 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 21.A.54 of this title*

Finding: Not applicable. See finding “B” above.

- 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 stated purpose of the M-1 zoning district is as follows: “The purpose of the M-1 Light Manufacturing District is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties, that desire a clean attractive industrial setting, and that protects nearby sensitive lands and waterways. This zone is appropriate in locations that are supported by the applicable Master Plan policies adopted by the City. This district is intended to provide areas in the City that generate employment opportunities and to promote economic development. The uses include other types of land uses that support and provide service to manufacturing and industrial uses. Safe, convenient, and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary and to be provided in an equal way. Certain land uses are prohibited in order to preserve land for manufacturing uses and to promote the importance of nearby environmentally sensitive lands.”

Wholesale distribution of a parking lot sealant material to contractors fits within the purpose of the M-1 zone. The use will not produce noise, odors, or environmental impacts on adjacent properties. There will be no manufacturing of the product on site, nor will there be retail sales to the general public. The use will share space with an existing shipping container business.

If you have any questions regarding this interpretation, please contact Eric Daems (801) 535-7236 or by email at eric.daems@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

<https://www.sl.c.gov/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
--	--	--

NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.



Eric Daems
Senior Planner

cc: Nick Norris, Planning Director
Mayara Lima, Zoning Administrator
Casey Stewart, Development Review Supervisor
Posted to Web
Applicable Recognized Organizations