

January 25, 2019



**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2019-00004**

REQUEST:

This is a request for an administrative interpretation regarding whether a proposed use at 308 W 300 S would be considered retail service establishment. The property is located in the D-3 (Downtown Warehouse/Residential) zoning district.

DECISION:

The Zoning Administrator finds that the proposed use is considered retail service establishment and therefore permitted in the D-3 zoning district per the specifications of the Table of Permitted and Conditional Uses for Downtown Districts (Zoning Ordinance Section 21A.33.050).

FINDINGS:

The applicant has described the use as a private barber lounge, where paying members would have unlimited access to "several barbers, a shoe shine and shoe repair man, two licensed massage therapists doing chair massages, a snack/drink bar offering prepackaged snack foods, sodas and gourmet coffee, a pool table or two, lots of seating/lounging space, and an outdoor seating area".

The Definitions chapter of the Salt Lake City Zoning Ordinance Chapter 21A.62 defines Retail Service Establishment as:

A building, property or activity, the principal use or purpose of which is the provision of personal services directly to the consumer. The term "retail service establishment" shall include, but shall not be limited to, barbershops, beauty parlors, laundry and dry cleaning establishments (plant off premises), tailoring shops, shoe repair shops and the like. Retail service establishment shall not include any use or other type of establishment which is otherwise listed specifically in the table of permitted and conditional uses found in chapter 21A.33 of this title.

Table 21A.33.050 lists retail service establishment as a permitted use in the D-3 zoning district. Staff finds the proposed use, as described by the applicant, meets the definition above and therefore it is allowed as a permitted use.

Any use interpretation is subject to the below standards:

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

Finding: Retail service establishment is defined in chapter 21A.62 and Staff finds the proposed use as described meets this definition.

- 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: Retail service establishment is a permitted use in the D-3 zoning district.

- 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 applicant has provided evidence that the use will comply with the development standards established for the district in the form of a description and photographs of the proposed use. A building permit may be necessary to change the use of the property, in which case building plans must be reviewed for compliance with the zoning standards and approved by the Building Services division.

- 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: As noted above, the use as described is most similar to retail service establishment, which is a permitted use in the D-3 zoning 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 noted above, the use as described is most similar to retail service establishment, which is a permitted use in the D-3 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 D-3 zoning district has the following purpose statement:

The purpose of the D-3 downtown warehouse/residential district is to provide for the reuse of existing warehouse buildings for multi-family and mixed use while also allowing for continued retail, office and warehouse use within the district. The reuse of existing buildings and the construction of new buildings are to be done as multi-family residential or mixed use developments containing retail or office uses on the lower floors and residential on the upper floors. This district is appropriate in areas where supported by applicable master plans. The standards are intended to create a unique and sustainable downtown neighborhood with a strong emphasis on urban design, adaptive reuse of existing buildings, alternative forms of transportation and pedestrian orientation.

The proposed use consists of reusing the basement of an existing building with a retail service establishment.

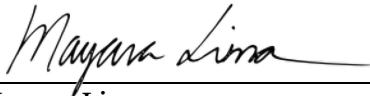
APPEAL PROCESS:

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.slc.gov/planning/applications> along with information about the applicable fee.

Appeals may be filed in person at the Planning Counter, 451 South State Street, Room 215 or by mail at Planning Counter PO BOX 145471, Salt Lake City, UT 84114-5471.

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.



Mayara Lima
Principal Planner
Salt Lake City Planning Division

CC: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Development Review Supervisor
Applicable Recognized Organization
Posted to Web