

October 8, 2019

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2019-00903**



REQUEST:

A request for an administrative interpretation/determination regarding a proposed hotel vacation rental to operate within an existing multi-family building. The building containing the multi-family units is currently under construction at 151 S State. The property is zoned D-1- Central Business District.

DECISION:

The Zoning Administrator finds that the proposed short-term rental is considered fundamentally similar to a "hotel/motel" use and is allowed at the proposed location pursuant to the conditions and findings below:

CONDITIONS:

1. Use is approved based on approved site/construction plans for Liberty Sky Apartments as of the date of this certificate.

FINDINGS:

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

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

Hotel vacation rental is not specifically identified by the 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;

Hotel vacation rental is not specifically listed in the table of permitted and conditional uses within the D-1 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;

The proposed use will comply with the development standards of the D-1 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;

The use as a hotel vacation rental has been determined to be substantially similar to a hotel/motel use and is permitted in the D-1 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

A hotel/motel is listed as a permitted use, rather than conditional within the D-1 district.

Pursuant to the Land Use Tables (Section 21A.33.050 of the Salt Lake City Code) hotel/motels in the D-1 district are allowed as a permitted use and are defined as follows:

HOTEL/MOTEL: An establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, reception centers, and recreational facilities.

The proposed use as a hotel vacation rental is consistent with the definition of a hotel as listed above. Parking and all other zoning requirements will be met with the current plans for development. Therefore, the Zoning Administrator finds that a hotel vacation rental is a permitted use in at this location. In the event that the proposed Liberty Sky Apartments are not built per approved plans, a new interpretation would need to be sought to verify that all zoning requirements have been satisfied.

If you have any questions regarding this interpretation, please contact Eric Daems at (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.slc.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
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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, AICP
Principal Planner

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