

November 9, 2020

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2020-00793**



REQUEST:

A request from Stephen Francis of Sherwin Williams Co. for an administrative interpretation regarding a use proposed within the building located at 1930 North 2200 West – which is located in the M-1 Light Manufacturing district. The applicant intends to use the building on the property “for the sale, distribution, display, and storage (in quantities acceptable to it) of paints, thinners, varnishes, lacquers, solvents, coating, and kindred products; for tinting and intermixing of paints and kindred materials; for a commercial store and general wholesale business; and for such other uses as be necessary or incidental thereto including, but not limited to, laboratory and office uses.”

DECISION:

The Zoning Administrator finds that the proposed use as described in the application material is most similar to “retail sales”, “warehouse”, “wholesale distribution,” and “office” uses which are all permitted uses in the M-1 Light Manufacturing district. The proposed use does not meet the definition of “paint manufacturing” because the proposed facility will not be engaged in *making* paint from raw materials.

FINDINGS:

The applicant’s proposed use can be broken down into four individual land use categories that are listed in the Table of Permitted and Conditional Uses for Manufacturing Districts in section 21A.33.040 of the City’s zoning regulations:

- Retail Sales
- Warehouse
- Wholesale Distribution
- Office

All four of these uses are listed as permitted uses in the M-1 Light Manufacturing district. The “tinting and intermixing of paints and kindred materials” does not meet the definition of “Paint Manufacturing” since “tinting and intermixing” paints and related materials is not the same as *making* paint from “raw or partially finished materials.” The “tinting and intermixing” does not appear to be any different than the tinting and mixing that is typically allowed in hardware stores and other paint retail shops.

Standards for Use Interpretation

Use interpretations are subject to the standards found in section 21A.12.050 of the Salt Lake City Zoning Ordinance. The analysis of each standard is as follows:

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

Finding: The proposed use is most similar to “retail sales”, “warehouse”, “wholesale distribution,” and “office” uses as defined in chapter 21A.62 of the zoning regulations. The proposed use does not fit “Paint Manufacturing” as defined in the code since “tinting and mixing” paints and related materials is not the same as *making* new paint from raw materials as the definition states.

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 listed uses that best match the proposed use are all permitted uses in the M-1 Light Manufacturing district. Paint Manufacturing is not permitted but does not match the proposed use.

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

Finding: The applicant proposes to establish the proposed use wholly within the existing building on the lot. There will be no site development involved with the proposed use.

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: While the proposed uses may have some similarities to uses allowed in less restrictive districts, they are substantially similar to uses that are permitted in the M-1 district. Therefore, they are permitted.

E. If the proposed use is most similar to a conditional use authorized in the district 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: None of the uses as interpreted would require conditional use approval.

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 purpose statement for the M-1 Light Manufacturing district is as follows (21.28.020):

...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.

The proposed uses, as described by the applicant, are consistent with the purpose statement above since the proposed uses will not have an “appreciable impact on adjacent properties,” they will also “generate employment opportunities and promote economic development,” and they are the “types of land uses that support and provide service to manufacturing and industrial uses.”

If you have any questions regarding this interpretation please contact Aaron Barlow at 385-386-2764 or by email at aaron.barlow@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:

<p>In Person: Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT</p>		<p>US Mail: Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417</p>
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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.



 Aaron Barlow, AICP
 Principal Planner

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