

March 24, 2021



**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS**

PLNZAD2021-00141

REQUEST:

A request by Michelle Czarka for an administrative interpretation regarding a proposed use within an existing building located on property in the CG zoning district (General Commercial) at approximately 830 South 500 West. A determination is sought because initial discussions by the applicant raised questions about the classification of the proposed use. The applicant claims it should be considered retail sales. Per the submitted application, the proposed use consists primarily of selling wellness and personal care products, created on site, in a retail format. The products will also be offered wholesale (deemed a separate, permitted use) and assembling of the products will occur as an accessory use within the building.

DECISION:

The Zoning Administrator finds that the proposed use as presented in the submitted request is considered "Retail Goods Establishment" as defined in section 21A.62 of the Salt Lake City Zoning Ordinance. As such, it is a permitted use in the CG 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 from other divisions, such as building services and the fire department, to comply with requirements for a change of occupancy.

FINDINGS:

- The proposed retail goods establishment will be a principal use, using floor area on the application materials as a basis, within in the existing building. The area for retail use is approximately 50% of the total floor.
- Assembling the products for retail sale will occur within the building on a smaller scale (floor area shown on plans) than the retails goods use and is considered an accessory use to the retail sales use, per the definition above. The area for the accessory use approximately 15% of the total floor area. The accessory use is permitted.
- Wholesale distribution of the products produced on site will also occur within the building, using approximately 25% of the total floor area, and is considered a separate principal use that meets the definition of *wholesale distribution* above. Multiple principal uses are permitted in a single building.
- The remaining floor area will be used for office and storage space for the two principal uses.

Applicable definitions, Section 21A.62.040

RETAIL GOODS ESTABLISHMENT: A building, property or activity, the principal use or purpose of which is the sale of physical goods, products or merchandise directly to the consumer. Retail goods 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.

ACCESSORY USE: A use that:

- A. Is subordinate in area, extent and purpose to, and serves a principal use;
- B. Is customarily found as an incident to such principal use;

- C. Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use;
- D. Is, except as otherwise expressly authorized by the provisions of this title, located on the same zoning lot as such principal use; and
- E. Is under the same ownership or control as the principal use.

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.

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: “Retail Goods Establishment” is 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;*
Finding: “Retail Goods Establishment” is specifically listed in the table of permitted and conditional uses within the CG 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 comply with the development standards of the CG 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 CG zoning district is as follows:
“The purpose of the CG General Commercial District is to provide an environment for a variety of commercial uses, some of which involve the outdoor display/storage of merchandise or materials. This district provides economic development opportunities through a mix of land uses, including retail sales and services, entertainment, office, residential, heavy commercial and low intensities of manufacturing and warehouse uses. This district is appropriate in locations where supported by applicable master plans and along major arterials. Safe, convenient and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary. Access should follow a hierarchy that places the pedestrian first, bicycle second and automobile third. The standards are intended to create a safe and aesthetically pleasing commercial environment for all users.”

“Retail Goods Establishment” is specifically listed in the table of permitted and conditional uses

within the CG zoning district as a permitted use (P), and is therefore considered consistent with the purpose statement of the CG zoning district.

If you have any questions regarding this interpretation, please contact Casey Stewart at 385-226-8959 or by email at casey.stewart@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/](https://www.slc.gov/planning/applications/) along with information about the applicable fee. Appeals may be filed in online at the following link:

<https://citizenportal.slcgov.com/citizen/Default.aspx>

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.

Casey Stewart, Senior Planner



cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Heather Gilcrease, Building Services
Applicable Recognized Organizations
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