

April 14, 2021

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2021-00293**



REQUEST:

A request for an administrative interpretation for a proposed use of a specialty bar that produces hard cider for onsite consumption and sales. The request involves confirmation on whether the proposed use would be permitted in the FB-UN2 (Form Based Urban Neighborhood) zoning district. The applicant has indicated a desired location of 914-916 S. Jefferson Street, which is located in the FB-UN2 zoning district, and abuts FB-UN2 to the north, south, east and west.

DECISION:

The Zoning Administrator finds that the proposed use of “specialty bar” is most similar to the defined use of ALCOHOL, BREWPUB, which is a permitted use in the FB-UN2 (Form Based Urban Neighborhood) zoning district.

FINDINGS:

As provided by the applicant, the proposed use includes the following:

- A facility that produces hard cider
- The facility would produce less than 200 barrels of hard cider annually
- Onsite sales and consumption of the produced hard cider
- Food sales for onsite consumption

The Salt Lake City Zoning Ordinance, Chapter 21A.62, defines ALCOHOL, WINERY and ALCOHOL, BREWPUB as the following:

ALCOHOL, WINERY: A business establishment that manufactures alcoholic beverages from the fermented juice of grapes, fruits, or other liquid bearing plants for off premises consumption, not to include those alcoholic beverages produced in a brewery or distillery.

ALCOHOL, BREWPUB: A restaurant type establishment that also contains a small brewery, where the product is brewed primarily for sale in the associated restaurant. Brewpubs may package their product in kegs, bottles or cans for on site or off-site distribution. The alcohol to food sales revenue ratio for a brewpub shall comply with the requirements of chapter 6 (Specific Retail License Act) of title 32B (Utah Alcoholic Beverage Control Act) of the Utah Code, or its successor.

The provided definition of winery focuses on the establishment of a manufacturing use of fermented juice for off-site consumption. Due to the provided information from the applicant and provided definitions, the proposed use is more similar to a brewpub, due to the on-site consumption, associated food sales and low production volume of the hard cider. The Land Use Table for the Form Based Districts, found in 21A.33.080 of the Salt Lake City Zoning Ordinance, indicates Alcohol, Brewpub as a permitted use and Alcohol, Winery as a prohibited use.

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 an ALCOHOL, BREWPUB, as defined in chapter 21A.62 of the Salt Lake City Zoning Ordinance. The use differs from the defined use of ALCOHOL, WINERY, due to the on-site consumption, associated food sales and low volume production of the hard cider. The proposed use is most similar to an ALCOHOL, BREWPUB but for the sale and consumption of hard cider.

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 use that best matches the proposed use is listed as a permitted use in the Table of Permitted and Conditional Uses in the Form Based Districts (21A.33.080).

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 comply with all development standards applicable to the FB-UN2 (Form Based Urban Neighborhood) 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: The proposed use is substantially similar to the permitted ALCOHOL, BREWPUB use. This is due to the on-site consumption of the hard cider product, associated food sales and low volume production of the hard cider. The use differs from the defined use of ALCOHOL, WINERY, due the stipulation of off-site consumption of the product and associated high volume production.

ALCOHOL, BREWPUB is a permitted use in the FB-UN2 zoning district.

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: The use as interpreted would not 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: The purpose of the form based districts is to create urban neighborhoods that provide the following:

- 1. People oriented places;*
- 2. Options for housing types;*
- 3. Options in terms of shopping, dining, and fulfilling daily needs within walking distance or conveniently located near mass transit;*

4. *Transportation options;*
5. *Access to employment opportunities within walking distance or close to mass transit;*
6. *Appropriately scaled buildings that respect the existing character of the neighborhood;*
7. *Safe, accessible, and interconnected networks for people to move around in; and*
8. *Increased desirability as a place to work, live, play, and invest through higher quality form and design.*

The proposed use, as described by the applicant, is consistent with the purpose statement above since the proposed uses will provide “options in terms of shopping, dining, and fulfilling daily needs within walking distance or conveniently located near mass transit.”

If you have any questions regarding this interpretation please contact Kelsey Lindquist at (385) 226-7227 or by email at kelsey.lindquist@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 <http://www.slcgov.com/planning/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.

Dated this 14th day of April, 2021 in Salt Lake City, Utah.

Kelsey Lindquist

 Kelsey Lindquist
 Senior Planner

cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Posted to Web
Applicable Recognized Organizations