



DRAPER CITY HALL

Community Development | 1020 E. Pioneer Rd. Draper, UT 84020

June 14, 2021

Draper City Planning Division Administrative Interpretation

RE: 1006 E 12300 S (1014 E)

This letter is in regards to an Administrative Interpretation application for the property located at 1006 East 12300 South. This address is based on Salt Lake County parcel data, and is for parcel number 28-29-402-037. This property has a mailing address of 1014 East 12300 South. The interpretation application number is APPL-090-2021. The property is located within the TC (Town Center) zoning designation. The applicant has requested an interpretation as to what uses may be grandfathered on the property, with a request to include the following uses as allowed: Manufacturing, limited, Wholesale and warehousing, limited, and Warehouse, self-service storage.

Research into the zoning history on the property shows the subject site has had several different zoning designations over the years. Prior to the Draper City incorporation in 1978, the Salt Lake County 1973 Zoning Map showed an A5 (Agricultural) zoning designation. The 1984 Zoning Map showed the property under the M1 (Light Manufacturing) zone. By the 1998 Zoning Map, the property had a split zoning with the M1 zone being over the building on the property, and the C3 (Commercial) zone being placed on the access aisle. According to the 2003 Zoning Map, the property had a CN (Neighborhood Commercial) zoning designation. The City adopted the TC zone on July 11, 2006, and modified the designation to TC at that time.

Aerial footage shows the single building on the property was constructed around 1993. There is evidence of outdoor storage on the property from 1997 until 2019. After the 2019 aerial, it appears all outdoor storage on the property ceased. Because the previous outdoor storage on the property has ceased for a period longer than a year it is no longer considered a nonconforming use allowed to continue on the property per Draper City Municipal Code (DCMC) Section 9-6-090. Outdoor storage is a use that can be reestablished on the property subject to a CUP and complying with the Outdoor storage regulations found in DCMC 9-27-230.

9-6-090: ABANDONMENT:

Any nonconforming use, structure, or other nonconformity which is not thus occupied or so used for a continuous period of one year shall be deemed abandoned and shall not

thereafter be reoccupied or used except in a manner that conforms to the requirements of this title.

There is one active business license on the property, for Bent Lot Designs. This business manufactures western log furniture and has had a Draper City Business License on the property since 10/24/1996. While records show there have been other businesses on the property in the past, these businesses ceased operation in 2016, including the use of Wholesale and warehousing. Past uses that have been vacant from the property for a period of a year are not eligible to be reestablished on the property unless they conform to current zoning. Staff was unable to find any proof that the use of Warehouse, self-service storage has ever been on the property. Bent Log Designs is classified as a Manufacturing, limited use. Per DCMC Section 9-3-040, Manufacturing, limited is defined as:

9-3-040: DEFINITIONS:

MANUFACTURING, LIMITED: An establishment engaged in the limited processing, fabrication, assembly and/or packaging of products utilizing processes that:

- A. Have no noise, odor, vibration, or other impacts discernible outside a building; and*
- B. Do not violate any applicable noise ordinance.*

Uses which were legally established under previous code provisions, but which are no longer allowed under the current zoning regulations are allowed to continue operating, per DCMC Section 9-6-040(A). The TC zone is a mixed use retail zone and does not allow for Manufacturing, limited uses.

9-6-040: NONCONFORMING USES:

A. Continuation: A nonconforming use of any conforming or nonconforming structure which was legally existing when such use became prohibited may be continued as provided in this chapter.

Bent Log Designs is considered a nonconforming use on the property as it pre-dates the establishment of the TC zone. There is no evidence of any other nonconforming use being legally established on the property. It is the Zoning Administrator's determination that the use of Manufacturing, limited is a legal nonconforming use on the property. As such, the use may continue. Any change in use shall conform to the TC zone.

9-6-030: CHANGE IN NONCONFORMING STATUS:

A nonconforming use, structure, lot, parcel, or other nonconformity may not be changed except in conformance with the provisions of this title. When any nonconforming use, structure, lot, parcel, or other nonconformity becomes conforming, it shall not be changed back to the previously existing nonconforming condition.

If you believe this interpretation has been made in error, you may appeal this determination. An appeal is subject to DCMC Section 9-5-180 and shall be made within 14 days of the decision which is appealed. An application can be found on the city's website.

If you have further questions, please contact me at jennifer.jastremsky@draperutah.gov or at 801-576-6328.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jennifer Jastremsky', written over a horizontal line.

Jennifer Jastremsky, AICP
Planning Manager / Zoning Administrator
Community Development Department