



DRAPER CITY HALL

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

June 22, 2021

Draper City Planning Division Administrative Interpretation

RE: 1006 E 12300 S (1014 E) Clarification

This letter is in regards to a request for clarification on an Administrative Interpretation dated June 14, 2021 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.

Upon obtaining the Administrative Interpretation decision on June 14, 2021 the applicant presented some follow up questions and asked for clarification and reconsideration on two points addressed in the interpretation: warehousing and wholesale use and outdoor storage. The applicant maintains that Bend Log Designs has wholesale and warehousing as part of their business model wherein they manufacture the product and warehouse it, with wholesaling occurring of the products. The request is for the use of Wholesale and Warehousing to be classified as being legal nonconforming on the property due to Bend Log Designs having this type of use.

Bent Log Designs is not a Wholesaling and Warehouse business and therefore the use is not allowed on the property. While they may warehouse some of their product, and sale both directly to consumers and other businesses, it is not a separate business or use on the property. After reviewing the business license records for Bent Log Designs, there is no indication of a wholesaling and warehousing use being associated with the business. Storage of manufactured product pending sale and shipment is part of a manufacturing use. It does not require a separate business license or establish a separate use on the property. I have placed below the definitions for Manufacturing, Limited and Wholesale and Warehousing for your review.

DCMC 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.*

WHOLESALE AND WAREHOUSING, GENERAL: An establishment that is primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving

significant movement and storage of products or equipment. Uses include major mail distribution centers, frozen food lockers, moving and storage firms, and warehousing and storage facilities.

WHOLESALE AND WAREHOUSING, LIMITED: An establishment that is engaged in the small scale storage and sale of goods to other businesses for resale, excluding self-storage warehouses, major distribution centers, motor freight terminals, moving and storage firms and similar high volume, high turnover facilities. No outside storage is permitted.

The second point of clarification is outdoor storage on the property and whether that is a legal nonconforming use. The applicant maintains that outdoor storage has been preserved on the property with the storage of a trailer and other items on the property. The applicant submitted aerials from May 2020 and September 2020 from Google Maps. The applicant also maintains that the outdoor storage may be difficult to see on daytime aerials as the storage has been removed during the days and brought back at night.

After reviewing Google Earth 3D maps from 2020, a trailer and some small items can be seen in the yard area to the west of the building. Given this new evidence it can be determined that outdoor storage has been a continued use on the property and may continue. Outdoor storage is considered an accessory use to a primary use, such as Manufacturing, limited, per the definitions found in Draper City Municipal Code (DCMC) Section 9-3-040.


DCMC 9-3-040: DEFINITIONS:

OUTDOOR STORAGE: The commercial storage or keeping of building materials, equipment, fuels, vehicles, goods, or commodities or raw materials outside of a building or structure. Outdoor storage shall be subject to the regulations set forth in section [9-27-230](#) of this title. The use shall be allowable only as an accessory to the primary use of the establishment.

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,



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