

July 2, 2019

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2019-00559**



REQUEST:

This is a request for an administrative interpretation of 21A.27.030.C.10 regarding the intent of the ordinance language in reference to residential balcony requirements and what constitutes a street facing residential unit. The purpose of the request is to determine if four feet (4') balconies would be required on the east facade of the West Temple Micro Apartments.

Section 21A.37.030.C.10 of the Salt Lake City Zoning Ordinance states the following regarding residential balconies in the FB-UN2 zone:

Residential Balconies: All street facing residential units above the ground floor or level shall contain a usable balcony that is a minimum of four feet (4') in depth. Balconies may overhang any required yard.

DECISION:

The Zoning Administrator finds that the residential units in the West Temple Micro Apartments that abut the West Temple street right-of-way are street facing residential units. Therefore, residential units above the ground floor would be required to contain a usable balcony that is a minimum of four feet (4') in depth and the balconies may overhang any required yard. Although the ordinance requires balconies for street facing residential units, the language does not explicitly state that the balconies must be located on the street facing façade, in this case, the east facade. Therefore, the Zoning Administrator finds that the useable balconies with a minimum depth of four feet (4') for the street facing residential units of this development may be located on the front façade (east facing) or on the façade facing the side lot lines (north or south facades).

FINDINGS:

1. Definition of a Street

The subject property is located in the FB-UN2 (Form Based Urban Neighborhood) zoning district. The subject property borders West Temple to the east, an alleyway to the west, and is bound by two private properties to the north and south.

Section 21A.62 of the Salt Lake City Zoning Ordinance defines a street as:

STREET: A vehicularway which may also serve for all or part of its width as a way for pedestrian traffic, whether called street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, alley, mall or otherwise designated.

STREET FRONTAGE: All of the property fronting on one side of the street between intersecting streets, or between a street and a waterway, a dead end street, or a political subdivision boundary, and having unrestricted vehicular and pedestrian access to the street. For the purpose of regulating signs or flags, "street frontage" means an entire lot fronting on a portion of the street.

Any word not defined in the Zoning Ordinance shall be defined in Webster's Collegiate Dictionary (see 21A.62.010). The Webster's Collegiate Dictionary defines facing as *1. located directly across from something: opposite* and *2. having the front oriented toward a specified direction or location - usually use in combination*. Therefore, the residential units on the east façade are directly across from West Temple and are considered street facing.

According to the above definitions, West Temple is considered a street and the residential units adjacent to West Temple are considered to be street facing. The interior walkways for each building would not be considered streets under the Salt Lake City Zoning Ordinance.

2. Intent of Ordinance

Using Section 21A.27.030: Building Configuration and Design Standards as a guide, Planning Staff interprets that the intent of the ordinance is to keep the residential character and scale of the neighborhood oriented toward the street while allowing for an increase in building scale. Although the majority of the West Temple Micro Units do not directly front the street (West Temple), those units on the east façade should be designed as street facing units to activate the street.

It is of the opinion of Staff that the standards outlined below intend to ensure that buildings incorporate design elements that eliminate long stretches of blank, inactive exterior walls, as well as to integrate components in building designs that offer safety and seasonal protection to pedestrians to encourage pedestrian activity along the street. The number and location of entrances, the size and distribution of windows, building setbacks from the street, landscaping, along with building design elements such as lighting and balconies, all contribute to the pedestrian experience.

21 A.27.30: Building Configuration and Design Standards

A. Specific Intent Of Configuration And Design Standards:

1. *Design Related Standards: The design related standards are intended to do the following:*
 - a. *Implement applicable master plans;*
 - b. ***Continue the existing physical character of residential streets while allowing an increase in building scale along arterials and near transit stations;***
 - c. *Focus development and future growth in the city along arterials and near transit stations;*
 - d. ***Arrange buildings so they are oriented toward the street in a manner that promotes pedestrian activity, safety, and community;***
 - e. ***Provide human scaled buildings that emphasize design and placement of the main entrance/exit on street facing facades;***
 - f. *Provide connections to transit through public walkways;*
 - g. *Provide areas for appropriate land uses that encourage use of public transit and are compatible with the neighborhood;*
 - h. *Promote pedestrian and bicycle amenities near transit facilities to maximize alternative forms of transportation; and*
 - i. *Rehabilitate and reuse existing residential structures in the form based zoning districts when possible to efficiently use infrastructure and natural resources, and preserve neighborhood character.*

3. Interpretation of Ordinance Language

Although the intent of the ordinance is clear, the language of Section 21A.37.030.C.10 does not adequately reflect this intent, particularly due to the word “any”, as highlighted below. A strict interpretation of the ordinance language would allow the four feet balcony requirement to be met over any required yard.

*21A.37.030.C.10 Residential Balconies: All street facing residential units above the ground floor or level shall contain a usable balcony that is a minimum of four feet (4') in depth. Balconies may overhang **any** required yard.*

4. Usable Balcony

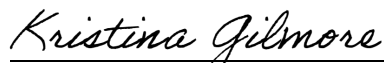
The Webster's Collegiate Dictionary defines usable as *1. capable of being used, and 2. convenient and practical for use*. Following this definition, the application of usable would be on a case-by-case basis, depending on elements such as the door placement leading to the balcony. In this specific case, it is determined that in order for the balconies to be considered usable, the four feet (4') depth should be measured from the north or south façade and not from West Temple.

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 at the Planning Counter, 451 South State Street, Room 215 or by mail at Planning Counter PO BOX 145471, Salt Lake City, UT 84114-5471.

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.



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Applicable Recognized Organization – Ballpark/ Central 9th Community Council Chair

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Vicinity Map of Subject Property

