

**11/04/2019**  
**ADMINISTRATIVE INTERPRETATION**  
**DECISION AND FINDINGS**  
**PLNZAD2019-00930**



**REQUEST:**

A request by Jordan Atkin, a representative of TAG SLC LLC, the owner of 343 South 400 East, for an administrative interpretation regarding whether balconies may be included in the overall calculation of required open space area for a property located at approximately 343 South 400 East in the R-MU (Residential Mixed Use) zoning district.

**DECISION:**

The Zoning Administrator finds that within the R-MU zoning district balconies shall not be included in the calculation of required minimum open space area. In the R-MU district, section 21A.170.G Minimum Open Space Area specifically states that the open space may take the form of landscape yards or plazas and courtyards. This standard does not include balconies in the description of areas allowed to be counted as open space area.

**FINDINGS:**

The representative of TAG SLC is requesting that the standards found in the zoning districts with similar open space area requirements and language as the R-MU zoning district be applied to the subject property located at 343 South 400 East which is within the R-MU zoning district.

All of the Residential Mixed Use (R-MU, R-MU-35, R-MU-45) zoning districts require that no less than 20% of the lot area is maintained as open space area. While the R-MU-35 and R-MU-45 districts specifically allow balconies to be counted toward the minimum open space area requirement, the R-MU district does not list balconies as a type of allowable open space.

The R-MU district in the Salt Lake City zoning ordinance qualifies open space area as, *"open space area may take the form of landscape yards or plazas and courtyards, subject to site plan review approval"* (see 21A.24.170.G).

The R-MU-35 and R-MU-45 zoning districts have the same open space area requirement (20% of the lot area) but describe the qualification of allowable open space area as, *"open space area may take the form of landscaped yards or plazas, balconies and courtyards, subject to site plan review approval"* (emphasis added, see 21A.24.164.F and 21A.168.F).

In 21A.62.040 Definitions of Terms, the definition of "open space" includes, *"Any area of a lot which is completely free and unobstructed from any structure or parking areas. Landscaping, walkways, uncovered patio areas, light poles and other ornamental features shall not be considered as obstructions for purposes of this definition. Driveways that provide access to parking lots shall not be considered as an obstruction subject to the driveways not exceeding twenty percent (20%) of any required yard area that they provide access through"*.

Whereas the qualifications of open space area in the R-MU district specifically include landscaped yards, plazas, and courtyards it does not include balconies, nor are balconies included in the definition of open space area which also applies to the R-MU zone. The R-MU-35 and R-MU-45 zoning districts specifically include balconies as calculable for open space areas which is applicable to just those zoning districts.

Therefore, because the R-MU zoning district itemizes specific structures which are identified and defined as open space area structures, such as balconies, which have not been specifically identified

as open space area in in 21A.170.G cannot be considered and calculated as part of the required minimum open space area requirement.

If you have any questions regarding this interpretation, please contact Nannette Larsen at (801) 535-7645 or by email at [nannette.larsen@slcgov.com](mailto:nannette.larsen@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:

<b>In Person:</b> Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT	<b>US Mail:</b> Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417
--	--

Dated this 11<sup>th</sup> day of November, 2019.



---

Nannette Larsen  
Principal Planner

cc: Nick Norris, Planning Director  
Joel Paterson, Zoning Administrator  
Greg Mikolash, Building Services  
Applicable Recognized Organizations  
Posted to Web – [Zoning Interpretations](#)