

December 23, 2019

**ADMINISTRATIVE INTERPRETATION  
DECISION AND FINDINGS  
PLNZAD2019-01072**



**REQUEST:**

A request for an administrative interpretation regarding building coverage. The interpretation is associated with a proposed accessory building with a second level Accessory Dwelling Unit (ADU) at 1978 S. Windsor Street. The property is located in the R-1/7000 Single-Family Residential zoning district. Sections 21A.40.200E3 and 21A.40.050B2 of the Zoning Ordinance limit the building coverage of accessory structures to a maximum of 720 square feet in this zone. The second story of the proposed accessory structure is offset from the first story, so a portion of the second story is cantilevered. Through the building permit review process, the proposed building was determined to exceed the allowable building coverage because the building is measured from all exterior building walls, not just the area that touches the ground. The applicant states that the building footprint (used to calculate building coverage) should be “the measurement from exterior wall to exterior wall of a structure that touches grade.”

**DECISION:**

The structure, as proposed, exceeds the allowable building coverage for accessory buildings. Salt Lake City considers the entire building when calculating building coverage. This includes areas of the building that provide coverage over the ground, not just the portion of the building that touches the ground. The building coverage for the proposed accessory structure is calculated from the perimeter of all exterior walls of the building, including the cantilevered portion.

**FINDINGS:**

The appellant’s request is for an interpretation of “building footprint”, however, the standard in question does not relate to the footprint of the ADU, rather it is a requirement relating to the “building coverage”.

The proposed accessory building is a two-story structure containing a garage on the ground level and an ADU on the second level. The second story is off-set from the first story and cantilevered. If the first story were viewed separately, the building coverage would be calculated at 674 square feet, but the building coverage for the entire structure as seen from plan view (from the top down) is approximately 810 square feet.



*Illustration of Proposed Accessory Building*

The size allowances for accessory buildings and ADU’s are stipulated in two sections of the Zoning Ordinance. Section 21A.40.200E3a of the ADU ordinance states:

*Bulk Requirements: Shall comply with all applicable general yard, bulk, and height limitations found in section 21A.40.050 of this chapter and any accessory building regulation found in the underlying zoning district or any applicable overlay zoning district unless otherwise regulated by this section.*

Section 21A.40.050B2a of the Accessory Uses, Buildings and Structures ordinance states:

*In the FR, R-1, R-2 and SR residential districts the maximum building coverage of all accessory buildings, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants, shall not exceed fifty percent (50%) of the building footprint of the principal structure up to a maximum of seven hundred twenty (720) square feet for a single-family dwelling and one thousand (1,000) square feet for a two-family dwelling. (emphasis added)*

The applicant's interpretation of the Zoning Ordinance is that building footprint is calculated as "the measurement from exterior wall to exterior wall of a structure that touches grade." Therefore, the applicant claims that the proposed building meets the size limitation stated in the ordinance. This however would not affect the standard in question, which is actually building coverage.

The reason for building coverage limitations is to implement the Purpose and Intent of the Zoning Ordinance (Section 21A.02.030) and one of the specific purposes of the zoning regulations is to "provide adequate light and air" (Section 21A.02.030C). For this reason, Salt Lake City has consistently calculated the building coverage to include the perimeter of the entire building, not just the portion of a building that touches the ground.

In addition to implementing the purpose of the Zoning Ordinance, the ordinance provides direction on how the building coverage is calculated. Section 21A.62 – Definitions defines "Building Coverage" as follows:

*BUILDING COVERAGE: That percentage of the lot covered by principal or accessory buildings.*

The Zoning Ordinance defines "Building" as:

*BUILDING: A structure with a roof, intended for shelter or enclosure.*

The entire building is a structure with a roof; therefore, by definition of "Building Coverage", the entire building must be taken into account when calculating the building coverage.

There is no definition of "coverage" in the Zoning Ordinance. Section 21A.62.010 of the Zoning Ordinance states:

*For the purposes of this title, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in "Webster's Collegiate Dictionary". (emphasis added)*

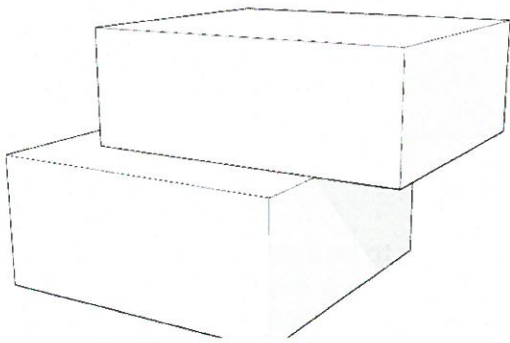
Merriam-Webster's Collegiate Dictionary, 11<sup>th</sup> Edition (Webster's) provides the following definition related to "coverage."

*Coverage - 3: the act or fact of covering*

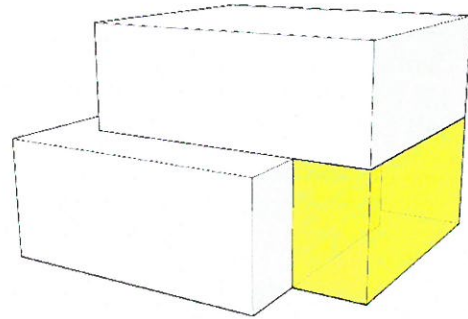
*Covering - something that covers or conceals*

*Cover - 2: something that is placed over or about another thing*

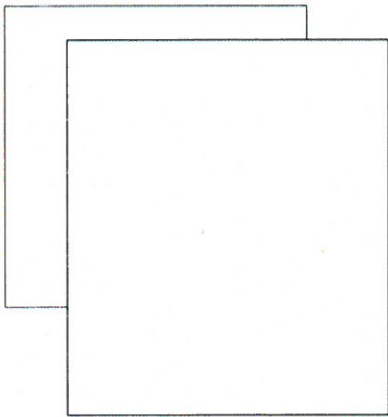
These definitions, in conjunction with the definition of the term "building" supports Salt Lake City's interpretation that the entire building, including the cantilevered portion must be included in the building coverage calculation. As shown in the following diagrams, the cantilevered portion is part of the "building" and provides coverage over the lot below.



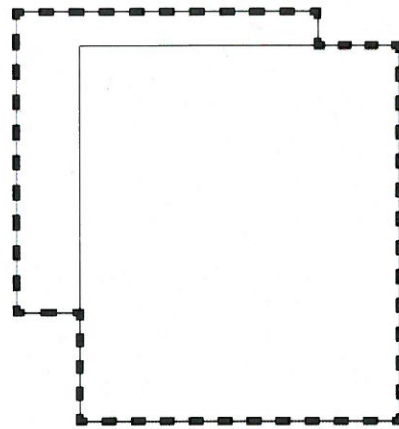
*Diagram of building with cantilevered second story*



*Cantilevered portion of building provides coverage over area in yellow, so it is included in building coverage*



*Diagram of building in "plan view" (viewing the building from the top)*



*Diagram of building in plan view. The dashed line represents the area of the lot that the building covers.*

On July 31, 2019 the ADU proposal received Conditional Use Approval from the Planning Commission. Conditional Use approval only authorizes the use requested and not a specific design or construction method. Indicated in the Conditional Use Staff report was that upon approval, the applicant would need to submit plans for building permits. In addition to building code requirements, that process is used to ensure that all provisions of the zoning code, including building coverage, are met with final plans.

If you have any questions regarding this interpretation, please contact Eric Daems at (801) 535-7236 or by email at [eric.daems@slcgov.com](mailto:eric.daems@slcgov.com).

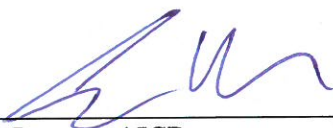
**APPEAL PROCESS:**

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 <https://www.slc.gov/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
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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.



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Eric Daems, AICP  
Principal Planner

cc: Nick Norris, Planning Director  
Joel Paterson, Zoning Administrator  
Greg Mikolash, Development Review Supervisor  
Posted to Web  
Applicable Recognized Organizations