

**October 5, 2020**

**CASE# PLNZAD2020-00682  
Administrative Interpretation  
DECISION AND FINDINGS**



**REQUEST:**

The applicant is requesting an Administrative Interpretation to determine whether a partial mezzanine located between the first and second story of a proposed building would be considered a story by the Salt Lake City Zoning Ordinance. The purpose of this request is to determine if the building permit submittal for a new multi-family building located at 764 S. 200 W. complies with section 21A.27.050.C FB-UN2 BUILDING FORM STANDARDS of the Salt Lake City Zoning Ordinance.

**DECISION:**

The Zoning Administrator finds that the partial mezzanine between the first and second story is not considered a story and does not count towards the FB-UN2 height limitation of 5-stories with a maximum of 65 feet.

**FINDINGS:**

The Salt Lake City Zoning Ordinance Section 21A.62: DEFINITIONS does not include a definition for the term *mezzanine*. 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 defined in "Webster's Collegiate Dictionary."*

Merriam-Webster's Collegiate Dictionary 11<sup>th</sup> Edition provides the following definition related to "mezzanine:"

*Mezzanine: 1. A low-ceilinged story between two main stories of a building  
Especially: an intermediate story that projects in the form of a balcony*

*2. a: The lowest balcony in a theater  
b: the first few rows of such balcony*

The Salt Lake City Zoning Ordinance does provide the following definitions in City Code section 21A.62.040 Definitions of Terms in relation to the requested administrative interpretation regarding mezzanines:

**STORY (FLOOR):** The vertical distance between the finished floor of one level and the finished floor of the level above or below.

**FLOOR AREA, GROSS:** "Gross floor area" (for determining size of establishment) means the sum of the gross horizontal area of all floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area of a building shall include basement floor area, penthouses, attic space having headroom of seven feet (7') or more, interior balconies and mezzanines, enclosed porches,

and floor area devoted to accessory uses. Space devoted to open air off street parking or loading shall not be included in floor area.

Since the Merriam-Webster's Collegiate Dictionary definition of mezzanine refers to a "low ceiling *story* between *two main stories* of a building, it can be interpreted that a mezzanine level is not a *main story* and thus does not count towards the limited number of *stories* permitted in the FB-UN2 zoning district (emphasis added). In addition to a mezzanine not being considered a *main story*, the proposed mezzanine level is located on the interior of the ground floor of units, between the first and second *main stories* of the proposed structure. The proposed building will function and appear as a five-story structure. In summary, an interior mezzanine is not considered to be a story by the Salt Lake City Zoning Ordinance.

**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.

Dated this 5<sup>th</sup> day of October, 2020 in Salt Lake City, Utah.

*Kelsey Lindquist*

Kelsey Lindquist

Senior Planner

Salt Lake City Planning Division

CC: Nick Norris, Planning Director  
Joel Paterson, Zoning Administrator  
Wayne Mills, Planning Manager  
Greg Mikolash, Development Review Supervisor  
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