

October 2, 2020



**Cornelius Whitehead**  
**Atlas Tower 1, LLC**  
**3002 Bluff Street Suite 300**  
**Boulder, CO 80301**

**RE: ADMINISTRATIVE INTERPRETATION (PLNZAD2020-00480)**  
**BELL TOWER STEALTH FACILITY, 340 S GOSHEN ST**

**REQUEST:**

The applicant proposes to construct a 65 foot tall stealth antenna facility disguised as a bell tower at 340 S Goshen Street. The subject property is located within the Institutional Zoning District. This is a request for an administrative interpretation of City Code sections 21A.32.080 Institutional district and 21A.040.090.E Wireless Telecommunication Facilities regarding the standards of approval for a stealth antenna. A stand-alone bell tower is not listed in the Salt Lake City Zoning Ordinance description of stealth antennas. The applicant is seeking an administrative interpretation to determine if

1. A stand-alone church bell tower qualifies as a stealth antenna per 21A.040.090.E.2.f;
2. The proposed bell tower stealth antenna facility would comply with the adopted standards and regulations in the Institutional zoning district per 21A.32.080.

**DECISION:**

The Zoning Administrator finds that the proposed bell tower is a stealth antenna under the provisions of 21A.40.090.E.2.f because the wireless telecommunication antenna is completely disguised as a bell tower and concealed from view. This section of City Code permits stealth antennas in all zoning districts subject to meeting the provisions contained in sections 21A.36.020, tables 21A.36.020.B and 21A.36.020.C. The proposed 65 foot tall bell tower exceeds the 35 foot maximum building height allowed in the Institutional district. The proposed stand alone bell tower is not a structure type listed in Table 21A.36.020.C. Because the proposed bell tower is not attached to the roof of the church on site, it is not considered a church steeple or spire and therefore does not qualify for that listed height exception. The proposed bell tower is limited to a maximum height of 35 feet.

The proposed bell tower is a permissible accessory structure and must comply with all development standards for the Institutional district found in 21A.32.080 and the accessory structure standards in 21A.40.050.

**FINDINGS:**

The following findings related to this use interpretation were made according to Section 21A.12.050, Standards for Use Interpretations:

*A. Any use defined in chapter 21A.62 of this title, shall be interpreted as defined;*

**Finding:** Section 21A.62.040, Definitions of Terms, of the Salt Lake City Zoning Ordinance, defines "Stealth Antenna" as:

**ANTENNA, STEALTH:** An antenna completely disguised as another object, or otherwise concealed from view, thereby concealing the intended use and appearance of the facility. Examples of stealth facilities include, but are not limited to, flagpoles, light pole standards or architectural elements such as dormers, steeples and chimneys.

- B. *Any use specifically listed without a "P" or "C" designated in the table of permitted and conditional uses for a district shall not be allowed in that zoning district;*

**Finding:** Section 21A.33, Land Use Tables, of the Salt Lake City Zoning Ordinance, does not list "Stealth Antenna" as a permitted or conditional land use in the Institutional zoning district. However, section 21A.40.090.E.2.f permits stealth antennas in all zoning districts subject to meeting the provisions contained in section [21A.36.020](#), tables 21A.36.020.B and 21A.36.020.C of the same title. Section 21A.36.020 requires that all structures must be in compliance with the lot area, lot width, yards, building height and other requirements established in the applicable district regulations. As such, the proposed stealth antenna is subject to the standards of the Institutional district in 21A.32.080. A stand alone bell tower is not listed in tables 21A.36.020B and therefore, is not allowed to encroach in a required yard. Furthermore, a bell tower is not a structure listed in Table 21A.36.020.C so the structure would have to meet the maximum building height limit for the Institutional district.

- C. *No use interpretation shall allow a proposed use in a district unless evidence is presented demonstrating that the proposed use will comply with the development standards established for that particular district;*

**Finding:** Stealth facilities are permitted uses in all zoning districts subject to compliance with the development standards of the Institutional district and City Code section 21A.36.020 Conformance with Lot and Bulk Controls. The bell tower itself, as an accessory structure, is subject to the requirements of the Institutional Zoning District. As proposed the 65foot tall bell tower structure is not compliant with the maximum height of 35feet as set forth in 21A.32.080: Institutional District.

- D. *No use interpretation shall allow any use in a particular district unless such use is substantially similar to the uses allowed in that district and is more similar to such uses than to uses allowed in a less restrictive district;*

**Finding:** City Code section 21A.40.090.E.2.f permits stealth antennas in all zoning districts. The proposed bell tower would not be attached to the church building and would be a stand alone accessory structure subject to the standards in City Code section 21A.40.050.

- E. *If the proposed use is most similar to a conditional use authorized in the district in which it is proposed to be located, any use interpretation allowing such use shall require that it may be approved only as a conditional use pursuant to chapter 21A.54 of this title;*

**Finding:** Salt Lake City Code section 21A.40.090.E.2.f states stealth antennas are permitted in all zoning districts subject to compliance with 21A.36.020. This proposal would not be subject to conditional use review.

- F. *No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of that zoning district.*

**Finding:** The purpose of the I Institutional District is to regulate the development of larger public, semipublic and private institutional uses in a manner harmonious with surrounding uses. The uses regulated by this district are generally those having multiple buildings on a campuslike setting. Such uses are intended to be compatible with the existing scale and intensity of the neighborhood and to enhance the character of the neighborhood. This district is appropriate in areas of the City where the applicable master plans support this type of land use.

The construction of a stand-alone bell tower and the use of such as a stealth wireless telecommunications facility would not be inconsistent with the purpose of the Institutional District. A stand-alone bell tower is compatible with the existing religious buildings on the campus and stealth facilities are allowed in all zoning districts as long as they comply with the adopted standards.

**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 online at [citizenportal.slcgov.com](http://citizenportal.slcgov.com).

**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.

*Joel G. Paterson*

Joel Paterson  
Zoning Administrator

**CC:**

Nick Norris, Planning Director  
Molly Robinson, Planning Manager  
Greg Mikolash, Development Review Supervisor  
Caitlyn Miller, Principal Planner  
Applicable Recognized Organization – Poplar Grove Community Council  
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