

Memo

To: Potential Wireless Communication Facility (WCF) Applicants
From: Rick Stauder-Planning/CLG Coordinator
Date: July 28, 2009
Subject: New Wireless Communication Facility (WCF) and/or Collocation Application Packet

Attached please find the City of Hot Springs Wireless Communication Facility (WCF) application form which consists of three (3) pages. Also attached are the City of Hot Springs Wireless Communication Facilities (WCF) regulations found at H.S.C. § 16-2-81 thru 16-2-95, the same being ARTICLE IX of the City of Hot Springs Zoning Code.

Please review the application packet materials carefully as additional supplemental documentation must be presented in addition to the application itself. Once an application is received it will be reviewed for completeness. Once the application is determined to be complete and the appropriate application fee has been submitted the item will be placed on the next available Planning Commission agenda for their consideration, if required. If the request qualifies for the administrative review procedure, that review will be performed at the staff level and you will be notified of the results of that review. Please be advised the construction of a new wireless communication facility or the collocation of additional equipment on an existing facility may not commence prior to the issuance of a tower use permit (TUP) from the Planning & Development Department regardless of which review procedure the request qualifies for.

Should you have any questions or require additional information don't hesitate to contact me at the Planning & Development Department at the information listed below. I will happy to assist you in any way that I can.

City of Hot Springs
Planning & Development Department
Rick Stauder *RS*
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**APPLICATION FOR WIRELESS TELECOMMUNICATIONS FACILITY (WCF)
ANTENNA AND TOWER USE PERMIT
HOT SPRINGS, ARKANSAS**

APPLICANT: _____ AGENT: _____

Address: _____ Address: _____

Phone: _____ Phone: _____

Fax: _____ Fax: _____

Is this a joint application for two or more Permits on the same location? Yes No

Are microwave antennas to be used at this site? Yes No

If Yes, please describe: _____

APPLICATION CLASSIFICATION:

- Commercial Wireless Provider
- Government User
- Private Business User

WIRELESS FACILITY TYPE:

- Attachment To Existing Structure
- Telecommunications Tower
- Modifications Of Approved WCF

COLLOCATION:

Are collocation positions available on the Tower? Yes No

If yes, specify height and any current occupant of the site. If vacant, please note such. _____

FACILITY LOCATION:

Address: _____ Lat/Lon: _____

Ground Elevation (ASML): _____

Tax Parcel Number: _____ Tower Height (AGL): _____

LESSOR/LICENSOR:

Name: _____ Phone Number: _____

Address: _____ Fax Number: _____

Description of tower and/or attachment site: _____

**WIRELESS TELECOMMUNICATION FACILITY APPLICATION
REQUIRED ATTACHMENTS**

This application shall not be deemed complete unless accompanied by the following attachments:

- A letter of intent indicating the applicant agrees to make all its wireless communication facilities with the City of Hot Springs available to any wireless provider for collocation at commercially reasonable rates, provided such facilities are structurally and technically able to accommodate additional providers.
- A letter from the owner/operator of each facility contacted by the applicant in the attempt to find a suitable collocation site stating the reason(s) why a collocation agreement could not be established. Note: Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.
- If the applicant has not previously provided the City of Hot Springs with a copy of the FCC license of the WCF user(s), one must be provided with this application.
- Copies of all relevant portions of executed leases for the proposed site demonstrating property owner(s) consent and compliance with the local wireless telecommunication facility rules and regulations.
- Application fees as follows: \$500 site plan review fee and \$500 radio frequency intermodulation study review fee (collocation applicants only). The City may also require an additional fee not to exceed \$1,500 if engagement of a technical consultant is required. This technical review fee is not due upon application and will be billed to the applicant after consultation with the applicant.
- Complete site development plans including, but not limited to, tower design plans, site survey, site plan, zoning of the subject and adjacent properties, legal description of the proposed site and estimated construction time schedules.
- Attach the following information for the proposed WCF: Number, brand and model number, power level and height of proposed antenna placement(s). If sectorized antenna array, the azimuth or orientations (in degrees) of each sector.

THE PLANNING DIRECTOR AND/OR THE CITY'S TELECOMMUNICATION CONSULTANT SHALL REVIEW THE COMPLETED APPLICATION AND ADVISE THE APPLICANT OF SUCH ADDITIONAL INFORMATION DEEMED NECESSARY OR APPROPRIATE TO PROCESS OR EVALUATE THIS APPLICATION.

**WIRELESS TELECOMMUNICATION FACILITY
APPLICANT CERTIFICATIONS**

The applicant represents and certifies that the following are true and accurate:

- ✓ The applicant has not constructed, maintained, operated or modified any wireless telecommunication facility within Hot Springs, Arkansas, nor has the applicant allowed others to construct, maintain, operate or modify any wireless telecommunications facility with Hot Springs, Arkansas, without the approval of the City.
- ✓ The proposed WCF complies with and, at all times, will be maintained and operated in accordance with all applicable FCC rules and regulations with respect to environmental effects of electromagnetic emissions.
- ✓ Any telecommunications tower to be constructed as part of the proposed wireless telecommunications facility is not required to be lighted or painted by rules and regulations of the Federal Aviation Administration.
- ✓ All improvements constructed as part of the wireless telecommunication facility shall comply with the Hot Springs and National Building, Electrical, Plumbing, Mechanical and Fire Codes, and structural standards of the Electronic Industries Association/Telecommunications Industry Association, where applicable.
- ✓ Any tower constructed as a part of this wireless communications facility will be engineered and constructed to accommodate the number of collocation uses specified by local ordinances and the applicant agrees to actively and reasonable market collocation sites to all interested users on a first come, first serve basis.
- ✓ Applicant will submit or cause to be submitted to the City copies of the FCC license(s) of each antenna user at the wireless communication facility and notify the City if such FCC license(s) becomes invalid.

THIS APPLICATION SHALL NOT BE DEEMED COMPLETE UNTIL THE APPLICANT MAKES EACH OF THE ABOVE CERTIFICATIONS BY THE SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE ON THIS APPLICATION.

THE APPLICANT CERTIFIES THAT ALL STATEMENTS, CERTIFICATIONS AND REPRESENTATIONS SUPPLIED IN THIS APPLICATION ARE TRUE AND CORRECT AND THAT THE PERSONS SIGNING THIS APPLICATION ARE DULY AUTHORIZED TO EXECUTE THIS APPLICATION AND OTHERWISE TO ACT ON BEHALF OF THE APPLICANT.

Date: _____

Signed: _____

Printed Name: _____

ARTICLE IX. WIRELESS COMMUNICATION FACILITIES

16-2-81. Purpose and goals.

- (a) *Purpose.* The purpose of this article is to establish general guidelines for the siting of WCF and granting of tower use permits (TUP).
- (b) *Goals.* The goals of this article are to:
- (1) provide a range of locations for WCF in all zones unless otherwise prevented;
 - (2) within each zoning district, provide clear performance standards addressing the siting of WCF;
 - (3) encourage the location of WCF on existing structures, including utility poles, signs, water towers, buildings and other WCF where feasible;
 - (4) encourage collocation and site sharing of new and existing WCF;
 - (5) streamline and expedite permitting procedures to effect compliance with the Federal Telecommunications Act of 1996;
 - (6) enhance the ability of providers of telecommunications services to provide such service to the community quickly, effectively, and efficiently; and
 - (7) protect residential and historic areas from the uncontrolled development of WCF by requiring reasonable siting conditions.

16-2-82. Definitions.

Aeronautical facility is any public airport or military airport which has a hard surface runway.

Antenna array means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni directional antenna (rod), a directional antenna (panel) and a parabolic antenna (dish). The antenna array does not include the support structure defined below.

Attached wireless communications facility (Attached WCF) means antenna array attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water towers, with any accompanying pole or device that attaches the antenna array to the existing building or structure and associated connection cables, and any equipment facility which may be located either inside or outside the attachment structure.

Collocation or site sharing means use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.

Department means the city department charged with the responsibility for administering the Hot Springs Zoning Code, said department being currently known as the planning and development department.

Development standards, as used in this article, shall mean those standards set forth in § 16-2-84 hereof.

Director means the person designated by the city manager as the director of the department responsible for the administration of the Hot Springs Zoning Code.

Equipment facility means any structure used to contain ancillary equipment for a WCF that includes cabinets, shelters, a build-out of an existing structure, pedestals, and other similar structures.

FAA means the Federal Aviation Administration.

FCC means the Federal Communication Commission.

FTA means the Federal Telecommunications Act of 1996.

Height, when referring to a WCF, shall mean the distance measured from ground level to the highest point on the WCF, including the antenna array.

Review process. As used in this article, review process shall mean those processes set forth in § 16-2-85. hereof.

Setback means the required distance from the foundation of WCF land based elements to the property lines of the parcel on which the WCF is located.

Stealth technology means systems, components and materials used in the construction of WCF which are designed to mask or conceal the WCF to make it less intrusive with respect to the surrounding property.

Support structure means a structure designed and constructed specifically to support an antenna array, and may include a monopole tower, a self supporting (lattice), a guy-wire supported tower or other similar structures. Any device used to fasten an attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to support structures.

Temporary wireless communication facility (Temporary WCF) means a WCF to be placed in use for ninety (90) or fewer consecutive days at the same location.

Tower use permit (TUP) means a permit issued by the city specifically for the location, construction and use of a WCF subject to an approved site plan and any special conditions determined by the director or planning commission to be appropriate under the provisions of this article.

Wireless communications means any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Wireless communication facility (WCF) means any un-staffed facility for the transmission or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

16-2-83. Applicability.

(a) *Permit required.* No person, firm or corporation shall install or construct any WCF unless and until a tower user permit (TUP) has been issued pursuant to the requirements of this Article.

(b) *Pre-existing WCF.* WCF for which a permit has been issued prior to the effective date of this Article shall not be required to meet the requirements of this Article as further specified in Section 16-2-90 hereof.

(c) *Amateur radio exclusion.* This article shall not govern the installation of any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas. Such installations shall comply with any other applicable provisions of the zoning code.

(d) *Relationship to other ordinances.* This article shall supersede all conflicting requirements of other code provisions and ordinances regarding the locating and permitting of WCF except the Memorial Field Zoning Ordinance (Ordinance No. 3524) as may now or hereafter be amended.

(e) *Airport zoning.* Any WCF located or proposed to be located in any areas governed by the Memorial Field Zoning Ordinance shall comply with the provisions of that ordinance in addition to the requirements of this article.

(f) *Building codes.* Construction of all WCF's shall comply with the requirements of the Hot Springs Building Codes and permitting process in addition to the requirements of this Article.

(g) *Aeronautical facilities.* No structure in excess of one hundred feet (100') in height may be constructed within twenty-five hundred (2,500') feet from either side of a runway centerline running the full length of that runway, including the runway protection zone and runway safety area, extending outward from the approach end of any runway for seven (7) nautical miles, and rising upward from that runway end surface at a slope of sixty-five (65) feet horizontally to one (1) foot vertically for the seven (7) nautical miles of any aeronautical facility used by the public unless a permit for such construction has been issued by the Hot

Springs board of directors. In lieu of the penalty established in Section 16-2-92, the fine or penalty for violating this paragraph shall, upon conviction in the municipal court, not exceed one thousand dollars (\$1,000) per day against the owner of any structure constructed in violation of this act. This fine may be levied for each day until the structure is removed.

16-2-84. Development Standards.

(a) *Height standards.* The following height standards shall apply to all WCF facility installations:

- (1) Attached WCF. Attached WCF shall not add more than twenty (20) feet in height to the existing building or structure to which it is attached (attachment structure).
- (2) WCF with support structures. WCF with support structures shall have a maximum height of 150 feet in all zones except residential zones wherein the maximum height shall be 100 feet.

(b) *Setback Standards.* The following setback standards shall apply to all WCF installations:

- (1) Attached WCF. Antenna arrays for attached WCF are exempt from the setback provisions of the zone in which they are located. An attached WCF antenna array may extend up to 30 inches horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.
- (2) WCF with support structures. WCF with support structures shall meet the setback requirements for principle structures of the underlying zone in which they are located.
- (3) WCF with support structures abutting or located in residential zones. WCF with support structures which abuts property zoned residential on any side or which is located within any residential zone, shall be set back a distance at least the height of the tower measured from the base of the tower to the property line of the residential lot. Provided further, that all WCF's with support structures located within residential zones shall be of the monopole and/or stealth design.

(c) *Landscaping and screening.* The following landscaping and screening requirements shall apply to all WCF facility installations.

- (1) New construction. New WCF with support structures and attached WCF with new building construction shall be landscaped in accordance with the applicable provisions of the landscape ordinance which may now or hereafter be adopted.

- (2) Land form preservation. Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed or removed.
- (3) Existing vegetation. Existing vegetation on a WCF site may be used in lieu of required landscaping where approved by the planning commission.
- (d) *Aesthetics, placement, materials and colors.* WCF shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the WCF, the use of compatible or neutral colors, or stealth technology.
- (e) *Lighting and signage.* The following lighting and signage requirements shall apply to all WCF facility installations.
- (1) Artificial illumination. WCF shall not be artificially illuminated, directly or indirectly, except for:
- a. security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and
 - b. such illumination of the WCF as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences.
- (2) Signage. WCF shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state or federal regulations governing WCF's.
- (f) *Security fencing.* WCF with support structures shall be enclosed by an opaque security fence not less than 6 feet in height. Security features may be incorporated into the buffer, landscaping and screening requirements for the site. Nothing herein shall prevent security fencing which is necessary to meet requirements of state or federal agencies.
- (g) *Radio frequency emissions.* The following radio frequency emissions standards shall apply to all WCF facility installations.
- (1) RF impact. The FTA gives the FCC sole jurisdiction of the regulation of radio frequency (RF) emissions, and WCF which meet the FCC standards shall not be conditioned or denied on the basis of RF impact.

- (2) FCC compliance. In order to provide information to its citizens, copies of ongoing FCC information concerning WCF and RF emission standards may be requested. Applicants for WCF shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.
- (3) Sound prohibited. No sound emissions such as alarms, bells, buzzers or the like are permitted.

(h) *Structural integrity.* WCF with support structures shall be constructed to the Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antennas Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended. Each support structure shall be capable of supporting at least three antenna arrays.

(i) *Collocation agreement.* All applicants for WCF are required to submit a statement with their application agreeing to allow collocation of other WCF providers. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The collocation agreement shall be considered a condition for issuance of a TUP.

16-2-85. Review process.

(a) *General.* The applicable development standards referred to herein are those set forth in Section 16-2-84 of this article.

(b) *Permitting procedures.* Attached WCF with or without new building construction that meet the development standards may be permitted by administrative review except as hereinafter specified. All WCF with support structures, regardless of type or location shall be subject to the planning commission review process and may not be approved by the administrative review process. Provided, further, that any WCF (attached or with support structures), regardless of type, to be located within an established historic district, will be subject to review by the historic district commission and the planning commission. Review by the historic district commission shall be in accordance with the historic district ordinance administrative procedures for a certificate of appropriateness. Any WCF subject to the memorial field zoning ordinance may only be permitted by planning commission review in accordance with the airport zoning ordinance and this article. All WCF applications that do not conform with the development standards or are otherwise not eligible for administrative review shall be subject to the planning commission review process.

(c) *WCF as part of coordinated development approval.* WCF as part of a proposed residential or nonresidential subdivision, Planned District (PD) Zoning District, site plan, conditional rezoning, or other coordinated development approval shall be reviewed and approved through those processes.

(d) *WCF for temporary term.* Temporary WCF may be permitted by administrative review for a term not to exceed 90 days. Once granted, a temporary WCF permit may be extended for an additional 90 days upon evidence of need by the applicant. In case of emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the administrative review shall be expedited to the extent feasible.

16-2-86. Approval procedures.

(a) *Application submission.* All requests for a tower use permit, regardless of WCF type shall submit an application in accordance with the requirements of this section..

- (1) Application contents. Each applicant requesting a TUP under this Article shall submit a scaled site plan containing a scaled elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing WCF shall include a radio frequency intermodulation study with their application.
- (2) Submission requirements. Application for a TUP shall be submitted to the department on forms prescribed by the department. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license or license application. If planning commission or historic district commission review is required, the application and site plan shall be placed on the next available commission agenda in accordance with the agenda deadlines established by the department.
- (3) Application fees. Each application shall be accompanied by a plan review fee of \$500 and a radio frequency intermodulation study review fee of \$500 (collocation applications only). These fees shall be used to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and radio frequency intermodulation study (if required).
- (4) Technical assistance. In the course of its consideration of an application, the director, the planning commission or the board of directors may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of WCF to assist the city in the technical aspects of the application. In such cases, any reasonable costs incurred by the city not to exceed fifteen hundred dollars (\$1,500) for the technical review and recommendation shall be reimbursed by the applicant prior to the final city hearing on the TUP.

(b) *Administrative review.* The following administrative review process shall apply to all WCF applications eligible for administrative review.

- (1) Review authority. Review of WCF under this section shall be conducted by the director or his designee upon filing a WCF application.
 - (2) Review criteria. The department shall review the application for compliance with the development standards.
 - (3) Timing of decision. The department shall render a decision on the WCF application by written response to the applicant within ten (10) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant.
 - (4) Deferral. The department may defer administrative approval of WCF for any reason. Deferral of administrative approval shall require submission to the planning commission for review.
 - (5) Application denial. If administrative approval is not obtained due to noncompliance with the development standards, the applicant may appeal the denial by applying for planning commission review.
 - (6) Application approval. If the TUP application is in compliance with the development standards and otherwise meets the requirements of this section, the department shall issue a tower use permit (TUP).
- (c) *Planning commission review.* The following shall apply to all tower use permit applications requiring submission to the planning commission.
- (1) Review authority. The planning commission shall be the review authority for TUP applications not eligible for administrative review or otherwise referred to the commission.
 - (2) Notice. Notice of the application and the public hearing by planning commission shall be accomplished in the same manner as a conditional use permit under the Zoning Code.
 - (3) Hearing. The planning commission shall review and consider the TUP application at a public hearing. At the hearing, interested persons may appear and offer information in support or opposition to the proposed application. The planning commission shall consider the following in reaching a decision.
 - a. Development standards variance. The TUP application shall be reviewed for compliance with the development standards set forth in Section 16-2-84; provided that the applicable development standards may be reduced or waived so long as the approval of the WCF meets the goals and purposes of Section 16-2-81 hereof. The planning commission may authorize a variance from the development standards by specific inclusion in a motion for approval. No such variance authorized by the planning commission shall be subsequently applied for a variance to the board of zoning adjustment.

- b. Tower siting conditions. The planning commission may impose conditions and restrictions on the application or on the premises benefitted by the TUP as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the WCF with the surrounding property, in accordance with the purposes and intent of this Article. The violation of any condition shall be grounds for revocation of the TUP. The planning commission may impose such conditions in addition to the development standards upon the following findings:
 1. The WCF would result in significant adverse visual impact on nearby residences.
 2. The conditions are based upon the purpose and goals of this Article as set forth in Section 16-2-81.
 3. The conditions are reasonable and capable of being accomplished.
 - c. Action. Following the public hearing and presentation of all evidence, the planning commission shall take one of the following actions:
 1. approve the application as submitted;
 2. approve the application with conditions or modifications;
 3. defer the application for additional information or neighborhood input; or
 4. deny the application.
- (4) Findings. All decisions rendered by the planning commission concerning a tower use permit shall be supported by written findings of fact and conclusions of law based upon substantial evidence in the record.
- (5) Timing of decision. The planning commission shall render its decision within 60 days or less of the final submission of all required application documents and technical evaluations.
- (6) Appeals. The decision of the planning commission may be appealed to the board of directors of the city under the following circumstances:
- a. Only the applicant and those who registered an objection to the TUP in the record of the planning commission shall have standing to appeal.
 - b. Only such evidence or testimony in support of or opposition to the issuance of the TUP which was provided to the planning commission may be presented to the board of directors unless the board, by majority vote, decides to hear new information.

- c. Notice of appeal shall be accomplished by the appellant in the same manner as a conditional use permit under the Zoning Code.
 - d. Appeal of decisions of the board of directors shall be filed in chancery court within thirty (30) days of the final decision on the TUP.
- (7) Historic commission review. Should an WCF application require review by the historic district commission, such review shall be conducted by said commission in accordance with the procedures for issuance of a certificate of appropriateness. If granted the certificate, the application shall then be reviewed by the planning commission in accordance with the procedures contained herein. The planning commission shall not consider a WCF application requiring a certificate of appropriateness unless and until such certificate has been granted by the historic district commission. Historic district commission decisions regarding WCF applications may be appealed to the board of directors in accordance with Section 16-2-86(c)(8).

16-2-87. Shared facilities and collocation policy.

All WCF shall be constructed to be capable of sharing the facility with other providers, to collocate with other existing WCF and to accommodate the future collocation of other WCF. Applicants proposing a new WCF shall demonstrate that it has made a reasonably good faith attempt to find a collocation site. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.

16-2-88. Removal of abandoned WCF.

Any WCF that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the WCF owner shall remove the WCF within ninety (90) days after notice from the city to remove the WCF. If the abandoned WCF is not removed within ninety (90) days, the city may remove it and recover its costs from the WCF owner. If there are two or more users of a single WCF, this provision shall not become effective until all providers cease to use the WCF. If the owner of an abandoned WCF cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the WCF is located.

16-2-89. Change in ownership.

If a tower use permit has been previously issued, any ownership or licensing change not involving new construction may be approved administratively by the city attorney.

16-2-90. Nonconforming WCF.

WCF in existence on the date of the adoption of this article which do not comply with the requirements of this article (nonconforming WCF) is subject to the following provisions:

- (a) *Expansion.* Nonconforming WCF may continue in use for the purpose now used, but may not be expanded without complying with this article except as further provided in this section.
- (b) *Additions.* Nonconforming WCF may add additional antennas (belonging to the same provider or other providers) subject to administrative review under Article 16-2-86 of this chapter.
- (c) *Repairs.* Nonconforming WCF which become damaged or destroyed due to any reason or cause, may be repaired and restored to its former use, location, and physical dimensions subject to the provisions of this article.

16-2-91. Revocation of tower user permits.

Any tower use permit issued pursuant to this article may be revoked by the planning commission after a hearing as provided hereinafter. If the commission finds that any permit holder has violated any provision of this article, or has violated any federal, state or local law or ordinance, or has failed to make good faith reasonable efforts to provide or seek collocation, the commission may revoke the tower use permit (TUP) upon such terms or conditions, if any, that the commission may determine. Prior to initiation of revocation proceedings, the director shall notify the permit holder, in writing, of the specific areas of non compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed sixty (60) days. The permit holder shall provide the director with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the planning commission shall convene a public hearing to consider revocation of the tower use permit. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the city not less than 10 days prior to the hearing and by written notice to the permit holder. At any such hearing, the permit holder may be represented by an attorney and may cross examine opposing witnesses. Other interested persons may comment. The planning commission may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, that stenographic services, if desired, shall be provided by the requesting party at the party's expense.

16-2-92–16-2-95. Reserved.