



Legislation Text

File #: 930235, Version: 1

930235
SUBSTITUTE 1

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GORDON, NARDELLI, SCHRAMM AND MURPHY

A substitute ordinance relating to zoning regulations for outdoor public telephones on private property.

200-33-65-g rn
200-33-65-g cr
200-33-65-h rn
200-33-65-i rn
200-33-65-j rn
200-33-65-k rn
295-14-17 cr
295-59-5-d-2 am

- Analysis -

This ordinance establishes a requirement for special use approval of outdoor public telephones placed on private property and specifies the application contents and fee required for a special use approval request of this type. It also provides that the special use approval for a particular telephone of this type may come up for renewal and that if the renewal is not granted, the telephone must be removed within 30 days.

Outdoor public telephones placed on private property prior to the effective date of the ordinance are exempt from the requirement for special use approval. Also, requests for special use approval of outdoor public telephones on private property are exempt from the requirement that a plan commission report be received by the board of zoning appeals before board action can be taken.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 200-33-65-g through k of the code is renumbered 200-33-65-h through L.

Part 2. Section 200-33-65-g of the code is created to read:

200-33. Fees.

65. ZONING.

g. Outdoor public telephones on private property: \$50.

Part 3. Section 295-14-17 of the code is created to read:

295-14. Special Conditions.

17. OUTDOOR PUBLIC TELEPHONES ON PRIVATE PROPERTY. a.

Approval. An outdoor public telephone, including a telephone attached to the outside of a building or structure, may be placed on private property only when the owner of the property or the public utility which will own, operate, manage or otherwise control the telephone has obtained special use approval from the board of zoning appeals, as provided in s. 295-59-5.

b. Application. An application for special use approval to allow placement of an outdoor public telephone on private property shall contain the names and addresses of the property owner and the public utility and a sketch showing the proposed location of the telephone in relation to street, property and building lines.

c. Fee. The application fee for special use approval to allow placement of an outdoor public telephone on private property shall be as specified in s. 200-33-65-g. This fee shall be paid for each telephone for which special use approval is requested.

d. Renewal. As a condition for granting special use approval for placement of an outdoor public telephone on private property, the board of zoning appeals may require that such special use approval be considered for renewal on or before a specified date. The fee specified in s. 200-33-63-g shall be paid whenever renewal is required. If renewal is denied, the telephone shall be removed within 30 days of the decision of the board of zoning appeals.

e. Exemption. This subsection shall not apply to outdoor public telephones which were placed on private property before the effective date of this ordinance [city clerk to insert date].

Part 4. Section 295-59-5-d-2 of the code is amended to read:

295-59. Board of Appeals.

5. FINDINGS.

d. Procedures for Special Uses.

d-2. Except for uses listed in ss. >>295-14-17,<< 295-323-16, 295-333-16, 295-343-16, 295-423-16, 295-433-16, 295-463-16, 295-513-16, and 295-523-4-e, 8-d, 12-a to f, 13-b, 14-a to h, 15-a to e and 16, the board's determination shall occur only after receiving a report from the city plan commission.

APPROVED AS TO FORM

Legislative Reference Bureau

Date:

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date:

LRB93191-2

JDO:jdo

6/29/93RCEABLE

Office of the City Attorney

Date:

LRB93191-2

JDO:jdo

6/29/93