Legislation Details (With Text)

File #:	011264 **Version:** 1		
Type:	Ordinance	**Status:**	Dead
File created:	12/21/2001	**In control:**	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE
On agenda:		**Final action:**	9/4/2002
Effective date:			
Title:	A substitute ordinance relating to zoning regulations for existing transmission towers used to transmit or receive television signals.		
Sponsors:	ALD. PRATT		
Indexes:	CABLE TELEVISION, COMMUNICATIONS SYSTEMS, ZONING		
Attachments:	1. CPC Letter.pdf, 2. Mayor's Veto Letter.PDF		

Date	Ver.	Action By	Action	Result	Tally
1/2/2001		ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
12/21/2001	0	COMMON COUNCIL	ASSIGNED TO		
1/8/2002	1	CITY CLERK	DRAFT SUBMITTED		
5/16/2002	2	CITY CLERK	DRAFT SUBMITTED		
6/11/2002	2	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
6/18/2002	2	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	NOT ACTED ON		
7/15/2002	2	CITY CLERK	PUBLISHED		
7/22/2002	2	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
7/30/2002	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
8/1/2002	1	COMMON COUNCIL	PASSED	Pass	12:5
8/8/2002	1	MAYOR	VETOED		
9/4/2002	1	COMMON COUNCIL	VETO OVERRIDDEN	Fail	11:6

011264
SUBSTITUTE 1
990835
ALD. PRATT
A substitute ordinance relating to zoning regulations for existing transmission towers used to transmit or receive television signals.
295-14-17-e rn
295-14-17-e cr
295-14-17-f rn

- Analysis -

This ordinance provides that, notwithstanding any other provisions of the zoning code, the height of an existing transmission tower used to transmit or receive

television signals may be increased without board of zoning appeals approval if the amount of the increase does not exceed 15% of the tower's height or 150 feet, whichever is less. Only one such increase may be permitted without board approval. The ordinance further provides that under no circumstances may the height of a tower so modified exceed 1,275 feet.
Whereas, On March 21, 1997, the Common Council adopted File Number 961537, a resolution approving a "Transmission Tower Policy Statement" as part of the comprehensive plan of the City of Milwaukee; and

Whereas, On July 25, 1997, the Common Council passed File Number 970241, an ordinance which made various zoning code amendments intended to implement the adopted "Transmission Tower Policy Statement"; and

Whereas, In adopting these 2 files, the Common Council did not intend to prevent relatively modest alterations to existing television transmission towers that are necessary to accommodate changing television communications technology, particularly when such technology is needed to provide the best possible service to the citizens of Milwaukee; and

Whereas, The Board of Zoning Appeals' application and interpretation of the transmission tower policy with respect to height modification of existing towers have indicated that clarification of the Common Council's policy and intent in this area is necessary; now, therefore

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

Part 1. Section 295-14-17-e and f of the code is renumbered 295-14-17-f and g.

Part 2. Section 295-14-17-e of the code is created to read:

295-14. Special Conditions.

17. TRANSMISSION TOWERS.

e. Height Modifications to Existing Television Towers. Notwithstanding any other provisions of this code, the height of any existing transmission tower used for the transmission or reception of television signals as of [city clerk to insert effective date of this ordinance] may be increased without board approval if the amount of the increase does not exceed 15% of the existing tower's height, as measured in accordance with par. a, or 150 feet, whichever is less, provided that under no circumstances shall the height of the tower after modification exceed 1,275 feet. Only one such increase may be permitted to occur without board approval. The zoning status of any tower so modified shall remain the same as it was prior to modification.
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: _____

LRB02001-1
JDO
1/7/02

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