



Text File

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Bill No: 2018-0654, **Version:** 1

Committee: Committee on Public Works

Status: Passed Finally

Ordinance amending the Pittsburgh Code of Ordinances in order to provide the Department of Mobility and Infrastructure with certain authority in accord with Ordinances 16 of 2017 and 2 of 2018.

WHEREAS, The Pittsburgh Code of Ordinances was previously amended by Ordinance 2 of 2018 to transfer multiple functions to the Department of Mobility and Infrastructure;

WHEREAS, The Pittsburgh Code of Ordinances was previously amended to add the Director of the Department of Mobility and Infrastructure to the Commission on Naming Public Properties;

WHEREAS, The Pittsburgh Code of Ordinances contains certain functions under Chapter 416 related to sidewalk café permitting that should include or be transferred to the Department of Mobility and Infrastructure;

WHEREAS, The Pittsburgh Code of Ordinances contains certain functions under Chapter 911 related to telecommunications that should include or be transferred to the Department of Mobility and Infrastructure;

WHEREAS, The Council of the City of Pittsburgh now wishes to amend sections of the Pittsburgh Code of Ordinances to provide consistency with certain changes made by Ordinance 2 of 2018.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code of Ordinances, Title One: Administrative, Article IX: Boards, Commissions and Authorities, Chapter 173: Commission on Naming Public Properties, Section 173.01 is hereby amended as follows:

§ 173.01 - CREATION, ORGANIZATION, QUORUM AND RULES.

(a) The Commission on Naming Public Properties shall consist of members to be appointed by the Mayor. Members shall hold office during the term for which the Mayor who appoints them has been elected and until their successors are respectively appointed.

(b) The Commission shall consist of the Director of Public Works or their designee, the Director of Mobility and Infrastructure or their designee, the Director of Parks and Recreation or their designee, and the Director of the Department of City Planning or their designee.

(c) All appointed members shall serve without compensation.

(d) In case any vacancy occurs, the vacancy shall be filled by the Mayor for the unexpired term

(e) A majority of the [~~three (3)~~] **four (4)** appointed members shall constitute a quorum for the transaction of any business or the decision of any matters within their competence or jurisdiction.

Section 2. The Pittsburgh Code of Ordinances, Title Four, Public Places, and Property, Article 1, Chapter 416, Obstructions, § 416.20 - Approval process for Sidewalk Café, including Permits and Fees.

Sidewalk Café Site Plan, is hereby amended as follows:

§ 416.20 - APPROVAL PROCESS FOR SIDEWALK CAFÉ, INCLUDING PERMITS AND FEES.

1. A proprietor wishing to establish a sidewalk café with more than four (4) seats must follow the process described below. Responsibilities of the departments include, but are not limited to, those described. For expediency and to benefit the applicant, each department shall complete its responsibilities within ten (10) days.

a. *Department of [~~Public Works (DPW)] **Mobility and Infrastructure (DOMI)**.~~* At [~~DPW]~~ **DOMI**, the proprietor obtains an application form for a permit to encroach on the public right-of-way with a sidewalk café. A checklist of sidewalk café requirements, delineating the steps to be followed in acquiring a sidewalk café permit, is issued to the applicant based on if for more than four (4) seats.

b. *Department of [~~Public Works]~~ **Mobility and Infrastructure**.* Applicant returns to [~~DPW]~~ **DOMI** with a completed application. As part of the application for a sidewalk café, applicant shall submit a site plan conforming to the specifications in Sections 416.20 and 922.01.d.1. The proposed site plan for the sidewalk café must be attached to the required permit application. Sample plans are available from [~~DPW]~~ **DOMI**. The permit fee is due at this time, at one dollar (\$1.00) for each square foot of café area (gross square footage). Also due at this time is a certificate from the proprietor's insurance company, naming the City as co-insured, with minimum amounts of one hundred thousand dollars (\$100,000.00) to three hundred thousand dollars (\$300,000.00)-public liability and fifty thousand dollars (\$50,000.00)-property. [~~DPW]~~ **DOMI** issues a printed notice that the application has been accepted but not approved.

c. *Zoning and Development Review Division (Zoning).* [~~DPW]~~ **DOMI** sends the applicant to the Department of City Planning's Zoning and Development Review Division's Zoning counter, with the application, and with [~~DPW's]~~ **DOMI's** notice of acceptance. The application is registered and the applicant pays a one-time filing fee at the Zoning counter. Zoning will verify that the applicant has a valid certificate of occupancy for the primary use of the property. A certificate of occupancy for a sidewalk café will not be granted without a valid certificate of occupancy for the primary use. Zoning reviews the site plan design of the proposed sidewalk café. If disapproved, the applicant is given an opportunity to revise the site plan to meet Zoning's requirements. If the proposed sidewalk café is to be in an historic district, there will be an additional level of review by the local body that provides historic review for that site. Zoning marks the site plan as approved and directs the applicant to the Department of Permits, Licensing, and Inspection.

d. *Department of Permits, Licensing, and Inspection (PLI).* PLI checks the applicant's record for violations. Any violations must be rectified before a sidewalk café permit can be issued. No permit can be issued unless

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the proprietor has a valid occupancy permit for the establishment that the sidewalk café will abut. Upon being cleared of violations and consistent with the requirement for commercial venues, the applicant must submit a site plan, prepared and sealed by a licensed architect or engineer, to PLI's Plan Examiner. This plan must contain the sidewalk café seating layout, aisles, enclosure, ADA requirements, and means of egress, including egress from the main restaurant to the curb. The Plan Examiner will review the site plan for compliance with City Code and for compliance with the Americans with Disabilities Act (ADA). The applicant then pays a one-time fee for the certificate of occupancy for a sidewalk café. PLI will inspect and issue the certificate of occupancy for a sidewalk café, if approved. A copy of the site plan will be given to the applicant to be maintained at the establishment. The applicant will receive a copy of the certificate of occupancy by mail. Upon completion of PLI's process, PLI will forward the sidewalk café application packet, including [DPW's] **DOMI's** notice of acceptance, the certified site plan, and a copy of the certificate of occupancy for a sidewalk café, to [DPW] **DOMI**.

(1) If an applicant possesses outstanding citations issued under this Chapter and related to the premises for which the application is submitted, a permit will not be issued.

e. *Department of [~~Public Works~~] **Mobility and Infrastructure***. A [DPW] **DOMI** representative conducts a field survey to check the accuracy of information submitted in the proprietor's application for a sidewalk café.

f. *City Council*. When it is deemed that the application is completed fully and correctly, the Director of [~~Public Works~~] **Mobility and Infrastructure** submits the application to the District Council Person. The completed checklist of sidewalk café requirements is included in the packet provided to the District Council Person. The City Council Member representing the district where the café is proposed shall acknowledge, in writing, having reviewed the application, prior to issuance of the permit.

g. *Department of [~~Public Works~~] **Mobility and Infrastructure***. The Director of [~~Public Works~~] **Mobility and Infrastructure** notifies the applicant of the City's decision. If approved, the sidewalk café permit is issued by the Department of [~~Public Works~~] **Mobility and Infrastructure**. A [DPW] **DOMI** representative demarcates the margins of the approved sidewalk café on the sidewalk.

If the proprietor wishes to change the sidewalk café from the approved site plan, a new application and review process is required.

2. A proprietor wishing to establish a sidewalk café with four (4) seats or fewer (must be no more than two (2) seats per table) must follow the process described below. Responsibilities of the departments include, but are not limited to, those described. For expediency and to benefit the applicant, each department shall complete its responsibilities within ten (10) days.

a. *Department of [~~Public Works (DPW)] **Mobility and Infrastructure (DOMI)**~~*. At [DPW] **DOMI**, the proprietor obtains an application form for a permit to encroach on the public right-of-way with a sidewalk café. A checklist of sidewalk café requirements, delineating the steps to be followed in acquiring a sidewalk café permit, is issued to the applicant based on if for four (4) seats or fewer (must be no more than two (2) seats per table).

b. *Department of [~~Public Works~~] **Mobility and Infrastructure***. Applicant returns to [~~DPW~~] **DOMI** with a completed application. As part of the application for a sidewalk café, applicant shall submit a site plan conforming to the specifications in Sections 416.20 and 922.01.d.1 for a simplified site plan. The proposed site plan for the sidewalk café must be attached to the required permit application. Sample plans are available from [~~DPW~~] **DOMI**. The permit fee is due at this time, at one dollar (\$1.00) for each square foot of café area (gross square footage). Also due at this time is a certificate from the proprietor's insurance company, naming the City as coinsured, with minimum amounts of one hundred thousand dollars (\$100,000.00) to three hundred thousand dollars (\$300,000.00)-public liability and fifty thousand dollars (\$50,000.00)-property. [~~DPW~~] **DOMI** issues a printed notice that the application has been accepted but not approved.

c. *Zoning*. [~~DPW~~] **DOMI** sends the applicant to the Zoning counter, with the application, and with [~~DPW~~'s] **DOMI**'s notice of acceptance. Zoning will verify that the applicant has a valid certificate of occupancy for the primary use of the property. Applications for sidewalk cafes with four (4) seats or fewer under this subsection shall be exempted from the sidewalk café standards of Title Nine, Zoning Code, Section 911.04.A.68, and shall be treated as permitted-by-right over-the-counter approval so long as the primary use has a valid certificate of occupancy.

d. *Department of Permits, Licensing, and Inspection (PLI)*. PLI checks the applicant's record for violations. Any violations must be rectified before a sidewalk café permit can be issued. No permit can be issued unless the proprietor has a valid occupancy permit for the establishment that the sidewalk café will abut. Upon being cleared of violations and consistent with the requirement for commercial venues. The Plan Examiner will review the site plan for compliance with City Code and for compliance with the Americans with Disabilities Act (ADA). The applicant then pays a one-time fee for the certificate of occupancy for a sidewalk café. PLI will inspect and issue the certificate of occupancy for a sidewalk café, if approved. A copy of the site plan will be given to the applicant to be maintained at the establishment. The applicant will receive a copy of the certificate of occupancy by mail. Upon completion of PLI's process, PLI will forward the sidewalk café application packet, including [~~DPW~~'s] **DOMI**'s notice of acceptance, the certified site plan, and a copy of the certificate of occupancy for a sidewalk café, to [~~DPW~~] **DOMI**.

e. *Department of [~~Public Works~~] **Mobility and Infrastructure***. A [~~DPW~~] **DOMI** representative conducts a field survey to check the accuracy of information submitted in the proprietor's application for a sidewalk café.

f. *City Council*. When it is deemed that the application is completed fully and correctly, the Director of [~~Public Works~~] **Mobility and Infrastructure** submits the application to the District Council Person. The completed checklist of sidewalk café requirements is included in the packet provided to the District Council Person. The City Council Member representing the district where the café is proposed shall acknowledge, in writing, having reviewed the application, prior to issuance of the permit.

g. *Department of [~~Public Works~~] **Mobility and Infrastructure***. The Director of [~~Public Works~~] **Mobility and Infrastructure** notifies the applicant of the City's decision. If approved, the sidewalk café permit is issued by the Department of [~~Public Works~~] **Mobility and Infrastructure**. A [~~DPW~~] **DOMI** representative demarcates the margins of the approved sidewalk café on the sidewalk.

If the proprietor wishes to change the sidewalk café from the approved site plan, a new application and review process is required

Section 3. The Pittsburgh Code of Ordinances, Title IX: Zoning Code, Article V: Use Regulations, Chapter 911: Primary Uses, Section 911.04.A.13 Communication Towers and Antennas is hereby amended as follows:

911.04.A.13 Communication Towers and Antennas

The following standards shall apply to all Communication Tower and Antenna Primary Uses:

(a) The following standards shall apply to all Communication Tower and Antenna uses in all zoning districts in addition to the standards required for each Class of Tower (Class A, B, and C) listed hereafter:

(1) In all zoning districts:

(i) All Tower and Antenna applications on parcels of land shall be submitted to the Zoning Administrator for the Administrator's review and comment.

(ii) All applications that are within a Public Right-of-Way shall be subject to all applicable guidelines and standards as adopted by the Art Commission, and all applicable standards and processes within the City Code regarding obstructions or otherwise dealing with structures within Rights-of-Way. Administration of approvals and permits within Rights-of-Way shall be as prescribed by the Director of [~~Public Works~~] **Mobility and Infrastructure**.

(9) Abandoned Towers and Antennas.

(i) The Tower, Antenna, Station and/or Communications Facility shall be utilized continuously for communication services. In the event the Tower, Antenna, Station and/or Communications Facility ceases to be used for communication services for a period of six (6) consecutive months, the Tower, Antenna, Station and/or Communications Facility shall be removed. The Applicant may be granted an extension up to six (6) months at the discretion of the Zoning Administrator.

(ii) All abandoned Towers, Antennas, Stations and/or facilities improvements above ground and to three (3) feet below grade shall be removed within ninety (90) days of abandonment.

(iii) All unused building-mounted Antennas shall be removed within sixty (60) days of abandonment.

(iv) The Department of Permits, Licensing and Inspections, as well as the Department of Public Works **and Department of Mobility and Infrastructure** will monitor the Towers, Antennas, Stations and/or facilities for signs of abandonment.