



## Legislation Details (With Text)

**File #:** 2013-1331      **Version:** 1

**Type:** Ordinance      **Status:** TABLED

**File created:** 3/26/2013      **In control:** Committee on Hearings

**On agenda:**      **Final action:**

**Enactment date:**      **Enactment #:**

**Effective date:**

**Title:** Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Regulations, Chapter 911: Primary Uses and Chapter 926: Definitions so as to modernize language regarding Communication Towers and Antennas.

**Sponsors:** Patrick Dowd

**Indexes:** PGH. CODE ORDINANCES TITLE 09 - ZONING

**Code sections:**

**Attachments:** 1. 2013-1331.doc

Date	Ver.	Action By	Action	Result
7/10/2013	1	Standing Committee		
4/3/2013	1	Standing Committee	Held for Cablecast Public Hearing	Pass
4/3/2013	1	Standing Committee	Referred for Report and Recommendation	Pass
3/26/2013	1	City Council	Read and referred	

Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Regulations, Chapter 911: Primary Uses and Chapter 926: Definitions so as to modernize language regarding Communication Towers and Antennas.

**Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Regulations, is hereby amended at Chapter 911, Section 911.04.A.13, as follows:

**911.04.A.13 - Communication Towers and Antennas**

The following standards shall apply to all Communication Towers and Antennas 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) as well as Building-Mounted Communication Antenna (912.04.G) as listed hereafter:

(1)All Communication Towers and Antenna applications should be submitted to the Zoning Administrator for the Administrator's review and comment. Applications which meet the requirements below will be reviewed by the Administrator as an Administrator's Exception and approved or rejected in accordance with the procedures set forth in Section 922.08 of the Code:

(i)New Communication Antenna ~~located~~ co-locating and co-locating on an existing Communication Tower or alternative support structures

- ~~(ii) New alternative antenna support structures in all zoning districts.~~  
New concealed, stealth or camouflaged Communication Towers and/or Antennas which are designed to blend in with the surroundings including but not limited to, antennas located in a structure such as a church steeple, bell tower but which are not noticeable to the reasonable observer and antennas disguised as such things as trees, flagpoles, chimneys, grain silos and anything consistent with the surroundings
- ~~(iii) New Antennas installed on a structure other than a tower; provided the antenna and supporting electrical and mechanical equipment must be of a neutral color that is closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Specifically, the application will be reviewed to determine whether it is compatible with the neighborhood, the surrounding use, and the skyline.~~
- ~~(iv) Towers that are extended in height up to forty (40) feet beyond existing height as measured on the effective date of this Ordinance~~
- ~~(v) New towers and antennas that are up to one hundred (100) feet in height~~
- ~~(vi) Amateur Radio Antennas up to one hundred (100) feet, that are owned and operated exclusively by a federally licensed amateur radio station operator~~
- ~~(vii) Temporary Communication Towers and Antennas, where temporary means six (6) months or less.~~
- (2) The owner shall maintain the Communication Tower, Antenna and Facility in compliance with standards contained in applicable Federal, State, and Local regulations
- (3) All Communication Towers, except concealed, stealth or camouflaged Communication Towers and Antennas which are designed to blend in with the surroundings including but not limited to, antennas located in a structure such as a church steeple, bell tower but which are not noticeable to the reasonable observer and antennas disguised as such things as trees, flagpoles, chimneys, grain silos and anything consistent with the surroundings, shall be designed for co-location, which shall mean the ability for the structure to allow for the placement of antennas for three or more tenants. As a condition of issuing a permit to construct or operate a tower in the City, the owner/operator of the tower is required to allow co-location until said tower has reached maximum structural and frequency capacity
- (4) Communication Facility shall mean any accessory building, structure, equipment cabinet, or equipment installed in connection with Communication Towers and/or Antennas for the direct or indirect purpose of providing low power radio communication service and shall be
  - (i) constructed so as to conform with all aspects of the Pittsburgh Code including but not limited to requirements regarding height, setback, lighting, landscaping, screening, construction materials, etc
  - (ii) fully automated and unattended on a daily basis and shall be visited only for periodic maintenance
  - (iii) accessed by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least twelve (12) feet with a dust-free, all-weather surface for the entire length. The access shall be landscaped to the satisfaction of the Zoning Administrator
- ~~(5) Access to the Communications Facilities shall be by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least twelve (12) feet with a dust-free, all-weather surface for the entire length. The access shall be landscaped to the satisfaction of the Zoning Administrator~~
- ~~(5)(6) A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the City, sealed by a Professional Engineer, to document and verify the design specifications of the foundation for the Communications Tower and/or Antenna, and anchors for the guy wires if used~~
- ~~(6)(7) The Communications Towers and Antennas erected thereon as well as free-standing~~

Communication Antennas shall be designed to withstand wind gusts in accordance with current BOCA Code standards and/or other applicable generally accepted industry standards, laws, ordinances and regulations.

~~(7)~~(8) All new Applications for Communications Towers and Antennas shall be accompanied with a statement from an engineer qualified in the field of radio frequency engineering, certifying that the Communications Tower, Antenna and/or Facility are within the applicable standards adopted by the Federal Communications Commission (FCC) for safety levels with respect to human exposure to radio frequency electromagnetic fields, as the same shall exist at the time of application.

~~(8)~~(9) All applications ~~that qualify under Section (a)1. of this provision~~ shall include:

- i. A map illustrating the location of the site for the proposed Communication Tower, Antenna and/or Facility. The site shall be physically and visually marked in the field, for immediate identification, with any combination of survey irons or flags.
- ii. Explanation from the applicant as to why the site was selected. No new Communication Tower or Antenna shall be permitted unless the applicant submits evidence that demonstrates that no existing Communication Tower, Antenna or ~~structure~~ Facility can accommodate the applicant's proposed Communication Antenna.
- iii. A written commitment to the Zoning Administrator from the owner/operator of the Communication Tower that the owner/operator shall allow co-locations on the Communication Tower ~~where structurally and economically feasible~~.
- iv. A visual analysis, which may include photo simulation or other techniques, which identifies the potential visual impacts of the proposed Communication Tower, Antenna and/or Facility. Visual analysis of the Communication Tower, Antenna and/or Facility shall be from at least two (2) directions.
- v. Radio Frequency Propagation Maps.
- vi. A NEPA (National Environmental Policy Act) Environmental Compliance Checklist prepared in accordance with Section 106 of NEPA; which shall be provided prior to the issuance of a permit.
- vii. A report by a certified engineer documenting the following:
  - a. Communication Tower or Antenna height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design. A cross section of the Communication Tower or Antenna shall be included.
  - b. Total anticipated capacity of the site, including number and types of Communication Antennas which can be accommodated.
  - c. Evidence of structural integrity of the Communication Tower and/or Antenna ~~structure~~.
  - d. Failure characteristics of the Communication Tower and/or Antenna and demonstration that the site and setbacks are of adequate size to accommodate debris.
  - e. Ice hazards and mitigation measures which have been employed, including increased setbacks and/or deicing equipment.
  - f. Specific design and construction plans for the Communication Tower, Antenna and Facility which include the means by which shared use requirements will be met.
- viii. Site Plans
  - a. A plot plan shall be submitted with the application showing the location and dimensions of the Communication Tower, Antenna and/or Facility and all improvements in the project area, including information concerning (if required) rights-of-way and easements, topography, setbacks, ingress/egress, parking, fencing, landscaping, and adjacent zoning and uses. ~~Concept plan approval by the Approving Body is required for applications requiring ZBA or City Council approval.~~ Final Site Plan approval is required by the Zoning Administrator prior to the issuance of an Occupancy Permit. Final Site Plan approval by the Zoning Administrator is also required for administratively

approved applications.

b. As part of the plot plan review, screening, fencing, or anti-climbing security features will be required, at the discretion of the Zoning Administrator, around the base of the Communication Tower, Antenna and/or Facility and any shelters as listed in the Use Standards for the specific Class of Tower.

(9)(10) Abandoned Communication Towers and Antennas

The Communication Tower, Antenna and Facility shall be utilized continuously for communication services. In the event the Communication Tower and/or Antenna ceases to be used for communication services for a period of six (6) ~~twelve (12)~~ consecutive months, the Communication Tower and/or Antenna shall be removed. The applicant may be granted an extension up to six (6) months at the discretion of the Zoning Administrator.

i. Communication Towers

All abandoned the Communication Towers owner shall remove all improvements above ground and to three (3) feet below grade shall be removed within ninety (90) days of abandonment. after termination of the special use permit. The time period may be extended, as necessary, by the Zoning Administrator.

ii. Building-Mounted Communication Antennas

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

(10)(11) Damaged/Destroyed Towers and Antennas

Any Communication Tower or Antenna damaged/destroyed by vandalism, terrorism, faulty construction or design, wind, ice, snow, earthquake, fire, or other act of nature or God, that was completely operational/functional at the time of the damage/destruction, must be repaired/replaced within six (6) months twelve (12) months of damage/destruction. If the Communication Tower or Antenna is not repaired/replaced within twelve months the requirements under "Abandoned Communication Tower or Antenna " will apply.

(11)(12) Replacement Towers and Antennas

i. Any Communication Tower or Antenna can be replaced with a similar Communication Tower or Antenna for reasons of structural integrity or advances that have been made in technology since the installation of the existing Communication Tower or Antenna.

ii. Replacement Communication Tower or Antenna must meet the requirements of this Section.

iii. Replacement Communication Tower or Antenna must receive administrative approval and are subject to the fee schedule in this Section.

(12) Illumination

No Communication Tower, Antenna or Facility shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC)

(13) Annual Inspection

The Bureau of Building Inspection shall be responsible for the annual inspection of all Communication Towers, Antennas and Facilities located within the City of Pittsburgh.

(14) Inspection Fee

The Bureau of Building Inspection shall annually recommend for Council's approval a fee that adequately recovers costs associated with providing inspection services.

(b) Communication Tower, Class A (zero (0) feet to one hundred (100) feet)

Communication Towers, Class A shall be subject to the following standards:

(1) In NDI, UI and GI Districts

Communication Towers, Class A shall be subject to the following standards in the NDI, UI and GI Districts:

(i) The structure shall comply with the setback requirements of the district. In addition, the tower shall be set back a minimum of three hundred (300) feet from the lot line of any adjacent R-zoned lot that is occupied by one (1) or more dwelling units. Peripheral supports and guy anchors for radio or television transmission or receiving towers may be located within required yards, provided that they shall be located entirely within the boundaries of the property on which the tower is located and shall be located no closer than five (5) feet from any property line, and no closer than ten (10) feet from the lot line of an R-zoned lot that is occupied by one (1) or more dwelling units

(ii) The tower may exceed the height limit of the zoning district in which it is located to a height of no more than one hundred (100) feet provided it is demonstrated to the Zoning Administrator that such height is necessary and essential for the proper functioning of the concerned Communication Tower, Antenna and Facility and it is a concealed, stealth or camouflaged Communication Tower and/or Antennas which are designed to blend in with the surroundings including but not limited to, antennas located in a structure such as a church steeple, bell tower and antennas disguised as such things as trees, flagpoles, chimneys, grain silos and anything consistent with the surroundings

(iii) The applicant shall demonstrate to the satisfaction of the Zoning Administrator that such use is reasonably necessary at the proposed location for the convenience of the people at large or for the general welfare and that ~~a diligent effort has been made to locate the proposed~~ Communication Antenna Facilities cannot be co-located on an existing structure. The information submitted by the applicant shall include a map of the area to be served by the tower and the relationship of the proposed site to other communication towers.

(iv) A fence or wall not less than six and one-half (6.5) feet in height from finished grade shall be constructed around each Communication Tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards:

1. Access to the Communication Tower shall be through a locked gate in the required fence or wall;
2. The required fencing shall consist of a masonry wall or solid fence with trees planted along the exterior of the wall or fence, or an open fence with an evergreen screen that consists of a continuous hedge with a minimum height of five (5) feet with trees planted along the exterior of the screen. Tree plantings shall consist of three-inch minimum caliper deciduous or evergreen trees planted twenty (20) feet on center maximum. Existing vegetation shall be preserved to the maximum extent possible
3. If high voltage is necessary for the operation of the Communication Tower and it is present in a ground grid or in the Communication Tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE - DANGER".
4. The Communication Tower shall not encroach into or through any established public or private airports approach path as established by the Federal Aviation Administration (FAA)
5. ~~All obsolete or unused Communication Tower shall be removed within twelve (12) months of cessation of use~~
5. ~~6.~~ The Communication Tower shall comply with current Federal Communications Commission standards for non-ionizing electromagnetic radiation (NIER)
6. ~~7.~~ The Communication Tower may be located on lots occupied by another primary use and may occupy a leased parcel on a lot meeting the minimum lot size requirement of the

district in which it is located

(2) In all other Districts

Communication Towers, Class A shall be subject to the following standards in all districts except NDI, UI and GI:

(i) Communication Towers shall be located on a zoning lot complying with the yard requirements of the zoning district in which such use is located, except that the widths of certain yards shall be as follows:

1. The minimum setback between Communication Towers and property lines of non-residentially zoned lots shall be at a distance equal to twenty (20) percent of the height of the Communication Tower
2. Communication Towers shall be setback a minimum of fifty (50) feet from any existing or planned right-of-way
3. Communication Towers shall be set back a minimum of three hundred (300) feet from the lot line of any adjacent R-zoned lot that is occupied by one (1) or more dwelling unit

Peripheral and guy anchors for Communication Towers may be located within required yards, provided that they shall be located entirely within the boundaries of the property on which the Communication Tower is located and shall be located no closer than five (5) feet from any property line, and no closer than ten (10) feet from the lot line of an R-zoned lot that is occupied by one (1) or more dwelling units.

(ii) The Communication Tower may exceed the height limit of the zoning district in which it is located provided it is demonstrated to the Zoning Administrator that such height is necessary and essential for the proper functioning of the concerned Communication Tower, Antenna and Facility and it is a concealed, stealth or camouflaged Communication Tower and/or Antenna which is designed to blend in with the surroundings including but not limited to, antennas located in a structure such as a church steeple, bell tower and antennas disguised as such things as trees, flagpoles, chimneys, grain silos and anything consistent with the surroundings

(iii) When a Communication Tower is proposed to be located in any district, the applicant shall demonstrate to satisfaction of the Zoning Administrator and Council that such use is reasonably necessary at the proposed location for the convenience of the people at large or for the general welfare and that ~~a diligent effort has been made to locate the proposed Communication Antenna Facilities cannot be co-located on an existing structure, and when the proposed site is in any residential district, that a diligent effort has been made to locate the proposed communication facility within a non-residential district, and that due to valid considerations, including physical constraints, economic or technological feasibility, no appropriate location is available and that the use cannot reasonably serve the district from a nonresidential district.~~ The information submitted by the applicant shall include a map of the area to be served by the tower and the relationship of the proposed site to other Communication Towers.

1. When the proposed site is in any residential district, the Applicant shall demonstrate to the satisfaction of Council that the proposed Communication Tower and Antenna cannot be co-located on an existing Communication Tower and that the proposed Communication Tower cannot be constructed within a nonresidential district. The information submitted by the applicant shall include a map of the area to be served by the Communication Tower and the relationship of the proposed site to other Communication Towers.
2. "To the Satisfaction of Council" shall mean at a minimum that Council has adopted a

motion to Read and File the Applicant's Application.

iv. A fence or wall not less than six and one-half (6.5) feet in height from finished grade shall be constructed around each Communication Tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards:

1. Access to the Communication Tower shall be through a locked gate in the required fence or wall;
2. The required fencing shall consist of a masonry wall or solid fence with trees planted along the exterior of the wall or fence, or an open fence with an evergreen screen that consists of a continuous hedge with a minimum height of five (5) feet with trees planted along the exterior of the screen. Tree plantings shall consist of three-inch minimum caliper deciduous or evergreen trees planted twenty (20) feet on center maximum. Existing vegetation shall be preserved to the maximum extent possible
3. If high voltage is necessary for the operation of the Communication Tower and it is present in a ground grid or in the Communication Tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE - DANGER".
4. The Communication Tower shall not encroach into or through any established public or private airports approach path as established by the Federal Aviation Administration (FAA)
- ~~5. All obsolete or unused Communication Tower shall be removed within twelve (12) months of cessation of use~~
- ~~5.~~ 6. The Communication Tower shall comply with current Federal Communications Commission standards for non-ionizing electromagnetic radiation (NIER)
- ~~6.~~ 7. The Communication Tower may be located on lots occupied by another primary use and may occupy a leased parcel on a lot meeting the minimum lot size requirement of the district in which it is located; and

(c)Communication Tower, Class B (one hundred one (101) feet to two hundred (200) feet) and Class C (two hundred one (201) feet and above)

Communication Tower, Class B and Communication Tower, Class C shall be subject to the following standards in all districts:

(1) Communication Towers shall be located on a zoning lot complying with the yard requirements of the zoning district in which such use is located, except that the widths of certain yards shall be as follows:

(i)The minimum setback between the Communication Tower and property lines of non-residentially zoned lots shall be at a distance equal to twenty (20) percent of the height of the Communication Tower

(ii) Communication Towers shall be setback a minimum of fifty (50) feet from any existing or planned right-of-way; and

(iii) Communication Towers shall be set back a minimum of three hundred (300) feet from the lot line of any adjacent R-zoned lot that is occupied by one (1) or more dwelling units

Peripheral and guy anchors for Communication Tower may be located with in required yards, provided that they shall be located entirely within the boundaries of the property on which the Communication Tower is located and shall be located no closer than five (5) feet from any property line, and no closer than ten (10) feet from the lot line of an R-zoned lot that is occupied by one (1) or more dwelling units

(2) ~~The~~ Communication Towers may exceed the height limit of the zoning district in which ~~they are~~ it is located provided it is demonstrated to Council that such height is necessary and essential for the proper

functioning of the concerned Communication Tower, Antenna and Facilities and it is a concealed, stealth or camouflaged Communication Tower and/or Antenna which is designed to blend in with the surroundings including but not limited to, antennas located in a structure such as a church steeple, bell tower and antennas disguised as such things as trees, flagpoles, chimneys, grain silos and anything consistent with the surroundings

~~(3)When a Communication Tower is proposed to be located in any district, the applicant shall demonstrate to satisfaction of Council that such use is reasonably necessary at the proposed location for the convenience of the people at large or for the general welfare and that a diligent effort has been made to locate the proposed Communication Antenna facility cannot be co-located on an existing Communication Tower and that the proposed Communication Tower cannot be constructed within a nonresidential district. The information submitted by the applicant shall include a map of the area to be served by the Communication Tower and the relationship of the proposed site to other Communication Tower that a diligent effort has been made to locate the proposed communication facilities on an existing structure, and when the proposed site is in any residential district, that a diligent effort has been made to locate the proposed communication facility within a nonresidential district, and that due to valid considerations, including physical constraints, economic or technological feasibility, no appropriate location is available and that the use cannot reasonably serve the district from a nonresidential district. The information submitted by the applicant shall include a map of the area to be served by the tower and the relationship of the proposed site to other telecommunications tower.~~

(3)When a Communication Tower is proposed to be located in any district, the applicant shall demonstrate to the satisfaction of the Zoning Administrator and Council that such use is reasonably necessary at the proposed location for the convenience of the people at large or for the general welfare and that the proposed Communication Aantenna cannot be co-located on an existing structure. The information submitted by the applicant shall include a map of the area to be served by the tower and the relationship of the proposed site to other Communication Towers.

1. When the proposed site is in any residential district, the Applicant shall demonstrate to the satisfaction of Council that the proposed Communication Tower and Antenna cannot be co-located on an existing Communication Tower and that the proposed Communication Tower cannot be constructed within a nonresidential district. The information submitted by the applicant shall include a map of the area to be served by the Communication Tower and the relationship of the proposed site to other Communication Towers.

2. "To the Satisfaction of Council" shall mean at a minimum that Council has adopted a motion to Read and File the Applicant's Application.

(4)A fence or wall not less than six and one-half (6½) feet in height from finished grade shall be constructed around each Communication Tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards:

(i)Access to the Communication Tower shall be through a locked gate in the required fence or wall;

(ii)The required fencing shall consist of a masonry wall or solid fence with trees planted along the exterior of the wall or fence, or an open fence with an evergreen screen that consists of a continuous hedge with a minimum height of five (5) feet with trees planted along the exterior of the screen. Tree plantings shall consist of three-inch minimum caliper deciduous or evergreen trees planted twenty (20) feet on center maximum. Existing vegetation shall be preserved to the



maximum extent possible

(iii) If high voltage is necessary for the operation of the Communication Tower and it is present in a ground grid or in the Communication Tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large bold letters the following: "HIGH VOLTAGE - DANGER".

(5) Communication Tower shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA).

~~(6) All obsolete or unused Communication Tower shall be removed within twelve (12) months of cessation of use.~~

~~(6)(7)~~ Communication Tower shall comply with current Federal Communication Commission standards for non-ionizing electromagnetic radiation (NIER)

~~(7)(8)~~ Communication Tower may be located on lots occupied by another primary use and may occupy a leased parcel on a lot meeting the minimum lot size requirement of the district in which it is located

**Section 2.** The Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Regulations, is hereby amended at Chapter 926: Definitions as follows:

## **926 Definitions**

49.2 Communication Facility: Any accessory building, structure, equipment cabinet, or equipment installed in connection with communication towers and/or antennas for the primary purpose of providing low power radio communication service