



Legislation Details (With Text)

File #: 2004-0159 **Version:** 1

Type: Ordinance **Status:** Passed Finally

File created: 3/9/2004 **In control:** Committee on Planning, Zoning & Land Use

On agenda: **Final action:** 12/13/2005

Enactment date: 12/13/2005 **Enactment #:** 38

Effective date: 12/22/2005

Title: An Ordinance amending the Pittsburgh Code of Ordinances, Title Nine, Zoning Article V by amending certain provisions of the Code as they pertain to definitions and Use Standards related to Communication Towers.

Sponsors: Jim Motznik, William Peduto, Twanda Carlisle

Indexes: PGH. CODE ORDINANCES TITLE 09 - ZONING

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/29/2005	1	Mayor	Signed by the Mayor	
12/13/2005	1	City Council	Passed Finally	Pass
12/7/2005	1	Committee on Planning, Zoning & Land Use	AFFIRMATIVELY RECOMMENDED	Pass
11/22/2005	1	Committee on Planning, Zoning & Land Use	Held in Committee	Pass
11/15/2005	1	Committee on Hearings	Held for Cablecast Public Hearing	
11/15/2005	1	Committee on Hearings	Public Hearing Held	
3/17/2004	1	Committee on Planning, Zoning & Land Use	Referred for Report and Recommendation	
3/17/2004	1	Committee on Planning, Zoning & Land Use	Referred for Report and Recommendation	
3/17/2004	1	Committee on Planning, Zoning & Land Use	Held for Cablecast Public Hearing	Pass
3/9/2004	1	City Council	Read and referred	

Presented by Mr. Peduto

An Ordinance amending the Pittsburgh Code of Ordinances, Title Nine, Zoning Article V by amending certain provisions of the Code as they pertain to definitions and Use Standards related to Communication Towers.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The designated sections of Title Nine, Zoning of the Pittsburgh Code, are hereby amended as follows:

A. Amend Section 911.04.A.13 Communication Towers by adding the following:

The following standards shall apply to all Communication Tower uses:

- (a) The following standards shall apply to all Communication Tower uses in addition to the standards required for each Class of Tower (Class A, B, and C) listed hereafter:
1. In all zoning districts:
All Tower applications should be submitted to the Zoning Administrator for the Administrator's review and comment. The applications will be reviewed by the Administrator as an Administrator's Exceptions and approved or rejected in accordance with the procedure set forth in Section 922.08 of the Code as well as this provision:
 - (i) New antenna locating and co-locating on an existing tower or *alternative antenna support structures*.
 - (ii) New *alternative antenna support structures* in all zoning districts.
 - (iii) New antenna 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 uses, 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 that are up to one hundred (100) in height.
 - (vi) Amateur Radio Antennas [less than] up to one hundred (100) feet, that are owned and operated, exclusively, by a federally licensed amateur radio station operator.
 - (vii) Temporary Towers.
 2. The owner shall maintain the tower in compliance with standards contained in applicable Federal and State regulations.
 3. All towers shall be designed for co-location, which shall mean the ability of the structure to allow for the placement of antennae for three (3) 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. The Communications Facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.
 5. Access to the Communications Facility 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.
 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 anchors for the guy wires if used.

7. The Communications Towers and antennas erected thereon 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.
8. All new Applications for Communications Towers shall be accompanied with a statement from an engineer qualified in the field of radio frequency engineering, certifying that the Communications Tower and Communications 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.
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 tower. 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 tower shall be permitted unless the applicant submits evidence that demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna.
 - iii. A written commitment to the Zoning Administrator from the owner/operator of the tower that the owner/operator shall allow co-locations on the 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 tower. Visual analysis of the tower 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 certerfied engineer documenting the following:

 - a. Tower height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design. A cross section of the tower shall be included.
 - b. Total anticipated capacity of the site, including number and types of antennas which can be accommodated.
 - c. Evidence of structural integrity of the tower structure.
 - d. Failure characteristics of the tower and demon-stration 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 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 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 tower and any shelters as listed in the Use Standards for the specific Class of Tower.

10. Abandoned Towers

- i. The tower shall be utilized continuously for communication services. In the event the tower ceases to be used for communication services for a period of twelve (12) consecutive months, the tower shall be removed. The applicant may be granted an extension up to six (6) months at the discretion of the Zoning Administrator.
- ii. The tower owner shall remove all improvements above ground and to three (3) feet below grade within ninety (90) days after termination of the special use permit. The time period may be extended, as necessary, by the Zoning Administrator.
- iii. The Bureau of Building Inspections will monitor the towers for signs of abandonment.

11. Damaged/Destroyed Towers

Any tower 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 twelve (12) months of damage/destruction. If the tower is not repaired/replaced within twelve (12) months the requirements under "Abandoned Towers" will apply.

12. Replacement Towers

- i. Any tower can be replaced with a similar tower for reasons of structural integrity or advances that have been made in technology since the installation of the existing tower.
- ii. Replacement towers must meet the requirements of this Section.
- iii. Replacement towers must receive administrative approval and are subject to the fee schedule in this Section.

B. Amend Section 911.04.A.13(a) as follows:

(b) Communication Tower, Class A (0' to 100')

C. Amend Section 911.04.A.13(b) as follows:

(c) Communication Tower, Class B (101' to 200') and Class C (201' and above)

D. Add the following definitions to Section 926 of the Zoning Code:

Alternative Antenna Support Structure:

Man-made trees, clock towers, bell steeples, light poles, flag poles, signs, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

- Antenna: Any apparatus designed for telephonic, data, radio, or television communications through the sending and/or receiving of electromagnetic waves.
- Co-locate: To locate wireless communications equipment from more than one provider on a single site.
- Co-location: The use of a tower or alternative antenna support structure by more than one telecommunications provider.
- Communications Antenna: Any device used to collect or radiate electromagnetic waves, including directional antennae, microwave dishes and satellite dishes, and omni-directional antennae.
- Radio Frequency (RF) Propagation Map: A multicolored map depicting a visual representation of the proposed coverage area and signal strength within the proposed coverage area, regularly used by radio frequency engineers when designing a communications network.
- Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.
- Tower, Abandoned: Any tower not in service. A tower not in service may be characterized as not having any antennas (panel type and whip type), or any other device that looks like an antenna, on the tower.
- Tower, Guyed: Any tower using wire guys connecting above grade portions of a tower diagonally with the ground to provide support for tower and/or antennae.
- Tower Height: Measured from the base on which the tower is mounted to the top of the tower or other structure, even if the highest point is an antenna or lightning rod, whichever is greater.
- Tower, Lattice (Self-support): Structure which generally has three or four legs consisting of vertical, horizontal, and diagonal cross strips or bars that is designed to support communication antenna arrays. The structure legs are anchored to concrete and steel foundations (caissons) embedded into the soil.
- Tower, Mobile: Any tower capable of being transported in, or by, a motor vehicle. A mobile tower parked for more than twenty-four

hours will be classified as a temporary tower.

Tower, Monopole: Structure which consists of a single freestanding pole designed to support communication antennae arrays. The structure is anchored to a single concrete and steel foundation (caisson) embedded into the soil.

Tower, Temporary: Towers standing for sixty (60) consecutive days or less. Need for Tower must be established. Need must be based on public safety and/or a public emergency.

E. Amend Section 911.04.A.13(a)(1)(i) as follows:

The structure shall comply with the setback requirements of the district. In addition, the tower shall be set back a minimum of [100] 300 feet from the lot line of any adjacent R-zoned lot that is occupied by one or more dwelling units.

F. Amend Section 911.04.A.13(a)(2)(i) as follows:

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 [all] property lines of non-residentially zoned lots shall be at a distance equal to 20 percent of the height of the tower;
2. Communication towers shall be setback a minimum of 50 feet from any existing or planned right-of-way; and
3. Communication towers shall be set back a minimum of [100] 300 feet from the lot line of any adjacent R-zoned lot that is occupied by one of more dwelling unit.

G. Amend Section 911.04.A.13(b)(1) as follows:

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 communication towers and [all] property lines of non-residentially zoned lots shall be at a distance equal to 20 percent of the height of the tower;
- (ii) Communication towers shall be setback a minimum of 50 feet from any existing or planned right-of-way; and
- (iii) Communication towers shall be set back a minimum of [100] 300 feet from the lot line of any adjacent R-zoned lot that is occupied by one of more dwelling unit.

Peripheral and guy anchors for communication towers may be located with in 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 5 feet from any property line, and no closer than 10 feet from the lot line of an R-zoned lot that is occupied by one or more dwelling units.