



## Text File

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**Committee:** Committee on Land Use and Economic Development

**Status:** Died due to expiration of legislative council session

Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article IV, Chapter 916, Residential Compatibility Standards, Section 916.05, Operating Hours, 916.06, Noise, Chapter 917, Operational Performance Standards, and Article IX, Chapter 926, Definitions, to provide current and more enforceable construction and noise standards for the City of Pittsburgh.

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

**Section 1.** The Pittsburgh Code, Title Nine, Zoning Code, Article IV, Chapter 916, Residential Compatibility Standards, Section 916.05, Operating Hours, is hereby amended as follows:

**916.05. - Operating Hours.**

The following operating hour restrictions shall apply to all development that is subject to Residential Compatibility Standards:

**916.05.A Collection of Garbage and Recyclables**

No use subject to Residential Compatibility Standards shall be served by garbage or recyclables collection services between the hours of 10:00 p.m. and 6:00 a.m.

**916.05.B Loading Operations**

No use subject to Residential Compatibility Standards shall conduct loading or unloading operations between the hours of 10:00 p.m. and 6:00 a.m.

**916.05.C ~~Construction Operations~~ [Reserved]**

~~No use subject to the Residential Compatibility Standards shall conduct construction activities including, but not limited to, demolition, excavation and erection, unless within a fully enclosed structure, between the hours of 10:00 p.m. and 6:00 a.m.~~

**Section 2.** The Pittsburgh Code, Title Nine, Zoning Code, Article IV, Chapter 916, Residential Compatibility Standards, Section 916.06, Noise, is hereby amended as follows:

**916.06. - Noise.**

No use that is subject to Residential Compatibility Standards shall generate noise in excess of ~~forty-five (45) fifty-five (55) dB(A), or three (3) dB(A) above Background Sound Level, whichever is greater,~~ between the hours of 10:00 p.m. and 6:00 a.m. or in excess of ~~fifty-five (55) sixty-five (65) dB(A), or three (3) dB(A) above Background Sound Level, whichever is greater,~~ at all other times, as measured at the lot line of any lot zoned R1D, R1A, R2, R3, RM, or H.

**Section 3.** The Pittsburgh Code, Title Nine, Zoning Code, Article IV, Chapter 917, Operational Performance Standards, is hereby amended as follows:

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## **CHAPTER 917: - OPERATIONAL PERFORMANCE STANDARDS**

### **917.01. - General.**

#### **917.01.A Purpose**

The operational performance standards included in this Chapter are intended to protect the health, safety, and welfare of the citizens of Pittsburgh by regulating potential nuisance features associated with certain land uses.

#### **917.01.B Applicability**

The standards of this Chapter are standards of performance that apply to uses after they have been established. They are intended to provide quantifiable rules of operation that can be used to ensure that uses do not become nuisances. They are not intended to be conditions for development approval. Buildings, structures or tracts of land that are established, developed or constructed shall comply with all applicable performance standards of this Chapter, except that the following activities shall ~~be exempt~~ only be subject to Section 917.04, Air Quality/Emissions, and Section 917.06, Construction Operations:

1. Temporary construction, excavation, and grading; and
2. Demolition activities that are necessary and incidental to the development of facilities on the same lot, on another of several lots being developed at the same time, or on the public right-of-way or easement.

#### **917.01.C Conflict with Other Zoning Provisions**

In the case of any conflict between the performance standards of this Chapter and the other regulations of this Code, the more restrictive shall control.

#### **917.01.D Conflict with Local, State or Federal Regulations**

In case of conflict between the performance standards set forth in this Chapter and any rules or regulations adopted by any other governmental agencies, the more restrictive shall apply.

### **917.02. - Noise.**

These standards apply to noise from any machinery or equipment that is part of or operated within any development, including continuous and intermittent noise, noise emitted by speaker boxes, pick-up and delivery trucks, and any other commercial or industrial activities that are under the control of the occupant of a building site.

#### **917.02.A Method of Measurement**

Noise shall be measured with a sound level meter that meets the standards of the American National Standards Institute (ANSI Section 51.4-1979, Type 1 or Type 2.) Noise levels shall be measured using an A-weighted sound pressure level scale. Impact noises, produced when two (2) or more objects strike each other, shall be measured using the fast response of the sound level meter, and other noises using the slow response. Impact noises shall be considered to be those noises whose peak values are more than three (3) decibels higher than the values indicated on the sound level meter.

#### **917.02.B Maximum Permitted Sound Levels**

The maximum permitted sound pressure levels in decibels across lot lines and district boundaries shall be in accordance with following table. This table shall be used to determine the maximum noise level,

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measured in A-weighted decibels, that shall be permitted at the property line of the closest use in each of the following categories. Background Sound Level shall mean the measured sound level in the area, exclusive of extraneous sounds and the sound contribution of the specific source in question.

Receiving Land Use ( <u>not the Zoning District</u> )	Sound Level Limit (dBA)	
	7:00 a.m.-10:00 p.m.	10:00 p.m.-7:00 a.m.
Residential	65	55
Public or Institutional	65	55
Commercial	65	60
Industrial & Manufacturing	75 or 5 above background sound level, whichever is greater.	75 or 5 above background sound level, whichever is greater.
All Other Uses	65 or 5 above background sound level, whichever is greater.	60 or 5 above background sound level, whichever is greater.

#### **917.03. - Vibration.**

No use shall be operated in manner that causes earthborne vibrations in excess of the displacement values set forth below on or beyond the property line of the closest use in each of the following categories.

Receiving Land Use	Peak Particle Velocity (inches per second)	
	7:00 a.m.-10:00 p.m.	10:00 p.m.-7:00 a.m.
Residential	0.03	0.01
Public or Institutional	0.06	0.06

#### **917.04. - Air Quality/Emissions.**

Any land use or activity that is a source of the emission of smoke, particulate matter or other air pollutants shall comply with all applicable state and federal standards and regulations governing air quality and emissions. Any such land use or other activity shall obtain and maintain all necessary licenses and permits from the appropriate county, state, and federal Agencies.

#### **917.05. - Hazardous Materials.**

Any land use or activity that involves the use of toxic, hazardous, or radioactive materials shall comply with all applicable state and federal regulations governing the use, storage, transportation, emission, and disposal of such materials. Any such land use or other activity shall also obtain and maintain all necessary licenses from the appropriate state and federal Agencies, such as the United States Environmental Protection Agency.

#### **917.06. - Construction Operations**

Construction operations for projects that have current and valid permits are permitted during the hours of

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7:00 AM and 8:00 PM, and subject to the following standards:

- A. Impact construction or demolition operations such as pile drivers, jackhammers, concrete saws, etc., shall be limited to between the hours of 8:00 AM and 6:00 PM, Monday through Friday.
- B. Exceptions to the construction operations standards of this section may be granted as part of a Construction Management Plan, which is subject to review and approval by the Zoning Administrator and the Director of Permits, Licenses and Inspections, who may require conditions of approval including but not limited to noise mitigation and additional time constraints.
- C. Construction efforts necessary for emergency and critical public works operations are exempted from the standards of this section.

**917.0607. - Waiver of Operational Performance Standards.**

The Zoning Board of Adjustment may approve a Special Exception, according to the provisions of Sec. 922.07, to waive one (1) or more of the Operational Performance Standards imposed by this chapter, subject to the following standards:

- A. The Board shall determine that the waiver will not create detrimental impacts on the surrounding properties, taking into consideration the physical relationship of the proposed use and structure to surrounding uses and structures, the probable hours of operation, and the emission of odors, fumes, dust, noise, vibration or glaring light;
- B. The waiver does not cause the proposed project to violate any Federal, State or other local laws which may apply; and
- C. The Board shall impose alternative methods which will cause the development to comply with the stated purpose and intent of the Operational Performance Standards.

**Section 4.** The Pittsburgh Code, Title Nine, Zoning Code, Article IX, Chapter 926, Definitions, is hereby amended as follows:

**56.1 Construction Management Plan**

Means a plan that identifies the scope and details of a construction operation, including but not limited to transportation routing, street closures and obstructions, debris/dumpster maintenance, work crew parking, site maintenance, etc.; A Construction Management Plan shall include measures that will be taken during construction operations to mitigate environmental impacts to the greatest extent possible.