



Text File

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Committee: Committee on Land Use and
Economic Development

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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.

The Council of the City of Pittsburgh hereby enacts 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 Reserved

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) dB(A), or three (3) dB(A) above Background Sound Level, whichever is greater, between the hours of 10:00

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p.m. and 6:00 a.m. or in excess of fifty-five (55) 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.

- A. 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.
- B. Applications for generators shall include a commitment to schedule regular testing and maintenance during daytime hours in order to minimize impact on surrounding residential properties.

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

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 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 S1.4-1983 (R2006), Type 1 or Type 2.) Noise levels shall be measured using an A-Frequency weighting filter. Impact noises, produced when two (2) or more objects strike each other, shall be measured using the fast time-weighting of the sound level meter, and other noises using slow time-weighting. Impact noises shall be considered to be those noises whose peak values are more than three (3) decibels higher than the slow time-weighted noise measurements.

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, 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</u> <u>the Zoning District</u>)	Sound Level Limit (dBA)	
	7:00 a.m.-10:00 p.m.	10:00 p.m.-7:00 a.m.

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Industrial & Manufacturing	75 or 3 above background s level, whichever is greater.	75 or 3 above background s level, whichever is greater.
All Other Uses	65 or 3 above background s level, whichever is greater.	60 or 3 above background s 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 ~~7:00~~ **6:00** 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~~

Saturday;

- B. A Construction Management Plan may be required as a condition of zoning approval at the determination of the Zoning Administrator and shall be required for;
- a. Any construction operation that includes a structure or multiple structures totaling more than 200,000 square feet of floor area,
 - b. Any structure or group of structures subject to Residential Compatibility Standards and that include more than 50,000 square feet of floor area; or
 - c. Any construction operation including new construction or exterior renovation on a lot size greater than 2,400 square feet where the existing or proposed building occupies 90 percent of the lot or greater.
- C. Construction efforts necessary for emergency and critical public works operations are exempted from the standards of this section;
- D. 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, Director of the Department of Public Works, 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;

917.07. - 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

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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 such as construction noise, traffic, parking, air and light, to the maximum extent feasible. Mitigating measures include but are not limited to sound barriers, temporary sidewalks and sidewalk protection, dust and debris management, and construction safety plans. A Construction Management Plan shall be approved by the Zoning Administrator, Director of Public Works and the Director of Permits, Licenses and Inspections.