

A Resolution

Amending the Pittsburgh City Code, Title 9: Zoning Code, Article V: Use Regulations, Chapter 911 - Primary Uses by amending language to Sections 911.02, 911.04 and 911.04.A.13; Chapter 912 - Accessory Uses and Structures by amending language to Section 912.04.G; and Article IX: Measurements and Definitions, Chapter 926 - Definitions by amending language throughout.

WHEREAS, the duties of managing and maintaining telecommunications users of the public rights-of-way were originally vested in the Department of City Information Services, and said Department is now the Department of Innovation and Performance; and

WHEREAS, the Department of Public Works will now assume the duties of managing and maintaining telecommunications users of the public rights-of-way; and

WHEREAS, in 1934, Congress enacted the Communications Act of 1934, creating the FCC and granting it authority over common carriers engaged in the provision of interstate or foreign communications services; and

WHEREAS, in 1996 Congress enacted Pub. L. No. 104-104, 110 Stat. 70 (the “1996 Act”), amending the Communications Act of 1934 and implementing regulations applicable to both wireless and wireline communications facilities for the purpose of removal of barriers to entry into the telecommunications market while preserving local government zoning authority except where specifically limited under the 1996 Act; and

WHEREAS, in the 1996 Act, Congress imposed substantive and procedural limitations on the traditional authority of state and local governments to regulate the location, construction, and modification of wireless facilities and incorporated those limitations into the Communications Act of 1934; and

WHEREAS, the City has adopted regulations that have been codified as part of the Pittsburgh City Code establishing local requirements for the location, construction, and modification of wireless facilities; and

WHEREAS, in 2012 Congress passed the “Middle Class Tax Relief and Job Creation Act of 2012” (the “Spectrum Act”) (PL-112-96; codified at 47 U.S.C. § 1455(a)); and

WHEREAS, Section 6409 (hereafter “Section 6409”) of the Spectrum Act implements additional substantive and procedural limitations upon state and local government authority to regulate modification of existing wireless antenna support structures and base stations; and

WHEREAS, Congress through its enactment of Section 6409 of the Spectrum Act, has mandated that local governments approve, and cannot deny, an application requesting modification of an existing tower or base station if such modification does not substantially change the physical dimensions of such tower or base station; and

WHEREAS, the 1996 Act empowers the Federal Communications Commission (the “FCC”) to prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of the 1996 Act, and subsequently added portions of the 1996 Act such as Section 6409; and

WHEREAS, the FCC, pursuant to its rule making authority, adopted and released a Notice of Proposed Rulemaking in September of 2013 (*In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 13-122) which focused in part upon whether or not the FCC should adopt rules regarding implementation of Section 6409; and

WHEREAS, on October 21, 2014, the FCC issued its report and order, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, in the above described proceeding (the “Report and Order” or “Order”) clarifying and implementing statutory requirements related to state and local government review of infrastructure siting, including Section 6409, with the intent of facilitating and expediting the deployment of equipment and infrastructure to meet the demand for wireless capacity; and

WHEREAS, the rules adopted by the FCC in its Report and Order implementing Section 6409 are intended by the FCC to spur wireless broadband deployment, in part, by facilitating the sharing of infrastructure that supports wireless communications through incentives to collocate on structures that already support wireless facilities; and

WHEREAS, the Report and Order also adopts measures that update the FCC’s review processes under the National Environmental Policy Act of 1969 (“NEPA”) and section 106 of the National Historic Preservation Act of 1966 (“NHPA”), with a particular emphasis on accommodating new wireless technologies that use smaller antennas and compact radio equipment to provide mobile voice and broadband service; and

WHEREAS, on January 5, 2015, the FCC released an Erratum to the Report and Order making certain amendments to the provisions of the Report and Order related to NEPA and Section 106 of the NHPA; and

WHEREAS, that part of the Report and Order related to implementation of Section 6409, amends 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE) by adding new Subpart CC § 1.40001 and establishing both substantive and procedural limitations upon local government application and development requirements applicable to proposals for modification to an existing antenna support structure or an existing base station (“Eligible Facility Request Rules”); and

WHEREAS, the Order, among other things, defines key terms utilized in Section 6409, establishes application requirements limiting the information that can be required from an applicant, implements a 60 shot clock and tolling provisions, establishes a deemed approved remedy for applications not timely responded to, requires cities to approve a project permit application requesting modification of an existing tower or base

station that does not substantially change the physical dimensions of such tower or base station, and establishes development standards that govern such proposed modifications; and

WHEREAS, the Report and Order provides that the Eligible Facility Request Rules will be effective 90 days following publication in the Federal Register; and

WHEREAS, the Order was published in the Federal Register on Thursday, January 8, 2015, Federal Register; Vol. 80; No. 5, resulting in the Eligible Facility Request Rules becoming effective on April 8, 2015; and

WHEREAS, the Order is subject to appeal, however, even if an appeal is filed, the appeal will not automatically result in delay of implementation of the Eligible Facility Request Rules; and

WHEREAS, the City Council finds that it is required under Section 6409 of the Spectrum Act and the Eligible Facility Request Rules established in the Order, to adopt and implement local development and zoning regulations that are consistent with Section 6409 and the Order; and

WHEREAS, the City Council finds that the proposed development and zoning regulations are reasonable and necessary in order bring the City’s development regulations into compliance with the mandate imposed upon the City by Congress pursuant to Section 6409 and the regulations imposed upon the City by the FCC pursuant to its Report and Order, and are therefore in the public interest;

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

Section 1. Amending the Pittsburgh City Code, Title 9: Zoning Code, Article V: Use Regulations, Chapter 911- Primary Uses; by amending language to Sections 911.02, 911.04 and 911.04.A.13 as follows:

911.02 – Use Table.

Communication Tower, Class A means a Communication Tower that is not more than <u>80</u> [100] feet in height.	S	S	S	S	S	S	S	S	A	S	S	A	A	S	S	S	S	S	A.13
Communication Tower, Class B means a Communication Tower which is between <u>81</u> [101] and [200] <u>180</u> feet in height.	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A.13
Communication Tower, Class C means a Communication Tower which is more than <u>180</u> [200] feet in height.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A.13

911.04. - Use Standards.

(Ord. 20/July 8, 1999/Amend. U-10 In Total)

No permit shall be issued for any development or use of land unless the activity is in compliance with all applicable provisions of this Code, including the standards established in this section. For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein unless otherwise specifically provided in this Chapter, or Chapter 926, unless the context clearly indicates otherwise or unless such meaning would be inconsistent with the manifest intent of Council.

911.04.A.13 Communication Towers and Antennas

The following standards shall apply to all Communication Tower and Antenna 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 (912.04G) as listed hereafter:

(1) In all zoning districts:

All Tower and Antenna applications should be submitted to the Zoning Administrator for the Administrator's review and comment. ~~[The a]~~ Applications which meet the requirements below 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 ~~[a]~~Antenna locating and co-locating on an existing ~~T[€]~~Tower or ~~A[a]~~Alternative ~~A[a]~~Antenna ~~S[s]~~Support ~~S[s]~~Structures.

(ii) New concealed, stealth or camouflaged Towers, Antenna, DAS or [a]Alternative ~~[a]~~Antenna ~~[s]~~Support ~~[s]~~Structures ~~[in all zoning districts]~~ which are designed to blend in with the surroundings, including but not limited to, Antennas located in a structure such as a church steeple, or bell tower but which are not noticeable to the reasonable observer, and Antennas disguised as things such as trees, flagpoles, chimneys, grain silos or anything consistent with the surroundings.

(iii) New ~~[a]~~Antenna installed on a structure other than a ~~T[€]~~Tower; provided the ~~[a]~~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 ~~[a]~~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 ~~twenty[forty]~~ ([4]20) feet beyond existing height as measured on the effective date of ~~[this Ordinance]~~the Application.

(v) New towers that are up to eighty (80) feet ~~[one hundred (100)]~~ in height.

(vi) Amateur Radio Antennas up to ~~[one hundred]~~eighty (~~[40]~~80) feet, that are owned and operated, exclusively, by a federally licensed amateur radio station operator. Approval of said Amateur Radio Antennas is conditioned upon the lack of interference with immediate neighbors' quiet enjoyment of their property.

(vii) Temporary Towers and Antennas, where temporary means six (6) months or less, and said Towers and Antennas shall not exceed eighty (80) feet.

(2) The owner shall maintain the ~~[t]~~Tower, Antenna, Communications Facility, Station and Transmission Equipment in compliance with standards contained in applicable Federal,~~[and]~~ State and Local laws and regulations.

(3) All T~~[t]~~owers, except concealed, stealth or camouflaged Towers and Antenna which are designed to blend in with the surroundings, and Alternative Antenna Support Structures shall be designed for collocation, 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 T~~[t]~~ower in the City, the owner/operator of the ~~[tower]~~Tower is required to allow collocation until said ~~[tower]~~Tower has reached maximum structural and frequency capacity. Any expansion of a Tower requires the entire site and/or Communications Facility to comply with the standards and conditions set forth in this Pittsburgh Zoning Code.

(4) ~~[The]~~Communications Facility shall mean any accessory building, structure, equipment cabinet, Base Station, Transmission Equipment or any other equipment installed in connection with Towers and / or Antennas for the direct or indirect purpose of providing low power radio communications 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., and

(ii) [be]fully automated and unattended on a daily basis and shall be visited only for periodic maintenance, and

(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 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.]~~

(5) 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) The [~~Communications~~]Towers and [~~a~~]Antennas erected thereon as well as free-standing Communication Antennas shall be designed to withstand wind gusts in accordance with in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Pennsylvania Uniform Construction Code and other applicable regulations, current BOCA Code standards and/or other applicable generally accepted industry standards, laws, ordinances and regulations.

(7) 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

(8) 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 T[~~t~~]ower, Antenna, Station and / or Communications 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 T[~~t~~]ower or Antenna shall be permitted unless the Applicant submits evidence that demonstrates that no existing [~~t~~]Tower, Antenna, Station,

Communications Facility or structure can accommodate the Applicant's proposed antenna.

(iii) A written commitment to the Zoning Administrator from the owner/operator of the T[~~t~~ower that the owner/operator shall allow collocation[s] on the T[~~t~~ower 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 T[~~t~~ower, Antenna, Station or Communications Facility. Visual analysis of the Tower, Antenna, Station or Communications Facility[~~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 by the Applicant prior to the issuance of a permit.

(vii) A report by a certified engineer documenting the following:

a. Tower or Antenna height and design, including technical, engineering, collocation, economic and other pertinent factors governing selection of the proposed design. Height shall be measured to the highest point of the structure and/or the highest point of its accessory equipment or antenna, whichever is higher. A cross section of the [~~t~~]Tower or Antenna shall be included.

b. Total anticipated capacity of the site, including number and types of A[~~a~~]ntennas which can be accommodated.

c. Evidence of structural integrity of the [~~t~~]Tower and / or the Antenna structure.

d. Failure characteristics of the [~~t~~]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 Tower, Antenna, Station or Communications 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 Tower, Antenna, Station and / or

Communications 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, screening, concealment, 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, Antenna, Station and / or Communications Facility [~~tower~~] and any shelters as listed in the Use Standards for the specific Class of Tower.

(9) Abandoned Towers and Antennas

(i) The Tower, Antenna, Station and / or Communications Facility [~~tower~~] shall be utilized continuously for communication services. In the event the Tower, Antenna, Station and / or Communications Facility [~~tower~~] ceases to be used for communication services for a period of [~~twelve (12)~~]six (6) consecutive months, the Tower, Antenna, Station and / or Communications Facility [~~tower~~] 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 [~~The tower 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.~~]iii. All unused building-mounted Antennas shall be removed within sixty (60) days of abandonment.

(iii) The [~~Bureau of Building~~] Department of Permits, Licensing and Inspections, as well as the Department of Public Works will monitor the Towers, Antennas, Stations and / or facilities[~~towers~~] for signs of abandonment.

(10) Damaged/Destroyed Towers and Antennas

Any Tower, Antenna, Station and / or Communications Facility[~~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)~~]six (6) months of damage/destruction.

If the Tower, Antenna, Station and / or Communications Facility~~[tower]~~ is not repaired/replaced within ~~[twelve (12)]~~six (6) months the requirements under "Abandoned Towers and Antennas" will apply.

(11) Replacement Towers and Antennas

(i) Any T~~[t]~~ower or Antenna can be replaced with a similar T~~[t]~~ower or Antenna for reasons of structural integrity, or advances that have been made in technology since the installation of the existing ~~[tower]~~Tower, or for the installation of a less intrusive technology or stealth technology.

(ii) Replacement ~~[tower]~~Towers must meet the requirements of this Section.

(iii) Replacement ~~[tower]~~Towers must receive administrative approval and are subject to the fee schedule in this Section.

(b) Communication Tower, Class A (zero (0) feet to ~~[one hundred (100)]~~eighty (80) 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]~~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 ~~[tower]~~Towers may be located within required yards, provided that they shall be located entirely within the boundaries of the property on which the ~~[tower]~~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]~~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)]~~eighty (80) feet provided it is demonstrated to the Administrator that such height is necessary and essential for the proper functioning of the concerned Tower, Antenna, Station and / or Communications Facility~~[tower and facilities]~~ and said Tower, Antenna, Station and / or Communications Facility employs concealment, stealth technology, or is otherwise camouflaged with a design to blend in with the surroundings or otherwise be disguised consistent with the surroundings;

(iii) The applicant shall demonstrate to 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 Tower, Antenna, Station and / or Communications Facility~~[communication 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, Antenna, Station and / or Communications Facility~~[tower]~~ and the relationship of the proposed site to other telecommunications Towers, Antennas, Stations and / or facilities~~[towers]~~;

(iv) 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]~~Tower and around each guy anchor and peripheral support. The fence or wall shall comply with all provisions of this Zoning Code, including but not limited to the relevant provisions of Chapters 918 and 925 of this Zoning Code, as well as with the following standards:

a. Access to the T~~[t]~~ower shall be through a locked gate in the required fence or wall;

b. 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; and

c. If high voltage is necessary for the operation of the ~~[communication t]~~Tower and it is present in a ground grid or in the ~~[tower]~~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";

(v) The T~~[t]~~ower shall not encroach into or through any established public or private airports approach path as established by the Federal Aviation Administration (FAA);

(vi) All obsolete or unused ~~[communication towers]~~Towers shall be removed within ~~[twelve (12)]~~six (6) months of cessation of use;

(vii) The T~~[t]~~ower shall comply with current Federal Communications Commission standards for non-ionizing electromagnetic radiation (NIER);

(viii) The T~~[t]~~ower 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

(ix) No ~~[a]~~Antenna or ~~[tower]~~Tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC).

(2) In all other Districts

Communication Towers, Class A ~~[shall be]~~can be allowed as Zoning Administrator's Exceptions in accordance with the Review Procedures of Sec. 922.07, and subject to the following standards in all districts except NDI, UI and GI:

(i) Communication ~~[tower]~~ 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:

a. The minimum setback between ~~[communication]~~Communication ~~[tower]~~Towers and property lines of non-residentially zoned lots shall be at a distance equal to twenty (20) percent of the height of the ~~[tower]~~Tower;

b. Communication ~~[tower]~~Towers shall be setback a minimum of fifty (50) feet from any existing or planned right-of-way; and

c. Communication ~~[tower]~~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~~[f] more dwelling units.

(ii) Peripheral and guy anchors for ~~[communication]~~Communication ~~[tower]~~Towers may be located within required yards, provided that they shall be located entirely within the boundaries of the property on which the ~~[tower]~~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.

(iii) The ~~[tower]~~Tower may exceed the height limit of the zoning district in which it is located provided it is demonstrated to Council that such height is necessary and essential for the proper functioning of the concerned Tower, Antenna, Station and / or Communications Facility and said Tower, Antenna, Station and / or Communications Facility employs concealment, stealth technology, or is otherwise camouflaged with a design to blend in with the surroundings or otherwise be disguised consistent with the surroundings.

~~[tower and facilities.]~~

(iv) When a ~~[communication]~~Communication Tower, Antenna, Station and / or Communications Facility ~~[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 C[ommunication Tower, Antenna, Station and / or Communications Facility cannot be co-located[facilities] on an existing structure and that a diligent effort was made to locate 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 reasonable 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, Antenna, Station and / or Communications Facility[tower] and the relationship of the proposed site to other telecommunications [tower]Towers.

a. When the proposed site is in any residential district, the Applicant shall demonstrate to the satisfaction of Council that the proposed Communication Tower, Antenna, Station and / or Communications Facility cannot be co-located on an existing Tower, Antenna, Station and / or Communications Facility within a nonresidential district and that a diligent effort was made to locate on an existing structure. The information submitted by the Applicant shall include a map of the area to be served by the Tower, Antenna, Station and / or Communications Facility and the relationship of the proposed site to other telecommunications Towers.

(v) A fence or wall not less than six and one-half (6½) feet in height from finished grade shall be constructed around each [~~communication~~]Communication [tower]Tower and around each guy anchor and peripheral support. The fence or wall shall comply with all provisions of this Zoning Code, including but not limited to the relevant provisions of Chapters 918 and 925 of this Zoning Code, as well as with the following standards:

a. Access to the [tower]Tower shall be through a locked gate in the required fence or wall;

b. In accordance with Chapter 918, [F]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; and

c. If high voltage is necessary for the operation of the radio or television transmission or receiving ~~[tower]~~Tower and it is present in a ground grid or in the ~~[tower]~~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".

(vi) Communication ~~[tower]~~Towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA).

(vii) All obsolete or unused ~~[communication]~~Communication ~~[tower]~~Towers shall be removed within ~~[twelve (12)]~~six (6) months of cessation of use

(viii) [A c]Communication ~~[tower]~~Towers shall comply with current Federal Communication Commission standards for non-ionizing electromagnetic radiation (NIER).

(ix) Communication ~~[tower]~~Towers 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.

(x) No antenna or ~~[tower]~~Tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC).

(c) Communication Tower, Class B (~~[one hundred]~~eighty-one ([40]81) feet to ~~[two hundred]~~one hundred eighty ([200]180) feet can be allowed as Special Exceptions in accordance with the Review Procedures of Sec. 922.07; and Class C ([two hundred]one hundred eighty-one ([20]181) feet and above) can be allowed as Conditional Uses in accordance with the Review Procedures of Sec. 922.06:Communication Towers, Class B and Communication Towers, Class C shall be subject to the following standards in all districts:

(1) Communication T[~~t~~]owers 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]~~Communication ~~[tower]~~Towers and property lines of non-residentially zoned lots shall be at a distance equal to twenty (20) percent of the height of the ~~[tower]~~Tower;

(ii) Communication T[~~t~~]owers shall be setback a minimum of fifty (50) feet from any existing or planned right-of-way; and

(iii) Communication T[~~t~~]owers 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.

(iv) ~~Peripheral and guy anchors for [communication]Communication [tower]Towers~~ may be located within required yards, provided that they shall be located entirely within the boundaries of the property on which the ~~[tower]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) Class B and C Communication[The] T[owers]’ [may exceed the] height [limit of the zoning district in which it is located provided it is]must be demonstrated to the appropriate approving body, such as the ZBA, Planning Commission or City Council that such height is necessary and essential for the proper functioning of the concerned Tower, Antenna, Station and / or Communications Facility and said Tower, Antenna, Station and / or facility employs concealment, stealth technology, or is otherwise camouflaged with a design to blend in with the surroundings or otherwise be disguised consistent with the surroundings [tower and facilities].

(3) When a Class B or C [e]Communication [t]Tower is proposed to be located in any district, the Applicant shall demonstrate to satisfaction of the appropriate approving body, such as the ZBA, Planning Commission or City 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 Tower, Antenna, Station and / or Communications Facility cannot be co-located on an existing Tower, Antenna, Station and / or facility and that a diligent effort was made to locate on an existing structure. The information submitted by the Applicant shall include a map of the area to be served by the Tower, Antenna, Station and / or Communications Facility and the relationship of the proposed site to other telecommunications Towers. [a diligent effort has been made to locate the proposed communication facilities on an existing structure, and]

(i) When the proposed site is in any residential district, the Applicant shall demonstrate to the satisfaction of the appropriate approving body, such as the ZBA, Planning Commission or City Council that the proposed Communication Tower, Antenna, Station and / or Communications Facility cannot be co-located on an existing Tower, Antenna, Station and / or facility within a nonresidential district and that a diligent effort was made to locate on an existing structure. The information submitted by the Applicant shall include a map of the area to be served by the Tower, Antenna, Station and / or Communications Facility and the relationship of the proposed site to other telecommunications Towers.

(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]Communication [tower]Tower~~ and around each guy anchor and peripheral support. The fence or wall shall comply with all provisions of this Zoning Code, including but not limited to the relevant provisions of

Chapters 918 and 925 of this Zoning Code, as well as with the following standards:

(i) Access to the ~~[tower]~~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; and

(iii) If high voltage is necessary for the operation of the ~~[communication]~~Communication ~~[tower]~~Tower and it is present in a ground grid or in the ~~[tower]~~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 ~~T~~Towers 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]~~Communication ~~[tower]~~Towers shall be removed within ~~[twelve (12)]~~ six (6) months of cessation of use.

(7) ~~[A-e]~~Communication ~~T~~Towers shall comply with current Federal Communication Commission standards for non-ionizing electromagnetic radiation (NIER).

(8) Communication ~~T~~Towers 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.

(9) No ~~[a]~~Antenna or ~~[tower]~~Tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC).

Section 2. Amending the Pittsburgh City Code, Title 9: Zoning Code, Article V: Use Regulations, Chapter 912 - Accessory Uses and Structures; by amending language to Section 912.04.G as follows:

912.04.G Accessory Telecommunications Towers, Antennas, Stations, and Communication Facilities

In addition to the provisions and conditions in this Section, Aall building-mounted telecommunications Towers, Antennas, Stations and / or Communications Facilities are subject to and shall comply with all the applicable provisions and conditions in Chapter 911.04.A.13, Sections (a), (b) and (c) of this Zoning Code and shall be located and designed as follows:

1. Roof mounted Towers, Antennas, Stations and / or Communications Facilities shall be located no closer than five (5) feet to the nearest edge of the roof;
2. Wall-mounted Towers, Antennas, Stations and / or Communications Facilities are prohibited under forty (40) feet from existing grade;
3. Wall-mounted Towers, Antennas, Stations and / or Communications Facilities forty (40) feet or higher above grade may be approved by and Administrator's Exception (922.08). The Zoning Administrator's review will be limited to requiring that the Towers, Antennas, Stations and / or Communications Facilities be compatible with the architecture of the building and its surroundings, the character of the neighborhood, and sensitivity to the skyline;
- 4.—6. [Reserved.];
7. The applicant shall adhere to the requirements of Section 911.04.A.13(a)(8) of this Zoning Code pertaining to application submissions and said applicant shall demonstrate to the satisfaction of the Zoning Administrator that there are valid considerations, including physical constraints or technological feasibility, for the location of additional Towers, Antennas, Stations, Communications Facilities and/or panels on existing Tower, aAntennas, Station and / or Communications Facility structures. The information submitted by the applicant shall include a map of the area to be served by the proposed Towers, Antennas, Stations, Communications Facilities and/or panels, the relationship of the proposed Tower, aAntennas, Station, Communications Facility and/or panel to other Towers, Antennas, Stations, Communications Facilities and / or panels, and any information required by the Zoning Administrator;
8. All obsolete, damaged, or unused Towers, Antennas, Stations and / or Communications Facilities shall be removed within sixty (60) days of cessation of use. In the event obsolete, damaged, or unused Towers, Antennas, Stations and / or Communications Facilities are not removed within sixty (60) days of cessation of use, then Sections 911.04.A.13(a)(9) – (11) of this Zoning Code will apply, in addition to any other remedy available to the City ;

9. No Towers, Antennas, Stations and / or Communications Facilities located in an R1D, R1A, R2-L, RM, GPR, P or H Zoning District shall exceed fifteen (15) feet in height;

10. No Towers, Antennas, Stations and / or Communications Facilities located in an NDO, LNC, NDI, UNC, HC, OPR, GI, UI, EMI, GT, or DR Zoning District shall exceed twenty (20) feet in height.

Section 3. Amending the Pittsburgh City Code, Title 9: Zoning Code, Article IX: Measurements and Definitions, Chapter 926 - Definitions; by amending language to throughout as follows:

CHAPTER 926: - DEFINITIONS

Words and terms used in this Code shall be given the meanings set forth in this section. All words not defined in this section shall be given their common, ordinary meanings, as the context may reasonably suggest.

1. Accessory Structure and Accessory Use means a use or structure that is subordinate to and serves a primary use or structure; is subordinate in area, extent and purpose to the primary use or structure served; contributes to the comfort, convenience or necessity of occupants of the primary use or structure served; and is located on the same zoning lot and in the same zoning district as the primary use.
2. Administrator, Zoning means a staff member of the Department of City Planning so designated by the City Planning Commission, who is herein charged with the administration of this Zoning Ordinance.
3. Adult Entertainment (General) means an Adult bookstore, Adult Mini-Theater, Massage establishment, Model studio, or Sexual encounter or Meditation center.
4. Adult Bookstore means a commercial establishment having a substantial or significant portion of its stock in trade, books, magazines, photographs, or other material which are distinguished and characterized by their emphasis on matter depicting, describing or relating to the specified sexual activities or specified anatomical areas defined herein or an establishment with a segment or section devoted to the sale or display of such material.
5. Adult Mini Theater means an enclosed building defined herein as an adult theater but with a capacity less than fifty persons.
 - 5.1. Alternative Antenna Support Structure(s) means manmade 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.

5.2. Antenna (or Antennae or Antennas) means any apparatus designed for telephonic, data, radio, or television communications through the sending and/or receiving of electromagnetic waves, including but not limited to, Communications Antenna and Distributed Antenna Systems (DAS).

6. Model Studio means any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, except by any school accredited by the Department of Education, Commonwealth of Pennsylvania.

7. Massage Establishment means any building, room, place or establishment where, for any form of consideration or gratuity, manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse and practical nurse operating under a physician's directions, registered speech pathologists and physical or occupational therapists who treat only patients recommended by a licensed physician and operate only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses. The term shall not include a regularly licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

8. Sexual Encounter or Meditation Center means any business, agency or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same household, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

9. Adult Entertainment (Limited) means an Adult Cabaret or Adult Theater.

10. Adult Cabaret means a cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers which characterize an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.

11. Adult Theater means an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein.

12. Advertising Sign means a sign that directs attention to a business, commodity, service or entertainment, conducted, sold or offered elsewhere than upon the premises where the sign is displayed.

13. Alteration, Structural means any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

14. Amusement Arcade see Use Table, Section 911.02. In addition, the definition of Amusement Arcade also includes any establishment licensed by the Pennsylvania Liquor Control Board where eight (8) or more mechanical or electronic devices, machines, tables or

apparatus of any kind are located for playing games of skill or amusement. Amusement Arcade also means any Pennsylvania Liquor Control Board licensed establishment that constitutes a non-conforming use in any residential or P district where six (6) or more mechanical or electronic devices, machines, tables or apparatus of any kind are located for playing games of skill or amusement.

15. Animal Care (General) see Use Table, Section 911.02.

16. Animal Care (Limited) see Use Table, Section 911.02.

17. Art or Music Studio see Use Table, Section 911.02.

18. Assembly, Public see Use Table, Section 911.02.

19. Assembly, Public (General) see Use Table, Section 911.02.

20. Assembly, Public (Limited) see Use Table, Section 911.02.

21. Automobile means any a self-propelled, free-moving vehicle designed for passenger transportation, including but not limited to cars, motorcycles, mopeds, pickup trucks, or vans, excluding recreational vehicles, boats or trailers.

22. Automobile, Compact Size means an automobile which occupies an area of less than nine (9) square meters (ninety-seven (97) square feet).

23. Automobile, Standard Size means an automobile which occupies an area greater than or equal to nine (9) square meters (ninety-seven (97) square feet).

24. Automobile, Noncommercial means an automobile designed and used primarily for transport of passengers, but not including a bus, taxicab, limousine or similar vehicle used for commercial transportation vehicles.

25. Bank or Financial Institution see Use Table, Section 911.02.

26. Bank or Financial Institution (General) see Use Table, Section 911.02.

27. Bank or Financial Institution (Limited) see Use Table, Section 911.02.

27.1. Base Station means the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a Tower as defined in this chapter or any equipment associated with a Tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and Small-Cell Networks).

(iii) The term includes any structure other than a Tower that, at the time an eligible facilities modification application is filed with the City under the Zoning laws of the City, Chapter 412, and / or Chapter 427, supports or houses equipment described in paragraphs (i) - (ii) immediately-above, and that has been reviewed and approved under the applicable zoning or siting process, or under another State, County or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time a completed eligible facilities modification application is filed with the City under this section, does not support or house equipment described in paragraphs (i) - (ii) immediately-above.

28. Base Zoning District means the underlying zoning district.

29. Basement means a portion of a building partly below ground and having more than one-half (½) of its height above the level of the adjoining ground.

30. Basic Industry see Use Table, Section 911.02.

31. Bed and Breakfast see Use Table, Section 911.02.

32. Bed and Breakfast (General) see Use Table, Section 911.02.

33. Bed and Breakfast (Limited) see Use Table, Section 911.02.

34. Board means the Zoning Board of Adjustment.

35. Building means a structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

36. Build-To Line see Section 925.05

37. Building, Principal means the building on a lot in which the primary use of the lot is conducted.

38. Car Wash see Use Table, Section 911.02.

39. Carport means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides.

40. Cellar means a portion of a building having one-half (½) or more of its height below the average level of the adjoining ground.

41. Cemetery see Use Table, Section 911.02.

42. Child Care see Use Table, Section 911.02.

43. Child Care (General) see Use Table, Section 911.02.

44. Child Care (Limited) see Use Table, Section 911.02.

45. City Council means the City Council of the City of Pittsburgh.

45.1. Co-locating and Collocation means to locate wireless communications equipment from more than one (1) provider on a single site and / or the mounting or installation of one or more Wireless Communications Facilities as defined herein, including but not limited to, Transmission Equipment and / or Antenna, on an existing Tower, utility pole, light pole, and / or any Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

~~[Co-location means the use of a tower or alternative antenna support structure by more than one (1) telecommunications provider.]~~

46. Communication Tower see Use Table, Section 911.02.

47. Communication Tower, Class A see Use Table, Section 911.02.

48. Communication Tower, Class B see Use Table, Section 911.02.

49. Communication Tower, Class C see Use Table, Section 911.02.

49.1. Communications Antenna means any device used to collect or radiate electromagnetic waves, including directional antennae, microwave dishes and satellite dishes, and omni-directional antennae, including but not limited to, Distributed Antenna Systems (DAS).

49.2. Communications Facility (or Communications Facilities) shall mean any accessory building, structure, equipment cabinet, Base Station, Transmission Equipment or any other equipment installed in connection with Towers and / or Antennas for the direct or indirect purpose of providing low power radio communications 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., and

(ii) fully automated and unattended on a daily basis and shall be visited only for periodic maintenance, and

(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.

50. Commercial Vehicle means any motor vehicle licensed by the state as a commercial vehicle.

51. Community Center see Use Table, Section 911.02.

52. Community Center (General) see Use Table, Section 911.02.

53. Community Center (Limited) see Use Table, Section 911.02.

53.1. Conceal or Concealment means Eligible Support Structures, Towers, Antennas, Stations, Communications Facilities and transmission Facilities designed to look like some feature other than a Wireless Tower or Base Station, including but not limited to Alternative Antenna Support Structures as defined herein at Chapter 926 (5.1).

53.2. Conservation means controlled, limited development; protection of basic conditions, qualities or attributes based on natural features, physiographic constraints, or legal covenants.

54. Construction Contractor see Use Table, Section 911.02.

55. Construction Contractor (General) see Use Table, Section 911.02.

56. Construction Contractor (Limited) see Use Table, Section 911.02.

57. Contextual Setback means an imaginary line that may be established at any point between the (zoning district) required front setback and the front setback that exists on a lot that is adjacent and oriented to the same street as the subject lot. See also Sec. 925.06.

58. Contextual Height means an imaginary line that may be established at any point between the maximum building height of the zoning district and the building height that exists on a lot that is adjacent to and oriented to the same street as the subject lot. See also Sec. 925.07.D.

59. Correctional Facility see Use Table, Section 911.02.

60. Cultural Service see Use Table, Section 911.02.

61. Cultural Service (General) see Use Table, Section 911.02.

62. Cultural Service (Limited) see Use Table, Section 911.02.

63. Decision-Maker or Decision-Making Body means the entity (City Council, Planning Commission, Zoning Board of Adjustment, Zoning Administrator, Planning Director or department head) that is authorized to finally approve or deny an application or permit required under this development code. See also Chapter 923.

64. Density See Sec. 925.03.

65. Department means the Department of City Planning of the City of Pittsburgh.

65.1 Design Review means the review of a project for potential impact on the public realm related to the design of buildings, landscaping, and overall site, in accordance with the zoning district requirements and/or development approval process outlined in the Zoning Code. Design review includes consideration of the project's siting, massing, proportions, scale, facade treatment and materials in relationship to the surrounding architectural and neighborhood context.

66. Design Standards means a set of guidelines defining parameters to be followed in a site and/or building design and development.

67. Development means the performance of any building, excavation, or mining operation, the making of any substantial change in the use or appearance of any structures or land, or the creation or termination of rights of access or riparian rights. The following activities or uses shall be taken for the purpose of this Code to involve development as defined in this Code unless expressly excluded by ordinance:

- a. A change in type of use of a structure or land;
- b. A reconstruction, alteration of the size, or substantial change in the external appearance of a structure or land;
- c. A substantial increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units;
- d. Commencement of mining or excavation on a parcel of land;
- e. Demolition of a structure or removal of substantial living trees;
- f. Deposition of refuse, solid or liquid waste or fill on a parcel of land;
- g. In connection with the use of land, substantial disturbance of existing vegetation, tree cover, site contours, or watercourses including, but not limited to, disturbance for roads, parking areas and structures;
- h. Alteration of shore, bank or floodplain of a river, stream, or artificial body of water;
- i. Re-establishment of a use which has been abandoned;
- j. Departure from the use for which development permission has been granted, or failure to comply with the conditions of an ordinance or order granting the development permission under which the development was commenced or is continued.

67. Development means any activity for which a permit or other approval is required to be obtained from the Zoning Administrator.

68. Development Envelope means the projected maximum bulk of building on a development site based on the capacity of the site and on urban design considerations of the surrounding context.

69.A. Development Standards means a set of guidelines or defining parameters to be followed in site and/or building development.

69.B. Disabled means "handicapped" as defined according to the Fair Housing Act Amendments of 1988, 42 U.S.C.S. SubSection 3602(h), and any amendments thereto.

69.C. Distributed Antenna Systems (DAS) means a network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

70. District means zoning district.

71. Dormitory see Use Table, Section 911.02.

72. Dwelling Unit means a building or portion thereof designed and used for residential occupancy by a single family and that includes exclusive sleeping, cooking, eating and sanitation facilities. Buildings with more than one (1) set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

73. Educational Classroom see Use Table, Section 911.02.

73.1. Eligible Support Structure(s) means any existing Tower or Base Station as defined in this Chapter and Chapter 427, provided that it is in existence at the time the eligible facilities modification application is filed with the City under the Zoning Code, Chapter 901, et seq.

74. Enlarge or Enlargement means to increase, or an increase in:

(a) The size, height, gross floor area or capacity of an existing structure;

(b) The area of land for an existing use;

(c) The intensity of use of land or structure such as the addition of dwelling unit, suites, bedrooms or sleeping rooms, parking stalls, or floor area used or intended to be used for service to the people as customers, clients, patrons, patients or tenants.

75. Excavation/Grading/Fill, Major see Use Table, Section 911.02.

75.1. Facade means the exterior elevation of a structure or building as viewed from a single vantagepoint and determined by the Zoning Administrator.

75.2. Facility (or Facilities) means Monopole, Non-Tower Wireless Communications Facility (Non-Tower WCF), Small Cell Facility, Small Cell Network, Tower-Based Wireless Communications Facility (Tower-Based WCF), and / or Wireless Communications Facility (WCF), and / or 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.

76. Family means:

- (a) An individual, or two (2) or more persons related by blood or marriage or adoption, living together in a dwelling unit; or
- (b) A group of not more than three (3) persons who need not be related by blood or marriage or adoption, living together as a single housekeeping unit in a dwelling unit, and shared common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption; in either case exclusive of usual servants; or
- (c) A group of not more than eight (8) unrelated disabled people living together as a single housekeeping unit in a dwelling unit and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption. If appropriate, one (1) staff person may reside on the premises and will not be included in the total number of occupants. Any additional staff shall be included in the total number of occupants. A Family may not be a Multi-Suite Residential facility as defined in Sec. 911.02 or an Assisted Living facility as defined in Sec. 911.02.

77. Firearm Business Establishment. See Use Table, Section 911.02.

78. Floor Area, Gross means the sum total horizontal area of all floors of a building, measured from the exterior face of exterior walls or from the center line of walls separating two (2) abutting buildings, including;

- (a) Basements;
- (b) Elevator shafts and stairwells at each floor;
- (c) Floor space used for mechanical equipment;
- (d) Penthouses;
- (e) Half stories, and
- (f) Interior balconies and mezzanines.

But not including:

- (a) Cellars;
- (b) Accessory tanks or cooling towers;
- (c) Uncovered steps;
- (d) Terraces, breezeways, open porches and exterior balconies; and
- (e) Parking structures and garages, except where parking is the primary use.

79. Floor Area Ratio (FAR) see Section 925.04.

79.1. Forestry Activities means the management, cultivation, maintenance, and harvesting of timber from a site of one quarter (1/4) acre (ten thousand eight hundred ninety (10,890) square feet; approximately one hundred four and thirty-five hundredths (104.35) feet by one hundred four and thirty-five hundredths (104.35) feet) or more, or a linear extent in any direction exceeding two hundred (200) feet. Does not include the production or processing of lumber or similar activities whether grown on site or off site.

80. Fraternity/Sorority see Use Table, Section 911.02.

81. Freight Terminal see Use Table, Section 911.02.

82. Funeral Home see Use Table, Section 911.02.

83. Garage means a structure or any portion thereof designed for the parking of one (1) or more automobiles, not including vehicle repair, exhibition or showrooms, or storage of cars for sale.

84. Golf Course see Use Table, Section 911.02.

85. Grade, Average Finished means the average between the highest and lowest elevation of the ground abutting the street walls of a structure, existing, or as shown on the construction plans. See also Section 925.07.

86. Ground Level means any horizontal area of a property which is at or below the average of the highest and lowest elevations of the adjoining sidewalk area, or not more than twenty (20) feet above the average elevation; convenient for public access, and connected to the sidewalk by adequate stairs or ramps where necessary to assure such convenient public access.

87. Group Residential means the use of a site for occupancy by groups of people not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, boarding/lodging houses, convents and monasteries.

88. Grocery Store see Use Table, Section 911.02.

89. Group Residential (General) means a group residential use with a capacity of twelve (12) or more persons.

90. Group Residential (Limited) means a group residential use with a capacity up to eleven (11) persons.

90.1. Haul Road means a road designed for use by trucks to transport harvested timber from the log landing to its destination.

91. Hazardous Operations see Use Table, Section 911.02.

92. Height, Building means the vertical distance between Average Finished Grade along the wall facing the front street yard and:

- (a) The highest point of the coping of a flat roof;
- (b) The deck line of a mansard roof; or
- (c) The average height level between the eaves and ridge line of a gable, hip or gambrel roof.

See also Section 925.07

93. Height, Structure (other than building) means the vertical distance measured from Average Finished Grade to the highest point of the structure.

94. Helicopter General Private Use Landing Area means a heliport, helipad or helistop that is restricted in use to the owner or operator of the facility or to persons authorized by the owner or operator per licensing requirements of the Commonwealth.

95. Helicopter Landing Area see Use Table, Section 911.02.

96. Helicopter Medical Private Use Landing Area means a private use heliport, helipad or helistop which provides helicopter landing area for the transport of persons in need of emergency medical care; the transport of patients needing specialized treatment; or the emergency transport of organs, blood, medicine or medical equipment.

97. Helicopter Public Use Landing Area means a heliport, helipad or helistop that has been designated by the Pennsylvania Department of Transportation Bureau of Aviation and the owner of such facility for use by the general public whether operated by a public agency or private individual, firm or corporation.

98. Helipad see Use Table, Section 911.02.

99. Heliport see Use Table, Section 911.02.

100. Helistop see Use Table, Section 911.02.

101. High-Density Residential means residential development with a density of seven hundred fifty (750) dwelling units per acre.

102. Historic District means a district or zone designated by a local authority or state or federal government within which buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

103. Historic Building means any building that is historically or architecturally significant.

104. Historic Structure means a building or structure that has been designated by a local authority.

105. Home Occupation see Sec. 912.02.

106. Hospital see Use Table, Section 911.02.
107. Hotel/Motel see Use Table, Section 911.02.
108. Hotel/Motel (General) see Use Table, Section 911.02.
109. Hotel/Motel (Limited) see Use Table, Section 911.02.
110. Impervious Surface means any surface, including surfaces of structures, that prevents absorption of stormwater into the ground.
111. Incinerator, Solid Waste see Use Table, Section 911.02.
112. Institution means a group of buildings or structures that are under common or related ownership, that are located in a contiguous area, notwithstanding rights-of-ways; that contain two (2) or more different uses as integral parts of the functions of the organization, such that different structures contain different primary uses; and that contain a combined minimum of one hundred thousand (100,000) total square feet of gross floor area.
113. Intensity of Use means the number of dwelling units per acre for residential development and the floor area ratio (FAR) for nonresidential development, such as commercial, office, and industrial.
114. Laboratory/Research Services see Use Table, Section 911.02.
115. Laboratory/Research Services (General) see Use Table, Section 911.02.
116. Laboratory/Research Services (Limited) see Use Table, Section 911.02.
117. Laundry Service see Use Table, Section 911.02.
118. Library see Use Table, Section 911.02.
119. Library (General) see Use Table, Section 911.02.
120. Library (Limited) see Use Table, Section 911.02.
121. Lodging room means a room rented as sleeping or living quarters, without cooking facilities and with or without an individual bathroom.
- 121.1. Log Landing means the area at the end of a skid road where harvested timber is stored or prepared for transport from the site.
122. Lot Area means the total area of a lot lying within the lot lines, not including any portion of a street or way.
123. Lot, Corner means a lot abutting two (2) or more streets at their intersection.
124. Lot Depth means the horizontal distance between front and rear lot lines measured at the mid-point between the two (2) side lot lines.
125. Lot, Interior means a lot other than a corner lot.

126. Lot, Key means a corner lot abutting two (2) or more non-corner (interior or through) lots.

127. Lot, Recorded means a lot designated on a plat of subdivision duly recorded pursuant to statute, in the Recorders' Office for the recording of deeds, plans, etc., of Allegheny County. A recorded lot may or may not coincide with a zoning lot or an accredited zoning lot.

128. Lot Lines means the lines that bound a zoning lot.

129. Lot means land occupied or intended to be occupied by no more than one (1) main structure, or unit group of buildings, and accessory buildings, together with such setbacks and lot area as are required by this Code, and having at least one (1) frontage upon a street.

(Ord. 28/November 17, 2000/Amend. U-25)

130. Lot Size See Section 925.01.

131. Lot Width See Section 925.02.

132. Lot, Through means a lot, other than a corner lot, having frontage on two (2) parallel or approximately parallel streets.

133. Lot Width means the horizontal distance between the side lot lines as measured along a straight line parallel to the front lot line or the chord thereof at a point located the minimum front setback distance from the front lot line. See Section 925.02.

134. Lot, Zoning means a parcel of land that is designated by its owner at the time of applying for a building permit as one (1) lot, all of which is to be used, developed or built upon as a unit under single ownership. Such lot may consist of:

(a) a single "Recorded Lot;" or

(b) a portion of a "Recorded Lot;" or

(c) a combination of complete "Recorded Lots," complete "Recorded Lots" and portions of "Recorded Lots" or portions of "Recorded Lots."

135. Low Density Residential means residential development at a density of three thousand (3,000) square feet per unit.

136. Manufacturing and Assembly see Use Table, Section 911.02.

137. Manufacturing and Assembly (General) see Use Table, Section 911.02.

138. Manufacturing and Assembly (Limited) see Use Table, Section 911.02.

139. Marina means a facility for the storage (wet and dry), launching and mooring of boats together with accessory retail and service uses including restaurants and liveaboards.

140. Major Traffic Thoroughfare means a main traffic artery designated on the zoning district map as a major traffic thoroughfare.

141. Major Transit Facility means a platform or waiting area adjacent to a public mass transit system which utilizes an exclusive right-of-way.

142. Massage means any process consisting of kneading, rubbing or otherwise manipulating the skin of the body of a human being either with the hand or by means of electrical instruments or apparatus or other special apparatus, but shall not include massages by duly licensed physicians, osteopaths, chiropractors, registered nurses and practical nurses operating under a physician's directions, registered speech pathologists and physical or occupational therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction; nor shall this definition include any massage of the face or neck practiced by beauticians, cosmetologists and barbers duly licensed.

142.1. Master Development Plan means a document in support of a proposal for development, submitted to the Planning Commission, in order to demonstrate that a superior development is intended. The Master Development Plan shall contain all that information required by the Zoning Administrator to support the application.

143. Maximum Extent Feasible means the point at which all possible measures have been undertaken by the applicant, and which point further measures would involve physical or economic hardships that would render a development project infeasible or would be unreasonable in the judgment of the Planning Director.

144. Medical Office/Clinic see Use Table, Section 911.02.

145. Medical Office/Clinic (General) see Use Table, Section 911.02.

146. Medical Office/Clinic (Limited) see Use Table, Section 911.02.

147. Mixed Use Development means the development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but no limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

148. Moderate-Density Residential means residential development with a density of one thousand eight hundred (1,800) square feet per unit.

148.1. Monopole means a Wireless Communications Facility or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances, 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.

149. Multi-Unit Residential see Use Table, Section 911.02.

150. Nonconforming Structure means a building, structure or sign, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which does not comply with the setback, height, lot size or other site development standards applicable in the zoning district in which the building or structure is located.

151. Nonconforming Sign means a sign, lawfully existing at the time these regulations became effective, or as amended, which does not completely conform to the sign regulations applicable in the zoning district in which it is located.

152. Nonconforming Use means the use of any land, building or structure, other than a sign, which does not comply with the use regulations of the zoning district in which such use is located, but which complied with the use regulations in effect at the time the use was established.

153. Nonconformity means a nonconforming use or noncomplying structure or other situation that does not comply with currently applicable regulations, but which complied with zoning regulations in effect at the time it was established.

153.1. Non-Tower Wireless Communications Facility (Non-Tower WCF) means all non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae and related equipment.

154. Nursery means land or greenhouses used to raise flowers, shrubs, and plants for sale.

155. Nursery, Retail see Use Table, Section 911.02.

156. Nursery, Retail (Limited) see Use Table, Section 911.02.

157. Nursery, Retail (General) see Use Table, Section 911.02.

158. Office see Use Table, Section 911.02.

159. Office (General) see Use Table, Section 911.02.

160. Office (Limited) see Use Table, Section 911.02.

161. Open Space means that portion of a lot which is not occupied by buildings, parking areas, driveways, streets or loading areas.

162. Overlay Zoning District means a zoning district that encompasses one (1) or more underlying zoning districts and that imposes additional requirements or provisions above that required by the underlying zoning district.

163. Owner means the property owner of record, according to the Records' Office of Allegheny County.

164. Parking Area means an open space other than a street or way, used for the parking of only automobiles.

165. Parking Area, Shared means the joint use of a parking area for more than one (1) use.
166. Parking, Commercial see Use Table, Section 911.02.
167. Parking, Commercial (General) see Use Table, Section 911.02.
168. Parking, Commercial (Limited) see Use Table, Section 911.02.
169. Parking, Off-Site means parking provided for a specific use but located on a site other than the one (1) which the specific use is located.
170. Parks and Recreation see Use Table, Section 911.02.
171. Parks and Recreation (General) see Use Table, Section 911.02.
172. Parks and Recreation (Limited) see Use Table, Section 911.02.
173. Party Wall means a wall which divides two (2) adjoining properties usually, but not necessarily, having half its thickness on each property and in which each of the owners of the adjoining properties has rights of enjoyment.
174. Physical Improvement means any permanent structure that becomes part of, placed upon, or is affixed to real estate.
175. Plan, Grading means a site plan or drawing that portrays an intended physical change in the land surface of a lot or tract of land.
176. Plan, Improvement Subdivision Site means a drawing that represents the official site plan of an improvement subdivision, as further defined and referred to in the Planning Commission's Improvement Subdivision Regulations, pursuant to the Act of May 13, 1927 (P.L. 1011), as amended. (53 P.L. Sec. 22761 et seq.)
177. Plan, Plot means a drawing used in connection with an application for Certificate of Occupancy for the purposes of identifying the intended use or occupancy of a particular lot, and to facilitate administrative review for zoning compliance. The drawing shall show the location of the property boundary, structures, streets and other important features.
178. Plan, Site means drawings which indicate details of existing and/or intended developments of a particular lot or tract of land in relationship to its surroundings, including details of land use, topography, landscaping and structures.
179. Plan, Subdivision means a drawing for recording the division of land for improvement or sale, prepared in accord with the Planning Commission's Subdivision Regulations, pursuant to the Act of May 13, 1927 (P.L. 1011), as amended. (53 P.S. Sec. 22761 et seq.)
180. Planning Commission means the City Planning Commission (CPC) of the City of Pittsburgh.
181. Planning Director means the Director of the Department of City Planning of the City of Pittsburgh.

182. Plot Plan see Plan, Plot.

183. Post Office means a facility owned and maintained by the Postal Service of the United States of America for the purpose of distributing mail to the public.

183.1. Preservation means maintenance in an existing or natural state in order to prevent environmental degradation of a functional or visual nature.

184. Primary Use means the principal or predominant use of any lot or parcel.

184.1. Primary Street means the street having the most immediate relationship to existing commercial or residential uses and which affords the principal means of access to abutting property.

185. Primary Structure means a structure in which is conducted the primary use of the lot on which it is located.

185.1. Public Destination Facilities means a structure providing as its primary use one (1) of the following: community center, hospital, cultural services (limited and general), public assembly (general) recreation and entertainment facilities (general, indoor and outdoor) and gaming enterprises.

186. Public Realm means that outdoor area which is experienced by the public in general, including public rights-of-way or public spaces and the private and public portions of buildings which enclose them. The Public Realm includes, but is not limited to, areas such as public streets and the yards and facades of the buildings which front the street, the rivers and adjacent riverfront property, and hillsides which are visible from public spaces and places.

186.1. Public Way(s) means the surface, the air above the surface, and the area below the surface within any public right-of-way and any street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, lane, square, viaduct, waterway or other public right-of-way including public utility easements or rights-of-way in which the City has jurisdiction; and any other public ground or water within belonging to the City.

186.2. Radio Frequency (RF) Propagation Map means 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.

187. Recreation and Entertainment, Indoor see Use Table, Section 911.02.

188. Recreation and Entertainment, Indoor (General) see Use Table, Section 911.02.

189. Recreation and Entertainment, Indoor (Limited) see Use Table, Section 911.02.

190. Recreation and Entertainment, Outdoor see Use Table, Section 911.02.

191. Recreation and Entertainment, Outdoor (General) see Use Table, Section 911.02.
192. Recreation and Entertainment, Outdoor (Limited) see Use Table, Section 911.02.
193. Recyclable Material means material including but not limited to metal, glass, plastic and paper which is intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material shall not include biodegradable wastes, hazardous materials, industrial scrap materials or used clothing, furniture, appliances, vehicles or parts thereof.
194. Recycling Collection Station see Use Table, Section 911.02.
195. Recycling Processing Station see Use Table, Section 911.02.
196. Religious Assembly see Use Table, Section 911.02.
197. Religious Assembly (General) see Use Table, Section 911.02.
198. Religious Assembly (Limited) see Use Table, Section 911.02.
199. Research Services see Use Table, Section 911.02.
200. Residential means a structure or use type that is arranged, designed, used or intended to be used for one (1) or more dwelling units for residential occupancy.
- 200.1. Residual Stand means trees remaining following the cutting operation.
201. Restaurant, Fast-Food see Use Table, Section 911.02.
202. Restaurant, Fast-Food (General) see Use Table, Section 911.02.
203. Restaurant, Fast-Food (Limited) see Use Table, Section 911.02.
204. Restaurant see Use Table, Section 911.02
205. Restaurant (General) see Use Table, Section 911.02
206. Restaurant (Limited) see Use Table, Section 911.02
207. Restricted Access Highway means a major traffic thoroughfare or part thereof which when open to public use is:
 - (a) Constructed or maintained pursuant to the Federal Aid Highway Act of 1956, or any amendment or supplement thereto, as an interstate highway;
 - (b) A limited access highway under the Pennsylvania Limited Access Highway Act of May 29, 1945 (P. L. 1108), as amended (36 P.S. Sec. 2391-1 et seq.); or
 - (c) Designated from time to time as restricted access highway by Council on the basis of being either a:
 - (1) Primary or urban route on the State highway system; or

(2) Primary route on the Allegheny County highway system approved by the County Planning Commission; or

(3) Primary route on the City highway system approved by the City Planning Commission, and, in addition to meeting one (1) of the above three (3) criteria, having either:

(i) A minimum width of four (4) lanes, or

(ii) Fifty-one percent or more of the total affected frontage in one (1) or more of the following categories:

1. Public park;

2. Publicly owned or controlled land;

3. Redevelopment or renewal area wherein advertising signs are prohibited by the redevelopment or renewal proposal approved by City Council;

4. Land which is so located that the construction of the highway or the regulation thereof prevents private or public vehicular access thereto;

5. Land within three hundred fifty (350) feet of the center line of any highway or interchange ramps thereof covered by subsections (i) or (ii) hereof.

208. Retail Sales and Service see Use Table, Section 911.02.

209. Retail Sales and Service (General) see Use Table, Section 911.02.

210. Retail Sales and Service (Limited) see Use Table, Section 911.02.

211. Retail Sales and Services, Residential Convenience see Use Table, Section 911.02.

211.1 Retail Sales and Service, Outdoor (Non-Accessory Use). See Use Table, Section 911.02.

212. Reviewer or Review Body means the entity (City Council, Planning Commission, Zoning Board of Adjustment, Zoning Administrator, Planning Director, or department head) that is authorized to approve or deny or to recommend approval or denial of an application or permit required under this development code.

213. Right(s)-of-Way means a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses; and / or the surface and space above and below any real property in which the City has an interest in law or equity, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, swale, river,

tunnel, viaduct, bridge, park, or any other place, area, or real property, other than real property owned in fee by the City.

214. Safety Services see Use Table, Section 911.02.

215. Salvage Yard see Use Table, Section 911.02.

216. School, Elementary or Secondary see Use Table, Section 911.02.

217. School, Elementary or Secondary (General) see Use Table, Section 911.02.

218. School, Elementary or Secondary (Limited) see Use Table, Section 911.02.

218.1. Secondary Street means the street that is subordinate to an intersecting or adjacent primary street and which affords only a secondary means of access to abutting property.

219. Service Station see Use Table, Section 911.02.

220. Setback, Front means a setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the street right-of-way line and a line parallel thereto on the lot. See also Section 925.06.

221. Setback, Interior Side means a setback that is to extend from the street right-of-way line to the rear lot line along the side of a lot that is adjacent to another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot. See also Section 925.06.

222. Setback means the distance that is required by this Code to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. Note: The term "setback" refers to a required minimum area, while the term "yard" refers to the actual open area. See also Section 925.06.

223. Setback, Rear means a setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot. See also Section 925.06.

224. Setback, Street Side means a setback that is to extend from the street right-of-way line to the rear lot line along the side of a lot that is adjacent to a street or street right-of-way line, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot. See also Section 925.06.

225. Single-Unit Attached Residential see Use Table, Section 911.02.

226. Single-Unit Detached Residential see Use Table, Section 911.02.

226.1. Skid means drag logs by lifting one (1) end off the ground to reduce resistance.

226.2. Skid road means a road designed for frequent use by skidding equipment. Skid must incorporate water-control structures to address runoff.

226.3. Skid trail means a trail requiring less construction than a skid road because it is used less frequently by skidding equipment.

227. Sleeping room means a fully enclosed portion of a building, designed or intended to be used for sleeping purposes. For purposes of measurement in this Zoning Ordinance, where a sleeping room contains more than two (2) beds, every unit of two (2) beds, or fraction thereof, shall be counted as a separate sleeping room.

227.1. Small Cell Facility (or Small Cell Facilities) means a personal wireless services facility that meets both of the following qualifications:

(i) Each Antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an Antenna that has exposed elements, the Antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

(ii) Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

227.2. Small Cell Network means a collection of interrelated Small Cell Facilities designed to deliver personal wireless services.

227.3. Stealth Technology means camouflaging and Concealment methods applied to Wireless Communications Towers, Antennae and other Facilities which render them more visually appealing or blend the proposed Facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and Facilities constructed to resemble trees, shrubs, and light poles.

228. Source means any place, building, facility, equipment, installation, operation, activity, or other thing or any combination thereof:

(a) At, from, or by reason of which there may be emitted into the outdoor atmosphere any air containment;

(b) Which belong to the same industrial group;

(c) Which is located on one (1) or more contiguous or adjacent properties; and

- (d) Which is owned, operated, or allowed to be operated by the same person or by persons under common control or which is jointly owned, operated, or allowed to be operated by two (2) or more person,

but not including motor vehicles or those emissions resulting from an external combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the Clean Air Act.

229. Specified Anatomical Areas mean:

- (a) human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (b) areas of the human body that are less than completely opaquely covered and limited to:
 - (1) human genitals or pubic region;
 - (2) buttock; and
 - (3) female breast below a point immediately above the top of the areola.

230. Specified sexual activities mean:

- (a) acts of human masturbation, sexual intercourse or sodomy;
- (b) fondling or other erotic touching of human genitals, pubic region, buttock or female breasts; or
- (c) human genitals in a state of sexual stimulation or arousal.

231. Standard Industrial Classification (SIC) means the classification by type of activities in which engaged; for purposes of facilitating the collection, tabulation, presentation, and analysis of data relating to establishments; and for promoting uniformity and comparability in the presentation of statistical data collected by various agencies of the United States Government, State agencies, trade associations, and private research organizations.

231.1. Station means Base Station as defined in this Chapter herein.

232. Story means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it then the space between such floor and the ceiling next above it; not including cellar or basement.

233. Story, Half means a story under a gable or hip or gambrel roof the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story.

234. Street means a strip of land at least twenty-five (25) feet wide that provides access to public property, or in a plan of land subdivision approved by the Planning Commission, the boundary lines of which include roadway or sidewalk area.

235. Structure means anything constructed or erected, the use of which requires, directly or indirectly, a permanent location on the land.

236. Suite means one (1) or a group of connected living or sleeping rooms.

236.1. Tenant means a business or organization occupying building space with a registered mailing address for that space.

236.2. Tertiary Street means the street whose functions are normally associated with service, delivery, and waste collection and which is not intended for general traffic circulation.

237. Three-Unit Residential see Use Table, Section 911.02.

237.1. Tower means Communications Tower(s), including but not limited to, any structure that is designed and constructed primarily for the purpose of supporting one (1) 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, DAS hub facilities and the like.

237.2. Tower, Abandoned means 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.

237.3. Tower, Guyed means any tower using wire guys connecting above grade portions of a tower diagonally with the ground to provide support for Tower and/or Antennae.

237.4. Tower Height means 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.

237.5. Tower, Lattice (Self-support) means structure which generally has three (3) or four (4) 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.

237.6. Tower, Mobile means any tower capable of being transported in, or by, a motor vehicle. A mobile tower parked for more than twenty-four (24) hours will be classified as a temporary tower.

237.7. Tower, Monopole means a Wireless Communications Facility or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances, 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.

~~[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.]~~

237.8. Tower, Temporary means 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.

237.9 Tower-Based Wireless Communications Facility (Tower-Based WCF) means a Tower and its supporting Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. DAS hub facilities are considered to be Tower-Based WCFs

237.10 Transmission Equipment means equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

238. Transit Facility see Use Table, Section 911.02.

238.1. Transparent means a window or clear surface unobstructed by signage, interior graphic elements, reflective coating, translucent or textured finish, racking or any type of fixed furniture that can be seen through from both the interior and exterior of a structure.

239. Two-Unit Residential see Use Table, Section 911.02.

240. Underlying Zoning District means the base zoning district.

241. Unit Group Development means two (2) or more related primary buildings or uses on one (1) zoning lot.

241.1 Usable and Urban Open Space means that portion of a lot, which is not occupied by buildings, parking areas, driveways, streets or loading areas.

(Ord. 28/November 17, 2000/Amend. U-25)

242. Use means the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

243. Utility (General) see Use Table, Section 911.02.

244. Utility (Limited) see Use Table, Section 911.02.

245. Variance means a modification of the literal provisions of this Zoning Code which the Zoning Board of Adjustment is permitted to grant when strict enforcement of such provisions would cause unnecessary hardship owing to circumstances unique to the individual property on which the variance is sought.

246. Vehicle/Equipment Repair (General) see Use Table, Section 911.02.
247. Vehicle/Equipment Repair (Limited) see Use Table, Section 911.02.
248. Vehicle/ Equipment Sales see Use Table, Section 911.02.
249. Vehicle/ Equipment Sales (General) see Use Table, Section 911.02.
250. Vehicle/ Equipment Sales (Limited) see Use Table, Section 911.02.
251. Very High-Density Residential means residential development with a density of four hundred (400) square feet per unit.
252. Very Low-Density Residential means residential development with a density of eight thousand (8,000) square feet per unit.
253. Vocational School see Use Table, Section 911.02.
254. Vocational School (General) see Use Table, Section 911.02.
255. Vocational School (Limited) see Use Table, Section 911.02.
256. Warehouse see Use Table, Section 911.02.
257. Warehouse (General) see Use Table, Section 911.02.
258. Warehouse (Limited) see Use Table, Section 911.02.
259. Warehouse, Residential Storage see Use Table, Section 911.02.
260. Way means a strip of land less than twenty-five (25) feet wide that provides access to public property or in a plan of land subdivision approved by the Planning Commission, the boundary lines of which include roadway and/or sidewalk area.
261. Welding or Metal Shop see Use Table, Section 911.02.
- 261.1 Wireless means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
- 261.2 Wireless Communications Facility (WCF) means the Antennae, nodes, control boxes, Towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.
262. Yard means the actual unobstructed open space that exists or that is proposed between a structure and the lot lines of the lot on which the structure is located. See "Setback."
263. Zoning Board means the Zoning Board of Adjustment.